NEDRA

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New Edenbridge District Residents' Association

Response to the Sevenoaks Local Plan 2024

P O L I C I E S

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NEDRA (New Edenbridge District Residents' Association)

Policies Executive Summary

This executive summary sets out the work of the Edenbridge Residents Association in reviewing the draft Local Plan 2042 as it affects Edenbridge. Our work has focused on the detailed policies in the plan because these are what will actually be used to determine planning applications in and around the town over the plan period.

Context

The Local Plan sets the overall strategy for the district, but it is the policies that will shape what can be built, where, and on what terms. We have therefore concentrated on reading, testing, and suggesting rewrites to the policies that apply to Edenbridge, including strategic policies, town centre policies, site specific policies, and development management policies that will be used across the district but have particular consequences for our town.

For each policy we have asked what it really means in practice for Edenbridge, whether the supporting evidence properly justifies that approach and whether the wording is clear enough for decision makers, applicants, and residents to understand and use over time.

Focus on policies

Our work has been to turn a complex and often technical set of policies into clear positions from NEDRA. For each relevant policy we have:

1. Described in plain English what we understand the policy does for Edenbridge
2. Identified wording that clearly helps the town and should be supported
3. Highlighted wording that is vague, open to misinterpretation or risky for Edenbridge, including any gaps in the evidence base
4. Proposed precise alternative wording so that the policies can be strengthened and made more equitable for Edenbridge while remaining within the scope of planning law and national policy

This approach recognises that the Local Plan is already at a late stage. Our aim is not to rewrite it from scratch, but to secure clear, workable changes to policy wording that will make a real difference on the ground. Our comments and alternative wordings are practical suggestions that the Council could adopt without undermining the overall plan.

Key themes from the policy review

Across the policies we have reviewed several themes recur for Edenbridge.

There are helpful elements where the plan supports investment in the town centre, seeks good quality development, and acknowledges the need to manage growth alongside infrastructure. We support these and, where necessary, suggest clearer wording so they are reliably applied.

However, there is frequent use of open phrases such as “where appropriate,” “where possible” and “where feasible” without clear criteria, which creates uncertainty and weakens protection for Edenbridge.

In some policies the obligations, mitigation, and infrastructure requirements for Edenbridge are less specific than for other locations, even where the level of change or risk to the town is significant. This raises concerns about how equitably the policies will operate between settlements.

Several policies rely on background evidence that is generic to the district or not obviously up to date for Edenbridge, particularly in relation to flood risk, transport, and the capacity of local services. This weakens the justification for the policy as it applies to our town.

Soundness and legal tests

Throughout our work we have assessed the policies against the Regulation 19 soundness tests and relevant parts of the National Planning Policy Framework.

Positively prepared
We have asked whether the policies for Edenbridge are based on a genuine understanding of local needs, constraints, and opportunities and whether they make proper provision for infrastructure, services, and the environment in our town.

Justified
We have examined whether there is clear evidence behind the policy approach in Edenbridge or whether the plan relies on broad assumptions and averages. Where reasonable alternatives have not been properly considered or explained, we have said so.

Effective
We have tested whether the wording of policies will actually work in practice for Edenbridge. This includes whether responsibilities are clearly placed on applicants and authorities, whether triggers for infrastructure and mitigation are defined and whether policies can be consistently applied over the plan period.

Consistent with national policy
We have checked that policies affecting Edenbridge are drafted in a way that reflects national requirements on issues such as flood risk, design quality, sustainable development, plan making and equalities. Where we consider that a policy is not sound or raises legal compliance questions as it affects Edenbridge, we have set out short, clear arguments, explicitly linked to the relevant soundness test or high level national policy requirement.

NEDRA (New Edenbridge District Residents' Association)

Chapter 1 Response

Policy ST1/ST2

Policy ST1

Consultation Questions:

1. **Which is your preferred option?**

   c. None of the above

2. **Please explain your answer.**

   We selected option C because we did not have the capacity / resources to review all sites across the plan, and we do not feel it is appropriate to comment on other locations so we have left that to those who live in those areas.

3. **Are you aware of any additional sites which we have not yet considered?**

   No

For the rest of this document, we have considered Policy ST2 alongside ST1. Taken together, they load a very large amount of growth onto Edenbridge, around 2,800 homes once allocations, including permissions, windfall and infill are counted, with a real risk that even more could be pushed here if the big strategic site in the Area of Outstanding Natural Beauty (AONB) at Pedham fails. ST2, as drafted, is driven too much by promoter numbers, old allocations, and draft Development Briefs, and not enough by a clear, consistent, infrastructure led strategy for Edenbridge versus better served settlements.

1. "Potential allocations" and the overall Edenbridge burden

ST2 says the sites in the table are "potential allocations" that "will provide a range of housing types, density, mix and tenure" and be subject to development guidance. In practice, putting precise numbers on the Edenbridge sites in the policy table means those numbers will be treated as almost fixed, even though this is only Regulation 18.

The wording is also generic. Apart from one C2 scheme, there is no clear policy commitment that Edenbridge will actually get the older persons' housing, accessible homes or genuinely affordable homes that the evidence base says are needed here. The policy text does not explain how the Council has used the settlement hierarchy or the ARUP green/grey belt work to justify such a high total for Edenbridge compared with other places.

We are also concerned that, with a 2,579 home strategic site in the AONB that may well prove undeliverable, ST2 leaves Edenbridge exposed to being used as a "pressure valve" if those numbers have to be moved.

We therefore request that the opening text to ST2 is replaced with:

"For the purposes of this Regulation 18 consultation, the sites listed in Table ST2 are identified as potential allocations for housing or mixed use development, subject to defined site boundaries and specific development guidance for each site. The scale of development in each settlement, including Edenbridge, reflects the strategy set out in the evidence base and will be limited by demonstrable local infrastructure capacity, particularly for transport and health services. The Council will secure an appropriate mix of dwelling types and tenures, including accommodation for older people, accessible homes and housing for Gypsy and Traveller communities. Any changes to the distribution of growth arising from the testing of strategic sites will not result in an unreasonable increase in the total planned growth for Edenbridge."

We ask that the Council…

- Spell out in ST2 that Edenbridge's allocations are constrained by local infrastructure capacity, especially rail, roads, and health, not just by what can be physically fitted on individual sites.
- Make clear that the housing mix for Edenbridge will include older persons' accommodation beyond the single C2 scheme, together genuinely affordable and accessible homes.
- Confirm in the policy that Edenbridge will not be used to absorb extra housing numbers if the AONB strategic site or other district wide strategic allocations prove undeliverable.

2. Carried forward 2015 allocations and cumulative impact

ST2 says that unimplemented housing and mixed use allocations from the 2015 Allocations and Development Management Plan (ADMP) are simply carried forward and re listed. This may be sensible where sites are still suitable and deliverable, but the wording takes no account of:

- Major changes since 2015 in national policy, climate evidence, and transport realities
- The much larger overall growth now proposed for Sevenoaks
- The cumulative impact when carried forward sites sit on top of new allocations

We understand there are no sites carried forward for Edenbridge, however sites in other areas have not been transparently re-tested against up to date evidence, or compared equitably with alternatives elsewhere, using the settlement hierarchy and the green/grey belt work. Nor does the policy test whether that overall figure is deliverable.

We therefore request that the ADMP clause is replaced with:

"Only those unimplemented housing and mixed use allocations from the ADMP (2015) that have been reassessed against up to date evidence, confirmed to remain suitable, available, and achievable, and shown not to create unacceptable cumulative impacts when combined with

new allocations, Gypsy and Traveller sites, extant permissions, windfall and infill, will be taken forward and listed in this policy.

We ask that the Council…

- Re assess every carried forward allocation against current evidence on transport, climate, flood risk, landscape, and town centre vitality, and publish that reassessment clearly.

3. Promoter led capacities and the risk of later uplifts

ST2 admits that the site capacities in the table are provided by promoters and "may be subject to change" after further testing through Development Briefs before Regulation 19.

For Edenbridge, that means:

- The town's growth is being led from the top down by promoter estimates, not from a Council led assessment of what Edenbridge can reasonably take given its single diesel rail line, weaker bus links and already stretched health and care services.
- There is no policy safeguard against capacities being increased at Regulation 19, particularly if the AONB strategic allocation has to be scaled back or removed.
- There is no commitment to further consultation if Edenbridge capacities change, nor any indication that the current overall total for the town will be treated as a ceiling rather than a starting point.

Deferring capacity testing to Development Briefs risks discovering too late that some Edenbridge sites cannot deliver the assumed numbers without unacceptable harm. That would lead to last minute reshuffling of numbers and even more uncertainty for residents.

We therefore request that the capacity wording is replaced with:

"Indicative site capacities in this policy have been established by the Council using evidence on density, design, environmental constraints and infrastructure capacity, informed but not led by promoter submissions. Any material change to the indicative capacities prior to submission will be subject to further public consultation. For Edenbridge, the combined capacity of all allocated housing and Gypsy and Traveller sites will be treated as a maximum and will not be increased at Regulation 19, including in response to any reduction in capacity or non-delivery of district wide strategic allocations."

We ask that the Council…

- Replace promoter led capacities with Council tested figures for Edenbridge, based on transparent assumptions about density, constraints, and infrastructure, and publish those assumptions.
- Commit to consulting again if any Edenbridge site capacity is increased between Regulation 18 and Regulation 19, and to treat the current overall figure for the town as a ceiling, not a starting point.
- Confirm explicitly that Edenbridge allocations will not be increased to make up any shortfall if the AONB strategic allocation or other strategic sites are reduced or removed.

4. Development Briefs and their status

ST2 notes that sites marked with an asterisk have Development Briefs prepared for this consultation. For Edenbridge, several major sites fall into this category. While Briefs can help explain access, design and infrastructure, there are serious risks if their status is not clarified:

- Without clear wording, there is a danger that draft Briefs will be treated as quasi adopted frameworks for the Edenbridge sites before the Plan itself has been examined.
- If the AONB strategic site at Pedham fails, there will be pressure to increase numbers on sites that already have worked up Briefs, especially in Edenbridge, using the Briefs to justify uplifted densities without proper re consultation.
- **If promoters heavily shape Briefs**, they may encode assumptions that maximise housing numbers (and road layouts, school locations etc.) rather than what Edenbridge actually needs or can support in infrastructure terms.
- There is no guarantee that the Briefs will be revisited after adoption to align with final policies and Edenbridge capacities.

We therefore request that the Development Brief wording is replaced with:

"For some larger or more complex sites, including in Edenbridge, draft Development Briefs have been prepared to inform this Regulation 18 consultation. These documents are illustrative only, carry limited weight, and do not fix the quantum, layout, or detailed design of development. Any final Development Briefs for Edenbridge sites will be prepared and adopted following adoption of this Local Plan, with full public consultation, and will not increase the capacities set for those sites in the Plan or be used to redistribute housing from undeliverable strategic allocations elsewhere."

We ask that the Council…

- State clearly in ST2 that draft Development Briefs for Edenbridge are illustrative only, have limited weight, and cannot be used to justify higher numbers or to shift housing from failed strategic sites.
- Commit to preparing any final Development Briefs for Edenbridge only after the Local Plan is adopted, with full local consultation and with a clear requirement to follow the adopted policies and capacities.
- Ensure that any Briefs for Edenbridge show in practical terms how infrastructure, open space and community facilities will cope with already planned growth, rather than being used as a vehicle to maximise housing numbers.

5. Soundness and legal points on ST2

For the purposes of Regulation 19, we consider that the evidence and wording behind ST2 are not sound for Edenbridge for the following reasons:

- **Not positively prepared / not justified (scale of Edenbridge numbers)**
  The policy loads around 2,800 homes onto Edenbridge once all sources of growth are counted, without explaining in policy terms how this reflects the spatial strategy and

evidence base, or why this is consistent compared with other settlements with stronger transport and services. This fails the "positively prepared" and "justified" tests.

- **Not effective (promoter led capacities and late changes)**
  Describing sites as "potential" while presenting detailed capacities based on promoter figures encourages expectations that Edenbridge will deliver the full numbers yet gives no clear framework for how infrastructure will keep up or what happens if later testing shows the town cannot accommodate them. This is not an effective strategy capable of being delivered over the plan period.
- **Not justified / not effective (carried forward sites and cumulative impact)**
  Simply rolling forward 2015 allocations, on top of large new growth, without a clear, up to date reassessment of cumulative impacts and alternatives, does not amount to an appropriate strategy based on proportionate evidence. If these sites prove unacceptable once cumulative impacts are properly considered, the housing strategy will be undermined.
- **Not justified / not positively prepared (Development Briefs and grey belt context)**
  Allowing draft Development Briefs – often shaped by promoters – and a broad "grey belt" approach to drive real decisions on layout and density in Edenbridge, outside the Local Plan itself, is not a robust or transparent way to plan one of the largest growth burdens in the District.
- **Not consistent with national policy (plan led, infrastructure led growth)**
  National policy expects the pattern and scale of development to be planned together with infrastructure, using up to date evidence, and to be clearly set out in the Local Plan itself. Leaving key decisions to promoter led capacities and semi formal Briefs is not consistent with that plan led, infrastructure led approach.

6. Edenbridge Impact

Overall, ST2 allows promoter numbers, and draft Development Briefs to drive an excessive and unstable growth burden for Edenbridge, leaving the town carrying more than its share of housing, with no firm safeguards on infrastructure or future uplifts, compared with better connected settlements elsewhere in the District.

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Chapter 2 Response

NEDRA Disagree

Policy H1

We understand that Policy H1 is meant to set expectations for the mix, type, and quality of homes across the district. For Edenbridge, this has to be based on real local evidence and respect our infrastructure and character. As drafted, H1 leans too heavily on generic district wide wording and too little on clear, up to date settlement level evidence.

Below are our comments on each part of H1, followed by specific wording changes we ask the Council to make.

H1(1) – district wide mix and "smaller units"

We support the idea that the housing mix should reflect local needs, especially the need for smaller and more accessible homes for younger households, single people, and older residents in Edenbridge. However, the clause is written at district level only, with no real grip on what happens in each settlement.

The phrase "across the District" allows the district wide picture to be balanced by loading an unbalanced mix on places like Edenbridge. The reference to "latest housing needs evidence" is weak in our case because the key document is the limited 2022 Parish Housing Needs Survey, which is already out of date, covers only a small sample and does not look forward to 2042. There is no requirement to update it and no requirement to translate it into clear mix targets for Edenbridge.

The wording "appropriate amount of smaller units" is vague and unenforceable. Without clear percentages for smaller homes, local people and decision makers cannot tell whether a proposal is meeting local need or simply following developer preferences.

Requested change to H1(1)

We ask that H1(1) is amended along these lines for each settlement, including Edenbridge:

"A variety of house sizes and types must be delivered within each settlement to meet the needs of the current and future population. At Edenbridge, the dwelling mix must be based on up to date, robust settlement level housing needs evidence, including a reviewed and updated replacement for the 2022 Parish Housing Needs Survey, and must include clear targets for the proportion of smaller one and two bedroom and accessible homes. Settlement level housing needs evidence must be used to guide the mix actually delivered in each settlement, not simply cited as background."

We ask that the Council:

- move beyond a generic district wide approach and set a specific, evidence based housing mix for Edenbridge, using updated local evidence rather than relying on the 2022 parish survey
- give settlement level evidence real policy weight in H1 so that what is built in Edenbridge is shaped by that evidence, not by district averages or developer preferences
- replace the phrase "appropriate amount of smaller units" with clear percentages for smaller homes in Edenbridge, derived from updated local evidence

Soundness points – H1(1)

The evidence is not sound because H1(1) is not justified. It refers to "latest housing needs evidence" but for Edenbridge relies on a limited 2022 parish survey which is neither updated nor used to set binding requirements, and which the plan elsewhere says cannot restrict delivery. This does not provide a robust evidence base for the Edenbridge mix.

The evidence is not sound because the policy is not effective. Without a defined, evidence based housing mix for Edenbridge, decision makers cannot use H1 in a consistent way to judge planning applications.

The evidence is not sound because H1(1) is not consistent with national policy, which expects locally specific, evidence based policies, rather than a generic district wide mix backed by settlement evidence that has no real effect on outcomes.

H1(2) – "suitable sites" and the role of local evidence

We are very concerned by the second sentence of H1(2), which states that "evidenced local need at Place making level should not be taken as a restriction to wider housing need and the delivery of new homes".

This wording strips Edenbridge's own Place making and housing needs evidence of any controlling or limiting role. Even if Edenbridge evidence clearly shows an appropriate scale and mix of growth for the town, H1(2) tells decision makers that this must not be treated as a restriction. That is not a credible use of the local evidence that the Council has chosen to collect.

This approach raises a simple question. Why collect housing needs evidence for Edenbridge at all, if it is already out of date, and if the policy then says it cannot restrict what is built here?

The reference to "suitable sites" is also incomplete. Suitability in planning terms must include infrastructure capacity, transport, flood risk, landscape, and environmental limits. As drafted, "suitable" can be read narrowly as "available and developable," which is not acceptable for a town like Edenbridge with real constraints.

Requested change to H1(2)

We ask that H1(2) is amended along these lines:

"The delivery of new development will be dependent on the availability of suitable sites, taking account of infrastructure capacity, transport accessibility, environmental and landscape constraints, flood risk, and the planned role of each settlement. Evidenced local need at Place

making level must inform and, where necessary, limit the scale and mix of housing in each settlement. Where settlement level housing needs evidence, including for Edenbridge, is out of date or incomplete, it must be updated and then used as part of the decision making framework, rather than cited without effect."

We ask that the Council:

- remove the wording that local Place making evidence "should not be taken as a restriction" and instead require settlement level evidence to play a real, limiting role where justified by capacity and character
- acknowledge that relying on Edenbridge evidence while explicitly saying it cannot restrict development is not credible, and commit to updating that evidence and using it properly
- define "suitable sites" to include infrastructure, transport, environmental and flood risk constraints so that suitability is aligned with sustainability in Edenbridge

Soundness points – H1(2)

The evidence is not sound because H1(2) is not justified. The plan goes to the effort of producing Edenbridge Place making and housing needs evidence, then explicitly states that this local evidence cannot restrict the delivery of new homes. Evidence which is out of date and barred from acting as any form of constraint cannot reasonably be said to justify the distribution of growth.

The evidence is not sound because H1(2) is not effective. If settlement level evidence cannot ever act as a restriction, it cannot meaningfully guide or control the scale of development in practice. This leaves decision making driven by generic district pressures instead of the real conditions in Edenbridge.

The evidence is not sound because H1(2) is not consistent with national policy, which expects plans to be genuinely evidence based and to reflect the differing roles and characteristics of different areas. Collecting evidence but then blocking it from influencing housing delivery does not meet that test.

H1(3)(a) – dwelling mix profiles and "identified need"

We agree that proposals should be informed by dwelling mix profiles from the evidence. However, H1(3)(a) is weakened by the phrases "where appropriate" and "identified need", especially when read alongside H1(2).

In Edenbridge:

- the settlement level evidence is already limited and out of date
- H1(2) says local Place making evidence cannot restrict delivery
- H1(3)(a) then adds that developers can depart from the mix where they can show an undefined "identified need"

This combination means that Edenbridge's housing needs evidence has almost no force in practice. "Identified need" is not defined and could simply be a developer's marketing report rather than impartial settlement level evidence.

Requested change to H1(3)(a)

We ask that H1(3)(a) is amended along these lines:

"Proposals must follow the dwelling mix profiles set out in the latest, published settlement level housing needs evidence. Departure from the published mix will only be permitted where independent, proportionate settlement level evidence clearly demonstrates that a different mix would better meet current and future needs in that settlement and would be consistent with the plan's overall strategy. Where existing settlement level evidence, such as the 2022 Edenbridge Parish Housing Needs Survey, is out of date or incomplete, it must be updated and then applied."

We ask that the Council:

- remove the vague phrase "where appropriate" and instead require proposals in Edenbridge to follow an up to date settlement level dwelling mix unless robust new settlement evidence justifies a different mix
- define "identified need" as independent, settlement level, publicly available evidence, not developer marketing reports
- commit to updating the Edenbridge housing evidence and to using that updated evidence to drive the mix, instead of leaving an outdated survey in the background while policy wording allows easy departure from it

Soundness points – H1(3)(a)

The evidence is not sound because H1(3)(a) is not effective. Taken with H1(2), the "where appropriate" and undefined "identified need" wording makes it very difficult for Edenbridge's settlement level evidence to have any real influence over housing mix decisions.

The evidence is not sound because H1(3)(a) is not justified. It gestures towards evidence led mix but does not require the Council to update or meaningfully apply the Edenbridge housing needs evidence, even though that evidence is already limited and time bound.

The evidence is not sound because H1(3)(a) is not fully consistent with national policy, which expects clear, evidence led development management policies that give certainty and that actually use local evidence, not just refer to it.

H1(3)(b) – M4(2) accessible and adaptable dwellings

We support the requirement for all new homes to meet the M4(2) accessible and adaptable standard. This is especially important in Edenbridge, which has an ageing population and households with mobility issues. It will help residents stay in their homes for longer and reduce pressure on health and care services.

However, H1(3)(b) should be clearer that the requirement applies to all tenures and all types of new build housing, and that any exceptions are tightly limited to genuine physical constraints.

Requested change to H1(3)(b)

We ask that H1(3)(b) is amended along these lines:

"For all new build housing development in all tenures, all dwellings must be designed and constructed to meet the M4(2) accessible and adaptable dwellings standard, unless it is clearly

demonstrated that this is not practicable for specific units due to site specific physical constraints. Any exceptions must be minimised, fully justified, and supported by proportionate evidence."

We ask that the Council:

- confirm that the M4(2) standard applies to all new build dwellings and tenures in Edenbridge
- limit any exceptions to genuine, evidenced physical constraints, not general viability arguments
- explain in the supporting text how this requirement responds to known needs in Edenbridge's ageing population, so that the policy is clearly justified

Soundness points – H1(3)(b)

The evidence is not fully justified yet because the supporting text does not clearly link the M4(2) requirement to local needs, although the demographic evidence for Edenbridge plainly exists. With that link made, and with tight wording on exceptions, the policy would be justified and effective.

With clear scope and a narrow exception, H1(3)(b) is consistent with the National Planning Policy Framework focus on inclusive, accessible communities and meeting the needs of older and disabled people.

H1(3)(c) – M4(3)b wheelchair user dwellings

We support the use of M4(3)b wheelchair user dwellings in larger schemes and welcome the focus on social rent, which will help households with the greatest needs.

Our concern is that the "at least 5 percent" figure is not clearly linked to local evidence and risks underproviding such homes in Edenbridge over the plan period. There also appears to be no scope to require a higher proportion where local evidence supports this, nor any flexibility to provide some M4(3)b homes in other affordable tenures where this would better meet local disability needs.

There is also no requirement that these homes be well located within schemes, with good access to parking, services, and open space, which is critical to real world usability.

Requested change to H1(3)(c)

We ask that H1(3)(c) is amended along these lines:

"For new build housing schemes of 20 units or more, at least 5 percent of homes must meet the M4(3)b wheelchair user dwellings standard as a minimum, with the proportion increased where settlement level evidence identifies a higher need. These dwellings must be secured as affordable housing, with a strong presumption in favour of Social Rent, and must be appropriately distributed within the scheme with good access to parking, services, and open space."

We ask that the Council:

- treat 5 percent as a minimum starting point, with scope to require a higher proportion in Edenbridge if updated evidence shows greater need

- allow some M4(3)b dwellings in other affordable tenures where this helps meet local disability needs in Edenbridge
- require wheelchair user dwellings to be well located and integrated across the site, not isolated or left in poorer parts of a scheme

Soundness points – H1(3)(c)

The evidence is not sound because H1(3)(c) is not fully justified. The 5 percent figure is not clearly tied to evidence about wheelchair accessible housing need in the district or in settlements like Edenbridge.

The evidence is not sound because the policy is not clearly positively prepared if it effectively caps provision at 5 percent even where local evidence suggests that more is needed.

The evidence is not sound because H1(3)(c) is not fully consistent with national policy on inclusive design. It would be more consistent if the proportion and siting of wheelchair user dwellings were explicitly tied to evidence and to inclusive design principles.

H1(3)(d) – sustainability, climate resilience, and fuel poverty

We agree that new homes in Edenbridge must be designed to high sustainability standards and must be resilient to climate change and fuel poverty. This is particularly important given rising energy costs and local climate risks including flood risk.

However, phrases like “high sustainability standards” and “built in resilience” are not defined. Without clear, measurable standards, this part of the policy will be hard to apply and easy to dilute under pressure to meet housing numbers.

There is no requirement for applicants to provide a clear statement of how they will tackle fuel poverty and local climate risks in Edenbridge, for example in relation to overheating and flooding.

Requested change to H1(3)(d)

We ask that H1(3)(d) is amended along these lines:

“Homes must be built to high sustainability standards, including significantly better energy performance than Building Regulations minimum, low carbon heating, and design measures that minimise the risk of overheating and flood damage. Proposals must demonstrate, through an energy and climate resilience statement, how they will reduce residents’ exposure to fuel poverty and respond to local climate and flood risk evidence, in line with the plan’s climate change policies.”

We ask that the Council:

- define “high sustainability standards” with clear, measurable energy and carbon performance criteria so that the policy can be applied consistently in Edenbridge
- require an energy and climate resilience statement for major schemes in Edenbridge, addressing local fuel poverty risks and flood and overheating issues
- make clear that the drive to meet district wide housing numbers does not justify lowering sustainability and resilience standards in Edenbridge

Soundness points – H1(3)(d)

The evidence is not sound because H1(3)(d) is not fully effective. Its key phrases are undefined, which makes it difficult to use confidently in development management and at appeal.

The evidence is not sound because the policy is not fully justified. It does not yet explain clearly what standards are expected or how they reflect local evidence on climate risks and fuel poverty in places like Edenbridge.

The evidence is not sound because it is only partly consistent with national policy, which expects clear, locally tailored strategies for climate mitigation and adaptation, not just high level aspirations.

H1(3)(e) – Nationally Described Space Standard

We strongly support the requirement that new development meets the Nationally Described Space Standard (NDSS). This is important in Edenbridge, where there will be pressure to increase delivery and where space standards are essential to protect residents' quality of life.

To be effective, this requirement should clearly apply to all new dwellings, including conversions and changes of use, which can otherwise produce the smallest and poorest quality homes.

Requested change to H1(3)(e)

We ask that H1(3)(e) is amended along these lines:

"All new residential development, including new build, conversions and changes of use that create new dwellings, must meet or exceed the latest Nationally Described Space Standard. Proposals that fail to meet this standard will be refused."

We ask that the Council:

- confirm that the Nationally Described Space Standard applies to all new dwellings in Edenbridge, including conversions and changes of use
- state that schemes which do not meet the standard will be refused, so that space standards are not traded away to chase housing numbers

Soundness points – H1(3)(e)

With these clarifications, H1(3)(e) would be justified and effective, giving clear guidance to applicants and decision makers and ensuring that all new homes in Edenbridge are of a reasonable size. It would also be consistent with the National Planning Policy Framework aim of achieving well designed, high quality, liveable homes.

Edenbridge Impact

As drafted, H1 leaves Edenbridge exposed to district wide housing pressures because local housing needs evidence for the town is limited, out of date and, under H1(2), expressly prevented from acting as a real constraint on what is built here.

NEDRA (New Edenbridge District Residents' Association)

Chapter 2 Response

NEDRA Disagree

Policy H2

We understand that Policy H2 is meant to secure affordable housing from new development across the district. For Edenbridge, which is being asked to take significant growth on greenfield and so called grey belt land, this policy will decide whether local people actually see genuinely affordable homes, especially social rented homes, or mainly more market housing with a modest affordable element.

As drafted, H2 contains some positive points but it is weakened by vague viability wording, overuse of financial contributions and a lack of settlement specific safeguards for Edenbridge. Edenbridge is classified as a town and so is not a Designated Rural Area, yet it is expected to absorb several large grey belt sites. The plan does not correct the consequences of that combination.

Below is our response to H2 using the clause numbers in the draft policy.

H2(1) Purpose of the policy and viability caveat

We support the clear statement that H2 is about increasing affordable housing and securing a mix of tenures. However, the phrase that this must not prejudice overall viability is too broad. It invites case by case arguments to reduce affordable housing on individual schemes, even though national policy expects viability to be addressed mainly at plan making.

There is also no link here to settlement level evidence. Edenbridge is expected to take a large share of growth, and the amount and type of affordable homes here must respond to local need rather than only to district averages.

Requested wording for H2(1)

We ask that H2(1) is replaced with:

This policy seeks to maximise the delivery of genuinely affordable homes from developments that include market housing, in line with the viability evidence supporting this Plan. Policy requirements have been tested for viability at the plan making stage. Planning applications that comply with this policy and other up to date policies in the Plan will be assumed to be viable. The type and tenure of affordable homes, including in Edenbridge and other main settlements, must reflect up to date evidence of local housing need.

We ask that the Council

- removes the broad phrase about not prejudicing overall viability and confirms instead that the policy requirements are assumed to be viable because they have been tested at plan making
- makes clear that the type and tenure of affordable housing in Edenbridge must be based on settlement level evidence and not only on district wide averages
- states clearly that the main purpose of H2 is to maximise the number of genuinely affordable homes, especially social rented homes, from new development

Soundness points for H2(1)

The policy is not sound because it is not justified or effective. The broad viability caveat conflicts with national guidance that viability should mainly be tested at plan making and invites erosion of affordable housing on individual schemes.

The policy is not sound because it is not positively prepared. It does not clearly commit to maximising affordable housing in high need settlements such as Edenbridge.

The policy is not sound because it is not consistent with national policy, which expects clear and deliverable requirements that can be assumed viable at decision stage.

H2(2) Affordable housing thresholds and table

H2(2) and its table set out the percentage of affordable housing required on schemes of different sizes and on different types of land, including higher percentages on greenfield and grey belt sites. We welcome clear percentage figures and stronger requirements on greenfield and grey belt land.

However, several points are unclear for Edenbridge.

Edenbridge is classified as a town and is therefore not a Designated Rural Area. Smaller rural settlements benefit from lower small site thresholds and can secure affordable housing from small schemes. Edenbridge, which is expected to take major greenfield and grey belt growth and has serious affordability problems, is left without any equivalent mechanism for its small and medium sites.

The term major grey belt site is not clearly defined. This creates room for dispute about whether the fifty percent requirement applies on particular Edenbridge sites. There is also no clear rule on cumulative or phased sites in the same ownership. Land can therefore be split into multiple applications to stay below thresholds. Finally, the row for sites of at least zero point five hectares where the dwelling number is unknown is open to abuse on edge of town sites around Edenbridge.

Requested wording for H2(2) and table notes

We ask that H2(2) and its notes are amended as follows:

- All proposals for new housing development must provide affordable housing in accordance with Table H2. For the purposes of this policy
- Designated Rural Areas comprise the parishes and settlements listed in the supporting text. Edenbridge is classified as a town and is not a Designated Rural Area.

- Major grey belt site means any housing development of ten or more dwellings or any site of zero point five hectares or more on land designated as grey belt in this Plan.
- Where land is in the same ownership or control, or forms part of a wider allocation, all physically adjoining land, including land separated only by a road, track or watercourse, will be treated as a single site for applying the thresholds in Table H2.
- Where an application for a site of zero point five hectares or more does not specify the number of dwellings, affordable housing will be calculated on the basis of the minimum capacity implied by relevant site allocations or density policies, whichever is higher.

We ask that the Council

- sets out clearly in the Plan that Edenbridge is not a Designated Rural Area because it is classified as a town, and explains what that means for small site affordable housing in Edenbridge
- defines major grey belt site and adopts a clear cumulative rule so that all linked land in the same ownership or control is treated as a single site for H2 thresholds
- prevents under specification of dwelling numbers on larger sites by linking the affordable housing requirement to minimum capacities from allocations or density policies

Soundness points for H2(2)

The policy is not sound because it is not effective. Without clear definitions of Designated Rural Areas, major grey belt sites and cumulative sites, the table is open to dispute and difficult to apply consistently.

The policy is not sound because it is not justified or equitable between settlements. Edenbridge is required to take large greenfield and grey belt sites but is excluded from the Designated Rural Area small site tool, with no balancing mechanism to secure affordable housing from its own small and medium sites.

The policy is not sound because it is not consistent with national policy, which expects clear and unambiguous policies on contributions with a strong link back to plan stage viability testing.

H2(3) Designated Rural Areas and the position of Edenbridge

H2(3) notes that lower thresholds apply in Designated Rural Areas. We accept that under national policy Designated Rural Areas are defined in a particular way and that Edenbridge, as a town, does not fall within that list.

Our concern is not with the label itself. Our concern is that the Plan accepts Edenbridge's town status, uses it to exclude the town from Designated Rural Area small site tools, and at the same time directs major greenfield and grey belt growth to Edenbridge without putting in place any equivalent mechanism to secure affordable housing from small and medium sites here.

Smaller rural settlements gain a specific small site tool to secure affordable housing. Edenbridge, which is expected to take several large grey belt sites and already faces acute affordability pressures, has no comparable protection for its own community.

Requested wording for H2(3)

We ask that H2(3) is replaced with:

In the Designated Rural Areas of [list all places] the small site thresholds in Table H2 apply in line with national policy, so that affordable housing is sought on schemes of between six and nine dwellings and on sites of zero point five hectares or more. Edenbridge is classified as a town and is therefore not a Designated Rural Area. In view of the scale of growth directed to Edenbridge and its surrounding countryside, the Council will use this Plan and future reviews to ensure that the town has robust and effective mechanisms to secure affordable housing from small and medium sized sites.

We ask that the Council

- makes clear that Edenbridge is excluded from Designated Rural Area status because it is designated as a town, and then directly addresses the consequences of that choice in the housing strategy
- puts in place strong settlement specific policy tools so that Edenbridge, despite not being a Designated Rural Area, can still secure affordable homes from small and medium sites and is not placed at a disadvantage compared with smaller villages

Soundness points for H2(3)

The policy is not sound because it is not justified. The Plan accepts that Edenbridge cannot be a Designated Rural Area but does not justify why no alternative mechanism is provided to secure affordable housing from small and medium sites in Edenbridge, despite the much greater scale of growth planned here.

The policy is not sound because it is not positively prepared or equitable between settlements. It gives smaller rural settlements a specific small site tool for affordable housing while leaving Edenbridge, which is taking major allocations and so called grey belt release, without any equivalent protection.

H2(4) Subdivision and efficient use of land

We support the intention behind H2(4) that applicants should not avoid affordable housing by splitting sites or by failing to make efficient use of land. This is particularly important in Edenbridge where fringe plots and back land sites might otherwise be carved up to fall below thresholds.

However, phrases such as artificial subdivision and best and most efficient use of land are not defined. That leaves too much room for argument and does not give officers a clear basis for refusing under development in Edenbridge.

Requested wording for H2(4)

We ask that H2(4) is replaced with:

For the purposes of Table H2, all land in the same ownership or control that is contiguous, or separated only by a road, track or watercourse, will be treated as a single site, including where it is brought forward in phases or by different applicants. Proposals that fall more than ten percent below the minimum indicative capacity or density set by relevant allocations or design policies

will be refused unless it is clearly demonstrated that a lower capacity is essential for site specific design, heritage, or environmental reasons.

We ask that the Council

- defines how subdivision is assessed by treating contiguous land in the same ownership or control as one site for applying H2 thresholds
- links the idea of efficient use of land to the Plan's own density and capacity expectations, with a clear refusal basis where schemes fall significantly below them without strong justification

Soundness points for H2(4)

The policy is not sound because it is not effective. Undefined terms make this clause difficult to use and easy to challenge.

The policy is not sound because it is not justified. It does not clearly show how density expectations will be applied and tested at examination.

H2(5) On site provision as the rule

H2(5) says the starting point is that affordable housing should be provided on site. We strongly support that principle. Edenbridge needs real affordable homes within new schemes, not just money leaving the town through central pots.

However, the phrase starting point is weak and later clauses allow financial contributions in broad circumstances. There is also no requirement that contributions raised in a settlement are spent in that settlement.

Requested wording for H2(5)

We ask that H2(5) is replaced with:

Affordable housing required by this policy must be provided on site, unless H2(7), H2(10) or H2(11) apply. Any off site financial contribution will only be accepted in exceptional circumstances and must be ring fenced and spent to deliver additional affordable homes within the settlement in which the development is located, or, where this is demonstrably not possible, in the same Housing Market Area within an agreed timescale.

We ask that the Council

- states clearly that on site affordable housing is the rule and that financial contributions are genuinely exceptional
- ring fences any off site contributions from Edenbridge schemes to deliver affordable homes in Edenbridge within a fixed time period

Soundness points for H2(5)

The policy is not sound because it is not effective. Starting point wording is too weak to secure on site delivery in practice on major Edenbridge schemes.

The policy is not sound because it is not adequately justified. There is no mechanism to ensure that financial contributions benefit the communities that experience the impacts of development.

New clause after H2(5) Phasing and timing of affordable housing

For Edenbridge, where large allocations are likely to be built in stages, it is vital that affordable housing is delivered in step with market housing, not left to late stages that may never happen.

Requested wording for new phasing clause

We ask that a new clause is inserted after H2(5):

On all developments of ten or more homes, including all phased schemes, affordable housing must be delivered in step with the market homes in each phase. Each phase must include at least the same proportion of affordable housing as required by this policy for the scheme as a whole, unless a higher proportion is agreed. Planning permissions will secure triggers so that market homes in any phase cannot be occupied until the agreed affordable homes in that phase are built and transferred to a Registered Provider.

We ask that the Council

- requires affordable housing to be provided phase by phase on every qualifying Edenbridge site, with clear triggers that tie occupation of market homes to the completion and transfer of affordable homes in each phase

Soundness point for phasing

The policy is not sound because it is not effective without a clear phasing requirement. Without this, affordable homes on large Edenbridge sites can be pushed into late phases and then argued away, which is contrary to the aim of timely delivery of affordable housing.

H2(6) Small sites and financial contributions single star

H2(6) explains that where the table shows a single star, the affordable housing requirement is expected as a financial contribution on completion. We accept that on very small sites a financial contribution can sometimes be practical, but an automatic assumption of cash only is too rigid and payment on completion is risky.

There may be cases in Edenbridge where a Registered Provider is willing to take one or two affordable homes on a small site. The policy should allow this, and any financial contribution should be paid early enough to be secure. Contributions raised in Edenbridge should also be spent in Edenbridge.

Requested wording for H2(6)

We ask that H2(6) is replaced with:

For schemes that fall under Table H2 rows marked with a single star, the affordable housing requirement will normally be provided as a financial contribution in lieu of on-site provision, unless the Council, in consultation with a Registered Provider, confirms that on site units would better meet local needs and are deliverable, in which case on site provision will be required. Any financial contribution must be paid before occupation of more than twenty five percent of the dwellings and will be ring fenced for delivering affordable housing in the same settlement.

We ask that the Council

- allows, and where appropriate requires, on site affordable homes on small schemes in Edenbridge where a Registered Provider can manage them

- requires early payment of contributions and ring fences them for affordable housing in Edenbridge

Soundness points for H2(6)

The policy is not sound because it is not effective. Automatic use of financial contributions and payment on completion risk under delivery and non-payment.

The policy is not sound because it is not positively prepared. It does not make the most of small site capacity to deliver affordable homes that meet local need in Edenbridge.

H2(7) Small numbers and off site contributions double star

H2(7) allows the Council, in exceptional circumstances, to accept financial contributions instead of some or all on site affordable housing where only a small number of homes would be provided, and these are not attractive to Registered Providers.

We support the idea that this should happen only rarely, but small number and exceptional circumstances are not defined. There is also no guarantee that contributions are spent in the same settlement.

Requested wording for H2(7)

We ask that H2(7) is replaced with:

Where the number of affordable homes generated by this policy would be fewer than five units on any one site, and it is demonstrated that on site provision cannot be delivered or managed by a Registered Provider, the Council may in truly exceptional circumstances accept a financial contribution in lieu of part of the on-site provision. Any such contribution must at least match the value of the forgone homes, be paid before occupation of more than twenty five percent of the dwellings, and be ring fenced to deliver additional affordable homes in the same settlement.

We ask that the Council

- defines small number in numerical terms and makes clear that off-site contributions are only allowed where on site delivery is genuinely impossible
- commits to using any such contributions from Edenbridge schemes to deliver extra affordable homes in Edenbridge

Soundness points for H2(7)

The policy is not sound because it is not effective. Undefined terms will lead to inconsistent decisions and appeals.

The policy is not sound because it is not justified. There is no clear explanation of when and why on site provision would be displaced by financial contributions.

H2(8) Tenure mix and grey belt uplift

H2(8) sets the tenure mix for on-site affordable housing, with eighty percent social rent and twenty percent shared ownership, unless otherwise agreed, and refers to extra social rent on grey belt sites.

We strongly welcome the headline figure of eighty percent social rent. That aligns with the acute need for genuinely affordable homes in Edenbridge. We also support the idea that grey belt sites should deliver more social rent.

However, unless otherwise agreed gives too much room for negotiation and can be used to reduce the share of social rent. The uplift on grey belt sites is not quantified, so it cannot be tested or enforced.

All large housing sites proposed around Edenbridge in the draft plan are treated as grey belt, which we dispute in principle. If the Council continues to pursue grey belt release at Edenbridge, it is essential that the strongest possible affordable housing and contribution requirements are locked in to reflect the exceptional policy harm of building in the Green Belt.

Requested wording for H2(8)

We ask that H2(8) is replaced with:

Where on site affordable housing is provided, at least eighty percent of the affordable homes must be delivered as social rented housing and the remainder as shared ownership or other intermediate tenures that are genuinely affordable to local households. On grey belt sites, at least ninety percent of the affordable homes must be delivered as social rented housing. Any departure from these tenure proportions will only be permitted where it is clearly demonstrated, using up to date local evidence, that an alternative mix would deliver more homes at social rent levels and better meet identified needs in the settlement concerned.

We ask that the Council

- strengthens the eighty percent social rent requirement so that any change must be clearly evidence based and must increase, not reduce, the number of homes at social rent levels
- sets a clear minimum proportion of social rent on grey belt sites, for example at least ninety percent of the affordable housing, so that if grey belt release at Edenbridge proceeds it delivers genuinely affordable homes in return for the loss of Green Belt

Soundness points for H2(8)

The policy is not sound because it is not effective. The ‘unless otherwise agreed’ caveat allows the tenure mix to be weakened in negotiation.

The policy is not sound because it is not adequately justified. The grey belt uplift to social rent is not quantified or clearly tied to evidence, so it cannot be properly examined.

H2(9) Viability on grey belt sites

H2(9) says that viability assessments will not be accepted on grey belt sites to reduce developer contributions, including affordable housing. We strongly support this principle. For Edenbridge, where large sites are treated as grey belt in the draft plan, this clause is one of the few safeguards that development will actually deliver public benefit.

However, H2(9) does not clearly state how it relates to the later viability clauses and review mechanisms.

Requested wording for H2(9)

We ask that H2(9) is retained but clarified as follows:

In line with national policy on Green Belt and grey belt Golden Rules, site specific viability assessments will not be accepted on grey belt sites as a basis for reducing any developer contributions, including affordable housing. Grey belt allocations in this Plan have been tested for viability at plan making stage. Clauses H2(10) to H2(14) do not apply to reduce contributions on grey belt sites.

We ask that the Council

- confirms that H2(10) to H2(14) cannot be used to reduce affordable housing or other contributions on grey belt sites in Edenbridge
- demonstrates in the evidence base that all grey belt allocations with a fifty percent affordable housing requirement are viable. Where they are not, those allocations should be removed or reduced rather than contributions being weakened

Soundness points for H2(9)

The policy is not sound because it is not fully effective. Without clear cross references, applicants may still try to use other parts of H2 to argue for reduced contributions on grey belt sites.

The policy may not be justified unless the Council can show that its grey belt allocations are deliverable with no scope for viability reduction of contributions.

H2(10) Viability and mixed on site plus off site provision

H2(10) allows the Council, where full on site provision is said not to be viable or not to best meet needs, to accept reduced on site provision plus a contribution or a full financial contribution in place of all on site affordable housing.

We accept there can be rare cases where a mixed approach is helpful, but the test does not best meet identified housing needs is very open and the option of no on site affordable housing at all is unacceptable in a town like Edenbridge. National policy expects on site delivery of affordable homes on larger schemes wherever possible.

Requested wording for H2(10)

We ask that H2(10) is replaced with:

Where, other than on grey belt sites, it is robustly demonstrated through a transparent viability assessment consistent with national guidance that the full on site affordable housing requirement cannot be achieved, the Council may agree a reduced level of on-site affordable housing, supported by a financial contribution in lieu of the shortfall. Complete replacement of on-site affordable housing by a financial contribution will not be permitted.

We ask that the Council

- deletes the option of providing no on site affordable housing and allows only reduced on site provision topped up by a financial contribution

- requires any viability assessment under this clause to be transparent, independently reviewed, and consistent with national guidance

Soundness points for H2(10)

The policy is not sound because it is not positively prepared or effective. Allowing schemes with no on site affordable housing undermines mixed and inclusive communities in Edenbridge.

The policy is not sound because it is not consistent with national policy, which expects plans to prioritise on site affordable housing and avoid routine reliance on viability arguments to weaken policy requirements.

H2(11) Viability reviews after permission

We recognise that review mechanisms can play a role in capturing uplift where schemes perform better than expected. However, for Edenbridge the bigger risk is that developers will use late reviews to reopen viability and argue down affordable housing after permission, especially on large, phased sites.

Our position is that all viability matters should be resolved at application stage. Once permission is granted, the amount, tenure and phasing of affordable housing should not be reduced through later reviews or variations. Any review mechanism should only ever be used to increase affordable housing delivery, not reduce it.

Requested wording for H2(11)

We ask that H2(11) is replaced with:

All viability matters must be resolved at the application stage. Once planning permission is granted, the amount, tenure and phasing of affordable housing agreed under this policy will not be reduced through later viability reviews or variations, including on large or phased developments. Where review mechanisms are secured, they must be upward only, with any additional value first used to increase on site affordable housing provision where practicable, and only where this is not feasible will a ring fenced financial contribution for affordable housing in the same settlement be accepted.

We ask that the Council

- confirms that viability will not be reopened later to reduce affordable housing on Edenbridge schemes, including large, phased sites
- makes clear that any review mechanisms are upward only and can only increase affordable housing, not delay it, or cut it back

Soundness points for H2(11)

The policy is not sound because it is not effective. As drafted it allows developers to come back later and argue away previously agreed affordable housing on Edenbridge sites.

The policy is not sound because it is not positively prepared. It does not secure timely, reliable delivery of affordable homes in step with market housing, contrary to national expectations.

H2(12) Affordability and income levels

H2(12) states that affordable housing should not lead to housing costs above thirty five percent of median household income. We support the principle of linking affordability to incomes rather than only to discounts from market prices.

However, the clause does not define whether the income figure is for the district, the settlement, or a wider area, nor whether it is based on gross or net income. Edenbridge incomes are likely lower than those in Sevenoaks town. If a district wide median is used, homes may not be affordable to Edenbridge households in practice. There is also no clear mechanism for applying and monitoring this test.

Requested wording for H2(12)

We ask that H2(12) is replaced with:

All affordable housing must be demonstrably affordable to local households, such that housing costs, including rent or mortgage and service charges, do not exceed thirty five percent of median net household income for the relevant settlement or Housing Market Area, using the latest available published data. For Edenbridge schemes, affordability will be tested against income data specific to Edenbridge wherever available. Applications must include an affordability statement setting out how this requirement is met.

We ask that the Council

- requires affordability to be assessed against settlement level income data for Edenbridge wherever possible, not just a district wide figure
- confirms that the thirty five percent test applies to total housing costs as a share of net income and requires an affordability statement with each qualifying application

Soundness points for H2(12)

The policy is not sound because it is not justified. It does not specify the geography or income basis for median household income, so it cannot show that affordable homes in Edenbridge will actually be affordable for local households.

The policy is not sound because it is not effective. Without a clear mechanism for applying the thirty five percent test, it risks being an unenforceable aspiration.

H2(13) Engagement with the Housing Service and Registered Providers

H2(13) requires early discussions with the Council's Housing Service and Registered Providers where on site affordable housing is proposed. We support this.

However, the clause does not mention engagement with local communities, the Town Council, or resident's groups, even for major Edenbridge sites with a large affordable housing component. There is also no requirement to show how feedback has influenced the scheme.

Requested wording for H2(13)

We ask that H2(13) is amended with:

Applicants are required to enter into discussions with the Council's Housing Service, in consultation with partner Registered Providers, at the earliest stage of the application process where the provision of on-site affordable housing applies. On major developments, applicants must also consult the relevant parish or town council and local community groups on the

location, type, and design of affordable homes as part of pre application engagement and summarise the outcomes in the planning application.

We ask that the Council

- adds a requirement for applicants on major Edenbridge schemes to consult the Town Council and local community groups on the location and type of affordable homes
- requires applicants to submit a short statement showing how local feedback has influenced their affordable housing proposals

Soundness points for H2(13)

The policy is not sound because it is not fully positively prepared. It does not secure meaningful community input into affordable housing proposals on major Edenbridge sites.

The policy is not sound because it is not effective. Without transparent engagement requirements, early discussions may simply reflect developer preferences.

H2(14) Late stage reviews on large or phased schemes

H2(14) refers to late stage viability review mechanisms on larger or phased developments. As set out above, our position is that viability should not be reopened to reduce affordable housing after consent. Any reviews should be upward only and focused on capturing uplift.

If the Council keeps a separate clause on late stage reviews, it should be clearly limited to upward only reviews and clearly defined triggers.

Requested wording for H2(14) if retained

We ask that H2(14) is written as:

On all developments of fifty or more dwellings, and on all phased developments, any late stage viability review mechanism must be upward only and secured through a S106 agreements. The review will be triggered before commencement of the final phase or occupation of seventy five percent of the dwellings, whichever is earlier, and will use an agreed formula to capture any uplift in value to increase affordable housing provision in accordance with this policy.

We ask that the Council

- ensures that any late stage review wording cannot be used to reduce or delay affordable housing on large Edenbridge sites
- if H2(14) is retained, defines larger schemes and sets clear and early triggers for any upward only review

Soundness points for H2(14)

The policy is not sound because it is not effective. Vague wording on when reviews may be required does not give certainty that they will increase affordable housing delivery in practice.

The policy is not sound because it is not justified. There is no clear rationale for when reviews will be applied or how they will work.

Edenbridge Impact

As drafted, H2 leaves Edenbridge carrying major greenfield and so called grey belt growth without a secure, phase by phase and settlement specific supply of genuinely affordable, especially social rented, homes for local people, because of unclear thresholds, weak phasing and viability safeguards, and overuse of financial contributions instead of on site housing in the town.

NEDRA (New Edenbridge District Residents' Association)

Chapter 2 Response

NEDRA Disagree

<u>Policy H3</u>

Our understanding

H3(1) is written to allow new housing in rural areas as an "exception" to the rest of the Local Plan if there is a "specific local need" and criteria (a) to (d) are met. In principle this is about small rural exception schemes next to villages, not the large allocation sites around Edenbridge.

What we welcome

- The policy accepts that rural communities sometimes need small, targeted schemes to meet local affordable housing needs.
- It links permission to "specific local need" rather than general market demand, which is the right idea for genuine exception sites.

Our concerns

- "Specific local need" is not defined. There is no clear geography (parish or cluster of parishes), no local connection test, and no link to affordability. This creates a real risk that "need" simply slides into "demand."
- The phrase "as an exception to other Local Plan policies" is too broad. It does not spell out that Green Belt, landscape, environmental and transport policies still apply in full.
- There is no explicit requirement that schemes be small scale, adjacent to existing settlements, or proportionate in size. These are standard safeguards for rural exceptions in planning practice and in the National Planning Policy Framework (NPPF).
- There is no clear hook to keep these homes tied to local need in perpetuity through legal agreements and nomination rights.
- There is a direct clash with Policy H1. H3 tells communities that "local need" is the gateway to rural exception housing, whereas H1 says "evidenced local need at place making level should not be taken as a restriction to wider housing need and the delivery of new homes". This means that on large Edenbridge estates, local need can be set aside, but for small rural exception schemes it suddenly becomes decisive. That inconsistency undermines the phrase "specific local need" across the Plan.

Changes we seek to the wording

We propose the following replacement for the first sentence of H3(1):

“As an exception to the spatial strategy, but subject to Green Belt, landscape, environmental and transport policies in this Plan, proposals for small scale rural housing schemes adjacent to existing rural settlements will only be permitted where they meet a clearly evidenced local housing need for the relevant parish (or agreed cluster of parishes), secured in perpetuity by planning obligation, and comply with criteria (a) to (d). Robust local housing needs evidence will be given significant weight when applying this policy and policy H1 so that both rural exception schemes and general housing development respond to local needs.”

We request – H3(1)

- We ask that the Council define “local need” clearly in policy as relating to the parish or agreed cluster, with a local connection test and a clear link to affordability.
- We ask that the Council require rural exception schemes to be small scale, adjacent to existing settlements, and explicitly subject to Green Belt, environmental and transport policies.
- We ask that the Council amend H1 so that evidenced local need is consistently given significant weight across the Plan, rather than being dismissed as something that “must not restrict” wider housing delivery.

Regulation 19 soundness and legal points – H3(1)

- The evidence is not sound because the policy is not positively prepared or effective. H3 treats “local need” as decisive, while H1 says local need must not “restrict” wider delivery, creating confusion for communities such as Edenbridge and for decision makers.
- The evidence is not sound because the policy is not justified. The Plan does not explain why local need is central for small exception schemes but downgraded for major allocations, nor why rural exceptions are not explicitly required to be small and adjacent to settlements.
- The evidence is not sound because the policy is not consistent with national policy. The NPPF expects a clear, coherent approach to meeting different needs. Conflicting messages about the status of local need, and the absence of explicit small scale, adjacency and in perpetuity safeguards, do not meet that test.

H3(1)(a) – Evidence of “local need”

Text: “A local need has been identified, e.g. a current local housing needs survey, Housing Register data or other evidence of need approved by the Council”

Our understanding

This criterion says applicants must show there is a local housing need using a local housing needs survey, Housing Register data, or any other evidence the Council decides is acceptable.

What we welcome

- The clause anchors the policy to some form of evidence, rather than simple assertion.
- It acknowledges the Housing Register and local needs surveys, which are standard sources.

Our concerns

- "Other evidence of need approved by the Council" is extremely open ended and could allow reliance on weak or developer led reports.
- In Edenbridge, the 2022 Parish Needs Survey had very low response and produced tiny numbers, yet it is still being treated as key evidence in the Local Plan evidence base. This is not a robust basis for decisions up to 2042.
- There is no requirement that the evidence be up to date, proportionate or representative, and no minimum standard for survey response rates or methodology.
- There is no explicit link to local incomes and affordability, so "need" risks being conflated with demand for open market homes rather than genuine local housing need.

Changes we seek to the wording

We propose the following replacement for H3(1)(a):

"A local housing need has been identified for the relevant parish (or agreed cluster of parishes) using up to date, proportionate and representative evidence, including a current local housing needs survey and Housing Register data. Any additional evidence must be independently prepared or verified, published by the Council, and must not rely solely on surveys with unacceptably low response rates or outdated base years."

We request – H3(1)(a)

- We ask that the Council acknowledge that the 2022 Parish Needs Survey for Edenbridge had a very low response and cannot be treated as robust evidence for the whole plan period.
- We ask that the Council amend H3(1)(a) to require up to date, proportionate and representative parish level evidence, with clear minimum standards for survey quality before it is used to justify rural exception schemes.
- We ask that the Council commit in the Plan to reviewing and updating weak parish surveys, rather than fixing them in place as the evidence base through to 2042.

Regulation 19 soundness and legal points – H3(1)(a)

- The evidence is not sound because the policy is not justified. Reliance on a poorly responded 2022 Parish Needs Survey as a key source for Edenbridge, without any quality safeguards or review, is not a proportionate or robust evidence base.
- The evidence is not sound because the policy is not effective. Without standards for recency and representativeness, the policy is likely to deliver the wrong quantity and mix of housing in rural areas over time.
- The evidence is not sound because the policy is not consistent with national policy. The NPPF expects plans to be underpinned by robust, up to date, proportionate evidence. Treating a very weak 2022 survey as long term evidence does not meet that test.

H3(1)(b) – Sequential test and "adjacent parish"

Text: "The local need identified cannot be met by any other means through the development of non-Green Belt sites within the parish or, where appropriate, in the adjacent parish"

Our understanding

This criterion sets a test that rural exception schemes can only be used if the identified local need cannot be met on any non-Green Belt site in the parish, or in some cases in an adjacent parish.

What we welcome

- The clause recognises that Green Belt land should not be the first choice, and that non Green Belt options should be considered.

Our concerns

- "Where appropriate" is not defined. It appears to give the Council scope to move schemes into "adjacent parishes" without clear criteria or local agreement.
- The phrase "cannot be met" is very strong. It could mean that any theoretical site in the parish or in the next parish is used to displace a scheme away from the community that generated the need.
- This reframes rural exception housing from being about the host community into a roaming district supply tool. If Edenbridge appears more "sustainable," its edges risk being used to absorb needs from smaller parishes, on top of the town's large allocations.
- There is no requirement that alternative non Green Belt sites are suitable, available, and achievable, or well related to the settlement where the need arises.
- Combined with H1's wording that local need must not "restrict" wider delivery, there is a real risk. Edenbridge can be used to meet other parishes' needs without its own local needs having real influence on the mix of its major sites.

Changes we seek to the wording

We propose the following replacement for H3(1)(b):

"The identified local need cannot reasonably be met on suitable, available and achievable non Green Belt sites that are well related to the settlement where the need arises, within the parish or, only where clearly agreed through this Local Plan or a made neighbourhood plan, in a directly adjacent parish."

We request – H3(1)(b)

- We ask that the Council define "where appropriate" and limit any cross parish provision to arrangements clearly agreed and set out in the Local Plan or in made neighbourhood plans.
- We ask that the Council require that alternative non Green Belt sites are suitable, available, achievable, and well related to the community in need, not just anywhere in the parish or district.

- We ask that the Council confirm that Edenbridge will not be treated as a default location to absorb other parishes' needs under this clause, especially given that the town is already hosting major allocations.

Regulation 19 soundness and legal points – H3(1)(b)

- The evidence is not sound because the policy is not justified. The widened "sequential" test, including "adjacent parish," fundamentally changes rural exception housing into a flexible mop up mechanism without clear evidence or clear criteria.
- The evidence is not sound because the policy is not effective. Vague wording will lead to inconsistent application and loading of impacts onto larger or more accessible places such as Edenbridge.
- The evidence is not sound because the policy is not consistent with national policy. The NPPF emphasises meeting local rural housing needs and a plan led approach to Green Belt and site choice, not ad hoc cross parish reallocation of schemes.

H3(1)(c) – Site options appraisal

Text: "A thorough site options appraisal has been carried out"

Our understanding

This criterion says the applicant has to look at different possible sites and compare them before deciding which field or site to promote.

What we welcome

- The clause acknowledges that there should be a comparison of reasonable alternatives rather than simply accepting the developer's first choice.
- In principle, it could help steer schemes away from the most harmful sites around villages and on the fringes of Edenbridge.

Our concerns

- "Thorough" is not defined. There is no method, no criteria, and no requirement to publish the appraisal.
- There is no explicit commitment that the Council will independently scrutinise the appraisal. It could simply accept a developer's own document as "thorough."
- The clause does not require assessment of cumulative impacts with the large allocations already planned for Edenbridge and nearby settlements.
- There is no explicit link to Green Belt, landscape, biodiversity, and transport capacity, which are key material planning considerations for rural sites.

Changes we seek to the wording

We propose the following replacement for H3(1)(c):

"A proportionate and publicly available site options appraisal has been prepared by or on behalf of the applicant and independently scrutinised by the Council, comparing all reasonable alternative sites using clear criteria including Green Belt harm, landscape and biodiversity

impacts, proximity and safe access to existing settlements, access to services and facilities, transport impacts, and cumulative effects with other planned development."

We request – H3(1)(c)

- We ask that the Council specify what a site options appraisal must cover, including Green Belt, landscape, biodiversity, transport, and cumulative impacts, and require it to be published.
- We ask that the Council commit to independently scrutinising these appraisals rather than treating developer produced documents as automatically "thorough."
- We ask that the Council ensure that options around Edenbridge take full account of the town's existing and proposed large allocations when judging cumulative effects.

Regulation 19 soundness and legal points – H3(1)(c)

- The evidence is not sound because the policy is not justified. It relies on an undefined "thorough" appraisal without specifying method, criteria, or transparency, which is not a robust standard of evidence.
- The evidence is not sound because the policy is not effective. Without requirements for publication and independent scrutiny, communities cannot meaningfully challenge or understand site selection.
- The evidence is not sound because the policy is not consistent with national policy. National guidance expects robust and transparent evidence for site choices, which this clause does not secure.

H3(1)(d) – Designated Protected Area (DPA) requirement

Text: "The selected site is located in a Designated Protected Area (DPA)."

Our understanding

This criterion says the rural exception site must be in a "Designated Protected Area" (DPA). In Government housing policy, DPAs are areas where special shared ownership rules apply, for example restricting "staircasing" to 100 per cent. They are not a standard land use planning designation like Green Belt.

What we welcome

- The clause shows some awareness that certain tools, such as DPA provisions, can help keep affordable homes local, particularly for shared ownership products.

Our concerns

- Using DPA as a hard location test is new and has not been clearly justified as a land use filter. Many rural edges around villages and potentially around Edenbridge will not fall inside a DPA, which could choke off most rural exception opportunities altogether.
- DPA is being treated as if it were a planning designation, which it is not. If the intention were to refer to "designated rural area" (a different concept used to lower affordable thresholds), the policy appears to use the wrong term.

- The Plan does not clearly map and explain DPAs for the district, so communities cannot see what this test means on the ground.
- The approach risks creating unfairness and possible equalities issues. Some rural communities would be shut out of rural exception housing purely because of where a technical DPA boundary falls, rather than because of their housing need or the suitability of their sites.

Changes we seek to the wording

We propose the following replacement for H3(1)(d):

"The selected site is located in or immediately adjacent to an existing rural settlement and, where it lies within a Government Designated Protected Area (DPA), the scheme is designed to make full use of DPA provisions to retain affordable homes for local people in perpetuity."

We request – H3(1)(d)

- We ask that the Council delete the blanket requirement for rural exception sites to be within a DPA and instead require sites to be in or immediately adjacent to existing rural settlements.
- We ask that the Council clearly map and explain any DPAs in the district and confirm they will be used to support, not restrict, affordable housing where applicable.
- We ask that the Council confirm in the Plan that rural exception housing will be available to all rural communities with identified need, not just those that happen to fall inside a DPA boundary.

Regulation 19 soundness and legal points – H3(1)(d)

- The evidence is not sound because the policy is not justified. There is no evidence or explanation for turning a product based DPA label into a hard land use location test for rural exception sites.
- The evidence is not sound because the policy is not effective. By limiting schemes to DPAs, it could prevent genuine local needs from being met in many rural locations, including around Edenbridge, where the DPA line does not fall.
- The evidence is not sound because the policy is not consistent with national policy. The NPPF does not require rural exception sites to sit in DPAs, and this extra restriction undermines the purpose of meeting local rural housing needs.
- The evidence is not sound because the policy raises potential legal compliance and equalities concerns. It risks arbitrary differences in access to rural exception housing between otherwise similar rural communities.

H3(2) – Market housing "element"

Text: "The Council expects rural exception housing schemes to provide 100% local needs housing… However, if it can be demonstrated that a wholly local needs housing scheme is not viable or deliverable… an element of market housing may be permitted."

Our understanding

This clause says rural exception schemes should ideally be 100 per cent local needs housing, normally affordable housing, but if that is not financially viable, some market housing can be added.

What we welcome

- The clause sets a clear expectation that rural exception sites are mainly about local needs, not standard market led development.
- It recognises that a limited amount of market housing can sometimes make an affordable scheme financially deliverable.

Our concerns

- "An element of market housing" is not defined or capped. Without a limit, this could be stretched to large proportions of market housing, especially on attractive sites.
- There is no requirement for a transparent, independently reviewed viability assessment to justify any market housing, and no commitment to publish that evidence.
- There is no link to tenure types or priority for Social Rent, and no guarantee that the market element will be kept to the minimum needed.
- Set against H1, where local need must not "restrict" district wide delivery on big sites, there is a risk that market led outcomes are prioritised both on major allocations and on so called "exception" sites.

Changes we seek to the wording

We propose the following replacement for H3(2):

"The Council expects rural exception housing schemes to provide 100 per cent local needs affordable housing to meet identified needs. Only where it is clearly demonstrated, through a transparent and independently reviewed viability assessment published by the Council, that a wholly local needs scheme is not viable will a minority element of market housing (not exceeding 30 per cent of dwellings by number or floorspace) be permitted, and only to the minimum extent necessary to secure the delivery of the affordable homes, with Social Rent as the priority tenure where appropriate."

We request – H3(2)

- We ask that the Council set a firm maximum percentage for market housing on rural exception sites, for example 30 per cent, and require independent review and publication of all viability evidence.
- We ask that the Council make clear that any market element must be the minimum necessary to secure the affordable homes and must not turn rural exception sites into standard market led schemes.
- We ask that the Council confirm Social Rent as the default tenure for rural exception housing wherever the evidence supports it.

Regulation 19 soundness and legal points – H3(2)

- The evidence is not sound because the policy is not justified. It allows an undefined amount of market housing with no evidence based cap or standard viability methodology.
- The evidence is not sound because the policy is not effective. Without a cap or proper viability controls, rural exception sites risk being used to deliver substantial market housing schemes in the countryside.
- The evidence is not sound because the policy is not consistent with national policy. National policy only envisages enabling market housing on exception sites where this is strictly necessary and proportionate. The current wording is too loose to guarantee that.

H3(3) – Up to 100% self-commissioned housing

Text: "Proposals for up to 100% self-commissioned housing will be considered on rural exception sites…"

Our understanding

This clause opens a route for rural exception sites to be used for up to 100 per cent "self-commissioned" homes, such as self-build or custom build, if the Council is satisfied that they meet local housing need and signs off the tenures and eligibility.

What we welcome

- The clause recognises that self-build and custom build can play a role in meeting local housing needs, which may be positive for some residents.
- It keeps the language of "identified local housing need" and Council approval of tenures and eligibility.

Our concerns

- Allowing "up to 100 per cent self-commissioned" homes is a major new pathway. Without clear safeguards, this could deliver high value bespoke homes in the countryside under the banner of "local need," rather than genuinely affordable housing.
- There is no explicit requirement that these homes be affordable in practice, with price caps, links to local incomes and in perpetuity controls.
- There is no explicit link to the Council's self-build and custom build register, which is the main evidence for this type of demand.
- There is no safeguard to prevent self-commissioned schemes from diluting or displacing the delivery of Social Rent and other priority affordable tenures. In a town like Edenbridge, where large sites are already coming forward, this risks muddying the focus on genuinely affordable housing.

Changes we seek to the wording

We propose the following replacement for H3(3):

"Proposals for up to 100 per cent self-commissioned (self-build and custom build) affordable housing will be considered on rural exception sites where it is demonstrated, to the satisfaction

of the Council, that: (i) the homes will meet an identified local housing need, including needs on the Council's self-build and custom build register; (ii) the affordable housing tenure or tenures, price caps and resident eligibility criteria are approved by the Council, linked to local incomes and secured in perpetuity by legal agreement; and (iii) the scheme does not undermine the delivery of other priority affordable housing needs in the parish."

We request – H3(3)

- We ask that the Council make clear that self-commissioned homes on rural exception sites must be genuinely affordable, linked to local incomes, and secured in perpetuity for local people.
- We ask that the Council link H3(3) explicitly to the self-build and custom build register and explain how local residents in places such as Edenbridge can benefit.
- We ask that the Council ensure that self-commissioned schemes do not dilute or displace the delivery of Social Rent and other priority affordable housing tenures.

Regulation 19 soundness and legal points – H3(3)

- The evidence is not sound because the policy is not justified. It introduces a 100 per cent self-commissioned route without clear affordability controls or a clear link to the self-build evidence base.
- The evidence is not sound because the policy is not effective. Without in perpetuity and affordability safeguards, these homes could rapidly move out of reach of local people, undermining the purpose of rural exception policy.
- The evidence is not sound because the policy is not consistent with national policy. While national policy encourages self-build, this must still sit within the wider affordable housing and rural exception framework, and that balance is not secured here.

Edenbridge Impact

Edenbridge is already expected to take mainly large strategic housing sites, and as drafted H3 would allow additional small "rural exception" and self-commissioned schemes to be pushed into or around the town, potentially to meet other parishes' needs, using weak 2022 evidence and vague tests, while the main Edenbridge estates are allowed to ignore the town's own local needs, which is not acceptable in planning terms.

NEDRA (New Edenbridge District Residents' Association)

Chapter 2 Response

NEDRA Disagree

Policy H4

We welcome a dedicated policy for housing for older people, and we support the intention that this forms part of the mainstream housing strategy for the District. However, as drafted H4 contains too many vague phrases, undefined terms, and loopholes. In a town like Edenbridge, where large edge of settlement sites are proposed and older residents are already exposed to poor accessibility and flood risk, these weaknesses could lead to poorly located, poorly designed and insufficiently affordable homes for older people.

Below we set out our detailed comments, requested wording changes and Regulation 19 soundness points.

H4(1) – overall approach and definition

We support the statement that housing for older people must comply with the wider housing mix policy (H1). That rightly confirms that it is part of the mainstream housing requirement, not something separate or optional.

However, the policy uses the term "retirement housing" in clause 1 and "older persons C3 accommodation" in clause 3. This opens up arguments over which schemes H4 actually applies to. In Edenbridge this kind of grey area could enable developers to rebadge schemes in order to avoid either H1 or H4.

We therefore ask the Council to include a clear definition at the start of the policy, making it obvious which forms of older people's housing are covered and that this includes both mainstream and specialist models. We propose:

"For the purposes of this policy, 'housing for older people' includes age restricted general market housing, retirement or sheltered housing, extra care housing and other specialist housing falling within Use Class C3 which is specifically designed and managed for older people."

We also ask that the reasoned justification confirms that housing for older people is treated as part of the mainstream housing mix for each settlement, including Edenbridge, and is not a bolt on or discretionary category.

Requested Change – H4(1)

- We ask that the Council define "housing for older people" at the start of H4 to include age restricted, sheltered or retirement and extra care C3 schemes, so there is no loophole over which policies apply.

- We ask that the Council confirm in the reasoned justification that housing for older people is part of the mainstream housing mix for each settlement, including Edenbridge, not a separate or optional category.

Regulation 19 soundness – H4(1)

- The policy is not sound because it is not effective. Using "retirement housing" in clause 1 and "older persons C3 accommodation" in clause 3 creates uncertainty over which schemes are covered, so the policy cannot be applied consistently.
- The policy is not sound because it is not justified. There is no evidence to support this blurred distinction when national policy expects clear and deliverable policies for older people's housing.

H4(1)(a) – evidence for older people's housing need

We agree that decisions on older people's housing must be based on proper evidence. The clause as drafted says proposals must reflect "the latest independent evidence" and that "alternative methods of assessment" will not be considered appropriate.

The terms "latest" and "independent" are not defined. This could allow the Council to rely on a single district level report while ignoring more recent, place based evidence for Edenbridge. The blanket statement that other methods "will not be considered appropriate" is heavy handed and risks shutting out robust local surveys or neighbourhood level evidence that follow good practice, even though national policy expects proportionate evidence from both strategic and local sources.

We therefore propose wording that requires up to date, proportionate and locally specific evidence and that positively recognises robust local surveys:

"Reflect up to date, proportionate and locally specific evidence on the housing needs of older people, including district wide assessments and any more detailed place based evidence for Edenbridge and other settlements, prepared in line with national planning practice guidance. Robust local housing needs surveys and other technical evidence which follow recognised good practice will be given significant weight."

We also expect the supporting text to explain how older persons' evidence will be updated for Edenbridge so that it actually runs to 2042.

Requested Change – H4(1)(a)

- We ask that the Council replace "the latest independent evidence" with wording that requires "up to date, proportionate and locally specific evidence," including place based evidence for Edenbridge.
- We ask that the Council delete the blanket sentence about "alternative methods of assessment…will not be considered appropriate" and instead state that robust local surveys and other technical evidence which follow good practice will be given significant weight.
- We ask that the Council confirm, in the supporting text, how it will update older persons' evidence for Edenbridge, so it actually runs to 2042.

Regulation 19 soundness – H4(1)(a)

- The policy is not sound because it is not positively prepared. The wording risks shutting out proportionate local evidence for Edenbridge, instead of enabling a full and realistic understanding of older people's needs at settlement level as required by national policy.
- The policy is not sound because it is not justified. There is no evidence that a blanket ban on "alternative methods of assessment" is necessary or appropriate. National guidance expects a mix of strategic and local data, not one rigid form of "independent" evidence.
- The policy is not sound because it is not effective. Without clear criteria for what counts as "latest" and "independent," different applicants and decision takers can reach different conclusions, undermining consistent decision making across Edenbridge and other settlements.
- The policy is not sound because it is not consistent with national policy in the December 2024 National Planning Policy Framework (NPPF), which expects proportionate, plan wide evidence of the needs of different groups, including older people, and for that evidence to inform policies and decisions rather than be narrowed to one preferred report.

H4(1)(b) – location and accessibility

We support the principle that older people's housing should be in locations with access to shops, healthcare, community facilities, and public transport. This is critical in a town like Edenbridge where some edge of settlement land is much less accessible on foot.

However, phrases such as "sustainably located," "well connected" and "easy access" are vague and do not reflect older people's day to day experience. For many residents, the difference between a flat, well-lit three hundred metre walk to the GP and a steep, poorly lit eight hundred metre route over a busy road is substantial. The draft policy does not mention gradients, safe crossings, footway quality, frequency of services or any maximum walking distances.

Without clearer tests, this wording could be used to justify older people's schemes in peripheral Edenbridge locations where car use is effectively essential, while other settlements keep schemes closer to facilities.

We therefore propose a more specific and measurable accessibility test tailored to older people:

"Be in locations where older people can reach shops, healthcare, community facilities and public transport by safe, step free and reasonably level walking routes, normally within four hundred to eight hundred metres of the site, with regular daytime public transport, and without needing to cross major roads without safe crossing facilities, unless it is clearly demonstrated that equivalent accessibility will be secured by other means."

Requested Change – H4(1)(b)

- We ask that the Council replace "sustainably located and well connected" with clear, measurable criteria based on safe, step free walking distances, gradients, and service quality, as set out in revised wording to H4(1)(b).

- We ask that the Council make clear that older people's housing should not be placed on car dependent peripheral sites in Edenbridge simply because they are available land, where access to health and town centre services would in practice be poor.
- We ask that the Council add supporting text explaining that for older people, accessibility means safe and level routes, frequent services and good lighting, not just simple distance as the crow flies.

Regulation 19 soundness – H4(1)(b)

- The policy is not sound because it is not effective. Phrases like "sustainably located" and "easy access" are too vague to be applied consistently, especially in a settlement like Edenbridge with steep and busy routes and therefore will not reliably produce genuinely accessible locations for older people.
- The policy is not sound because it is not justified. There is no evidence to show that these broad phrases are sufficient to secure appropriate locations for older residents over the plan period when more precise and widely used accessibility standards exist.
- The policy is not sound because it is not consistent with national policy, which expects safe and inclusive places for older people and decisions based on realistic assessments of accessibility, not generic wording that can be stretched to fit edge of town sites.

H4(1)(c) – local needs in villages and towns

We support the recognition that older people live in rural villages and that local housing needs surveys can justify village based schemes.

However, the clause only refers to rural villages. There is no equivalent wording confirming that up to date local evidence for Edenbridge will be treated in the same way, even though Edenbridge is one of the places where older people's housing is most likely to be delivered. The phrase "as agreed by the Council" also gives the authority a free veto over independent evidence without any test of reasonableness. "May be located" is weak and does not read as positive support.

We propose that the policy should be more positively phrased, should delete the veto and should clearly include Edenbridge and the other main settlements:

"Will be supported in rural villages, Edenbridge and other main settlements where an up to date Local Housing Needs Survey or other robust, independent evidence identifies a local need for housing for older people."

Requested Change – H4(1)(c)

- We ask that the Council delete the words "as agreed by the Council" so that robust, independent local evidence cannot be blocked simply because the authority does not like its conclusions.
- We ask that the Council replace "may be located" with "will be supported" to show clear positive support where a local need is evidenced.
- We ask that the Council extend this clause to Edenbridge and other main settlements, not just rural villages, so that place based evidence of need is treated equitably across the District.

Regulation 19 soundness – H4(1)(c)

- The policy is not sound because it is not positively prepared. Limiting explicit support for locally evidenced need to rural villages, and not to main settlements like Edenbridge, does not represent a balanced or positively prepared strategy for older people's housing.
- The policy is not sound because it is not justified. Giving the Council an undefined power to "agree" or disagree with independent evidence is not supported by national guidance on evidence based plan making and creates a risk that legitimate local needs evidence for Edenbridge will simply be set aside.
- The policy is not sound because it is not effective. Using "may be located" and restricting the clause to villages means it will not reliably deliver older people's housing in the places where need is strongest or most evidenced.

H4(1)(d) – HAPPI design principles

We strongly support reference to the HAPPI (Housing our Ageing Population Panel for Innovation) design principles. These are a recognised benchmark for good age friendly design in terms of space, light, accessibility, and shared spaces.

We are concerned however that the phrase "where possible" weakens the requirement and gives developers a simple way to pay lip service to HAPPI in a Design and Access Statement while setting aside inconvenient principles when cost or convenience push against them. There is no requirement to explain which principles have been applied or why any have been omitted.

We propose that HAPPI should be the default position, with clear explanation of any departures:

"Incorporate the HAPPI (Housing our Ageing Population Panel for Innovation) design principles appropriate to the scheme and explain in the Design and Access Statement where and why any principle has not been applied."

Requested Change – H4(1)(d)

- We ask that the Council remove the words "where possible" and instead require HAPPI principles to be followed unless clearly and specifically justified.
- We ask that the Council require Design and Access Statements for older people's housing in Edenbridge to set out how each relevant HAPPI principle has been addressed.

Regulation 19 soundness – H4(1)(d)

- The policy is not sound because it is not effective. Including HAPPI only "where possible" with no explanation requirement will not reliably secure HAPPI compliant design for older people's housing over the plan period.
- The policy is not sound because it is not consistent with national policy, which gives significant weight to good design and to meeting the needs of older people. Softening a key design framework to "where possible" undermines that objective.

H4(1)(e) – lifts in flatted developments

We support the requirement for accessible lifts in multi storey buildings, as this is essential for older residents.

However, the current wording "unless otherwise agreed by the Council" is very open ended and does not state the basis on which an exception could be allowed. In practice this wording invites viability arguments to remove lifts, even when homes are aimed at older people. In Edenbridge, where some sites may be tight and land values lower than in Sevenoaks, that phrase could be invoked more often, leaving older residents in less accessible buildings.

We propose a tighter wording that keeps the lift requirement firm and only allows exceptions where it is physically impossible to provide an accessible solution:

"Provide an accessible lift in all flatted developments of two or more storeys providing homes for older people. Exceptions will only be permitted where it is demonstrated that a lift cannot physically be provided and that equivalent step free access to all homes and shared facilities will be secured in another way."

Requested Change – H4(1)(e)

- We ask that the Council delete "unless otherwise agreed by the Council" and instead tightly define the limited circumstances where an exception to the lift requirement could be accepted.
- We ask that the Council make clear that financial viability alone will not justify removing lifts from older people's housing in Edenbridge or elsewhere.

Regulation 19 soundness – H4(1)(e)

- The policy is not sound because it is not effective. A broad "unless otherwise agreed" clause gives too much scope to remove lifts, undermining the basic accessibility that older people need.
- The policy is not sound because it is not consistent with national policy, which expects planning to create safe and accessible environments for older and disabled people. Allowing multi storey older people's housing without lifts is plainly inconsistent with that aim.

H4(1)(f) – outdoor space

We agree that access to outdoor space is vital for older people's physical and mental health. The current wording however simply requires "private and or communal outdoor space" without any standards for size, quality, sunlight, noise, or accessibility.

This would allow very poor outcomes in practice, for example a small, shaded hardstanding or a token balcony on a noisy road being presented as sufficient. There is also no explicit requirement that outdoor space be step free and usable by people with limited mobility.

Given national concern about cramped flats with poor outdoor space, the policy needs to be more specific here. We propose:

“Provide usable, step free private outdoor space for each home, such as a balcony, terrace or garden, and an accessible communal garden or terrace with seating and shade, of a size and quality that supports regular outdoor use by older residents.”

Requested Change – H4(1)(f)

- We ask that the Council strengthen this clause so that outdoor space for older people is required to be usable, step free and of sufficient size and quality, not just a token balcony or hardstanding.
- We ask that the Council require communal outdoor spaces in Edenbridge schemes to include seating, shade, and accessible routes so that they genuinely support older residents’ wellbeing.

Regulation 19 soundness – H4(1)(f)

- The policy is not sound because it is not effective. Without any standard for size, quality, or accessibility, it cannot guarantee the decent outdoor space older people need and so will not deliver the intended health and wellbeing benefits.
- The policy is not sound because it is not consistent with national policy, which highlights the need for high quality, well designed housing environments and has been critical of cramped flats lacking decent outdoor space.

H4(1)(g) – sustainability and climate resilience

We support the recognition that older people are more vulnerable to climate impacts and fuel poverty, and that homes for older people should respond to that.

The clause in its current form refers to “high quality homes built to high sustainability standards with built in resilience to climate change and fuel poverty” but does not define what “high quality” or “high sustainability standards” mean. There is no mention of specific issues that affect older people such as overheating, winter cold or flood risk, which are particularly relevant in parts of Edenbridge.

Without a link to clear standards or assessments this clause is hard to use in decision making and easy to gloss over. We propose wording that ties the requirement to recognised standards and to clear outcomes for older residents:

“Provide homes for older people which, as a minimum, meet or exceed current national standards for energy efficiency and overheating, and which demonstrate through an Energy and Sustainability Statement how the design will minimise overheating and fuel poverty risks and respond to site specific climate risks, including flood risk where relevant.”

Requested Change – H4(1)(g)

- We ask that the Council define what is meant by “high sustainability standards” in terms of current national standards on energy efficiency and overheating and require an Energy and Sustainability Statement for older people’s schemes.
- We ask that the Council explicitly require older people’s housing in Edenbridge to address local climate risks, including flooding and overheating, given the vulnerability of older residents.

Regulation 19 soundness – H4(1)(g)

- The policy is not sound because it is not effective. Generic wording on "high quality" and "high sustainability standards" cannot be measured or enforced, so it will not reliably deliver resilient homes for older people.
- The policy is not sound because it is not justified. The Council has not set out why no specific standards or assessment tools are referenced, despite national policy emphasis on climate change mitigation and adaptation.
- The policy is not sound because it is not consistent with national policy, which expects plans to take a proactive approach to climate change and to ensure that new development is safe and resilient, especially for vulnerable groups such as older people.

H4(2) – requirement for older people's units on larger sites

We support in principle the integration of older people's housing within larger developments. This can help create mixed communities in Edenbridge instead of isolated clusters.

However, the wording that developments of fifty or more dwellings "will be expected to provide units for older people" is weak and non-binding. There is no indication of the proportion that should be provided. On a large Edenbridge site this could amount to a single token unit. The phrase "in appropriate locations subject to the criteria above" also creates an easy escape route for developers, who can argue that their particular scheme is not "appropriate" for older people while still providing large numbers of market homes.

We are particularly concerned that the clause excludes "hundred percent affordable housing schemes" from the requirement, even though older low income residents are among those most at risk from poor housing and fuel poverty.

If most developments over fifty units are around Edenbridge, this threshold risks funnelling a very high share of older people's housing into our town without any clear settlement level strategy or evidence that this is a sustainable pattern.

We therefore propose a stronger and quantified requirement applied to all larger schemes:

"On residential developments of fifty or more dwellings, a proportion of homes for older people, reflecting their share of overall housing need in the latest district wide assessment and relevant Local Housing Needs Surveys, will be required. This requirement will apply to mixed tenure and hundred percent affordable housing schemes alike, unless robust, up to date local evidence clearly demonstrates no need for older people's housing in that settlement. Provision on smaller sites will also be supported where it contributes to meeting identified local need."

Requested Change – H4(2)

- We ask that the Council replace "will be expected to provide" with a clear requirement that developments of fifty or more dwellings must provide a proportion of homes for older people reflecting their share of identified housing need.
- We ask that the Council delete the exemption for "hundred percent affordable housing schemes" so that older people on lower incomes in Edenbridge and elsewhere are not excluded from this policy.

- We ask that the Council remove the "in appropriate locations subject to the criteria above" caveat, which provides an unnecessary loophole for large schemes to argue away their obligations for older people's housing.

Regulation 19 soundness – H4(2)

- The policy is not sound because it is not positively prepared. By making provision only an "expectation," exempting hundred percent affordable schemes and giving a broad "appropriate locations" caveat, the policy does not ensure that the identified needs of older people will actually be met over the plan period, especially in settlements like Edenbridge where large schemes are proposed.
- The policy is not sound because it is not justified. There is no clear evidence to support a fifty unit threshold without any minimum proportion, nor the decision to exempt hundred percent affordable schemes from providing older people's housing.
- The policy is not sound because it is not effective. Without a clear quantum or firm wording this requirement is likely to be inconsistently applied and easily negotiated away, making delivery uncertain.
- The policy is not sound because it is not consistent with national policy, which expects the housing needs of older people to be properly assessed and reflected in policies across all tenures, not treated as an optional add on that can be set aside on most schemes.

H4(3) – relationship to housing requirement and affordable housing

We support the explicit statement that older persons C3 accommodation counts towards the District's overall housing need and triggers Policy H2 on affordable housing. This rightly prevents developers arguing that retirement housing should be exempt.

However, the clause says nothing about Class C2 older people's schemes, such as some extra care or care led models. This creates a clear incentive to badge schemes as C2 in order to avoid contributing to housing numbers or to affordable housing. It also does not state that the affordable housing secured on older people's schemes should itself be suitable for older occupiers. In Edenbridge this could result in private retirement blocks for older residents alongside generic affordable units for younger households, leaving the affordable need of older people unmet.

We therefore ask the Council to clarify the treatment of both C3 and C2 schemes and to ensure that affordable provision on older people's schemes is targeted at older residents. We propose:

"Development proposals for housing for older people falling within Use Class C3 will count in full towards the District's overall housing requirement and will be required to provide affordable housing in accordance with Policy H2. The affordable housing secured on schemes which are primarily for older people should itself be designed and reserved for older occupiers unless robust local evidence shows that a different mix would better meet identified needs. For specialist housing for older people falling within Use Class C2, the Council will seek an appropriate contribution towards meeting the identified need for affordable older persons housing, having regard to viability."

Requested Change – H4(3)

- We ask that the Council make clear that the affordable housing provided under H2 on older people's schemes in Edenbridge will normally be for older people, so that the specific affordable needs of older residents are addressed, not just the general affordable target.
- We ask that the Council add wording so that specialist older people's housing falling within Use Class C2 also makes an appropriate contribution towards meeting identified affordable older persons housing need, subject to viability.

Regulation 19 soundness – H4(3)

- The policy is not sound because it is not positively prepared. By only addressing C3 and saying nothing about C2 older people's housing, it leaves a gap where a significant part of provision could make no contribution towards either housing numbers or affordable need.
- The policy is not sound because it is not justified. No evidence is given to support excluding C2 older people's housing from contributing to identified affordable older person's needs.
- The policy is not sound because it is not effective. Without a requirement that the affordable housing on older people's schemes is itself suitable for older people, the policy may fail to deliver the type and tenure of housing that older residents in Edenbridge actually need.
- The policy is not sound because it is not consistent with national policy, which expects the specific housing needs of older people to be assessed and addressed across tenures, not to be left unmet while generic affordable units are provided.

Overall impact on Edenbridge

As drafted H4 risks funnelling a high share of older people's housing into larger Edenbridge sites while soft wording and loopholes on evidence, location, design, and affordable provision could leave older Edenbridge residents with less accessible, less affordable and less climate resilient homes than those in other settlements.

NEDRA (New Edenbridge District Residents' Association)

Chapter 2 Response

NEDRA Disagree

Policy H5

H5(1) Intro

We understand that H5(1) says Build to Rent schemes must meet the extra criteria in Policy H5 as well as the general housing mix requirements in Policy H1. We welcome the principle that Build to Rent is not treated as a separate world and should still deliver an appropriate mix of homes, rather than defaulting to small units only. However, we are concerned that there is a real risk of conflict between H1, which may call for more family housing with three bedrooms or more, and H5(1)(c), which pushes one and two bedroom units for affordable Build to Rent. A developer could argue that H5 silently overrides H1 for Build to Rent. The policy does not explain what should happen where the Build to Rent sub market mix, which is often smaller flats, clashes with the wider Edenbridge need for family housing identified in the evidence base. We therefore want the Plan to be clear that Build to Rent schemes in Edenbridge must still help deliver the overall mix of homes that the evidence shows is needed for the town over the plan period, rather than being allowed to erode that mix.

Suggested wording

We propose that H5(1) is amended as follows, with additional wording shown as a new sentence:

"Proposals for Build to Rent schemes are required to meet the following technical and design criteria, in addition to the criteria set out in Policy H1 Housing Mix. For the avoidance of doubt, Build to Rent schemes are not exempt from the requirements of Policy H1 and must demonstrate that the overall mix of dwelling sizes in Edenbridge continues to meet identified local needs over the plan period."

Requested Change

1. We request that the Council add wording to H5(1) to confirm that Build to Rent schemes are not exempt from Policy H1 and must still deliver a mix of homes that meets identified needs in Edenbridge.
2. We request that the Council require applicants to explain clearly how their Build to Rent proposals sit alongside Policy H1 and the Edenbridge specific housing evidence.

Regulation 19 soundness and legal points

1. The policy is not sound because it is not effective. Without clear wording on how Policies H1 and H5 interact, decision makers and developers are left to negotiate the housing mix on a case by case basis, which risks inconsistent decisions and appeals.

2. The policy is not sound because it is not justified. The plan does not explain why Build to Rent should potentially depart from the Edenbridge housing mix evidence, contrary to the expectation that policies are based on proportionate evidence and form a coherent framework.

H5(1)(a) Location

We understand that H5(1)(a) restricts Build to Rent to sites within the built up areas of Sevenoaks, Swanley and Edenbridge, on the basis that these are sustainably located and well connected with good access to shops, facilities, and public transport. We welcome the fact that Edenbridge is explicitly included so we are not shut out of any potential benefits of better quality professionally managed renting. We also support limiting Build to Rent to build up areas, which should help avoid speculative Build to Rent blocks on the edge of villages or in the countryside. Our concern is that "built up areas" are not defined in this clause. If this is only shown on the Policies Map, it should be cross referenced or it becomes fuzzy at the edges in Edenbridge. The text simply asserts that all three towns are sustainably located and well connected. In practice, Edenbridge has weaker public transport and more car dependence than Sevenoaks, so dense Build to Rent in the wrong place could increase car traffic and parking pressure on local streets. There is no requirement for the developer to demonstrate good walking, cycling and bus access for their specific site in Edenbridge, even though this is a material planning consideration.

Suggested wording

We propose that H5(1)(a) is amended as follows:
"a. Be within the defined built up areas of Sevenoaks, Swanley and Edenbridge as shown on the Policies Map, and demonstrate that the specific site has safe and convenient access by walking, cycling and public transport to shops, community facilities and services appropriate to the needs of future occupiers."

Requested Change

1. We request that the Council amend H5(1)(a) to refer explicitly to the built up areas "as shown on the Policies Map" to avoid ambiguity at the edges of Edenbridge.

2. We request that the Council require applicants in Edenbridge to demonstrate safe and convenient walking, cycling and public transport access to key services, rather than assuming the town is automatically well connected.

Regulation 19 soundness and legal points

1. The policy is not sound because it is not effective. Without a clear link to mapped built up area boundaries and a requirement for site specific access assessment, it does not provide a robust framework for decision making and could lead to disputes over whether a site is within the built up area.

2. The policy is not sound because it is not positively prepared and not consistent with national policy. It relies on a blanket statement that Edenbridge is well connected without requiring proper assessment of sustainable transport options for specific sites, which undermines the plan's ability to support genuinely sustainable patterns of development.

H5(1)(b) Definition

We understand that H5(1)(b) says Build to Rent schemes must follow the national definition, including single ownership and management and tenants being able to take at least a three year

tenancy. We support the principle, as it helps stop ordinary buy to let blocks or student blocks being labelled Build to Rent just to sidestep affordable housing or design expectations. A minimum three year tenancy is also positive for renters who want stability, including families in Edenbridge.
However, the clause does not spell out that tenants must be offered a longer tenancy but are free to choose shorter, which is usually how national policy approaches this. It also says nothing about management standards, responsiveness to repairs or on site management, which are central to the Build to Rent offer and matter to neighbours in Edenbridge.

Suggested wording
We propose that H5(1)(b) is amended as follows:
"b. Meet the definition of Build to Rent as set by national policy, including single ownership and management, with tenants offered the option of a minimum three year tenancy, and robust on site or easily accessible management arrangements."

Requested Change

1. We request that the Council amend H5(1)(b) to clarify that tenants must be offered the option of a three year tenancy, rather than this simply being an average.

2. We request that the Council include a clear expectation of robust management arrangements for Build to Rent schemes, so that impacts on neighbouring residents in Edenbridge can be properly controlled.

Regulation 19 soundness and legal points

1. The policy is not sound because it is not fully effective. Without explicit expectations about the tenancy offer and management standards, the policy does not provide a clear framework for securing the benefits of Build to Rent and managing potential impacts on local communities.

H5(1)(c) Affordable housing in Build to Rent
We understand that H5(1)(c) requires Build to Rent schemes to provide twenty percent on site affordable homes as one and two bedroom Affordable Private Rent at up to eighty percent of market rent including service charges, with nomination rights to the Council. It also says the Council may seek some of that as Social Rent or another tenure depending on local needs and viability. We welcome the requirement for on-site affordable homes rather than a financial contribution and support securing nomination rights for the Council, which in principle could help Edenbridge households into these homes.
Our concern is that the twenty percent figure appears to undercut the headline affordable housing requirements in Policy H2 for other kinds of development, without any clear justification in H5. That risks Build to Rent getting a discount compared with other schemes in Edenbridge. The clause only talks about one and two bedroom affordable homes, which risks ignoring family needs, older people and disabled residents who may need larger or more adaptable homes. The phrase "where appropriate, the Council may seek" is soft and optional, so there is no clear hook to secure any Social Rent or truly affordable tenures in Edenbridge, despite high local need. Capping rent at eighty percent of open market value including service charges does not guarantee affordability in a high cost district and is not tied to local incomes or Local Housing Allowance.

Suggested wording
We propose that H5(1)(c) is strengthened as follows:
"c. Provide at least 20 percent of units as on site affordable housing in the form of Affordable Private Rent and Social Rent, to be counted towards and not below the overall affordable housing requirement in Policy H2. The tenure mix, including a meaningful proportion of Social Rent, and the mix of dwelling sizes shall be agreed with the Council, having regard to up to date local housing needs evidence for the relevant settlement and scheme specific viability, with rents for Affordable Private Rent capped at the lower of 80 percent of open market rent and the relevant Local Housing Allowance, inclusive of service charges, and with full nomination rights to the Council."

Requested Change

1. We request that the Council state clearly that the twenty percent affordable requirement for Build to Rent is a minimum and counts towards, and not instead of, the affordable housing requirement in Policy H2.

2. We request that the Council secure a meaningful proportion of Social Rent within Build to Rent schemes and allow a mix of dwelling sizes, based on up to date local needs in Edenbridge.

3. We request that the Council link Affordable Private Rent levels to the lower of eighty percent market rent and Local Housing Allowance, inclusive of service charges, to help ensure rents are genuinely affordable to local households.

Regulation 19 soundness and legal points

1. The policy is not sound because it is not justified and not positively prepared. It appears to set a lower affordable housing requirement for Build to Rent than for other forms of housing without explaining why this is appropriate in a high pressure district, nor how it will meet identified affordable housing needs, including in Edenbridge.

2. The policy is not sound because it is not effective. The use of phrases such as "may seek" and "where appropriate" provides no firm basis for securing Social Rent or a suitable size mix and will lead to inconsistent decisions and negotiation led outcomes.

3. The policy is not sound because it is not consistent with national policy, which expects plans to meet objectively assessed needs for affordable housing and create mixed and balanced communities. Prioritising small Affordable Private Rent units at up to eighty percent market rent risks failing to meet the needs of lower income households and families in Edenbridge.

H5(1)(d) Quality and sustainability
We understand that H5(1)(d) says Build to Rent schemes must be high quality, built to high sustainability standards, resilient to climate change and fuel poverty, and contribute to tackling climate change. We welcome the clear signal that Build to Rent in Edenbridge should not be poor quality and should help reduce energy bills and carbon emissions. The reference to fuel poverty is particularly welcome, given rising energy costs.

However, “high quality” and “high sustainability standards” are vague and subjective without any reference to measurable standards or the plan’s own climate policies. There is no requirement to link this to specific local standards, such as any local net zero or energy efficiency policies elsewhere in the plan. That makes it hard to apply in decisions and appeals.

Suggested wording
We propose that H5(1)(d) is amended to tie it directly to measurable standards and the climate policies:
“d. Provide high quality homes built to high sustainability standards that meet or exceed the requirements of the Council’s climate change and energy policies, with built in resilience to climate change and fuel poverty through very high energy efficiency and low carbon heating, thereby contributing demonstrably towards addressing the challenge of climate change.”

Requested Change

1. We request that the Council link H5(1)(d) explicitly to the Local Plan’s climate change and energy policies and to measurable energy efficiency and carbon performance standards.

2. We request that the Council require developers to show how their Build to Rent schemes in Edenbridge will reduce the risk of fuel poverty through very low energy demand and low carbon heating.

Regulation 19 soundness and legal points

1. The policy is not sound because it is not effective. Broad phrases such as “high quality” and “high sustainability standards” without clear links to specific policies or standards will be difficult to apply consistently and are vulnerable at appeal.

2. The policy is not sound because it is not clearly consistent with national policy, which expects plans to provide a clear framework for securing climate change mitigation and adaptation. Cross referencing the plan’s own climate policies would make this clause more coherent.

H5(2) Large sites and Build to Rent
We understand that H5(2) says that on any scheme of one hundred or more homes in the built up areas of the three towns, unless it is one hundred percent affordable housing, developers are expected to include some Build to Rent units, where appropriate and viable, following the criteria above. Smaller sites are also encouraged to include Build to Rent. We recognise that this is trying to secure a mix of tenures on larger sites rather than leaving Build to Rent to happen only in one or two locations, and that it recognises one hundred percent affordable housing schemes as a special case.
Our concern is that “expected to provide” combined with “where appropriate and viable” is very loose. It gives no indication of how many Build to Rent units are expected or what “appropriate” means. This is not a clear development management test. The clause also gives no evidence that Build to Rent is actually needed or viable to the same extent in Sevenoaks, Swanley and Edenbridge. Because Edenbridge has more large allocations, the town could end up carrying a disproportionate share of Build to Rent blocks simply because the land supply allows it, not because local rental need is greatest. The clause could be used to push large investor owned Build to Rent blocks onto big Edenbridge sites, potentially at the expense of more traditional

market and affordable housing that better meet local needs. There is no safeguard that Build to Rent on large Edenbridge sites will not reduce overall affordable housing contributions or undermine mixed and balanced communities.

Suggested wording

We propose that H5(2) is rewritten so that Build to Rent on large sites is properly evidence based, with a clear proportion and a safeguard for affordable housing and local needs:
"2. On schemes of 100 units or more, other than 100 percent affordable housing schemes, within the defined built up areas of Sevenoaks, Swanley and Edenbridge, the Council will seek the inclusion of Build to Rent homes where a settlement specific assessment demonstrates unmet need for professionally managed private rented housing and where their inclusion would not reduce the overall amount or quality of affordable housing required by Policy H2. Where such need and viability are demonstrated, at least 20 percent of units should be delivered as Build to Rent, subject to scheme specific viability testing. In Edenbridge, the proportion and location of Build to Rent units must be justified against local housing needs and the objective of maintaining a balanced community."

Requested Change

1. We request that the Council rewrite H5(2) so that Build to Rent on large sites is only required where settlement specific evidence shows unmet demand for this tenure and where it does not reduce affordable housing required by Policy H2.

2. We request that the Council specify a clear starting point proportion for Build to Rent on qualifying sites, rather than leaving this entirely open to negotiation.

3. We request that the Council include explicit wording that in Edenbridge, Build to Rent proportions must be justified against local housing needs and the need to maintain a balanced community, so that Edenbridge does not become a default location for large investor owned blocks.

Regulation 19 soundness and legal points

1. The policy is not sound because it is not justified. It provides no clear evidence that Build to Rent is equally needed or viable in Sevenoaks, Swanley and Edenbridge, nor that a blanket expectation on all schemes of one hundred units or more is the best way to meet local rental needs.

2. The policy is not sound because it is not effective. Phrases such as "expected to provide," "where appropriate and viable" and "encouraged" do not give a clear steer on the proportion, distribution, or circumstances in which Build to Rent should be included, and this leads to uncertainty for both applicants and communities.

3. The policy is not sound because it is not fully consistent with national policy, which expects plans to provide a clear framework for decision making and to support mixed and balanced communities. Without safeguards, there is a risk of over concentration of Build to Rent on large Edenbridge sites, undermining community balance, and affordable housing delivery.

Edenbridge impact

As drafted, Policy H5 could encourage substantial Build to Rent provision on large Edenbridge sites on softer and less demanding terms than other housing, without clear evidence of local need or strong safeguards on affordability and balance, so Edenbridge risks absorbing a disproportionate share of investor led rental blocks while not necessarily getting homes that best match local needs.

NEDRA (New Edenbridge District Residents' Association)

Chapter 2 Response

NEDRA Disagree

<u>Policy H6</u>

H6(1): Overall requirement for smaller sites

As residents, we understand this clause to mean that any housing scheme on a smaller qualifying site (up to 1 hectare) must satisfy the technical and design criteria set out in parts (a) to (d), alongside the rest of the Local Plan.

We welcome the recognition that smaller sites are important and need their own safeguards, not just the big allocations.

We also welcome having a clear hook policy for smaller sites, which will be useful in day to day decision making and on appeal.

We are concerned that qualifying sites is not defined in the policy, which will invite arguments about whether or not H6 applies to a given scheme.

Defining small only by site area (1 hectare), and not by dwelling numbers or the local context, is problematic in a town like Edenbridge where the effects of development can be very different between backland infill and town centre redevelopment.

There is no reference to cumulative impact, so Edenbridge could face a long stream of small permissions that add up to major growth without clear infrastructure safeguards.

We consider the opening sentence should be clarified and strengthened, for example:

The Council should state: "Proposals for new housing development on smaller sites (defined for the purposes of this policy as sites of no larger than one hectare and yielding fewer than 50 dwellings) will be required to meet the following technical and design criteria in addition to all other relevant policies in this Plan. In assessing proposals, the Council will also have regard to the cumulative impact of smaller site permissions within each settlement, including Edenbridge."

Requested Change: H6(1)

We ask that the Council clearly define qualifying sites in the policy, including both site area and indicative dwelling numbers.

We ask that the Council add an explicit requirement to consider the cumulative impact of multiple smaller sites on a settlement's services, traffic and character, including in Edenbridge.

We ask that the Council confirm that H6 operates in addition to, and not instead of, other policies, by adding this wording into the opening sentence.

Regulation 19 soundness and legal points: H6(1)

The evidence is not sound because the policy is not effective. The term qualifying sites is undefined, which will lead to inconsistent decisions and appeals.

The evidence is not sound because the policy is not justified. It does not explain or evidence why 1 hectare is the only relevant threshold, and it does not recognise the cumulative impact of numerous smaller permissions on a settlement such as Edenbridge.

The evidence is not sound because the policy is not fully consistent with national policy, as the National Planning Policy Framework (NPPF) expects local plans to provide clear, unambiguous policies that support the delivery of small sites while protecting local character and infrastructure. The current wording does not provide that clarity.

H6(1)(a): Best and most efficient use, higher densities, and healthy spaces

We understand this clause to mean that small site schemes must make good use of the land, including using higher densities where that fits the location, and that they should help create healthy, well connected places. It cross refers to density policy H7.

We support the recognition that density needs to be thought about properly, and that simply defaulting to low density sprawl is not the answer.

We welcome the reference to healthy spaces and connectivity, which in principle should help support safe walking and cycling in a town like Edenbridge.

We are worried that best and most efficient use will be read by developers as the highest number of units possible, even where that harms townscape, gardens, parking, daylight, or local character in Edenbridge.

We consider higher densities where appropriate to be too open ended, because it does not explain what appropriate means in practice. For example, whether that applies near the station, in the town centre, or in sensitive backland plots.

The phrase healthy spaces with improved connectivity is pleasant but undefined, with no reference to minimum private or communal open space, play space, walking and cycling links, or avoiding car dominated layouts.

There is no explicit requirement that density must respect the character, infrastructure capacity, and parking conditions in each settlement, even though these are already sensitive issues in Edenbridge.

We believe this clause should be tightened so that density is balanced properly against character, amenity, and infrastructure, for example:

The Council should state: “The proposal demonstrates that it makes the best and most efficient use of land, in line with Policy H7 (Housing Density and Intensification), by optimising rather than maximising density. Higher densities will only be supported where they:

- are consistent with the established character, townscape, and heritage of the surrounding area, including in Edenbridge
- provide adequate private and communal amenity space and on site open space
- are supported by safe and direct walking and cycling connections to local facilities and public transport; and
- can be accommodated by local infrastructure, including parking, without causing severe residual effects.”

Requested Change: H6(1)(a)

We ask that the Council replace best and most efficient use with optimising density having regard to character, amenity and infrastructure capacity, to avoid a cram in as many units as possible interpretation.

We ask that the Council define higher densities where appropriate by linking it to clear criteria on character, amenity, parking, and infrastructure, with explicit reference to conditions in Edenbridge.

We ask that the Council define healthy spaces with improved connectivity to include minimum private and communal open space standards and safe walking and cycling links to key facilities in Edenbridge.

Regulation 19 soundness and legal points: H6(1)(a)

The evidence is not sound because the policy is not effective. It relies on vague phrases such as best and most efficient use and higher densities where appropriate, which will not give decision makers or applicants a consistent basis for judging proposals on smaller sites in Edenbridge.

The evidence is not sound because the policy is not justified. There is no evidence in the Plan to show how appropriate density levels have been calibrated for different settlements, including Edenbridge's more constrained streets and parking pressures.

The evidence is not sound because the policy is not fully consistent with the NPPF, which expects plans to promote the efficient use of land while safeguarding and improving the environment and ensuring safe and healthy living conditions. Without clearer criteria on amenity, open space and infrastructure, this balance is not secured.

H6(1)(b): Meeting development needs and mix of homes

We understand this clause to mean that each small site scheme should respond to the identified housing needs and help deliver a mix of different home types and sizes.

We welcome the recognition that smaller sites should contribute to the overall mix of homes and not just produce generic two and three bed market houses.

This clause gives a useful basis to argue for more smaller, accessible, and affordable homes where the evidence for Edenbridge supports that.

We are concerned that identified development needs is not defined. It is unclear whether this means district wide needs, Edenbridge specific evidence, or up to date local surveys.

There is no explicit link to affordable housing need, specialist housing such as for older persons, or rented tenures, so the requirement could be met by delivering only market units in a mix of sizes.

Without a clear reference to current, disaggregated evidence, developers will be able to cherry pick whichever evidence supports their scheme and still claim that it contributes towards needs.

We consider this clause should be anchored in up to date, settlement specific evidence, including tenures, for example:

The Council should state: "The proposal meets up to date, evidenced housing needs, including those identified for Edenbridge in the Council's housing needs and place making evidence, and contributes towards the delivery of an appropriate mix of types, sizes and tenures of new homes, including affordable housing, in accordance with Policies H1 and H2."

Requested Change: H6(1)(b)

We ask that the Council define identified development needs as up to date, disaggregated evidence of housing need, including for Edenbridge, as set out in the Council's evidence base.

We ask that the Council explicitly require schemes on smaller sites to help deliver the right mix of tenures, including affordable homes, and not just a variety of market house sizes.

We ask that the Council cross refer to Policies H1 and H2 so that smaller sites in Edenbridge cannot be treated as exempt from mix and affordable housing expectations.

Regulation 19 soundness and legal points: H6(1)(b)

The evidence is not sound because the policy is not justified. It does not specify what evidence of identified development needs will be relied upon, nor how this will be updated over the plan period for different settlements, including Edenbridge.

The evidence is not sound because the policy is not effective. It fails to give clear direction to developers or decision makers on how the mix of homes on smaller sites will be assessed against local need.

The evidence is not sound because the policy is not fully consistent with the NPPF, which requires plans to address the size, type and tenure of housing needed for different groups in the community. Without clear wording on tenures and up to date evidence, this requirement is weakened.

H6(1)(c): Loss of employment, retail or community uses

We understand this clause to mean that where a small housing scheme involves losing employment space, shops, or community facilities, that loss must be well justified, and those uses should be replaced where necessary.

We strongly support the recognition that housing should not automatically displace jobs, shops, and community facilities, which are vital to the functioning and character of Edenbridge.

This clause provides at least a starting point to challenge proposals that would simply convert everything into flats or houses.

We are worried that robustly evidenced is not defined. Without clear tests, this risks becoming a tick box exercise rather than a genuine safeguard.

We find 'reprovided where required' very weak, because it is unclear who decides when reprovision is required, and whether it must be in the same settlement and of equivalent quality, floorspace and accessibility.

There is no presumption against the loss of already limited employment, retail, or community floorspace in smaller towns like Edenbridge, which leaves us more exposed than larger centres that may have a wider range of provision and stronger market protection.

We consider the protection should be strengthened and the tests made explicit, for example:

The Council should state: “Proposals involving the loss of existing employment, retail or community uses will only be supported where it is demonstrated that:

- the use is no longer needed or viable, evidenced through at least 12 months of active marketing at a realistic price and proportionate viability evidence; and
- equivalent or better provision in terms of type, quantity, quality and accessibility is made within the same settlement, including Edenbridge, prior to the loss taking place.
  In the absence of such evidence and reprovision, the loss of employment, retail or community uses will be resisted.”

Requested Change: H6(1)(c)

We ask that the Council replace robustly evidenced with a clear test, including minimum marketing periods, realistic pricing, and viability evidence, before any loss of employment, retail or community uses is accepted in Edenbridge.

We ask that the Council replace ‘reprovided where required’ with a requirement for equivalent or better reprovision in the same settlement, secured before the existing use is lost.

We ask that the Council include a presumption against the loss of such uses in smaller towns such as Edenbridge, where provision is already limited and more vulnerable.

Regulation 19 soundness and legal points: H6(1)(c)

The evidence is not sound because the policy is not effective. It relies on vague concepts like robustly evidenced and where required, which will not reliably protect Edenbridge’s limited supply of jobs space, shops, and community facilities.

The evidence is not sound because the policy is not justified. There is no evidence explaining how the Council will judge when reprovision is required, or why equivalent reprovision in the same settlement is not mandated.

The evidence is not sound because the policy is not fully consistent with the NPPF, which expects plans to guard against the unnecessary loss of valued facilities and services, particularly in smaller settlements. Without stronger wording, H6(1)(c) does not secure that outcome in Edenbridge.

H6(1)(d): High quality, sustainable homes, climate change, and fuel poverty

We understand this clause to mean that homes on smaller sites must be high quality, highly sustainable, and designed to cope with climate change while helping to reduce fuel poverty, in line with the Council’s climate commitments.

We welcome the explicit reference to climate change and fuel poverty, which is important both for the environment and for the cost of living in Edenbridge.

We support the expectation that even small sites must meet strong sustainability standards, and not simply do the minimum.

We are concerned that high sustainability standards is not defined. There is no reference to measurable standards such as the Future Homes Standard, fabric first targets, on site renewables or overheating design.

The phrase built in resilience to climate change and fuel poverty is very broad and could be interpreted lightly, for example as limited to electric vehicle charging and cycle parking rather than real performance.

Without a clear link to a dedicated climate or energy policy in the Plan, there is a risk that this clause is treated as aspirational rather than as a firm, enforceable requirement.

We consider that this clause should be tied to specific measurable standards and the wider climate policies, for example:

The Council should state: “Provides high quality homes built to high environmental and energy performance standards, including fabric first design, minimising operational energy demand and addressing overheating risk, in accordance with Policy [Climate or Energy Policy]. All new homes on smaller sites shall be designed to reduce the risk of fuel poverty, for example through very good insulation, airtightness, and efficient, low carbon heating, and shall demonstrate built in resilience to climate change, including increased temperatures and flood risk.”

Requested Change: H6(1)(d)

We ask that the Council define high sustainability standards in terms of measurable energy and environmental performance, including fabric first design and low carbon heating, and cross refer to the Plan’s climate or energy policy.

We ask that the Council require applicants on smaller sites in Edenbridge to demonstrate, as part of their planning applications, how their designs will reduce fuel poverty risks for future residents.

We ask that the Council clarify that resilience to climate change includes managing overheating and local flood risk, both of which are material considerations for Edenbridge.

Regulation 19 soundness and legal points: H6(1)(d)

The evidence is not sound because the policy is not effective. It uses general language about high sustainability standards and resilience without specifying how these are to be measured or enforced.

The evidence is not sound because the policy is not fully justified. The Plan does not set out the specific standards or evidence base for what is meant by high sustainability on smaller sites, nor how this interacts with viability on such sites in Edenbridge.

The evidence is not sound because the policy is not fully consistent with the NPPF, which requires plans to take a proactive approach to mitigating and adapting to climate change by setting out clear policies that shape places in ways which contribute to radical reductions in greenhouse gas emissions. Without clearer standards and cross references, H6(1)(d) risks being treated as aspirational rather than a firm requirement.

Edenbridge Impact

As currently drafted, H6 would allow high density, housing led redevelopment of smaller sites in Edenbridge with weak safeguards on cumulative impacts, loss of local jobs and shops, and real world climate and fuel poverty performance, leaving the town more exposed than larger settlements with stronger policy hooks.

NEDRA (New Edenbridge District Residents' Association)

Chapter 2 Response

NEDRA Disagree

Policy H7

H7(1)

'Housing proposals for new housing development should explore the opportunities to achieve higher densities.'

This clause is a general push for all new housing schemes to look for ways to build at higher densities than now, so more homes per hectare across the district, including in Edenbridge.

What is good

It reflects the National Planning Policy Framework aim to make efficient use of land rather than sprawl endlessly into the countryside.

In principle it can support brownfield regeneration and reduce pressure on the Green Belt and surrounding countryside.

What is vague or risky

The phrase 'should explore the opportunities' is woolly and sounds like a tick box exercise, not a firm design led requirement.

There is no reference at all to infrastructure capacity, including roads, schools, GP surgeries, sewers, or flood risk, which is a major issue in Edenbridge.

It encourages 'higher densities' everywhere without saying 'higher than what' and without tying this to local character, heritage, views, flood plains, or townscape in Edenbridge.

It can be read, especially alongside H7(2), as a blanket presumption that higher density is always better, which is not how the National Planning Policy Framework frames the effective use of land.

What to Change

We consider that H7(1) should be replaced with clearer and more balanced wording as follows.

'Proposals for new housing development must demonstrate that they make efficient use of land, including consideration of higher densities where appropriate, through a design led approach that safeguards local character and heritage assets, landscape setting, flood risk and the capacity of local infrastructure and services.'

Requested Change H7(1)

- We ask that the Council replace 'should explore the opportunities to achieve higher densities' with a clear design led requirement tied to character, heritage, landscape, flood risk, and infrastructure capacity.
- We ask that the policy explicitly recognises that higher densities will not be appropriate in every location, including sensitive parts of Edenbridge.
- We ask that the supporting text refers to settlement specific work for Edenbridge on character and capacity when applying this clause.

Regulation 19 soundness and arguments H7(1)

The policy is not sound because it is not justified. It pushes higher densities in principle but does not explain how this will be calibrated to the very different contexts of Sevenoaks, Swanley and Edenbridge, or to infrastructure and flood constraints.

The policy is not sound because it is not effective. A vague duty to 'explore' higher densities is not a clear development management tool and will fuel arguments at application stage rather than provide certainty.

The policy is not sound because it is not consistent with national policy. The National Planning Policy Framework expects efficient use of land but emphasises design led decisions, local character, heritage, and infrastructure capacity. This clause omits those anchors and so risks being applied as 'more units at any cost'.

H7(2) introductory sentence

'Proposals are expected to adhere to the following guidelines, where they can be achieved without a detrimental impact on local character or amenity:'

This introductory sentence brings in a set of density bands and says schemes are expected to adhere to them unless doing so would harm local character or amenity.

What is good

It recognises that character and amenity matter and that densities must be tested against them.

It attempts to give a structured approach so that density is not completely arbitrary.

What is vague or risky

The phrase 'expected to adhere' sits awkwardly with 'guidelines' and is likely to be argued as a near mandatory density standard in appeals.

The safeguard is narrow. It only mentions local character or amenity and ignores heritage, landscape, townscape, flood risk, biodiversity, parking, highways, and infrastructure capacity, all of which are material planning considerations for Edenbridge.

There is no reference to settlement specific evidence or character and capacity studies, so Edenbridge could be pushed into the same density expectations as much larger or better connected places.

There is no mention that these are indicative ranges rather than targets to be hit regardless of site circumstances.

What to Change

We consider that the introductory sentence of H7(2) should be replaced with stronger, more precise wording.

'Subject to a design led assessment, proposals should have regard to the following indicative net density ranges, where they can be achieved without unacceptable harm to local character, heritage assets, landscape setting, biodiversity, or residential amenity and without overloading local infrastructure, access, or parking. Application of these ranges in each settlement, including Edenbridge, will be informed by settlement specific capacity and character studies.'

Requested Change H7(2) introductory sentence

- We ask that the Council clarifies that the density figures are 'indicative net density ranges' to be applied through a design led assessment, not fixed targets.
- We ask that the safeguard is widened beyond 'character or amenity' to include heritage, landscape, biodiversity, flood risk, access, parking, and infrastructure capacity.
- We ask that the policy explicitly states that applying these ranges in Edenbridge will be informed by settlement specific capacity and character evidence.

Regulation 19 soundness and arguments H7(2) introductory sentence

The policy is not sound because it is not justified. There is no clear evidential link between the proposed density bands and the actual character and capacity of Edenbridge as distinct from other settlements.

The policy is not sound because it is not effective. Labelling the figures as 'guidelines' but saying proposals are 'expected to adhere' will cause confusion and dispute rather than giving clear criteria.

The policy is not sound because it is not consistent with national policy. The National Planning Policy Framework expects effective use of land through a design led context sensitive approach. The current wording reads more like numeric targets that are weakly tempered by a narrow character test.

H7(2)(a)

'In highly sustainable locations including town centre locations and close to transport hubs, densities in excess of 150 dwellings per hectare should be achieved.'

This clause tells developers that in town centres and near transport hubs schemes should normally go above 150 dwellings per hectare, which is very high density development.

What is good

It rightly identifies places with better public transport and services as locations where higher densities can be more appropriate in principle.

It could help bring some town centre brownfield sites back into productive use rather than pushing growth into the countryside.

What is vague or risky

The phrase 'in excess of 150' is extremely high for a small town centre like Edenbridge and implies that 150 dwellings per hectare is a minimum rather than a ceiling. That would normally mean tall blocks of flats and very limited green space or parking.

The phrase 'highly sustainable locations' is undefined. Edenbridge town centre and its station are much less connected than Sevenoaks or Swanley. Treating them the same is not evidence based.

There is no explicit limit on height or massing and no reference to heritage or the setting of the High Weald Area of Outstanding Natural Beauty. This clause could be used to justify townscape that overwhelms Edenbridge.

It ignores the town's particular constraints, including flood risk, limited road capacity and already stretched services.

The clause sets up the same expectation of densities above 150 dwellings per hectare in Edenbridge as in far more urbanised and better served locations, without recognising differences in role and function.

What to Change

We consider that H7(2)(a) should be replaced with wording that sets a realistic range and requires robust evidence for anything higher.

'In highly sustainable locations, including town centre locations and close to transport hubs, net densities will generally be expected to fall within the range of 70 to 150 dwellings per hectare, with any proposal above 150 dwellings per hectare requiring robust, site specific evidence that the height, massing, open space and parking arrangements are compatible with the surrounding townscape, heritage assets and local infrastructure capacity.'

Requested Change H7(2)(a)

- We ask that the Council removes the requirement for densities 'in excess of 150 dwellings per hectare' and instead sets a design led range, for example 70 to 150 dwellings per hectare, with strict tests for anything higher.
- We ask that the policy requires specific evidence of compatibility with Edenbridge townscape, heritage, and infrastructure before any very high density scheme is supported.
- We ask that 'highly sustainable locations' are clearly defined and that Edenbridge is not assumed to have the same transport and service capacity as the larger urban areas.

Regulation 19 soundness and arguments H7(2)(a)

The policy is not sound because it is not justified. There is no publicly available evidence that densities in excess of 150 dwellings per hectare are appropriate or deliverable in Edenbridge town centre, given its scale, character, flood constraints and transport links, or that alternative, more moderate densities were reasonably considered.

The policy is not sound because it is not effective. Setting such a high numeric expectation risks undeliverable schemes, viability problems and townscape impacts that will be refused at application or appeal.

The policy is not sound because it is not consistent with national policy. The National Planning Policy Framework supports making effective use of land but also stresses beautiful and well-designed places, local character, heritage, and infrastructure. Treating 150 dwellings per hectare and above as a default in all town centres, including Edenbridge, conflicts with that balanced approach.

H7(2)(b)

'In existing urban confines in higher tier settlements, densities of 50 to 150 dwellings per hectare should be achieved.'

For new housing within the built up areas of Towns and Service Settlements, including most of Edenbridge, this clause expects densities of 50 to 150 dwellings per hectare.

What is good

It encourages some intensification of under used land inside the existing urban area, which can help reduce pressure on greenfield sites.

It acknowledges that urban areas can, in principle, take higher densities than rural locations.

What is vague or risky

A range of 50 to 150 dwellings per hectare is very high as a blanket range for all existing urban confines, especially in a small, mainly two storey town like Edenbridge.

It takes no account of varied local character. Victorian terraces, post war estates, and low density cul de sacs all exist in Edenbridge, and applying the same range everywhere is blunt.

It will be used to push flatted, car light schemes and garden infill in Edenbridge that are out of keeping with existing streets, because 'should be achieved' will be treated as a target.

Edenbridge is treated the same as much larger or more connected higher tier settlements, even though its services and transport are more like those of a large village.

It risks skewing the housing mix toward flats and away from family houses with gardens, which can conflict with the housing needs that have actually been identified.

What to Change

We consider that H7(2)(b) should be replaced with a more realistic and design led range.

'In existing urban confines in Towns and Service Settlements, net densities will generally be expected to fall within the range of 35 to 80 dwellings per hectare, unless a design led assessment demonstrates that either higher densities can be accommodated without harm to prevailing character, heritage assets, access, parking and amenity or that lower densities are necessary to respect these constraints and deliver an appropriate mix of homes.'

Requested Change H7(2)(b)

- We ask that the Council replaces the blanket 50 to 150 dwellings per hectare range with a more realistic and design led density range for existing urban areas, starting from a lower base to reflect towns like Edenbridge.
- We ask that the policy explicitly requires consideration of prevailing local character and housing mix when setting densities for sites within Edenbridge.

- We ask that the policy recognises that in some Edenbridge neighbourhoods lower densities may be necessary to avoid overdevelopment and parking stress.

Regulation 19 soundness and arguments H7(2)(b)

The policy is not sound because it is not justified. There is no clear evidence that 50 to 150 dwellings per hectare is appropriate across all urban areas in all higher tier settlements, particularly in a small, constrained town like Edenbridge, and there is no evidence that alternatives such as lower ranges or character led bands were tested.

The policy is not sound because it is not effective. Imposing such a broad and high range will create tension with policies on design, character, parking, and amenity, leading to conflicting signals in decision making.

The policy is not sound because it is not consistent with national policy. National policy supports optimising, not maximising, densities, taking account of local character and the desirability of maintaining garden suburbs and similar areas. This blanket band risks undermining that aim.

H7(2)(c)

'At the edge of the urban confines of higher tier settlements, densities of 40 to 60 dwellings per hectare should be achieved.'

For new housing on the edges of Towns and Service Settlements, including the edges of Edenbridge, this clause expects densities between 40 and 60 dwellings per hectare.

What is good

It tries to avoid very low density sprawl at settlement edges, which in principle can protect more countryside.

It recognises that settlement edges are part of the urban fabric and not purely rural.

What is vague or risky

A range of 40 to 60 dwellings per hectare is quite urban for the outer edge where town meets countryside, especially next to Green Belt, settings of the Area of Outstanding Natural Beauty or flood plains. On many Edenbridge edge sites that will mean tightly packed terraces and flats backing straight onto countryside.

There is no requirement to step down density towards the countryside or to provide a landscaped buffer, which is standard good practice.

The lower end of 30 dwellings per hectare is allowed at village edges under H7(2)(d) but not at Edenbridge's edge, so the town is required to take denser edge development than many villages, even where character and landscape sensitivity are similar.

The clause does not mention flood risk, which is particularly relevant to Edenbridge's edges along the Eden valley.

What to Change

We consider that H7(2)(c) should be replaced with wording that allows a more gradual and landscape led transition.

'At the edge of the urban confines of Towns and Service Settlements, net densities should generally be in the range of 30 to 45 dwellings per hectare overall, with lower densities and softer building forms on the outer edges to provide a clear, well landscaped transition to the countryside, Green Belt and any nearby designated landscapes.'

Requested Change H7(2)(c)

- We ask that the Council reduces the edge of settlement density expectations to a more appropriate range, for example 30 to 45 dwellings per hectare, for places like Edenbridge.
- We ask that the policy requires a clear, landscaped transition and lower densities on the rural edge of Edenbridge, rather than uniform 40 to 60 dwellings per hectare right up to the boundary.
- We ask that the policy acknowledges flood risk and landscape sensitivity at Edenbridge's edges as reasons for lower densities and stronger buffers.

Regulation 19 soundness and arguments H7(2)(c)

The policy is not sound because it is not justified. It has not been demonstrated that 40 to 60 dwellings per hectare is appropriate on all edges of higher tier settlements, especially where they adjoin Green Belt, floodplains, or sensitive landscapes around Edenbridge, nor is there evidence that lower density edge solutions were considered.

The policy is not sound because it is not effective. A rigid expectation of 40 to 60 dwellings per hectare on edges risks either overdeveloped proposals being forced through or repeated refusals and appeals where applicants and decision makers recognise the need for lower density edges.

The policy is not sound because it is not consistent with national policy. The National Planning Policy Framework expects plans to protect landscape character, Green Belt, and areas at risk of flooding, and to deliver well designed places. This blanket range at settlement edges risks undermining that balance in Edenbridge.

H7(2)(d)

'Within and at the edge of villages and rural locations, densities of 30 to 60 dwellings per hectare should be achieved.'

For new housing in or on the edge of villages and rural areas, this clause expects densities between 30 and 60 dwellings per hectare.

What is good

It tries to avoid very low density and land hungry development in rural locations, which can be inefficient and car dependent.

It recognises that villages can also accommodate some intensification.

What is vague or risky

A range of 30 to 60 dwellings per hectare is high for many small rural villages, especially in or near the High Weald Area of Outstanding Natural Beauty. With no lower option it may drive cramped schemes.

Village and rural edges can go down to 30 dwellings per hectare, but Edenbridge's edge cannot. Again, the town is expected to carry more intense development at its edges than many villages, despite similar or greater constraints.

The phrase 'rural locations' is undefined and could be used to push high density schemes into very sensitive landscapes where national policy expects great weight to be given to scenic beauty.

There is no explicit reference to the Area of Outstanding Natural Beauty, heritage, landscape character assessments or rural lane character.

What to Change

We consider that H7(2)(d) should be replaced with a tighter, landscape led range.

'Within and at the edge of villages and rural locations, net densities should generally be in the range of 25 to 40 dwellings per hectare, with particular regard to conserving the character of rural lanes, heritage assets, the setting of the High Weald Area of Outstanding Natural Beauty and other sensitive landscapes.'

Requested Change H7(2)(d)

- We ask that the Council lowers and tightens the density range for villages and rural locations to something more realistic and landscape led, for example 25 to 40 dwellings per hectare.
- We ask that the policy explicitly references the need to protect the High Weald Area of Outstanding Natural Beauty and rural character when applying density expectations.
- We ask that the lower end of the edge of settlement range available to villages is also made available at the edge of Edenbridge where circumstances are similar.

Regulation 19 soundness and arguments H7(2)(d)

The policy is not sound because it is not justified. There is no evidence that 30 to 60 dwellings per hectare is appropriate in all village and rural contexts, particularly in and around the Area of Outstanding Natural Beauty, nor that more modest ranges were tested as reasonable alternatives.

The policy is not sound because it is not consistent with national policy. National policy gives great weight to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty and protecting the character of rural areas. This blanket density range risks undermining that, including in settlements related to Edenbridge.

H7(3)

H7(3) defines net density and lists what is included in the developable area, such as private and communal open space, internal streets, multi-functional public space, and non-residential uses within mixed use buildings.

This clause explains how to calculate density. It says that the calculation should include the area used for homes plus internal streets, private and communal open space, and certain mixed use floorspace.

What is good

It is helpful to say explicitly how density will be measured so that figures are comparable between sites.

Including internal streets and shared spaces reflects how many modern schemes are designed.

What is vague or risky

It does not say that minimum open space and play space standards must still be met and must not be squeezed just to achieve a higher net density.

It risks developers arguing for smaller or fewer amenity spaces in Edenbridge schemes in order to keep density numbers high.

It does not explain how flood storage areas, ecological buffers or strategic landscaping are treated, which are likely to be important on Edenbridge sites.

What to Change

We consider that H7(3) should be replaced with clearer wording that protects open space and environmental standards.

'For the purposes of this policy, net density should be calculated using the developable area of the site, including private and communal open space, internal streets and multi-functional public space intended principally for the benefit and enjoyment of occupiers of the development, and any non-residential uses that form part of a mixed use building that also contains residential accommodation, provided that minimum standards for open space, play space, landscaping and other environmental requirements in this Plan are fully met.'

Requested Change H7(3)

- We ask that the Council makes clear that calculating net density must not lead to any reduction in required open space, play space or landscaping standards.
- We ask that the policy specifies how flood storage areas and ecological buffers are treated in density calculations on sites around Edenbridge.
- We ask that the supporting text cross refers to relevant design, open space, and green infrastructure policies so there is no double counting or erosion of standards.

Regulation 19 soundness and arguments H7(3)

This clause risks being not effective because, without linking density calculations to minimum standards for open space and environmental requirements, it could be applied in a way that undermines those other policies.

The clause is potentially not consistent with national policy if it allows pressure to reduce green infrastructure or play space simply to hit density figures, contrary to National Planning Policy Framework aims for health, wellbeing, and green infrastructure.

H7(4)

'Net density excludes public open space, the streets along the boundary of the site that serve a wider area and any non-residential uses that are not located above or below residential accommodation.'

This clause sets out what is not counted when calculating density, namely public open space, perimeter streets that serve a wider area and standalone non-residential uses.

What is good

It avoids artificially lowering density by counting large areas of public park or through roads as if they were part of the housing site.

That should help give a truer picture of how tightly the housing itself is packed.

What is vague or risky

It does not say that strategic flood storage areas, ecological corridors, sustainable drainage features, or landscape buffers are excluded, even though these are often substantial on sites near Edenbridge's rivers and floodplains. If they were counted as developable, density numbers would be misleading.

There is still scope for dispute about what is 'public open space' as opposed to 'multi-functional public space intended principally for occupiers'. That distinction matters a great deal for large Edenbridge allocations.

What to Change

We consider that H7(4) should be amended so that it clearly excludes non developable environmental land from net density calculations.

'Net density excludes public open space, strategic flood storage and ecological buffer areas, the streets along the boundary of the site that serve a wider area and any non-residential uses that are not located above or below residential accommodation.'

Requested Change H7(4)

- We ask that the Council explicitly excludes strategic flood storage, ecological buffers and major sustainable drainage features from the net developable area used in density calculations.
- We ask that the policy clarifies the distinction between public open space serving a wider area and space primarily serving occupiers, to avoid density numbers being manipulated on large Edenbridge sites.
- We ask that the supporting text confirms that buffers required to protect rivers and biodiversity around Edenbridge are not counted as developable land for density purposes.

Regulation 19 soundness and arguments H7(4)

The policy is not sound because it is not justified in its treatment of flood and ecological land. It does not explain how such areas are treated, even though they can be extensive and functionally undevelopable, especially around Edenbridge.

The policy is not sound because it is not effective. Without clear treatment of non-developable environmental land, density calculations will be inconsistent and contested, undermining monitoring and decision making.

The policy risks being not consistent with national policy if it encourages counting flood storage or biodiversity land as developable, contrary to national expectations on flood risk management and nature recovery.

Footnote on higher tier settlements and Settlement Hierarchy

The footnote states that higher tier settlements are Towns and Service Settlements as defined in the Settlement Hierarchy, which includes Edenbridge.

What is good

It gives a cross reference so that readers can see which places are treated as higher tier settlements.

What is vague or risky

It assumes that the Settlement Hierarchy is robust and up to date and that it properly reflects Edenbridge's role, function, and infrastructure, which the Residents' Association has already questioned.

By linking density expectations tightly to this hierarchy without further calibration, it risks overburdening Edenbridge compared with some other places of similar or higher capacity.

What to Change

We consider that an additional sentence is needed at the end of H7 so that the Settlement Hierarchy is not treated as a rigid driver of density.

'In applying this policy, the Council will have regard to the differing roles, functions and infrastructure capacities of Towns and Service Settlements, including Edenbridge, and will not apply the density ranges mechanistically.'

Requested Change Settlement Hierarchy reference

- We ask that the policy acknowledges that the Settlement Hierarchy is a starting point only and that densities will be calibrated to each settlement's role, character, and infrastructure capacity, including Edenbridge.
- We ask that the Council confirms that the density ranges will not be applied mechanistically to Edenbridge simply because it is classed as a Town.
- We ask that any future changes to the Settlement Hierarchy are subject to full consultation before they are used to support higher densities.

Regulation 19 soundness and arguments Settlement Hierarchy reference

The policy is not sound because it is not justified. It imports the Settlement Hierarchy as if it were beyond challenge and uses it to drive high density expectations, without demonstrating that Edenbridge's classification reflects its capacity relative to other settlements.

The policy is not sound because it is not effective. Relying too heavily on a broad hierarchy to set density expectations will create friction where local evidence shows that Edenbridge cannot absorb the same intensity as other higher tier places.

The policy may be in tension with national policy if it leads to densities being set by labels rather than by up to date evidence of character, constraints and infrastructure, contrary to the National Planning Policy Framework emphasis on evidence led and design led plan making.

Edenbridge Impact

As drafted, H7 would push very high and often unrealistic densities onto Edenbridge's town centre, urban areas and edges compared with both its actual capacity and some village edges, which risks overdevelopment, townscape harm, and infrastructure strain in Edenbridge relative to other settlements unless the changes above are made.

NEDRA (New Edenbridge District Residents' Association)

Chapter 2 Response

NEDRA Disagree

<u>Policy H8</u>

H8(1) (a to d)

This part of Policy H8 says the Council will support self-build and custom housebuilding where schemes are in what it calls sustainable locations within or next to settlements in the Settlement Hierarchy, fit in with their surroundings, have safe access, and can connect to existing or planned infrastructure.

For Edenbridge, that means most self-build and custom plots should be in or around the town, rather than scattered in the open countryside. That is helpful in principle, because it should keep new self-build and custom homes close to public transport and services, and it links to infrastructure and safe access so that obviously unsuitable plots should not be allowed.

However, the wording is very loose. The phrase 'located sustainably, within or adjacent to existing settlements and the reliance on 'the most recent Settlement Hierarchy methodology' is vague. It leaves the door open for extra greenfield plots to be bolted on to higher tier settlements such as Edenbridge, while more constrained or politically favoured locations could see less pressure. There is no clear size limit for what 'adjacent' means, so in practice this could permit sizeable self-build estates on the edge of Edenbridge as allocations by the back door.

The reference to 'planned infrastructure' is also unclear. Around Edenbridge, where utilities and roads are already under pressure, we are concerned that a developer's aspiration could be described as 'planned,' even where there is no secured funding, timetable, or delivery mechanism. The phrase 'scale and design appropriate to their setting' is very subjective, and without a firm cross reference to character and design policies there is a risk of piecemeal one off designs that erode the character of Edenbridge over time.

What to Change – H8(1) (a to d)

We propose that H8(1) is replaced with the following wording:

'The Council will support proposals for Self-build and Custom Housebuilding where they:

a. Are located within the defined settlement confines. Exceptionally, small scale schemes (normally no more than 5 dwellings) may be permitted immediately adjacent to settlement confines where they demonstrably meet identified local housing needs and comply with all other relevant policies in this Plan, including Green Belt and countryside policies.

b. Are of a scale and design appropriate to their setting, having regard to the character and design policies of this Plan.

c. Provide safe and suitable access to the public highway; and

d. Can be served by existing infrastructure with sufficient capacity, or by infrastructure which is committed and funded to be delivered in step with the development, including utilities and sustainable drainage.'

Requested Change – H8(1) (a to d)

- We ask that the Council limits 'adjacent' self-build and custom schemes to clearly defined small scale developments with a maximum number of dwellings, as set out in the revised wording.
- We ask that the Council ties 'sustainable location' to the adopted settlement confines, not just the Settlement Hierarchy methodology, to avoid ad hoc edge of Edenbridge sprawl.
- We ask that the Council tightens 'planned infrastructure' to 'committed and funded infrastructure delivered in step with the development.'

Regulation 19 soundness – H8(1) (a to d)

We consider that this part of Policy H8 is not sound because it is not positively prepared or effective. Vague phrases such as 'adjacent to existing settlements' and 'planned infrastructure' create uncertainty about where self-build will actually be located, which makes it harder to manage the cumulative impact on Edenbridge. This goes against the requirement for an effective and deliverable strategy over the plan period.

We consider that this part of Policy H8 is not sound because it is not justified. It relies on an unspecified 'Settlement Hierarchy methodology' rather than clearly defined settlement confines, so the public cannot see from the Plan itself how and where self-build pressure will be directed. That does not meet the test of being based on proportionate and transparent evidence.

We consider that this part of Policy H8 is not sound because it is not consistent with national policy in the National Planning Policy Framework, which expects plans to provide a clear spatial strategy and robust infrastructure planning. As drafted, self-build could be used to justify incremental edge of settlement sprawl around Edenbridge, undermining other policies that claim to focus development in genuinely sustainable locations.

H8(2) (a to b)

This part of the policy says that on any housing site of 10 or more homes, at least 5 per cent of the plots must be offered for self-build or custom housebuilding, based on local housing needs evidence, unless there is no demand shown on the Council's register or the requirement would make the scheme unviable.

For Edenbridge, that should mean that larger sites include some self-build and custom opportunities, rather than only standard volume builder estates. It is positive that an explicit 5 per cent figure is given, which in principle is clear for applicants.

However, the current wording is muddled. The phrase 'as demonstrated by the latest local housing needs evidence' is dropped into the sentence without explaining whether it is supposed to affect the level of provision, the need for provision at all, or something else. That invites case by case arguments on every site.

The ‘no demand’ test is tied only to the Self and Custom Build Register. If residents are not actively encouraged to sign up, or if the register criteria are restrictive, developers in Edenbridge will be able to claim there is ‘no demand’ and avoid the 5 per cent requirement even where there is genuine local interest.

The generic ‘unviable’ get out clause has no requirement for independent assessment or for equal treatment across sites. That creates a particular risk that developers will use viability arguments on Edenbridge sites, while more profitable sites elsewhere simply comply. There is also no clear requirement on how long plots must be marketed or how, before concluding that there is no demand. That issue is only partly addressed later in H8(5) and needs to be firmly tied back to this clause.

What to Change – H8(2) (a to b)

We propose that H8(2) is replaced with:

‘On all residential development sites of 10 dwellings or more, at least 5 per cent of dwellings on that site must be provided as serviced plots for Self-build or Custom Housebuilding, rounded to the nearest whole dwelling, unless it can be demonstrated that:

a. There is no reasonable prospect of demand for such plots in that settlement over the plan period, having regard to the Council’s Self and Custom Build Register and any other up to date evidence of local demand; or

b. An independent viability assessment, commissioned by the Council and paid for by the applicant, demonstrates that the provision of the full 5 per cent serviced plots, alongside all other policy requirements, would make the development unviable.

In all cases, applicants must submit a marketing strategy for the self-build and custom plots, agreed with the Council, setting out how the plots will be marketed locally for at least 24 months.’

Requested Change – H8(2) (a to b)

- We ask that the Council confirms that the 5 per cent serviced plot requirement applies to every qualifying site, including all Edenbridge allocations, with any reduction allowed only where independently evidenced.
- We ask that the Council broadens the demand test to include other up to date evidence of local demand, not just the Self and Custom Build Register, so that under recording does not disadvantage Edenbridge residents.
- We ask that the Council requires an independent Council commissioned viability assessment for any proposal to reduce or remove the 5 per cent requirement, to ensure consistent treatment across all settlements.

Regulation 19 soundness – H8(2) (a to b)

We consider that this part of Policy H8 is not sound because it is not effective. Without clear and enforceable tests for ‘no demand’ and ‘unviable,’ developers can avoid providing self-build and custom plots on Edenbridge sites, undermining delivery of the policy across the plan period.

We consider that this part of Policy H8 is not sound because it is not justified. Relying solely on the Self and Custom Build Register ignores other evidence of demand and does not explain why

a flat 5 per cent is appropriate across different settlements, including a high growth location such as Edenbridge.

We consider that this part of Policy H8 is not sound because it is not consistent with the National Planning Policy Framework, which expects viability to be largely resolved at plan making stage and only exceptionally revisited at application stage. A vague viability caveat of this kind undermines the certainty that local plans are expected to provide.

We also consider that this part of Policy H8 is not positively prepared, because it does not secure a reliable pipeline of self-build and custom plots in the locations taking most growth, including Edenbridge, as it is full of opt outs and weak tests.

H8(3)

This part of the policy says that the Council will support self-build and custom sites being allocated in Neighbourhood Plans, and also coming forward as rural exception sites, where they meet local housing needs.

This could allow communities that have Neighbourhood Plans to shape their own self build allocations, which might be positive in those areas. It also recognises local housing needs, which in principle should help focus plots for local people.

However, the wording is unclear and risky. Rural exception sites are usually intended mainly for affordable housing for local people. As written, this clause could be read to allow open market self-build homes on rural exception sites. That would conflict with the usual purpose of exception sites and could encourage new market housing in the countryside, including outside the main settlements that already face the most allocations.

Edenbridge does not currently have a Neighbourhood Plan, so in practice this policy tool may mainly benefit smaller settlements with active Neighbourhood Plan groups. Edenbridge would then take its share on large strategic allocations without the same local control or ability to shape self-build locations.

The phrase 'meet local housing needs' is not defined. It is not clear whether this refers to affordable needs, local occupancy restrictions, or some other test, and there is no link back to the Council's own evidence base.

What to Change – H8(3)

We propose that H8(3) is replaced with:

'The Council will support the allocation of sites specifically for Self-build and Custom Housebuilding in Neighbourhood Plans, and, in the case of rural exception sites, where the self-build or custom dwellings are secured as affordable housing for local people or subject to an agreed local occupancy condition, and where all such schemes are clearly demonstrated to meet identified local housing needs.'

Requested Change – H8(3)

- We ask that the Council clarifies that self-build and custom homes on rural exception sites must be affordable or locally restricted, so that exception policies are not used to justify open market sprawl in the countryside.

- We ask that the Council explains how 'local housing needs' will be defined and evidenced in this context, to avoid ad hoc interpretations that could disadvantage Edenbridge.
- We ask that the Council confirms how Edenbridge will benefit from a similar level of local influence as areas with Neighbourhood Plans, so that opportunities for self-build are spread equitably across the district.

Regulation 19 soundness – H8(3)

We consider that this part of Policy H8 is not sound because it is not consistent with national policy. The National Planning Policy Framework expects rural exception sites to focus primarily on affordable housing for local communities. The current wording could instead be used to promote open market self-build development in the countryside, which would conflict with that national approach.

We consider that this part of Policy H8 is not sound because it is not justified. It does not explain what 'local housing needs' means here or how it will be assessed, which leaves too much to later interpretation and negotiation.

We consider that this part of Policy H8 is not sound because it is not effective. It does not set out how communities without Neighbourhood Plans, such as Edenbridge, will secure a comparable level of influence over self-build locations. That undermines both equity between settlements and the deliverability of the strategy across the district.

H8(4)

This part of the policy says that self-build and custom proposals must show how they will provide serviced plots and ensure that the first occupiers have the main say in the design and layout of their homes.

We welcome the recognition that genuine self-build and custom housing means the initial owners must control the design, rather than simply picking from a standard house type catalogue. It is also positive that 'serviced plots' are mentioned, as this should mean that roads and utilities are actually delivered on Edenbridge sites rather than left to individual plot owners to sort out at extra cost.

The problem is that the wording is too soft to be effective. The phrase 'primary input' could be interpreted by developers to mean that choosing from a small set of pre-approved designs counts as self-build or custom, which is not acceptable. There is no requirement for legally binding planning mechanisms, such as conditions or Section 106 obligations, to secure genuine custom design over time. Plots on Edenbridge sites could easily drift back into standard speculative units.

The requirement to 'demonstrate how they will deliver serviced plots' could be met by very high level statements, rather than by a clear and enforceable phasing and servicing plan.

What to Change – H8(4)

We propose that H8(4) is replaced with:

'Proposals for Self-build and Custom Housebuilding must:

- demonstrate, through a phasing and servicing plan, how fully serviced plots (including access, utilities, and drainage) will be delivered in a timely manner; and

- secure through planning conditions or legal agreement that the initial occupiers will lead the design of their homes, within an agreed design code, so that each dwelling is individually designed or customised by the first owner.'

Requested Change – H8(4)

- We ask that the Council replaces the vague phrase 'primary input' with a clear requirement that first owners lead the design of their homes within an agreed design code.
- We ask that the Council requires a servicing and phasing plan for self-build plots, so that residents in Edenbridge can be confident that roads and utilities will be properly delivered.
- We ask that the Council requires legal mechanisms, such as conditions or Section 106 obligations, to secure genuine self-build and custom outcomes over time.

Regulation 19 soundness – H8(4)

We consider that this part of Policy H8 is not sound because it is not effective. Without clear mechanisms and definitions, it will not reliably deliver genuine self-build and custom housing on Edenbridge sites and instead risks re badged standard housing.

We consider that this part of Policy H8 is not sound because it is not positively prepared. It sets an ambition for serviced self-build plots but does not include the practical delivery tools needed to achieve this on the ground.

We consider that this part of Policy H8 is not sound because it is not consistent with national policy, which expects local plan policies to be clear, unambiguous, and capable of effective implementation by decision makers and applicants.

H8(5)

This part of the policy says that if self-build and custom plots do not sell after at least 12 months of marketing, they can revert to normal market housing with Council agreement, and the affordable housing contribution must then be recalculated in line with Policy H2.

We recognise the need to avoid serviced plots being left empty indefinitely on large sites in Edenbridge, which can be unsightly and unsafe. It is also right that, if plots revert to standard housing, the affordable housing requirement is updated so that the developer does not gain extra market units without an appropriate affordable housing contribution.

However, a minimum period of only 12 months is too short, especially if marketing has been limited, poorly targeted or at unrealistic prices. Developers could deliberately market plots half-heartedly, then claim there is 'no interest' and convert to standard units, effectively undermining the whole self-build policy on Edenbridge allocations.

There is no requirement for the marketing to be at reasonable prices, targeted at local residents, or widely advertised. It is also unclear whether the recalculated affordable housing contribution will always be secured in full, or whether this will become another opportunity for viability arguments to dilute affordable provision on Edenbridge sites.

While 'subject to agreement with the Council' is welcome in principle, there are no criteria for when the Council should agree or refuse. That weakens accountability and makes the process opaque.

What to Change – H8(5)

We propose that H8(5) is replaced with:

'Where serviced plots remain unsold after being actively marketed for at least 24 months at a price and on terms agreed with the Council, including targeted marketing to local self-builders, they may, with the Council's written agreement, revert to general market housing. In such cases, the development will be required to comply with Policy H2 (Provision of Affordable Housing), and the affordable housing contribution will be recalculated and secured at that point, without further reduction on viability grounds.'

Requested Change – H8(5)

- We ask that the Council extends the minimum marketing period for self-build and custom plots to 24 months and requires active, locally targeted marketing at realistic prices before any reversion is allowed.
- We ask that the Council makes clear that any affordable housing uplift resulting from reversion will be secured in full, without further viability reductions, so that Edenbridge is not short changed.
- We ask that the Council sets out transparent criteria and evidence requirements for agreeing any reversion from self-build and custom plots to general market housing.

Regulation 19 soundness – H8(5)

We consider that this part of Policy H8 is not sound because it is not effective. A short 12 month period with no clear marketing standards invites developers to game the system, so the promised supply of self-build plots in Edenbridge may never materialise.

We consider that this part of Policy H8 is not sound because it is not positively prepared. It does not properly secure either outcome self-build and custom housing or, failing that, additional affordable housing because reversion is too easy and the financial consequences are not firmly locked in.

We consider that this part of Policy H8 is not sound because it is not consistent with national policy, which expects policies to be clear, enforceable, and robust enough to deliver the plan strategy over the full plan period.

Edenbridge Impact

As drafted, Policy H8 allows extra edge of settlement self-build pressure and gives developers too many opt outs on larger sites in Edenbridge, so the town is likely to take more growth without reliably securing either a genuine mix of self-build and custom homes or the full affordable housing that should replace them where self-build does not proceed.

NEDRA (New Edenbridge District Residents' Association)

Chapter 2 Response

NEDRA Disagree

Policies GT1 and GT2

We recognise that Policy GT1 proposes to meet identified Gypsy and Traveller accommodation needs by allocating specific sites across the District, rather than relying on unplanned "windfall" applications. This is the right general approach and is consistent with the National Planning Policy Framework (NPPF) and the Government's Planning Policy for Traveller Sites, which both expect local plans to make proper provision for Traveller accommodation as part of the development plan.

As we understand it, GT1 allocates the following sites for permanent Gypsy and Traveller pitches:

- EDEN17 Seven Acres Farm, Edenbridge: 5 additional pitches, total 15
- HAL6 Station Court, Sevenoaks Road, Halstead: 12 additional pitches, total 16
- SV3 Park Lane Farm, Swanley Village: 1 additional pitch, total 3
- EDEN15 Mead Road, Edenbridge: 5 pitches, total 5

This means that out of four allocated sites in the District, two are in Edenbridge, and that Edenbridge would host a significant share of the District's allocated Traveller provision.

We support the Plan moving away from unmanaged "windfall" provision and towards allocated sites. However, we are concerned that the way GT1 is written, and the pattern of allocations it produces, give rise to the following issues.

First, the policy wording for GT1 is extremely thin. The allocations are only shown in a schedule and on the Policies Map, rather than set out clearly in the policy text itself with site names and pitch numbers. If the schedule and Policies Map are not clearly part of the policy, this creates unnecessary scope for dispute and makes delivery less certain.

Second, GT1 does not explain the spatial strategy for Traveller provision. In particular, it does not justify why half of the allocated sites, and a large proportion of pitches, are concentrated in Edenbridge, while Sevenoaks town, as the main service centre in the Settlement Hierarchy, has none. In the absence of a clear, evidence based explanation, this appears inconsistent with the stated settlement strategy and gives the impression that Edenbridge is being asked to host a disproportionate share.

Third, there is no over concentration test. With EDEN17 already at 15 pitches and EDEN15 proposing a further 5, Edenbridge would become the main focus for Traveller provision, yet there is no policy safeguard to prevent further clustering here under GT2 or future reviews.

Fourth, there are no site specific safeguards for EDEN15 or EDEN17. Mead Road in particular is an industrial location where noise, air quality, HGV movements, neighbouring uses, and possible contamination all need to be addressed in detail. Without clear criteria, there is a real risk that Traveller families in Edenbridge could end up on sites that would not be considered acceptable for general housing, which is difficult to reconcile with NPPF objectives on healthy, inclusive places and equal treatment.

Requested Changes

We ask that the Council:

- Insert the allocations and pitch numbers directly into the text of Policy GT1, using wording on the following lines:

'The following sites, as shown on the Policies Map, are allocated for permanent Gypsy and Traveller residential pitches to meet identified district wide needs over the plan period:

- EDEN17 Seven Acres Farm, Edenbridge: 5 additional permanent pitches (total 15)
- HAL6 Station Court, Sevenoaks Road, Halstead: 12 additional permanent pitches (total 16)
- SV3 Park Lane Farm, Swanley Village: 1 additional permanent pitch (total 3)
- EDEN15 Mead Road, Edenbridge: 5 permanent pitches (total 5).

The cumulative level of Traveller provision in any one settlement must remain proportionate to its role in the Settlement Hierarchy and must avoid over concentration of pitches in a single locality. Proposals must also comply with Policy GT2 and site specific key development considerations.'

- Add an over concentration clause to GT1 so that the cumulative number of Traveller pitches in any one settlement, including Edenbridge, must be proportionate to its role in the Settlement Hierarchy and must not result in a concentration of sites there.
- Include site specific key development considerations for EDEN17 and EDEN15, covering at least access, industrial neighbours, noise, air quality, potential contamination, and flood risk, so that Traveller sites in Edenbridge achieve equivalent living environment standards to general housing.

Soundness and legal compliance Policy GT1

The policy is not sound because it is not positively prepared and not effective. GT1 does not set out a clear spatial strategy for how Traveller provision will be distributed across the District, as required by the NPPF, and does not give decision makers a robust framework for assessing future applications in a way that supports the overall settlement strategy.

The policy is not sound because it is not justified. There is no clear, proportionate evidence explaining why two of the four allocated sites are in Edenbridge while Sevenoaks town has none, nor how reasonable alternatives have been considered. This does not meet the NPPF test that plans must be based on proportionate evidence and reasonable alternatives.

The policy is not sound because it is not clearly consistent with national policy and with the Council's equalities duties. Without an over concentration test and site specific safeguards, GT1 risks clustering Traveller families in one town and placing them on poorer quality land than general housing, which conflicts with the NPPF's objectives for healthy, inclusive, and mixed communities and with the need to have regard to Planning Policy for Traveller Sites.

Policy GT2 Gypsy and Traveller and Travelling Showperson Accommodation

GT2(1) Overall approach

We welcome the principle that applications for Gypsy, Traveller, and Travelling Showperson accommodation should be assessed against both the Local Plan and national policy. However, the current wording that proposals must "take account of" the Local Plan and national policy does not reflect the legal position that decisions must be made in accordance with the development plan unless material considerations indicate otherwise, and that the NPPF and Planning Policy for Traveller Sites are key material considerations.

Requested Changes

We ask that the Council replace the opening wording of GT2(1) with:

'Proposals for Gypsy, Traveller and Travelling Showperson accommodation will be determined in accordance with this Local Plan, the National Planning Policy Framework, and the Government's Planning Policy for Traveller Sites (or any replacement). Proposals will be supported where they meet all of the following criteria.'

Soundness and legal compliance GT2(1)

The policy is not sound because it is not effective and not clearly consistent with national policy. The phrase "take account of" does not accurately reflect the statutory primacy of the development plan and the role of national policy, so GT2(1) does not give a clear and unambiguous decision making framework as required by the NPPF.

GT2(1)(a) Location and access to services

We agree that Traveller families should have good access to services, facilities, and public transport, and that sites within or adjoining towns or service settlements are likely to be more sustainable and supportive of everyday living needs. This aligns with NPPF policy on sustainable locations and healthy communities.

However, the clause is too weak to secure these outcomes in practice. "Close to services and facilities" is undefined, which means very remote or roadside rural locations could still be argued to comply. Saying that sites within or adjoining towns and service settlements "will be preferred" is only a soft preference and does not provide a firm policy basis for steering development to sustainable locations.

In combination with the GT1 allocations table, the current approach has already produced a pattern in which two of four allocated sites, and ten of twenty three new pitches, are placed at Edenbridge while Sevenoaks town has none. Without a stronger locational test and without a distribution safeguard, Edenbridge is exposed to further consents that compound this unbalanced pattern, simply because it already contains Traveller sites.

Requested Changes

We ask that the Council:

Amend GT2(1)(a) to state that:

'Sites and yards must be within, or immediately adjoining, the built up confines of towns or service settlements identified in the Settlement Hierarchy, with safe walking and cycling routes and access to public transport to day to day services. Sites in other locations will only be supported where it is robustly demonstrated that no suitable sites in or adjoining those settlements are available and that the location is nevertheless sustainable.'

Add supporting text explaining how Traveller provision will be distributed equitably between Sevenoaks, Swanley, and Edenbridge in line with the Settlement Hierarchy, so that Edenbridge does not continue to take a disproportionate share of Traveller allocations and consents.

Soundness and legal compliance GT2(1)(a)

The policy is not sound because it is not effective. A weak "preference" for sustainable locations does not give decision makers a firm basis for refusing unsustainable sites and has already coincided with a pattern in which two of four allocated sites are in a smaller town.

The policy is not sound because it is not fully consistent with national policy on promoting sustainable patterns of development and sustainable transport. The NPPF expects plans to focus development in locations that are, or can be made, sustainable, rather than simply preferring such locations without a clear test.

GT2(1)(b) Social inclusion and community cohesion

We support the intention that Traveller sites should contribute to social inclusion and community cohesion. This is particularly important in Edenbridge, which already hosts existing and proposed Traveller sites and needs a constructive relationship between Traveller and settled communities.

However, the current wording is purely aspirational and does not translate into a usable planning test. It does not say how locations, layouts, or design features will be assessed to support inclusion, nor does it address over concentration, which can undermine cohesion.

Requested Changes

We ask that the Council amend GT2(1)(b) to state that:

'Sites and yards must be designed and located to support social inclusion and good relations between Gypsies and Travellers, Travelling Showpersons and the settled community, including by avoiding over concentration of pitches in any one settlement or locality and by providing safe, overlooked walking and cycling routes to shared local facilities.'

Soundness and legal compliance GT2(1)(b)

The policy is not sound because it is not effective. As drafted, GT2(1)(b) introduces no measurable or enforceable test and does nothing to prevent the clustering of Traveller sites in Edenbridge, which conflicts with the NPPF's aim of mixed, balanced, and healthy communities.

GT2(1)(c) Living environment and flood risk

We agree that Traveller sites should offer a decent living environment and avoid inappropriate flood risk. This is essential if Traveller families in Edenbridge are to enjoy conditions comparable to those in general housing.

However, the current wording that sites must provide an “acceptable living environment” is too broad and subjective. It risks setting a lower bar for Traveller sites than for mainstream housing, especially at locations like Mead Road in Edenbridge where industrial neighbours, HGV traffic, and potential contamination are all relevant.

The reference to sites not being “located within an area likely to flood” is also not aligned with national policy. The NPPF uses the established Flood Zones, vulnerability classifications, and the sequential and exception tests, with caravans and housing treated as “more vulnerable” development. The clause does not refer to these tests, nor to contamination, odour, vibration, or hazardous neighbours, which are all important in industrial locations.

Requested Changes

We ask that the Council amend GT2(1)(c) to state that:

'The site or yard must provide a high quality, healthy living environment with adequate pitch and amenity space, good daylight, and privacy, and without unacceptable levels of noise, odour, light pollution, vibration, poor air quality, or contamination. Sites must comply with national flood risk policy for “more vulnerable” uses, with the sequential and, where necessary, exception tests satisfied and it demonstrated that occupants will be safe for the lifetime of the development.'

Soundness and legal compliance GT2(1)(c)

The policy is not sound because it is not consistent with national policy on flood risk. It does not refer to the Flood Zone framework or to the sequential and exception tests for vulnerable development as set out in the NPPF.

The policy is not sound because it risks being ineffective and contrary to the social and environmental objectives of the NPPF if Traveller families in Edenbridge are placed on lower quality, more exposed sites than general housing, undermining the aim of creating healthy and safe places.

GT2(1)(d) Access

We support the intention that sites should have safe and convenient vehicular, pedestrian, and cycle access. This is particularly important on industrial estate roads such as Mead Road in Edenbridge, where traffic movements and visibility are significant considerations.

However, the clause does not address the impact on the wider road network and omits the standard NPPF tests that development should not have an unacceptable impact on highway safety or result in severe residual cumulative impacts. There is also a minor wording error in the current text.

Requested Changes

We ask that the Council:

Correct the wording error in GT2(1)(d) and amend the clause to state that:

'Safe and suitable vehicular, pedestrian and cycle access must be provided for all users, and the development must not result in an unacceptable impact on highway safety or severe residual cumulative impacts on the local road network.'

Make clear in the supporting text that this includes careful assessment of access routes serving Traveller sites in Edenbridge, including industrial estate roads.

Soundness and legal compliance GT2(1)(d)

The policy is not sound because it is not fully consistent with national transport policy. By omitting the standard highway safety and residual cumulative impact tests, GT2(1)(d) does not provide a complete, NPPF aligned basis for assessing proposals.

GT2(1)(e) Character, landscape, and biodiversity

We agree that Traveller development should respect surrounding character, landscapes, and biodiversity, including National Landscapes.

However, the current wording that development should "minimise potential impacts" is too weak. It does not require avoiding unacceptable harm or delivering measurable biodiversity net gain, both of which are expectations in national policy. This could make it harder to resist harmful schemes affecting the landscape around Edenbridge or to secure genuine environmental improvements.

Requested Changes

We ask that the Council amend GT2(1)(e) to state that:

'Development must avoid, and where avoidance is not possible minimise and fully mitigate, adverse impacts on surrounding character, landscape (including National Landscapes) and biodiversity, and must secure measurable net gains for biodiversity in line with national policy.'

Soundness and legal compliance GT2(1)(e)

The policy is not sound because it is not consistent with national policy on conserving and enhancing the natural environment. National policy expects great weight to be given to designated landscapes and requires measurable net gains for biodiversity, not simply a general aim of minimising impacts.

GT2(1)(f) Green Belt and grey belt

We recognise that Traveller proposals in the Green Belt must comply with Green Belt policy and that "grey belt" is now recognised in the NPPF.

However, the clause appears to focus on only some Green Belt purposes and does not clearly restate the core national position that inappropriate development in the Green Belt is harmful by definition and should only be approved in very special circumstances or where a specific exception applies. There is a risk that this could misdirect decision makers when considering Traveller proposals around Edenbridge that fall within the Green Belt or on land treated as grey belt.

Requested Changes

We ask that the Council amend GT2(1)(f) to state that:

'Proposals within the Green Belt, including on land identified as grey belt in this Plan, will be assessed in accordance with national Green Belt policy and the definition of grey belt in the National Planning Policy Framework. Development that is inappropriate in the Green Belt will

only be approved in very special circumstances, having regard to the contribution of the site to all Green Belt purposes.'

Soundness and legal compliance GT2(1)(f)

The policy is not sound because it is not clearly consistent with national Green Belt policy. By referring only to selected Green Belt purposes and not clearly restating the approach to inappropriate development and very special circumstances, GT2(1)(f) risks decision makers giving insufficient weight to the full Green Belt framework in the NPPF.

GT2(1)(g) Amenity blocks and associated buildings

We agree that amenity blocks and associated buildings on Traveller sites should not be over large or visually dominant.

However, the requirement that buildings be "proportionate in scale and bulk" is vague and open to inconsistent interpretation. This offers limited guidance to applicants and decision makers and could lead to disputes about what is acceptable on sites in Edenbridge.

Requested Changes

We ask that the Council amend GT2(1)(g) to state that:

'Associated buildings, including amenity blocks, must be clearly ancillary to the residential use of the pitches, of single storey domestic scale and bulk, and designed to a high standard in accordance with relevant design policies.'

Soundness and legal compliance GT2(1)(g)

The policy is not sound on effectiveness. The term "proportionate" provides little practical guidance and is likely to lead to inconsistent outcomes, which runs against the NPPF expectation that policies should be clear and unambiguous.

GT2(1)(h) Alignment with needs assessment

We support the principle that proposals should be guided by the most recent assessment of Gypsy, Traveller, and Travelling Showpersons need. Decisions should be grounded in up to date evidence.

However, the requirement that proposals "align with" the needs assessment is unclear. It does not specify whether this refers to pitch numbers, locations, types of provision, or distribution between settlements.

With GT1, the current pattern already has twenty of thirty nine pitches on allocated sites being in Edenbridge. Without a clear distribution and over concentration test, GT2(1)(h) could be used to justify additional Traveller consents in Edenbridge solely on the basis of District wide need, with no safeguard against further clustering in the town.

Requested Changes

We ask that the Council amend GT2(1)(h) to state that:

'The proposal must be consistent with the most recent district wide assessment of Gypsy, Traveller and Travelling Showpersons accommodation need and must demonstrably contribute

to meeting that need without leading to an over concentration of pitches in any one settlement or locality, having particular regard to existing and allocated sites.'

Soundness and legal compliance GT2(1)(h)

The policy is not sound because it is not positively prepared or justified in terms of distribution. It does not show how the evidence on need will be used to share Traveller provision consistently between settlements or to prevent over concentration in Edenbridge, contrary to the NPPF tests of soundness and its aims for mixed, balanced communities.

Edenbridge Impact

Taken together, GT1 and GT2, in their current form, would leave Edenbridge hosting two of four allocated Traveller sites, with ten of twenty three new pitches and twenty of thirty nine total pitches, and, without stronger wording on distribution, over concentration and living environment safeguards, would expose existing Gypsy and Traveller families on these sites to further clustering, pressure on living conditions and greater strain on relations with the settled community than in other settlements.

NEDRA (New Edenbridge District Residents' Association)

Chapter 3 Response

NEDRA Disagree

Policy EMP1 & EMP2

EMP1(1) Overall aim

This part of the policy says the Council wants economic development proposals to help deliver what it calls "economic success" using the list in parts (a) to (j). Our response is based on the wording in the draft EMP1 policy.

What is good

It is positive that the plan recognises it should actively shape jobs and business space, not just housing numbers.

The list of themes is broad. It covers employment land, digital infrastructure, the visitor economy, the rural economy, and town centres. If this is applied equitably across the District, Edenbridge could benefit.

What is vague or risky

"Economic success" is not defined, and there is no clear link to specific outcomes for different towns, including Edenbridge.

The use of the phrase "will seek to ensure" is weak for a strategic policy. It reads more like a mission statement than a policy that can be used to decide planning applications.

There is no explicit link between where new jobs go and where new housing goes. Edenbridge could end up taking a large share of growth without a matching share of employment.

What to Change

We suggest that the opening sentence is replaced with the following:

'The Council will support, allocate and approve proposals for economic development that deliver a balanced distribution of jobs and business space across the District, including Edenbridge, and that are consistent with the policies of this Local Plan, by:'

Requested Change EMP1(1)

- We ask that the Council replaces "will seek to ensure" with "will support, allocate and approve" so that the policy has real weight in decision making.

- We ask that the Council adds the phrase "balanced distribution of jobs and business space across the District, including Edenbridge" so that the strategy is explicitly spatial and equitable between settlements.
- We ask that the Council briefly defines "economic success" in the supporting text, in terms of sustainable, plan led growth aligned with the National Planning Policy Framework, so that the policy can be monitored and understood.

Regulation 19 soundness and legal points EMP1(1)

The policy is not sound because it is not effective. Soft language and an undefined concept of "economic success" do not provide a clear basis for decisions or for monitoring outcomes in different towns, as the National Planning Policy Framework expects from up to date local plans.

The policy is not sound because it is not positively prepared. There is no explanation of how economic growth will be matched to the pattern of housing growth, especially in Edenbridge, so it may not meet needs in a sustainable pattern as envisaged by the December 2024 National Planning Policy Framework.

EMP1(1)(a) Minimum 40,400 square metres of new employment floorspace

This part of the policy sets a minimum target of 40,400 square metres of new employment floorspace. It says that 25,800 square metres should be offices, mainly in town centres, and 14,600 square metres should be industrial floorspace.

What is good

Having quantified targets for employment space is helpful. It shows that the Council has at least considered jobs and business space, not only homes.

The reference to offices "primarily in town centre locations" could support new office space in Edenbridge town centre if the Council chooses to allocate or permit it here.

What is vague or risky

There is no indication of how the 40,400 square metres will be shared between Sevenoaks, Swanley and Edenbridge. Edenbridge could take major housing growth without a fair share of this growth.

The phrase "primarily in town centre locations" risks defaulting to Sevenoaks and Swanley unless Edenbridge is named explicitly as a town centre for new office floorspace.

There is no clear statement that these floorspace figures are up to date and reflect post Covid patterns of office and industrial demand.

What to Change

We suggest that this clause is revised to say:

'Contributing to the delivery of a minimum of 40,400 square metres of additional employment floorspace across the District, with a proportionate share in Sevenoaks, Swanley and Edenbridge in line with the settlement hierarchy, of which 25,800 square metres must be for office uses (Use Class E(g)(i)) in town centre locations including Edenbridge, and 14,600 square metres for industrial uses (Use Classes B2 and B8).'

Requested Change EMP1(1)(a)

- We ask that the Council requires a "proportionate share" of the 40,400 square metres to be provided in Edenbridge, reflecting its role in the settlement hierarchy and its housing numbers.
- We ask that the Council explicitly names Edenbridge as a town centre location for new office floorspace within this clause.
- We ask that the Council confirms in the economic evidence base that these floorspace figures are up to date and robust, and that they are revised if they do not reflect current economic conditions over the plan period to 2042.

Regulation 19 soundness and legal points EMP1(1)(a)

The policy is not sound because it is not justified. It does not explain how the district wide floorspace targets will be translated into an equitable spatial distribution between the three main towns, so reasonable alternatives have not been clearly set out or tested.

The policy is not sound because it is not positively prepared. Without linking the employment floorspace target to the pattern of housing allocations, particularly in Edenbridge, the plan may fail to provide a sustainable balance of homes and jobs as the National Planning Policy Framework intends.

EMP1(1)(b) Storage and distribution in the north of the District

This part of the policy says that demand for storage and distribution (Use Class B8) floorspace should be met in the north of the District, particularly in Swanley and at the Vestry Trading Estate in Sevenoaks.

What is good

Focusing larger storage and distribution uses on existing, better connected industrial locations should help reduce pressure for large sheds and heavy goods vehicle traffic in and around Edenbridge.

The clause recognises that storage and distribution are a particular type of economic use which need clearly planned locations.

What is vague or risky

The reference to "the north of the District" is very loose. Without stronger wording, applicants can still argue for storage and distribution schemes elsewhere "to meet demand".

The clause is one sided. It promotes Swanley and Sevenoaks for this sector but does not explain the corresponding economic role of the south of the District, including Edenbridge.

There is no clear test for refusing large storage and distribution schemes near Edenbridge on highways, amenity, or environmental grounds.

What to Change

We suggest this clause is revised to say:

'Meeting the particular demand for storage and distribution floorspace mainly through intensification, renewal and redevelopment at Swanley and the Vestry Trading Estate in Sevenoaks, and only supporting such uses in other locations, including around Edenbridge,

where they demonstrably meet local needs, are compatible with neighbouring uses and have acceptable transport, air quality and environmental impacts.'

Requested Change EMP1(1)(b)

- We ask that the Council makes it clear that Swanley and the Vestry Trading Estate are the main locations for strategic storage and distribution demand.
- We ask that the Council sets firm tests for any storage or distribution proposals away from these locations, including a demonstrable local need and acceptable heavy goods vehicle and air quality impacts on places such as Edenbridge.
- We ask that the Council explains in the economic evidence how the focus on the north for this sector will be balanced by broader employment opportunities in and around Edenbridge.

Regulation 19 soundness and legal points EMP1(1)(b)

The policy is not sound because it is not effective. The current wording is too loose to manage storage and distribution proposals away from the named locations and does not give decision makers a clear basis to refuse harmful schemes near Edenbridge.

The policy is not sound because it is not positively prepared. It concentrates this sector in the north without setting out a complementary employment offer for the south, which risks an unbalanced pattern of jobs and housing that is contrary to National Planning Policy Framework aims for sustainable economic growth.

EMP1(1)(c) Flexible and creative workspace and co-location

This part of the policy encourages flexible and creative workspace and the co-location of different uses on the same site or in the same building.

What is good

This is exactly the kind of provision that Edenbridge town centre and its local businesses could benefit from, including small studios, co working space and flexible offices.

Mixed use development that brings jobs, homes and services together is supported by the National Planning Policy Framework. It can help local centres stay active and reduce travel.

What is vague or risky

The current drafting does not require flexible and creative workspace in the main growth locations. It only encourages it in general terms.

Without a clearly stated role for Edenbridge, there is a real risk that most creative and flexible workspace will again be focused on Sevenoaks or Swanley.

What to Change

We suggest that this clause is revised to say:

'Delivering flexible and creative workspace and the co-location of uses in town centres, local centres and mixed use allocations, with a particular focus on Edenbridge, Swanley and Sevenoaks town centres, so that new and existing housing is supported by local jobs and services.'

Requested Change EMP1(1)(c)

- We ask that the Council requires flexible and creative workspace in town centres and mixed use allocations, rather than simply encouraging it.
- We ask that the Council explicitly names Edenbridge as a focus for this type of workspace alongside the other main towns.

Regulation 19 soundness and legal points EMP1(1)(c)

The policy is not sound because it is not effective. Without linking flexible workspace to specific locations and allocations, including Edenbridge, this clause is unlikely to shape real development outcomes on the ground.

EMP1(1)(d) Windfall employment floorspace

This part of the policy says the Council wants to see additional "windfall" employment floorspace, that is unallocated employment development, come forward.

What is good

If handled well, this could support small, incremental job growth in Edenbridge, such as offices above shops or small workshops on infill sites.

It recognises that not all useful employment development can be planned through formal allocations.

What is vague or risky

There are no criteria. The phrase "where appropriate" in the original policy leaves decisions wide open.

Without clear spatial or impact tests, this clause could be used to justify ad hoc schemes in unsustainable locations or developments that harm residential amenity.

What to Change

We suggest that the wording is revised to say:

'Delivering windfall employment floorspace within or adjacent to existing settlements, with a strong preference for town and local centres and existing employment areas, including those serving Edenbridge, and subject to clear tests on design quality, transport impacts and neighbour amenity.'

Requested Change EMP1(1)(d)

- We ask that the Council requires windfall employment schemes to be within or next to existing settlements, not in isolated countryside locations.
- We ask that the Council gives a clear preference for town and local centres and existing employment areas, including those in Edenbridge.
- We ask that the Council adds explicit tests on design, transport, and amenity so that this part of the policy can be applied consistently across the District.

Regulation 19 soundness and legal points EMP1(1)(d)

The policy is not sound because it is not justified or effective. Without criteria, this clause does not provide a usable framework for determining proposals and risks inconsistency across the District, which runs against National Planning Policy Framework expectations for clear and up to date plans.

EMP1(1)(e) Safeguarding and optimising existing employment land

This part of the policy says the Council will safeguard and "optimise" existing employment land to meet modern economic needs and to make the District more attractive for business.

What is good

In principle, this should support the protection of employment areas in Edenbridge from being lost to speculative housing schemes.

If correctly defined, "optimising" could mean refurbishing poor quality buildings and making more efficient use of existing employment sites.

What is vague or risky

"Optimising" is an ambiguous term. It could be used to justify the loss of employment uses to higher value non employment uses, such as housing.

There is no clear test for resisting the loss of employment floorspace where housing values are strong, including in parts of Edenbridge.

What to Change

We suggest that this clause is revised to say:

'Safeguarding and optimising existing employment land and premises by resisting the loss of employment uses unless robustly justified against clear viability and market tests and securing at least equivalent employment floorspace within the same town, including Edenbridge, where loss is agreed.'

Requested Change EMP1(1)(e)

- We ask that the Council defines "optimising" as retaining and improving employment uses, not converting them by default to higher value non employment uses.
- We ask that the Council includes a clear test for resisting the loss of employment land and, where loss is agreed, requires replacement employment space in the same town.

Regulation 19 soundness and legal points EMP1(1)(e)

The policy is not sound because it is not effective. Without a clear test for the loss and re provision of employment land, there is a risk of piecemeal erosion of jobs in towns like Edenbridge, which would undermine the economic strategy and the plan led approach promoted by the National Planning Policy Framework.

EMP1(1)(f) Improving digital connectivity

This part of the policy commits to improving digital connectivity, such as broadband and mobile networks.

What is good

Improved digital infrastructure is very important for Edenbridge and the rural south of the District, where digital coverage has historically lagged behind.

It supports home working and local business growth, which is consistent with the National Planning Policy Framework aim of building a strong, competitive economy.

What is vague or risky

There is no requirement that new developments provide top tier digital infrastructure.

There is no recognition that some places, including Edenbridge, may need priority treatment because of existing weaknesses.

What to Change

We suggest that this clause is revised to say:

'Improving digital connectivity by requiring all major new development to provide gigabit capable digital infrastructure and by targeting investment at areas with poorer existing coverage, including Edenbridge and surrounding rural communities.'

Requested Change EMP1(1)(f)

We ask that the Council requires gigabit capable digital infrastructure in all major developments that serve Edenbridge.

We ask that the Council identifies Edenbridge and the rural south as priority areas for digital upgrades in the supporting text and delivery plan.

Regulation 19 soundness and legal points EMP1(1)(f)

The policy risks not being fully effective. Without clear requirements on new development and identified priority areas, there is no mechanism to ensure that the growth locations, including Edenbridge, actually receive the digital connectivity the strategy relies on.

EMP1(1)(g) Emerging technologies and underrepresented sectors

This part of the policy says the Council wants to support emerging technologies and sectors that are currently underrepresented in the District.

What is good

If applied equitably, this could support higher value, greener and technology based jobs in Edenbridge rather than only lower value uses.

It aligns with national policy on supporting innovation and more diverse local economies.

What is vague or risky

The phrase "seeking opportunities" is weak and does not say where these sectors should be located.

Without explicit mention of Edenbridge, the default is likely to be further concentration of these sectors in already favoured locations.

What to Change

We suggest that this clause is revised to say:

'Identifying and supporting investment in emerging technologies and economic sectors that are currently underrepresented in the District, including directing a equitable share of such investment to towns like Edenbridge to broaden the range of local jobs.'

Requested Change EMP1(1)(g)

- We ask that the Council replaces "seeking opportunities" with a firm commitment to "identify and support investment".
- We ask that the Council commits to directing an equitable share of new high value sectors to Edenbridge, not only to already successful parts of the District.

Regulation 19 soundness and legal points EMP1(1)(g)

The policy is not sound because it is not clearly positively prepared or effective. Without a spatial dimension, this clause does not show how all parts of the District, including Edenbridge, will share in the benefits of emerging sectors, as the National Planning Policy Framework expects for plan led growth.

EMP1(1)(h) Diversifying the rural economy

This part of the policy supports diversification of the rural economy.

What is good

If appropriately managed, this could help rural communities around Edenbridge by supporting small rural enterprises and tourism.

In principle, it aligns with the National Planning Policy Framework support for a strong rural economy.

What is vague or risky

Without clear limits, the phrase "diversifying the rural economy" can be used to justify large or inappropriate developments, such as traffic intensive or visually harmful schemes, in the countryside around Edenbridge.

There is no cross reference to Green Belt protection, countryside character, flood risk, or transport impacts.

What to Change

We suggest that this clause is revised to say:

'Diversifying the rural economy through small scale, locally appropriate business, tourism and community uses that respect rural character, safeguard Green Belt and landscape quality and avoid unacceptable traffic and environmental impacts on nearby settlements such as Edenbridge.'

Requested Change EMP1(1)(h)

- We ask that the Council limits rural diversification to small scale, locally appropriate uses with clear protection for Green Belt, landscape, biodiversity, and the quiet enjoyment of the countryside.
- We ask that the Council requires rural diversification schemes to demonstrate acceptable traffic and environmental impacts on Edenbridge and surrounding villages.

Regulation 19 soundness and legal points EMP1(1)(h)

The policy is not sound because it is not clearly consistent with national policy. By omitting safeguards for Green Belt and the countryside while promoting rural diversification, it risks conflict with National Planning Policy Framework objectives for protecting the countryside and Green Belt while still supporting a prosperous rural economy.

EMP1(1)(i) Growing the visitor economy and visitor accommodation

This part of the policy seeks to grow the visitor economy, with a focus on providing more visitor accommodation.

What is good

Edenbridge could benefit from modest, well located visitor accommodation that supports the High Street and nearby attractions.

It is positive that the policy recognises tourism as part of the local economic mix.

What is vague or risky

There is no "town centre first" or settlement first approach for visitor accommodation. This could allow large hotels or holiday parks in the open countryside around Edenbridge.

There is no reference to flood risk, even though areas around the River Eden are vulnerable.

There is no guidance on the appropriate scale or design of visitor accommodation.

What to Change

We suggest that this clause is revised to say:

'Growing the visitor economy, with a focus on providing more visitor accommodation in sustainable locations, primarily within or adjoining existing settlements and town centres including Edenbridge and resisting large scale or car dependent visitor accommodation in open countryside or high flood risk areas.'

Requested Change EMP1(1)(i)

- We ask that the Council applies a clear settlement and town centre first approach to visitor accommodation, explicitly including Edenbridge.
- We ask that the Council includes strong safeguards against large, car dependent visitor accommodation in open countryside and in high flood risk areas around Edenbridge.

Regulation 19 soundness and legal points EMP1(1)(i)

The policy is not sound because it is not clearly consistent with national policy or fully justified. It does not reflect the National Planning Policy Framework emphasis on sustainable tourism, flood risk avoidance, and protection of the natural environment, nor does it explain how visitor accommodation will be directed to the most sustainable locations.

EMP1(1)(j) Resilient town and local centres

This part of the policy aims to make town and local centres more resilient and to strengthen their identity and roles for retail, leisure, employment, and services.

What is good

This is directly relevant to Edenbridge. A resilient town centre is essential if it is to cope with more residents and changing shopping patterns.

It recognises that centres are multi-functional, not just about shops.

What is vague or risky

Edenbridge is not named. The policy does not say how support will be shared between the main town centres.

The clause does not tie resilience to concrete development management decisions, for example whether out of centre schemes that would harm Edenbridge High Street will be resisted.

What to Change

We suggest that this clause is revised to say:

'Cultivating resilience in town and local centres, including the town centres of Sevenoaks, Swanley and Edenbridge, by strengthening their sense of place and their roles as key locations for retail, leisure, employment and other services, and by requiring major developments in their catchments to support, and not undermine, town centre vitality and viability.'

Requested Change EMP1(1)(j)

- We ask that the Council explicitly names Edenbridge alongside Sevenoaks and Swanley within this clause.
- We ask that the Council requires major development proposals to demonstrate how they support, and do not undermine, the vitality and viability of Edenbridge town centre.

Regulation 19 soundness and legal points EMP1(1)(j)

The policy is not sound because it is not fully effective. Without naming the key town centres and tying resilience to how development is controlled, officers lack a clear policy hook to refuse harmful out of centre proposals that might damage Edenbridge High Street, which is contrary to National Planning Policy Framework objectives for town centres.

Edenbridge Impact

As drafted, EMP1 reads as a broad economic wish list that gives specific growth roles to Swanley and Sevenoaks but never names Edenbridge, so unless strengthened along the lines above it risks loading housing growth onto Edenbridge while leaving its share of new jobs,

workspace, visitor investment, and digital upgrades uncertain and weaker than the northern towns.

EMP2 Edenbridge employment allocations

This part of the Plan sets out the specific employment allocations for Edenbridge. It lists two sites. EDEN14 at Breezehurst Farm on Crouch House Road with a stated capacity of one thousand four hundred square metres for mixed employment uses. EDEN16 at Swan Lane where all details are still marked as to be confirmed. Both sites are described as Greenfield, and both are identified for mixed use employment.

What is good

It is positive that the Plan recognises Edenbridge as one of the towns that should receive new employment land. This is important given the scale of housing growth the Council proposes for Edenbridge.

EDEN14 has a defined quantum, uses and location. This gives clarity and suggests that the Council has done some level of assessment. Mixed employment uses could provide a modest number of local jobs that support the town.

What is vague or risky

EDEN16 is presented with no confirmed floorspace, no confirmed uses and no confirmed delivery expectations. A site shown in the Local Plan with all key information left as to be confirmed is highly concerning. A blank allocation is not a sound basis for employment planning.

There is no explanation of why EDEN14 is capped at one thousand four hundred square metres or how that figure relates to Edenbridge's proportion of the district wide target in EMP1. This raises the risk that Edenbridge receives a very small share of new employment floorspace even though it is expected to take substantial housing.

There is no information on access, infrastructure, transport impacts, or landscape constraints for either site. For EDEN16 this means we cannot know whether the site is deliverable or whether it could cause harm to the surrounding area.

Mixed use is not defined. It is unclear whether housing will be introduced into these employment allocations and if so, how that will affect the amount and quality of actual employment provision in Edenbridge.

What to Change

We propose that EDEN16 is not carried forward as an allocation unless and until full evidence is provided on its size, uses, access, viability, environmental impacts, and deliverability.

We recommend that EDEN14 is revisited to confirm whether one thousand four hundred square metres is an appropriate share of the employment requirement for a town the size of Edenbridge.

We recommend that the Plan includes clear requirements that both Edenbridge sites deliver genuinely usable employment floorspace and not token provision diluted by other uses.

Requested Change EMP2

- We ask that the Council publishes full and transparent evidence for EDEN16 including confirmed floorspace, confirmed uses, access arrangements, and viability testing before Regulation 19 consultation.
- We ask that the Council increases Edenbridge's identified employment capacity where justified so that the town has a realistic balance of jobs and homes over the Plan period.
- We ask that the Council defines mixed use in this context and requires a clear minimum proportion of employment floorspace to be delivered and retained for the lifetime of the development in both EDEN14 and EDEN16.

Regulation 19 soundness and legal points EMP2

The evidence is not sound because it is not justified. An employment allocation with all key fields left as to be confirmed has no evidence base, so reasonable alternatives have not been assessed, and the allocation is not based on proportionate information as required by the National Planning Policy Framework.

The evidence is not sound because it is not effective. Without confirmed capacities, uses or deliverability testing, EDEN16 cannot contribute reliably to the employment strategy and may undermine the ability of the Plan to meet its own employment targets.

The evidence is not sound because it is not positively prepared. Edenbridge is taking major housing but the employment allocations provided here are uncertain, minimal and lack explanation. This risks an imbalance between homes and jobs which the National Planning Policy Framework seeks to avoid.

The evidence may not be legally compliant if the lack of information on EDEN16 prevents meaningful public participation or undermines equal consideration between settlements.

Edenbridge Impact

As drafted, EDEN14 is modest and EDEN16 is almost entirely undefined, so Edenbridge risks receiving far less certain employment space than the level of housing growth implies is needed.

NEDRA (New Edenbridge District Residents' Association)

Chapter 3 Response

NEDRA Disagree

<u>Policy EMP3</u>

EMP3(1)

What this clause does

This part says the Council will not allow development that weakens or reduces the role of land that is designated for employment on the proposals map.

What is good

The intention to protect employment land from being chipped away is clear, which is especially important for a town like Edenbridge that already has limited employment sites.

It helps to resist the ad hoc loss of employment land to housing or other non-job uses.

What is vague or risky

The wording "undermine or diminish the role and function" is vague and open to argument by developers.

It does not clearly link to the later tests in EMP3(3) and EMP3(4), which do allow some release or change of use in certain circumstances. As written, it could be read as an absolute ban, which then conflicts with those later parts.

There is no explicit requirement to consider the balance of jobs and homes in each settlement, including Edenbridge, when deciding whether something "undermines" role and function.

What to Change

Replace EMP3(1) with:

"Planning permission will be refused for development proposals on designated employment land, as shown on the proposals map, that would result in a net loss of employment floorspace or jobs capacity, or that would prevent the land from continuing to perform its identified employment function, unless a justified release or change of use is permitted in accordance with EMP3(3) and EMP3(4)."

Requested Change

- We ask that the Council replace "undermine or diminish the role and function" with clear tests based on net loss of employment floorspace, jobs capacity and identified employment function.

- We ask that the Council explicitly cross refer EMP3(3) and EMP3(4) so the approach to release is consistent and transparent.
- We ask that the Council add supporting text making clear that decisions will take account of the balance between jobs and homes in each settlement, including Edenbridge.

Regulation 19 soundness and arguments

The policy is not sound because it is not effective. Undefined terms such as "undermine or diminish the role and function" are too vague to give consistent decisions or resist challenge at appeal.

The policy is not sound because it is not justified. It does not clearly explain how this protection interacts with the release tests in EMP3(3) and EMP3(4), so the overall approach to employment land is not coherent.

The policy is not sound because it is not fully consistent with national policy. The National Planning Policy Framework (NPPF) expects policies to be clearly written and unambiguous, so they are easily understood and applied; this test is currently too open ended.

EMP3(2) opening sentence

What this clause does

This part says redevelopment, intensification or expansion of existing employment land inside built up areas, and in the Green Belt where national Green Belt policy is met, will be allowed if criteria (a) to (g) are satisfied.

What is good

There is positive support for modernising and intensifying employment sites, which can help deliver more and better jobs without always needing new land.

It explicitly recognises that changes within the Green Belt must still meet national Green Belt tests.

What is vague or risky

There is no reference to maintaining an equitable spread of jobs across different towns, including Edenbridge.

It does not explicitly say that all criteria (a) to (g) must be met, which could weaken the policy.

What to Change

Replace the opening text of EMP3(2) with:

"Within built up area boundaries, and within the Green Belt where they accord with national Green Belt policy, proposals to redevelop, reconfigure, intensify or expand activity on existing employment land will be permitted where they meet all of criteria EMP3(2)(a) to (g) and maintain or enhance the site's contribution to the employment role of the settlement in which it is located."

Requested Change

- We ask that the Council confirm in the policy text that all of criteria EMP3(2)(a) to (g) must be met.
- We ask that the Council require proposals to demonstrate how they maintain or enhance the employment role of the settlement, including Edenbridge.

Regulation 19 soundness and arguments

The policy is not sound because it is not effective. Without saying clearly that all criteria (a) to (g) apply, the decision making framework can be interpreted inconsistently.

The policy is not sound because it is not positively prepared. It does not clearly secure a balanced pattern of employment growth across the District's settlements, as encouraged by the NPPF's focus on place based strategies.

EMP3(2)(a)

What this clause does

This part says employment sites should be redeveloped in a way that "optimises" employment capacity and makes the best or most efficient use of the land.

What is good

The intention to use existing employment land efficiently is positive and aligns with national policy on making effective use of land.

It provides a basis to resist under development or low job density uses on scarce employment land.

What is vague or risky

"Optimise" is not defined. A developer might argue that a low job, high floorspace logistics shed "optimises" the site.

There is no clear reference to net jobs, only to generic "employment capacity."

What to Change

Replace EMP3(2)(a) with:

"Secure a net increase, or at least no net loss, in employment floorspace and jobs capacity on the site and demonstrably make efficient use of the land through high quality design and layout."

Requested Change

- We ask that the Council replace "optimise the overall employment capacity" with a clear requirement for a net increase, or at least no net loss, of employment floorspace and jobs capacity.
- We ask that the Council require applicants to quantify existing and proposed jobs and floorspace so this criterion can be applied consistently in places like Edenbridge.

Regulation 19 soundness and arguments

The policy is not sound because it is not effective. Undefined language such as "optimise" will lead to inconsistent decisions and appeals.

The policy is not sound because it is not fully consistent with national policy. The NPPF expects the effective use of land to be measured and justified, not left to broad interpretation.

EMP3(2)(b)

What this clause does

This part says new employment development should meet needs identified in the Council's Economic Needs Study, used as a starting point.

What is good

It links decisions to an evidence base, which is good practice.

It acknowledges that the Economic Needs Study is not the only consideration, by describing it as "a starting point."

What is vague or risky

It only names the district wide Economic Needs Study and does not require consideration of more local evidence, such as Edenbridge's specific needs.

The phrase "as a starting point" is vague and could be used to justify ignoring the evidence altogether.

What to Change

Replace EMP3(2)(b) with:

"Respond to identified quantitative and qualitative needs for employment land and premises in the District, having regard to the Council's most up to date Economic Needs Study and any more detailed evidence of needs for the settlement in which the site is located."

Requested Change

- We ask that the Council require applicants to consider settlement level employment needs, not just district wide averages.
- We ask that the Council remove the vague phrase "as a starting point" and instead require clear regard to the Economic Needs Study and any local evidence.

Regulation 19 soundness and arguments

The policy is not sound because it is not justified. Relying only on a district wide Economic Needs Study risks ignoring local differences between places such as Edenbridge and the north of the District.

The policy is not sound because it is not positively prepared. It does not ensure development meets objectively assessed needs in each settlement, as required by the NPPF's emphasis on place based planning.

EMP3(2)(c)

What this clause does

This part says schemes should minimise car travel and look for opportunities to improve access by public transport, walking and cycling.

What is good

It encourages sustainable travel and active travel, which is important for sites on the edge of towns like Edenbridge.

It aligns with climate and health objectives.

What is vague or risky

“Minimise” and “seek opportunities” are weak phrases and do not require actual measures or outcomes.

There is no requirement for evidence, such as a travel plan.

What to Change

Replace EMP3(2)(c) with:

“Demonstrably minimise the need to travel by private car and provide or fund specific measures to improve access by public transport, walking and cycling, secured through conditions or planning obligations where necessary.”

Requested Change

- We ask that the Council require specific, secured measures to improve sustainable and active travel, not just a general intention to “seek opportunities.”
- We ask that the Council expect travel plans and mitigation for larger schemes in locations such as Edenbridge where road capacity is limited.

Regulation 19 soundness and arguments

The policy is not sound because it is not effective. Soft wording such as “seek opportunities” is unlikely to deliver actual changes on the ground.

The policy is not sound because it is not clearly consistent with national policy. The NPPF expects development to be designed to enable sustainable transport, supported by appropriate mitigation and travel planning.

EMP3(2)(d)

What this clause does

This part says schemes must not have an unacceptable impact on highways, including access and parking.

What is good

It explicitly flags access and parking, which are key issues for existing and new employment in Edenbridge.

It recognises that highway impacts can be a reason to refuse planning permission.

What is vague or risky

“Unacceptable impact” is not defined and can be argued either way at appeal.

There is no explicit requirement for a transport assessment or for heavy goods vehicle routing, which is a particular concern for Edenbridge’s constrained road network and historic High Street.

What to Change

Replace EMP3(2)(d) with:

“Demonstrate, through proportionate transport assessment and mitigation, that the development will have no unacceptable impact on highway safety, capacity or the free flow of traffic, including in relation to access, parking and heavy goods vehicle routing through nearby communities.”

Requested Change

- We ask that the Council define highway impacts in terms of safety, capacity, traffic flow, and heavy goods vehicle routing, not leave “unacceptable” undefined.
- We ask that the Council require proportionate transport assessments and mitigation for schemes that could affect constrained routes serving Edenbridge and other towns.

Regulation 19 soundness and arguments

The policy is not sound because it is not effective. A bare reference to “unacceptable impact” without supporting tests is too vague to guide decisions.

The policy is not sound because it is not fully consistent with national policy. The NPPF expects decisions to be based on robust transport assessment and mitigation of residual cumulative impacts.

EMP3(2)(e)

What this clause does

This part says the level and type of activity on employment sites must suit the location and take account of the amenity of neighbours.

What is good

It recognises that some employment uses can harm nearby homes if not controlled.

It provides a basis for controlling noisy or disruptive uses.

What is vague or risky

“Appropriate to the location” is not defined; it does not mention hours of operation, noise, lighting, heavy goods vehicles, and similar factors.

Without more detail, high impact uses could still be argued to be “appropriate” on existing sites close to homes in Edenbridge.

What to Change

Replace EMP3(2)(e) with:

“Generate types and levels of activity, including hours of operation, servicing and deliveries, which are compatible with the character of the area and protect the amenity of nearby homes, schools and other sensitive uses.”

Requested Change

- We ask that the Council explicitly include hours of operation, servicing, and deliveries in the test of compatibility with neighbouring uses.
- We ask that the Council confirm that amenity includes noise, vibration, lighting, odour, and general disturbance for residents in areas such as Edenbridge.

Regulation 19 soundness and arguments

The policy is not sound because it is not effective. It does not identify the key amenity impacts that should be controlled, which makes enforcement more difficult.

The policy is not sound because it is not clearly consistent with national policy, which expects planning to ensure a good standard of amenity for existing and future occupants of land and buildings.

EMP3(2)(f)

What this clause does

This part says schemes must not have an unacceptable impact on the natural and built environment, with “very careful consideration” where heritage assets are involved.

What is good

It acknowledges that heritage and the natural environment must be taken seriously in employment development.

It gives some protection for historic areas, which is important for Edenbridge.

What is vague or risky

It again uses “unacceptable impact” without defining it.

“Very careful consideration” is a soft phrase and does not reflect the NPPF’s firm requirement to conserve and enhance heritage assets according to their significance.

What to Change

Replace EMP3(2)(f) with:

“Avoid harm to the natural and built environment and conserve and, where possible, enhance designated and non-designated heritage assets and their settings, in line with national policy.”

Requested Change

- We ask that the Council replace “very careful consideration” with a clear requirement to conserve and, where possible, enhance heritage assets and their settings.
- We ask that the Council ensure this protection applies equally to heritage in Edenbridge and other settlements.

Regulation 19 soundness and arguments

The policy is not sound because it is not clearly consistent with national policy. The NPPF places great weight on conserving heritage assets, which goes beyond “very careful consideration.”

The policy is not sound because it is not effective. The current wording does not give clear decision making criteria where heritage harm is proposed or disputed.

EMP3(2)(g)

What this clause does

This part says schemes must not have an unacceptable impact on landscape and visual amenity, with particular care in National Landscapes, formerly Areas of Outstanding Natural Beauty.

What is good

It recognises the importance of landscape, including National Landscapes near Edenbridge.

It provides a basis for resisting visually harmful development.

What is vague or risky

It again relies on “unacceptable impact,” which is undefined.

“Very careful consideration” falls short of the NPPF requirement to give great weight to conserving and enhancing National Landscapes.

What to Change

Replace EMP3(2)(g) with:

“Respect and, where possible, enhance the landscape character and visual amenity of the site and its surroundings, giving great weight to conserving and enhancing National Landscapes and their settings.”

Requested Change

- We ask that the Council align the wording with national policy by giving great weight to conserving and enhancing National Landscapes.
- We ask that the Council make clear that this protection applies to the settings of National Landscapes, including views and approaches experienced from settlements like Edenbridge.

Regulation 19 soundness and arguments

The policy is not sound because it is not clearly consistent with national policy, which requires great weight to be given to conserving and enhancing National Landscapes.

The policy is not sound because it is not effective. “Unacceptable impact” and “very careful consideration” do not give clear criteria for decision making.

EMP3(3) opening and scope

What this clause does

This part says that changing existing employment land or buildings in Use Classes B2, B8, E(c) or E(g) to other uses will only be allowed if one of the listed criteria (a) to (d) is met, including for vacant sites.

What is good

It is a strong starting point in favour of protecting employment land, which is particularly important where there are few sites, as in Edenbridge.

It applies to vacant land and buildings, so owners cannot simply leave sites empty to justify release.

What is vague or risky

It does not explicitly require site specific evidence. Relying on broad evidence could make it easier to release sites in smaller towns.

It does not mention the impact on the settlement’s overall balance between jobs and homes.

What to Change

Replace the opening of EMP3(3) with:

“Proposals to change the use of existing employment land and premises in Use Classes B2, B8, E(c) or E(g), including vacant sites and buildings last in those uses, to non-employment uses will only be permitted where one or more of criteria EMP3(3)(a) to (d) is satisfied, based on robust, site specific evidence.”

Requested Change

- We ask that the Council require robust, site specific evidence before releasing any employment land.
- We ask that the Council ensure that this clause protects smaller employment areas in towns such as Edenbridge, not just the largest sites.

Regulation 19 soundness and arguments

The policy is not sound because it is not fully justified. Without a clear requirement for site specific evidence, the release of employment land may be driven by generalised studies rather than local realities.

The policy is not sound because it is not clearly positively prepared. It does not ensure that the balance between jobs and homes is properly considered in each settlement.

EMP3(3)(a)

What this clause does

This part says employment land can change use if it has been allocated for something else in this Local Plan.

What is good

It maintains consistency within the plan by giving allocations precedence.

It gives certainty where the Council has already decided that a different use is appropriate.

What is vague or risky

It does not specify that the allocation must be specific to that site. In theory a broad allocation could be over interpreted.

What to Change

Replace EMP3(3)(a) with:

“The land has been specifically allocated for an alternative use through this Local Plan.”

Requested Change

- We ask that the Council confirm that only site specific allocations count as justification for release under this clause.

Regulation 19 soundness and arguments

This clause is generally sound but could be more effective. Clarifying “specifically allocated” will reduce scope for dispute about whether a general allocation justifies release.

EMP3(3)(b)

What this clause does

This part says employment land can change use if the Economic Needs Study recommends that the land be released.

What is good

It ties release to evidence rather than short term market pressure.

What is vague or risky

It relies solely on a district wide Economic Needs Study, which may prioritise large sites in other parts of the District over maintaining jobs in Edenbridge.

It does not require consideration of the impact on the settlement’s employment role.

What to Change

Replace EMP3(3)(b) with:

“The Council’s most up to date Economic Needs Study, together with any more detailed local employment land reviews, clearly identifies the site as suitable for release without undermining the employment role of the settlement in which it is located.”

Requested Change

- We ask that the Council require local employment land reviews to inform any release of sites, not rely only on a district wide Economic Needs Study.

- We ask that the Council protect the employment role of each settlement, including Edenbridge, when considering any release.

Regulation 19 soundness and arguments

The policy is not sound because it is not justified. A single Economic Needs Study is not sufficient to justify the release of specific sites across varied settlements.

The policy is not sound because it is not positively prepared. It does not secure a balanced pattern of jobs and homes across the District as encouraged by the NPPF.

EMP3(3)(c)

What this clause does

This part says employment land can change use if it is clearly unsuitable for its current or last use, with more detail given in paragraph 3.11.

What is good

It recognises that some old sites really may not be fit for modern employment.

It allows the plan to avoid insisting on unrealistic re use.

What is vague or risky

“Demonstrably unsuitable” is not explained in the policy and key criteria are pushed into supporting text.

There is no requirement to test whether refurbishment or redevelopment could overcome the unsuitability.

What to Change

Replace EMP3(3)(c) with:

“It has been demonstrated, through proportionate and independently reviewed evidence, that the land or premises are unsuitable for their existing or last lawful employment use and cannot reasonably be made suitable through refurbishment or redevelopment.”

Requested Change

- We ask that the Council require applicants to show that reasonable refurbishment or redevelopment options have been explored before land is declared “unsuitable.”
- We ask that the Council require independent review of claims that sites in Edenbridge and elsewhere are unsuitable for employment.

Regulation 19 soundness and arguments

The policy is not sound because it is not effective. Leaving “demonstrably unsuitable” to supporting text risks inconsistent application across sites and settlements.

The policy is not sound because it is not clearly justified. Without testing refurbishment or redevelopment options, release could be driven by owner preference rather than genuine constraints.

EMP3(3)(d)

What this clause does

This part says employment land can change use if the existing or last employment use is no longer viable and unlikely to continue, with guidance in paragraphs 3.12 to 3.13.

What is good

It recognises that some employment uses may genuinely become unviable.

It attempts to put controls around viability arguments.

What is vague or risky

“Viable” is not defined in the policy, and the detail is again pushed into supporting text.

There is no explicit requirement for a proper marketing exercise or realistic terms, which is the usual way to test viability.

Without robust wording, there is a risk that employment sites in towns like Edenbridge are declared unviable prematurely.

What to Change

Replace EMP3(3)(d) with:

“It has been robustly demonstrated, including through an appropriate period of active marketing at realistic terms and assessment of reasonable refurbishment options, that the site or premises are no longer viable for employment use and there is no reasonable prospect of their continued use for employment over the plan period.”

Requested Change

- We ask that the Council require a clear marketing and viability test in the policy itself, including realistic terms and an appropriate marketing period.
- We ask that the Council ensure the same robust test is applied consistently across all settlements, so Edenbridge’s employment sites are not treated less favourably.

Regulation 19 soundness and arguments

The policy is not sound because it is not effective. Leaving viability criteria to supporting text makes it harder to secure consistent, enforceable decisions.

The policy is not sound because it is not justified. Without a clear and consistent marketing test, there is a risk that release is driven by short term value rather than long term employment needs, contrary to the NPPF’s plan led approach.

EMP3(4) opening

What this clause does

This part says that once one of the criteria in EMP3(3) has been met, alternative uses will be looked at in a set order from (a) to (e).

What is good

A sequential approach is good in principle, as it should prioritise keeping land in employment use wherever possible.

What is vague or risky

The words "will be considered" are weak. They do not say that higher priority options must be fully explored and ruled out before moving down the list.

There is a real risk that sites move quickly to mixed or wholly residential schemes.

What to Change

Replace the opening of EMP3(4) with:

"Where at least one of criteria EMP3(3)(a) to (d) is satisfied, proposals for alternative uses will only be permitted where they apply the following sequential approach and demonstrate why higher priority options are not reasonably deliverable on the site:"

Requested Change

- We ask that the Council make clear that higher priority options must be fully explored and ruled out before moving down the sequence.
- We ask that the Council require applicants to provide evidence explaining why higher priority employment options are not deliverable.

Regulation 19 soundness and arguments

The policy is not sound because it is not effective. "Will be considered" does not secure a genuinely sequential approach in practice.

The policy is not sound because it is not clearly consistent with national policy, which expects plans to support economic growth and make effective use of land; this requires more than simply "considering" employment options.

EMP3(4)(a)

What this clause does

This part says the first preference is the use allocated for the land in the Local Plan, where applicable.

What is good

It keeps the plan led principle at the top of the sequence.

What is vague or risky

As with EMP3(3)(a), it does not state that the allocation must be specific to that site.

What to Change

Replace EMP3(4)(a) with:

"The specific alternative use allocated for the site in this Local Plan, where relevant."

Requested Change

- We ask that the Council clarify that this applies only where there is a specific allocation for that site or a clearly defined part of it.

Regulation 19 soundness and arguments

This clause is broadly sound but improved wording would make it more effective by reducing ambiguity about which allocations apply.

EMP3(4)(b)

What this clause does

This part says the next preference is other suitable uses in Use Classes B2, B8, E(c) or E(g).

What is good

It aims to keep the land in employment use if no allocation applies.

What is vague or risky

“Suitable” is not defined and there is no encouragement for modernising or subdividing to meet current demand, for example smaller units for local businesses in Edenbridge.

What to Change

Replace EMP3(4)(b) with:

“Continued employment use within Use Classes B2, B8, E(c) and E(g), including through redevelopment or subdivision to provide modern premises.”

Requested Change

- We ask that the Council actively promote redevelopment and subdivision to provide modern employment premises before considering non employment uses.

Regulation 19 soundness and arguments

The policy is not sound because it is not fully positively prepared. It does not actively encourage modernisation of employment premises as an alternative to release.

The policy is not sound because it is not effective. Without clearer expectations, this step in the sequence may be skipped over too easily.

EMP3(4)(c)

What this clause does

This part says the next option is “all other employment generating uses.”

What is good

It keeps a focus on jobs even where traditional B class uses are not suitable.

What is vague or risky

“All other employment generating uses” is very broad and could include uses that are better located in town centres or more sustainable locations.

There is no link back to sustainable transport or to settlement roles.

What to Change

Replace EMP3(4)(c) with:

“Other employment generating uses appropriate to the site and its accessibility by sustainable transport.”

Requested Change

- We ask that the Council limit “other employment generating uses” to those appropriate in terms of location, scale, and sustainable transport access.

Regulation 19 soundness and arguments

The policy is not sound because it is not fully consistent with national policy, which expects main town centre uses to follow a town centre first approach and for development generally to be focused in sustainable locations.

EMP3(4)(d)

What this clause does

This part says the next option is a mix of residential and employment generating uses.

What is good

Mixed use schemes can in principle provide homes and jobs together and reduce travel.

What is vague or risky

There is no requirement for a meaningful or long term employment component. A token unit could be used to justify a mostly housing scheme.

There is a risk that mixed use schemes in places like Edenbridge deliver very few jobs but permanently lose employment land.

What to Change

Replace EMP3(4)(d) with:

“A genuinely mixed use scheme that retains a significant and long term employment component alongside residential uses.”

Requested Change

- We ask that the Council require a significant and long term employment component in any mixed use scheme on former employment land.
- We ask that the Council resist token employment provision that does not meaningfully replace lost jobs or floorspace.

Regulation 19 soundness and arguments

The policy is not sound because it is not effective. Without specifying what mixed use means, the policy cannot reliably protect employment outcomes.

The policy is not sound because it is not positively prepared. It does not secure meaningful replacement of jobs when employment land is redeveloped for housing.

EMP3(4)(e)

What this clause does

This part says the last option is a wholly residential scheme.

What is good

It places wholly residential use at the bottom of the sequence rather than at the top.

What is vague or risky

As written, once criteria in EMP3(3) are met and the sequence has been "considered", there is little to stop a site ending up as wholly residential even where some employment use might still be realistic.

There is no explicit link back to the balance between jobs and homes in the settlement.

What to Change

Replace EMP3(4)(e) with:

"A wholly residential scheme, only where it has been clearly demonstrated that there is no reasonable prospect of the site being used or redeveloped for any form of employment use over the plan period and that its loss would not harm the balance between homes and jobs in the settlement."

Requested Change

- We ask that the Council only allow wholly residential schemes on employment land where there is clear evidence that no form of employment use is realistic over the plan period.
- We ask that the Council require an assessment of the impact on the balance between homes and jobs in the settlement, including Edenbridge, before allowing total loss of employment land.

Regulation 19 soundness and arguments

The policy is not sound because it is not positively prepared. It does not adequately protect the long term supply of employment land, especially in smaller towns.

The policy is not sound because it is not consistent with national policy, which requires plans to support economic growth and productivity and to make effective use of land over the plan period.

Edenbridge Impact

As drafted, EMP3's vague language and weak sequential tests risk the gradual loss or dilution of Edenbridge's already limited employment land to housing or low job uses, without firmly guaranteeing well mitigated, settlement appropriate intensification compared with other, better connected settlements.

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NEDRA (New Edenbridge District Residents' Association)

Chapter 3 Response

NEDRA Disagree

Policy EMP4

EMP4 opening line ('Rural Diversification' / EMP4(1))

This part of the policy says that farm and other land based businesses can diversify, including converting rural buildings to new uses such as tourism or leisure, as long as they comply with national Green Belt policy and meet all of the later criteria in EMP4.

What is good

The policy explicitly supports diversification of agricultural and land based businesses. This aligns with the National Planning Policy Framework which supports the development and diversification of agricultural and other land based rural businesses.

It ties decisions to national Green Belt policy so inappropriate development in the Green Belt around Edenbridge should in principle still be resisted.

What is vague or risky

The phrase 'will be permitted' is very strong given how open ended some of the later tests are. If those tests remain woolly this wording could open the door to a lot of non-agricultural development on farmland.

The clause says nothing about supporting nearby rural service centres such as Edenbridge or about avoiding harm to town and local centres. Farm based tourism and leisure can pull trade away from town centres and this could have negative impacts on Edenbridge compared with more affluent rural areas.

The clause only refers to Green Belt and does not explain how the policy applies in rural areas outside the Green Belt, so the policy basis is lopsided.

What to Change

Suggested replacement for the opening sentence

'Proposals for the diversification of agricultural or other land based businesses, including the conversion of rural buildings, will be supported where they
• comply with national Green Belt policy where applicable and
• demonstrably support the long term viability of the rural holding and the vitality and viability of nearby rural service centres, including Edenbridge where relevant and
• meet all of the criteria (a) to (i) below.'

Requested Change

- We ask that the Council makes clear that diversification must demonstrably support the long term viability of the farm or land based business, not just any new commercial use.
- We ask that the Council requires proposals to show how they will support the vitality and viability of nearby rural service centres, including Edenbridge where relevant, and not undermine designated town and local centres.
- We ask that the Council clarifies that the policy applies both within and outside the Green Belt, with Green Belt tests applied 'where applicable.'

Regulation 19 soundness and arguments

The evidence is not sound because the policy is not positively prepared or effective. It encourages diversification in the countryside without any requirement to support the role of rural service centres such as Edenbridge, despite national policy emphasising the vitality of rural communities and local services.

The evidence is not sound because the policy is not justified. It relies heavily on Green Belt policy but does not explain or evidence how rural diversification will be directed to the most sustainable locations or how it will work with the settlement hierarchy.

The evidence is not sound because the policy is not clearly consistent with national policy. The strong 'will be permitted' wording is not balanced with a clear requirement to protect the role of town and local centres as expected by the National Planning Policy Framework.

EMP4(1)(a)

'Demonstrate that there would be no severance or disruption to the remaining agricultural or other land based holding'

What this means

Applicants are asked to prove that the diversification scheme does not chop up or seriously interfere with the rest of the farm or land based holding.

What is good

The clause rightly seeks to prevent pieces of a farm being carved off in a way that leaves the remaining holding unworkable.

What is vague or risky

The phrase 'no severance or disruption' is absolute and vague. Almost any change could be argued to cause some disruption which leaves a great deal of room for disagreement and inconsistent decisions.

The clause does not mention viability, even though the key planning issue is whether the remaining farm can still operate as a viable unit, particularly around Edenbridge where land is under pressure.

What to Change

Suggested replacement

‘Demonstrate that the proposal would not, without clear and robust justification, result in the unjustified severance of, or significant harm to the functioning and long term viability of, the remaining agricultural or other land based holding.’

Requested Change

- We ask that the Council replaces ‘no severance or disruption’ with a clearer test that focuses on protecting the functioning and long term viability of the holding.
- We ask that the Council requires ‘clear and robust justification’ wherever any severance or re organisation of land is proposed.

Regulation 19 soundness and arguments

The evidence is not sound because the policy is not effective. The phrase ‘no severance or disruption’ is so broad that it will be very hard to apply consistently when determining applications.

The evidence is not sound because the policy is not justified. It does not explain what level of disruption is acceptable and it fails to focus on the material planning issue of operational and financial viability of the holding, which national policy implies should be central to diversification policies.

EMP4(1)(b)

‘Demonstrate that the development would not necessitate the need for additional buildings to continue the operation of the remaining land as a result of the reuse of existing buildings for other uses’

What this means

If an existing farm building is converted to another use, the applicant must show that the farm will not then need extra buildings in order to continue operating.

What is good

The clause tries to prevent the double effect of losing a farm building and then adding extra new sheds elsewhere in the countryside.

What is vague or risky

As drafted, this is effectively a blanket ban. If any additional building would be needed, the proposal fails, even where a modest new barn would keep the farm viable. That runs against the National Planning Policy Framework, which supports diversification and adapting to changing farm businesses where impacts can be managed.

This approach could push farms around Edenbridge into a corner, either not diversifying at all, or relying on piecemeal permitted development rights instead of bringing forward properly planned schemes through the Local Plan.

The clause does not distinguish between small, well sited buildings and major expansion.

What to Change

Suggested replacement

‘Demonstrate that the development would not, without clear and proportionate justification, necessitate significant additional buildings to continue the operation of the remaining land. Where additional buildings are essential to the ongoing agricultural or land based use, they must be modest in scale, well related to existing built form, and designed to minimise landscape and traffic impacts.’

Requested Change

- We ask that the Council removes the blanket bar on any additional buildings and instead focuses on preventing unjustified or significant extra buildings.
- We ask that the Council requires any essential new agricultural buildings to be modest, well related to existing built form, and designed to minimise landscape and traffic impacts, particularly in the Edenbridge countryside.

Regulation 19 soundness and arguments

The evidence is not sound because the policy is not positively prepared. A blanket presumption against any additional building is inconsistent with national policy support for the development and diversification of rural businesses where impacts can be satisfactorily controlled.

The evidence is not sound because the policy is not consistent with national policy. It risks preventing acceptable farm diversification that the National Planning Policy Framework expects plans to enable, especially where modest new buildings are necessary for viable operations.

The evidence is not sound because the policy is not effective. In practice applicants are likely to work around this clause through permitted development routes which undermines the plan led approach.

EMP4(1)(c)

‘Reuse or replace existing buildings where practicable. Where this is not practicable, any new buildings must be well related physically and functionally to existing buildings’

What this means

Applicants are expected to reuse or replace existing buildings before proposing new ones. If new buildings are needed, they must be close to and clearly related to the existing group of buildings.

What is good

The clause promotes the use of existing buildings and the clustering of development, which is generally positive for countryside character and for landscapes around Edenbridge.

What is vague or risky

The expression ‘reuse or replace’ puts reuse and complete replacement almost on the same footing. This can be read as positively encouraging demolition and rebuild rather than conserving sound rural buildings.

The phrase ‘where practicable’ is vague and may invite arguments about cost and convenience instead of planning led considerations.

‘Well related physically and functionally’ is not defined. Different case officers could interpret this in very different ways.

What to Change

Suggested replacement

‘Give clear priority to the re use of existing permanent buildings. Replacement buildings will only be supported where it is robustly demonstrated that re use is not feasible, and in such cases, and for any additional buildings, the new buildings must be modest in scale and well related physically and functionally to existing buildings and tracks.’

Requested Change

- We ask that the Council gives clear priority to the re use of existing permanent buildings, with replacement only where re use is demonstrably not feasible.
- We ask that the Council adds that any replacement or additional buildings must be modest in scale and closely related to existing buildings and tracks.

Regulation 19 soundness and arguments

The evidence is not sound because the policy is not effective. The current ‘reuse or replace’ and ‘where practicable’ wording is too loose to consistently prevent unnecessary demolition and new build in the countryside.

The evidence is not sound because the policy is not clearly consistent with national policy, which expects plans to conserve and enhance rural character and the built environment while enabling rural economic growth. A clearer priority for re use would better reflect that balance.

EMP4(1)(d)

‘Generate a business, leisure or tourism use with an identified need and which is appropriate to the rural location, taking into account the amenity of surrounding development’

What this means

The new use should meet some kind of identified need, be suitable for a countryside setting and respect the amenity of neighbours.

What is good

The clause rightly expects evidence of need and recognises that not every commercial or leisure use is suitable in a rural setting.

It also requires protection of amenity.

What is vague or risky

‘Identified need’ is not defined. It is unclear whether this means district wide evidence, local evidence, the Council’s evidence base or simply a business plan. That makes it difficult for residents including those around Edenbridge to challenge speculative proposals.

‘Appropriate to the rural location’ is highly subjective and offers little guidance.

There is no requirement to show how the proposal will support nearby town or local centres such as Edenbridge rather than competing with them. This risks out of centre leisure and tourism uses in open countryside undermining Edenbridge's role.

What to Change

Suggested replacement

'Generate a business, leisure or tourism use which is supported by proportionate evidence of local or district need, is genuinely appropriate to the rural location in scale and character, demonstrably supports the vitality and viability of nearby rural communities and service centres (including Edenbridge where relevant), and protects the amenity of surrounding development by avoiding unacceptable noise, lighting, traffic and hours of operation.'

Requested Change

- We ask that the Council defines 'identified need' as proportionate evidence of local or district need, not just an unsupported assertion in an application.
- We ask that the Council requires diversification schemes to demonstrate support for the vitality and viability of nearby rural communities and service centres, including Edenbridge where relevant, and not to undermine the town and local centres strategy.
- We ask that the Council strengthens amenity protection by explicitly referencing noise, lighting, traffic, and hours of operation.

Regulation 19 soundness and arguments

The evidence is not sound because the policy is not justified. 'Identified need' is undefined and the policy does not indicate how need will be assessed or how it links to the Council's rural economic evidence.

The evidence is not sound because the policy is not positively prepared and is not consistent with national policy. It does not require schemes to support the vitality of rural communities and their services, including rural service centres such as Edenbridge, as the National Planning Policy Framework expects.

EMP4(1)(e)

'Have no unacceptable impact on highways including consideration of access and parking'

What this means

Diversification proposals must not cause unacceptable impacts on the road network and must consider access and parking arrangements.

What is good

The clause at least brings in highways, access, and parking, which is critical on narrow rural lanes around Edenbridge.

What is vague or risky

The phrase 'unacceptable impact on highways' follows national wording but still leaves significant room for dispute, especially on rural lanes where the cumulative effect of several schemes is a real concern.

The clause does not require cumulative impacts to be assessed, even though multiple small diversification schemes could together have a major effect on approach roads and junctions around Edenbridge.

What to Change

Suggested replacement

‘Have no unacceptable impact on highway safety or the efficient operation of the rural road network, including through safe and suitable access, sufficient onsite parking for visitors and staff, and an assessment of cumulative impacts with other committed and permitted development on affected routes.’

Requested Change

- We ask that the Council explicitly refers to highway safety and the efficient operation of the rural road network, not simply ‘highways’ in general.
- We ask that the Council requires cumulative impacts to be assessed, particularly on the constrained rural road network around Edenbridge.

Regulation 19 soundness and arguments

The evidence is not sound because the policy is not effective. Without a requirement to assess cumulative impacts, the authority cannot realistically manage the combined traffic from multiple rural diversification schemes.

The evidence is not sound because the policy is not fully consistent with national policy, which expects safe and suitable access to be achieved for all users and for the cumulative impacts of development on the transport network to be considered.

EMP4(1)(f)

‘Mitigate any additional pressures on adjacent Public Rights of Way’

What this means

If a scheme would place extra pressure on nearby Public Rights of Way, the development must mitigate that impact.

What is good

The clause recognises that more visitors can put pressure on paths and bridleways, which is very relevant in the countryside around Edenbridge.

What is vague or risky

The wording only refers to Public Rights of Way ‘adjacent’ to the site. It ignores routes a short walk or ride away which visitors are still likely to use.

The word ‘mitigate’ is not explained. It could mean a minor change such as a sign or a stile, or it could mean proper surfacing and safety works. This distinction is important where quiet rural routes around Edenbridge may be affected.

What to Change

Suggested replacement

‘Avoid harm to, and where necessary mitigate and, where proportionate, improve the condition, capacity and safety of Public Rights of Way within and reasonably accessible from the site that are likely to be used by visitors or staff.’

Requested Change

- We ask that the Council widens the test from ‘adjacent’ Public Rights of Way to those within reasonable walking or riding distance that are likely to be used by the development.
- We ask that the Council makes clear that mitigation and, where proportionate, improvement of Public Rights of Way is expected where additional pressure is created.

Regulation 19 soundness and arguments

The evidence is not sound because the policy is not effective. Limiting the test to ‘adjacent’ Public Rights of Way fails to capture realistic patterns of use from rural tourism and leisure schemes.

The evidence is not sound because the policy is not positively prepared. It misses an opportunity to secure small but important improvements to the Public Rights of Way network that would support active travel and access to the countryside in line with national policy aims.

EMP4(1)(g)

‘Seek opportunities to enable better access to sustainable and active modes of travel’

What this means

Applicants are expected to look for ways to improve access by walking, cycling, public transport and other low carbon modes of travel.

What is good

The clause reflects National Planning Policy Framework objectives to promote sustainable and active travel.

What is vague or risky

The instruction to ‘seek opportunities’ is weak and unenforceable. A developer can simply argue that they looked for opportunities and found none.

The clause does not recognise that although many rural areas have limited public transport, there are still realistic expectations for better walking and cycling links to Edenbridge from certain schemes.

What to Change

Suggested replacement

‘Provide, where proportionate to the scale and nature of the proposal, specific, secured measures to improve access by walking, cycling and, where feasible, public transport, including safe connections to nearby settlements and facilities such as Edenbridge.’

Requested Change

- We ask that the Council replaces 'seek opportunities' with a requirement to provide specific and secured measures to improve active travel and, where feasible, public transport access.
- We ask that the Council includes explicit reference to improving connections to nearby settlements and facilities, including Edenbridge where relevant.

Regulation 19 soundness and arguments

The evidence is not sound because the policy is not effective. A duty only to 'seek opportunities' is too weak to deliver actual improvements in sustainable and active travel over the plan period.

The evidence is not sound because the policy is not positively prepared. It fails to secure practical and proportionate measures that would align with national policy aims on climate change and sustainable transport in rural areas.

EMP4(1)(h)

'Have no unacceptable impact on the natural and built environments (with very careful consideration required in proposals involving heritage assets or their settings)'

What this means

Schemes must not cause unacceptable harm to the natural or built environment and additional care is required where heritage assets or their settings are involved.

What is good

The clause recognises that diversification can affect wildlife, countryside, villages, and heritage, all of which are relevant around Edenbridge.

What is vague or risky

'No unacceptable impact' is a broad and catch all phrase that does not spell out what an acceptable impact looks like.

The phrase 'very careful consideration required' in relation to heritage is vague and falls short of the clear expectation in national policy that heritage assets should be conserved and enhanced.

What to Change

Suggested replacement

'Conserve and, where possible, enhance the natural environment and the character and appearance of the built environment, and in particular conserve or enhance the significance of heritage assets and their settings, in accordance with national policy and other policies in this Plan.'

Requested Change

- We ask that the Council replaces the vague 'no unacceptable impact' and 'very careful consideration' wording with a clear requirement to conserve and, where possible, enhance the natural and built environment.

- We ask that the Council aligns the heritage wording with national policy by requiring proposals to conserve or enhance the significance of heritage assets and their settings.

Regulation 19 soundness and arguments

The evidence is not sound because the policy is not consistent with national policy on the historic environment, which expects a clear conserve and enhance approach rather than vague 'careful consideration' of impacts.

The evidence is not sound because the policy is not effective. Decision makers and applicants will struggle to apply an undefined 'unacceptable impact' test consistently.

EMP4(1)(i)

'Have no unacceptable impact on the landscape and visual amenity (with very careful consideration required in proposals involving a National Landscape or its setting)'

What this means

Diversification proposals must not have an unacceptable effect on landscape and views. Extra care is required in National Landscapes, previously called Areas of Outstanding Natural Beauty, and in their settings.

What is good

The clause acknowledges the special status of National Landscapes which is important for countryside near Edenbridge that falls within or close to these designations.

It brings landscape and visual impact into the policy explicitly.

What is vague or risky

Again, the phrases 'no unacceptable impact' and 'very careful consideration required' are loose and do not reflect the strong protection expected for National Landscapes.

There is no explicit requirement that development in or affecting National Landscapes should conserve and enhance natural beauty.

What to Change

Suggested replacement

'Respect and, where possible, enhance landscape character and visual amenity, and in the case of proposals within or affecting the setting of a National Landscape, conserve and enhance its natural beauty and special qualities.'

Requested Change

- We ask that the Council replaces 'no unacceptable impact' and 'very careful consideration' with a clear requirement to respect and, where possible, enhance landscape character and visual amenity.
- We ask that the Council requires proposals within or affecting a National Landscape to conserve and enhance its natural beauty and special qualities, in line with national policy.

Regulation 19 soundness and arguments

The evidence is not sound because the policy is not consistent with national policy, which expects great weight to be given to conserving and enhancing landscape and scenic beauty in National Landscapes, rather than simply requiring careful consideration of impacts.

The evidence is not sound because the policy is not effective. The current wording gives insufficient clarity and strength to protect highly sensitive landscapes around Edenbridge and elsewhere.

Edenbridge Impact

Overall, EMP4 encourages more farm and land based business, leisure, and tourism development in the countryside, including around Edenbridge, but as drafted it is too loose and does not properly recognise the town centre strategy, so it risks extra traffic and landscape pressure in Edenbridge's rural hinterland without securing clear and enforceable benefits for Edenbridge in its role as a rural service centre.

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Chapter 3 Response

NEDRA Disagree

<u>Policy EMP5</u>

EMP5(1)(a) and (b) tell applicants to see Paragraphs 3.30 and 3.31 for guidance on how to apply these criteria, but those paragraphs are about town centre policies and boundaries, not about tourism viability or the reuse of tourist accommodation. This is a clear drafting error and in our view a material soundness issue.

EMP5(1)

The change of use of existing tourist accommodation, including vacant sites and buildings last used for tourist accommodation, will only be permitted where:

a. The land is demonstrably unsuitable for its continued use (see Paragraph 3.30 for guidance on the implementation of this criterion); or
b. The land is unlikely to be taken up for its continued use and is no longer viable (see Paragraph 3.31 for guidance on the implementation of this criterion).

What this clause does

This part of the policy says that existing tourist accommodation, including vacant sites and buildings last used for tourism, can only be changed to another use if the applicant shows either that the land is no longer suitable for tourist use, or that it is unlikely to be reused for tourist use and is not viable.

What is good

It recognises tourist accommodation as something that should be protected and not treated as an easy target for conversion.

It covers vacant sites and buildings last used for tourism, so simply leaving a building empty for a period of time should not in itself justify change of use.

What is vague or risky

Using the word "or" between (a) and (b) makes it too easy to lose tourist accommodation. A developer can argue that a site is "not viable" without ever needing to prove that it is unsuitable. For a town like Edenbridge, which the draft plan expects to grow as a place where visitors actually stay, that is a real risk.

“Demonstrably unsuitable” and “no longer viable” are not defined in this policy and there is no clear marketing or evidence test, for example how long it must be marketed, what counts as a realistic price, or the need for independent assessment.

The cross references to Paragraphs 3.30 and 3.31 are wrong. Those paragraphs talk about tailored town centre policies, town centre boundaries, and local centres, including new local centres in South Darenth and Eynsford. They do not set out when land is “unsuitable” for tourism, or how “viability” should be tested.

This is confusing and suggests either a numbering mistake or that EMP5 has been inserted without matching supporting text.

There is no requirement to consider the tourism role of individual settlements, including Edenbridge, whose own town centre policy EDN1 expects a stronger accommodation offer. Without that requirement, the need for visitor beds in Edenbridge can be ignored in favour of easier or more profitable sites elsewhere.

The clause talks about “the land” being unsuitable or unviable. That could be read as inviting a case for complete redevelopment, instead of asking whether the particular tourist use, or a similar form of tourist accommodation, could reasonably continue.

What to Change

EMP5(1)

The change of use of existing tourist accommodation, including vacant sites and buildings last used for tourist accommodation, will only be permitted where it has been robustly demonstrated, through at least 24 months of active marketing at a realistic price and an independent viability assessment, that:

a) the site or building is unsuitable, or cannot reasonably be made suitable, for its continued or future use as tourist accommodation, and

b) there is no reasonable prospect of its continued or future use as tourist accommodation over the plan period, having regard to identified tourism needs in the District’s main settlements, including Edenbridge.

References to Paragraphs 3.30 and 3.31 should be deleted and replaced with new supporting text that sets out clear marketing and viability requirements for tourist accommodation.

Requested Change

- We ask that the Council correct the wrong references to Paragraphs 3.30 and 3.31 and instead provide tourism specific supporting text that sets out clear marketing and viability tests.
- We ask that the Council require applicants to demonstrate both unsuitability and a lack of reasonable prospect of continued tourist use, backed by at least 24 months of active marketing and an independent viability assessment.
- We ask that the Council require decision makers to have regard to the identified need for visitor accommodation in Edenbridge, in line with the Edenbridge town centre vision.

Regulation 19 soundness and legal points for EMP5(1)

The policy is not sound because it is not effective and not legally robust. Cross referencing Paragraphs 3.30 and 3.31, which deal with town centre policies and boundaries rather than tourism viability, introduces serious confusion about how EMP5(1) should be applied and invites inconsistent decisions. This raises legal risk and fails the effectiveness test.

The policy is not sound because it is not justified. It allows the loss of tourist accommodation on a single ground, unsuitability, or non-viability, without any defined evidence tests. There is no explanation as to why a more protective and clearly evidenced approach was rejected, particularly in light of the plan's own ambitions for places like Edenbridge.

The policy is not sound because it is not positively prepared. By making it relatively easy to argue for the loss of tourist accommodation, the policy does not proactively plan for a resilient visitor economy in towns such as Edenbridge. This conflicts with the December 2024 National Planning Policy Framework which expects local plans to support a strong and sustainable economy and visitor sector.

The policy is not sound because it is not consistent with national policy. National policy expects clear, unambiguous policies underpinned by proportionate evidence and requires the protection of valued community and economic facilities. Vague terms and wrong cross references fall short of that expectation.

EMP5(2)

Proposals for new or upgraded visitor attractions and accommodation on land within built up area boundaries and land within the Green Belt, where they accord with national Green Belt policy, will be permitted where they would:
a. Contribute to the diversification of facilities in the District and meet an identified need
b. Ensure access to the facilities is available to the widest range of potential users, including local communities as well as visitors
c. Encourage the sustainable enjoyment of the natural, historical or cultural assets of the District
d. Minimise the need to travel by private vehicles and seek opportunities to improve access by sustainable and active modes of transport, with particular consideration given to first and last mile connectivity
e. Mitigate any additional pressures on adjacent Public Rights of Way
f. Have no unacceptable impact on highways, including consideration of access and parking arrangements
g. Generate activity appropriate to the location, taking into account the amenity of surrounding development
h. Have no unacceptable impact on the natural and built environments, with very careful consideration required in proposals involving heritage assets or their settings
i. Have no unacceptable impact on the landscape and visual amenity, with very careful consideration required in proposals involving a National Landscape or its setting

What this clause does

This part of the policy says that the Council will support new or improved visitor attractions and accommodation on land within built up area boundaries and in the Green Belt, as long as proposals comply with national Green Belt policy and meet criteria a to i.

What is good

It is broadly supportive of tourism and visitor accommodation, which can benefit the local economy, including in Edenbridge.

It allows schemes within built up areas, which would include Edenbridge town, and that is more sustainable than focusing only on isolated rural locations.

What is vague or risky

It places "land within built up area boundaries" and "land within the Green Belt" almost on the same footing, with only a brief reference to national Green Belt policy. There is no clear spatial priority that town and local centres, including Edenbridge, should be the first choice for visitor accommodation. This risks tourism drifting into car dependent Green Belt locations.

There is no cross reference to town centre policies or to Edenbridge specific policies, such as EDN1, even though the supporting text elsewhere emphasises tailored town centre policies and boundaries. Tourism development should clearly support those town centre strategies.

It does not set out a sequential approach for tourism uses, for example town centres, then other built up areas, then Green Belt only where clearly justified. That sort of approach would be more consistent with national policy support for town centres and sustainable patterns of development.

What to Change

EMP5(2)

Proposals for new or upgraded visitor attractions and accommodation will be directed first to town and local centres and to other locations within built up area boundaries, including Edenbridge, where they are well related to public transport and existing services. Proposals on land within the Green Belt will only be supported where they clearly accord with national Green Belt policy and where it has been demonstrated, through a sequential assessment, that no suitable and available sites or buildings exist within town and local centres or other built up areas. All proposals must also meet criteria a to i below and must demonstrate how they support the relevant town centre policies and strategies, including the Edenbridge town centre vision.

Requested Change

- We ask that the Council prioritise town and local centres, including Edenbridge, as the first locations for visitor attractions and accommodation, before considering Green Belt sites.
- We ask that the Council introduce a clear sequential approach for tourism uses, so that town centres come first, then other built up areas, and Green Belt locations only where clearly justified.
- We ask that the Council link EMP5 to the tailored town centre policies and to the Edenbridge town centre vision, so that tourism investment actively supports those strategies.

Regulation 19 soundness and legal points for EMP5(2)

The policy is not sound because it is not positively prepared. It does not clearly steer tourism development towards sustainable and accessible locations in town and local centres such as Edenbridge, despite the plan's own emphasis on tailored town centre policies.

The policy is not sound because it is not justified. There is no clear evidence that a more robust town centre first or sequential approach to tourism was considered, even though national policy expects plans to promote the vitality of town centres and sustainable travel.

The policy is not sound because it is not effective. Without a clear spatial strategy, decisions are likely to be ad hoc, with a real risk that tourism development is drawn into car dependent Green Belt locations while places like Edenbridge miss out on the visitor accommodation that the plan itself says they need.

The policy is not sound because it is not fully consistent with the National Planning Policy Framework, which supports a strong visitor economy but also expects patterns of development that support town centres, sustainable transport, and protection of the Green Belt.

EMP5(2)(a)

What this clause does

This part says that tourism proposals should diversify the District's facilities and meet an identified need.

What is good

It recognises that tourism development should respond to a real need, not just be speculative.

It suggests that the District's visitor offer should be broadened, which could support new accommodation or attractions in Edenbridge if the evidence shows a gap there.

What is vague or risky

"Diversification of facilities in the District" and "identified need" are not defined.

It is unclear whether "need" is being assessed across the whole District only, or also at settlement level, for example Edenbridge compared with Sevenoaks.

It does not say which evidence should be used, such as tourism studies, town centre strategies, the Edenbridge Strategic Plan, or other documents.

Without recognising settlement level needs, the District could claim that need is "met" by schemes in other towns, leaving Edenbridge short of visitor accommodation even though the plan's own policies expect more beds in the town.

What to Change

EMP5(2)(a)

Contribute to the diversification of visitor facilities in a way that clearly addresses evidenced needs at District and settlement level, including identified needs for additional visitor accommodation and attractions in Edenbridge, as set out in up to date tourism, town centre, and economic evidence.

Requested Change

- We ask that the Council define "identified need" by reference to up to date tourism, town centre and economic evidence at both District and settlement level.
- We ask that the Council explicitly recognise Edenbridge's identified need for visitor accommodation and attractions, so that this can be used directly in decision making.
- We ask that the Council require applicants to show how their proposal fits into specific gaps in provision and not rely on general statements of "diversification."

Regulation 19 soundness and legal points for EMP5(2)(a)

The policy is not sound because it is not justified. Without defining "identified need" or the evidence base, decision makers cannot apply this test transparently, and reasonable alternatives, such as embedding settlement level needs clearly, have not been set out.

The policy is not sound because it is not effective. Vague wording will produce inconsistent decisions and make it harder for towns like Edenbridge to secure the visitor facilities the plan expects them to have.

The policy is not sound because it is not clearly consistent with national policy, which expects policies to be underpinned by proportionate evidence and to be capable of effective implementation.

EMP5(2)(b)

What this clause does

This part says that tourism facilities should be accessible to a wide range of people, including both local communities and visitors.

What is good

It recognises that facilities should not be exclusive and that local residents should benefit, not just tourists.

It hints at inclusive access, which is important for equalities.

What is vague or risky

"The widest range of potential users" is very vague and does not clearly spell out the need for accessibility for disabled people, older and younger people, people without cars or people on lower incomes.

It does not explicitly require inclusive design standards, good public transport access, or consideration of affordability.

What to Change

EMP5(2)(b)

Ensure that access to the facilities is secured for a wide range of users, including local communities as well as visitors, through inclusive design, good public transport and active travel connections, and consideration of affordability so that the facilities are genuinely usable by different age groups and by people with protected characteristics.

Requested Change

- We ask that the Council make inclusive design and public transport and active travel access explicit requirements rather than implied ideas.
- We ask that the Council require applicants to consider affordability and accessibility for local residents and not only think about tourists.
- We ask that the Council ensure this clause supports equalities duties, by explicitly referring to people with protected characteristics.

Regulation 19 soundness and legal points for EMP5(2)(b)

The policy is not sound because it is not fully effective. Without clearer expectations, developers may not design or price facilities so that they are genuinely accessible to local residents in places such as Edenbridge.

The policy is not sound because it may not be fully consistent with national policy and equalities legislation, which expect planning policies and decisions to support inclusive and accessible places and to consider the needs of people with protected characteristics.

EMP5(2)(c)

What this clause does

This part says that tourism proposals should encourage the sustainable enjoyment of the District's natural, historic, or cultural assets.

What is good

It links tourism to the District's landscape, heritage, and culture, which are central to Edenbridge's appeal as a base for visitors.

It recognises that enjoyment is meant to be "sustainable" rather than damaging.

What is vague or risky

The word "encourage" is weak and difficult to measure. A scheme can claim that it "encourages" sustainable enjoyment without any clear actions.

There is no requirement to provide measures to manage visitor pressure, avoid damage or support conservation.

What to Change

EMP5(2)(c)

Demonstrate how the proposal will enable the sustainable enjoyment of the District's natural, historic, and cultural assets, including measures to manage visitor pressure, avoid harm and support their long term conservation and interpretation.

Requested Change

- We ask that the Council require applicants to demonstrate how they will deliver sustainable enjoyment and protection of assets and not rely on general statements that they will "encourage" it.
- We ask that the Council require visitor management and conservation measures where proposals rely on sensitive landscapes or heritage assets.

- We ask that the Council ensure that tourism schemes around Edenbridge contribute to looking after the assets they depend on, and do not simply exploit them.

Regulation 19 soundness and legal points for EMP5(2)(c)

The policy is not sound because it is not effective. Aspirational wording about "encouraging" sustainable enjoyment will not on its own secure concrete measures to manage impacts on important assets.

The policy is not sound because it is not clearly consistent with the National Planning Policy Framework, which seeks both to support sustainable tourism and to conserve and enhance the natural and historic environment through clear and implementable policy tests.

EMP5(2)(d)

What this clause does

This part says that tourism proposals should minimise the need to travel by private car and should look for opportunities to improve public transport, walking and cycling, especially the first and last mile of journeys.

What is good

It recognises the need to reduce car use and support public transport and active travel, which is important for Edenbridge given existing congestion and parking pressures.

It mentions first and last mile connectivity, which is directly relevant to getting visitors between Edenbridge station, the town centre, and nearby attractions.

What is vague or risky

"Minimise the need to travel by private vehicles" and "seek opportunities to improve access" are soft phrases and do not guarantee any specific measures.

There is no explicit requirement for travel plans, contributions to new or improved routes, or specific commitments to public transport enhancements.

What to Change

EMP5(2)(d)

Minimise the need to travel by private vehicles and secure specific measures to improve access by public transport and active modes of transport, including first and last mile connections to rail and bus services in towns such as Edenbridge, supported where appropriate by travel plans and contributions to offsite improvements.

Requested Change

- We ask that the Council require tourism proposals to secure specific sustainable transport measures and not just "seek opportunities."
- We ask that the Council require travel plans and contributions to walking, cycling and public transport infrastructure, especially around Edenbridge's stations and town centre.
- We ask that the Council recognise Edenbridge's role as a sustainable base for visitors and make first and last mile connections in and around the town a clear priority.

Regulation 19 soundness and legal points for EMP5(2)(d)

The policy is not sound because it is not effective. Without clear obligations and tools such as travel plans, it is unlikely to deliver meaningful reductions in car based tourism or the necessary improvements to sustainable transport.

The policy is not sound because it is not fully consistent with the National Planning Policy Framework, which expects development to give priority to pedestrian and cycle movements, support public transport and secure opportunities for sustainable travel, rather than simply "seeking" them.

EMP5(2)(e)

What this clause does

This part says that proposals must mitigate any extra pressure they create on adjacent Public Rights of Way.

What is good

It acknowledges that tourism can put additional pressure on local walking routes, which are an important part of Edenbridge's appeal.

What is vague or risky

It only refers to Public Rights of Way that are adjacent to the site. Visitor pressure often affects linked and nearby routes as well, not just those directly next to a development.

It does not mention the wider walking and cycling network or recognise cumulative impacts across that network.

What to Change

EMP5(2)(e)

Mitigate any additional pressures on adjacent and nearby Public Rights of Way and on the wider walking and cycling network, including through improvements to routes, surfacing, wayfinding, and accessibility, where proportionate to the scale of the proposal and taking account of cumulative impacts.

Requested Change

- We ask that the Council extend this clause so that it covers nearby and connected routes and the wider walking and cycling network, and not only Public Rights of Way that are strictly adjacent to a site.
- We ask that the Council make clear that mitigation can include positive improvements to paths, surfacing and signage.
- We ask that the Council require consideration of cumulative visitor pressure on the network around Edenbridge.

Regulation 19 soundness and legal points for EMP5(2)(e)

The policy is not sound because it is not effective. Limiting mitigation to adjacent Public Rights of Way will not protect or improve the wider network that visitors actually use.

The policy is not sound because it is not fully consistent with the National Planning Policy Framework, which encourages planning for healthy and inclusive places and for networks of routes that support walking and cycling.

EMP5(2)(f)

What this clause does

This part says that proposals must not have an unacceptable impact on highways, including access and parking arrangements.

What is good

It recognises that traffic, access, and parking are crucial issues for tourism schemes, which is particularly important in Edenbridge.

What is vague or risky

“Unacceptable impact” is not defined and could be interpreted narrowly as whatever the highway authority is prepared to accept, rather than requiring a serious look at local effects.

It does not mention cumulative impacts, overspill parking, coach movements or impacts on residential streets and town centre parking, which are all real issues for a town like Edenbridge.

What to Change

EMP5(2)(f)

Have no severe or otherwise unacceptable impact on highway safety, capacity or on the local street and parking network, including cumulative effects, with safe and convenient access and adequate on site servicing and parking provision that avoids overspill onto surrounding streets and town centre car parks.

Requested Change

- We ask that the Council clarify “unacceptable impact” by referring to highway safety, capacity and the local street and parking network, including cumulative effects.
- We ask that the Council require proposals to provide adequate onsite parking and servicing to avoid overspill into Edenbridge’s residential streets and town centre car parks.
- We ask that the Council require assessment of coach and delivery traffic and not only private cars.

Regulation 19 soundness and legal points for EMP5(2)(f)

The policy is not sound because it is not effective. Without clearer criteria, highway and parking impacts may be under played, leading to real world problems in towns such as Edenbridge.

The policy is not sound because it is not fully consistent with the National Planning Policy Framework, which says that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or if the residual cumulative impacts on the road network would be severe. Those concepts should be reflected clearly in local policy wording.

EMP5(2)(g)

What this clause does

This part says that tourism development should generate activity that suits the location and respects the amenity of surrounding development.

What is good

It recognises that tourism uses can affect neighbours' living conditions, for example through noise, late opening, and lighting.

What is vague or risky

"Generate activity appropriate to the location" is subjective and could be used to justify quite intensive uses in otherwise quiet areas.

"Amenity of surrounding development" is not unpacked into specific issues such as noise, lighting, opening hours and anti-social behaviour, which are critical concerns for residents in Edenbridge.

What to Change

EMP5(2)(g)

Generate levels and types of activity that are appropriate to the scale, character, and function of the location, with particular regard to protecting the amenity of surrounding occupiers from noise, disturbance, lighting, opening hours, anti-social behaviour, and other material impacts.

Requested Change

- We ask that the Council explain "activity appropriate to the location" in terms of scale, character, and function, so that oversized or late night uses can be resisted in sensitive locations.
- We ask that the Council list the key amenity factors, such as noise, lighting, opening hours and anti-social behaviour, so that these are clearly considered.
- We ask that the Council confirm that these protections apply to residents in towns such as Edenbridge and not just rural properties.

Regulation 19 soundness and legal points for EMP5(2)(g)

The policy is not sound because it is not effective. Without clearer amenity criteria, it will be difficult to resist proposals that cause real harm to neighbours' quality of life.

The policy is not sound because it is not clearly consistent with the National Planning Policy Framework, which expects planning policies and decisions to create places with a high standard of amenity for existing and future users and to avoid significant adverse impacts on health and quality of life.

EMP5(2)(h)

What this clause does

This part says that proposals must not have an unacceptable impact on the natural and built environments and calls for very careful consideration where heritage assets and their settings are involved.

What is good

It recognises that tourism can harm both the natural and the built environment.

It highlights heritage assets and their settings, which is important for historic buildings and areas in and around Edenbridge.

What is vague or risky

“Unacceptable impact” is again left undefined, as in earlier sub clauses.

It does not properly reflect national policy tests for harm to heritage assets, for example that substantial harm to or loss of designated heritage assets should be exceptional or wholly exceptional, and that less than substantial harm must be weighed against public benefits in a structured way.

What to Change

EMP5(2)(h)

Have no unacceptable adverse impact on the natural and built environments, with very careful consideration of heritage assets and their settings, ensuring that any harm to the significance of a designated heritage asset is avoided wherever possible and, where clearly and convincingly justified, is weighed against the public benefits of the proposal in line with national policy.

Requested Change

- We ask that the Council align this clause with national heritage policy, making clear that harm must be clearly and convincingly justified and weighed against public benefits.
- We ask that the Council require applicants to avoid harm wherever possible, and not only to minimise it.
- We ask that the Council strengthen the reference to the natural environment, including the biodiversity and green infrastructure that draw visitors to the Edenbridge area.

Regulation 19 soundness and legal points for EMP5(2)(h)

The policy is not sound because it is not fully consistent with the National Planning Policy Framework. It does not clearly reflect the national tests and the weight that should be given to heritage assets and their settings, which risks inconsistent and potentially unlawful decision making.

The policy is not sound because it is not effective. Without clear tests, tourism development could gradually erode the very assets that underpin the visitor economy and the character of places such as Edenbridge.

EMP5(2)(i)

What this clause does

This part says that proposals must not have an unacceptable impact on landscape and visual amenity and calls for very careful consideration where a National Landscape or its setting is involved.

What is good

It recognises the importance of landscape character and views to the visitor economy.

It references National Landscapes and their settings, which are particularly sensitive areas.

What is vague or risky

"Unacceptable impact" is again undefined and could be applied inconsistently.

It does not clearly reflect national policy that great weight should be given to conserving and enhancing National Landscapes and that major development in them should only be allowed in exceptional circumstances and where it is in the public interest.

What to Change

EMP5(2)(i)

Have no unacceptable adverse impact on landscape character or visual amenity, with great weight given to conserving and enhancing National Landscapes and their settings, and major development in such areas only supported in exceptional circumstances and where it can be clearly demonstrated to be in the public interest in line with national policy.

Requested Change

- We ask that the Council explicitly give great weight to conserving and enhancing National Landscapes and their settings, reflecting national policy.
- We ask that the Council embed the national test that major development in National Landscapes is only appropriate in exceptional circumstances and where clearly in the public interest.
- We ask that the Council clarify that landscape and visual tests also apply to key views and approaches to Edenbridge and not only to designated National Landscapes.

Regulation 19 soundness and legal points for EMP5(2)(i)

The policy is not sound because it is not clearly consistent with the National Planning Policy Framework, which requires great weight to be given to landscapes of the highest status and sets a specific test for major development in those areas.

The policy is not sound because it is not effective. Without explicit alignment to national policy, decision makers may underweight landscape harm, to the detriment of the District's visitor offer and the setting of settlements such as Edenbridge.

Edenbridge Impact

As drafted, and especially with the incorrect cross references to Paragraphs 3.30 and 3.31, EMP5 risks weakly protecting tourist accommodation and steering new visitor investment away from Edenbridge town centre towards more car dependent or Green Belt locations, which would undermine Edenbridge's share of the visitor economy and its role as a place where people stay.

NEDRA (New Edenbridge District Residents' Association)

Chapter 3 Response

NEDRA Disagree

Policy TLC1

Introductory paragraph - What this clause does

This clause says that Policy TLC1 is about keeping the defined town and local centres as the main locations for shops, leisure, jobs, and services, and that town centre boundaries and primary shopping areas are shown on the Policies Map for each centre.

What is good

It recognises that centres are the heart of communities, which is positive for all town and local centres.

It confirms that mapping town centre boundaries and primary shopping areas is essential for protecting high streets when planning decisions are made.

What is vague or risky

It does not clearly say that the policy applies equally to smaller and medium centres, not only to the biggest town centres.

There is no indication that the Council will use this mapped structure to actively support weaker centres over the plan period, rather than simply describing them.

What to Change

We want an explicit commitment that the mapped town centre boundaries and primary shopping areas will be used to guide planning decisions and investment, and that this applies to all defined centres including smaller and medium centres such as Edenbridge.

We propose that the final sentence of the introductory paragraph is amended to read:

'Town centre boundaries and primary shopping areas are defined on the Policies Map for each town centre and will be used as the focus for planning, investment and decision making over the plan period.'

Requested Change

- We ask that the Council add wording to confirm that defined town centre boundaries and primary shopping areas will actively guide planning, investment and decision making, not just be mapped.

Regulation 19 soundness and legal points

The policy is not sound because it is not fully effective. As drafted it describes boundaries but does not clearly state that they will be used to focus investment and decisions across all centres.

Clarifying that these mapped areas will guide decisions would help demonstrate that the plan is positively prepared for the whole network of centres, in line with the National Planning Policy Framework (NPPF) expectation to plan positively for town centres.

TLC1(1)

What this clause does

This clause says that each town centre's unique character should be promoted so that together they form a complementary network of centres, and that development proposals should show how they have taken account of the more detailed place making policies in the Plan and in any Neighbourhood Plans.

What is good

It recognises that different centres have different roles and characters and that they should complement one another rather than compete directly.

It requires proposals to engage with local place making work, which is helpful in securing locally led outcomes.

What is vague or risky

The phrase 'should be promoted' is weak. It does not require decisions to protect or enhance those characteristics when schemes are assessed.

The phrase 'network of complementary centres' could be interpreted as allowing the largest centres to take the full range of uses, while smaller centres are pushed into a more limited top up role.

The phrase 'will be expected to demonstrate' again softens the requirement and invites argument about what is really required.

What to Change

We want firmer wording that commits the Council to protecting and enhancing the distinct role of each centre and makes it clear that the network of centres must equitably meet needs across the District, including smaller places such as Edenbridge.

We propose replacing TLC1(1) with:

'The Council will protect and enhance the distinct role and characteristics of each town centre so that, together, they form a network of complementary centres which equitably meets the needs of communities across the District. Development proposals must demonstrate how they have considered the place making proposals for the relevant centre, as set out in this Plan and in any made Neighbourhood Plan.'

Requested Change

- We ask that the Council replace ‘should be promoted’ with ‘will protect and enhance’ so that the role and character of each centre are actively safeguarded and improved.
- We ask that the Council add the word ‘equitably to make clear that the network of centres must meet needs across the District, not simply concentrate functions in the largest centres.
- We ask that the Council replace ‘will be expected to demonstrate’ with ‘must demonstrate’ so that the test has full development management weight.

Regulation 19 soundness and legal points

The policy is not sound because it is not effective. Soft wording such as ‘should be promoted’ and ‘will be expected to’ does not give clear, enforceable criteria for determining planning applications.

The policy is not sound because it is not positively prepared. It does not explain how the network of centres will meet needs across the District in an equitable way, including smaller and more vulnerable centres, as expected by the NPPF.

TLC1(2)

What this clause does

This clause says that town centres are the focus for retail, leisure and other main town centre uses under a town centres first approach. It says these uses should be clustered within town centre boundaries, that retail should be kept in primary shopping areas, and that loss of main town centre uses in primary shopping areas will be resisted where possible.

What is good

It endorses a town centres first approach, which is important for the long term health of all centres.

It seeks to maintain retail provision in primary shopping areas.

What is vague or risky

The phrase ‘supports a town centres first approach’ is weak. The Plan should commit to applying this approach when decisions are made.

The phrase ‘will be resisted where possible’ is very woolly. It invites arguments that resistance is not possible in individual cases.

There are no criteria to decide when loss is acceptable, so decisions could vary across the District and place more strain on smaller centres such as Edenbridge.

What to Change

We want clear wording that commits the Council to applying a town centres first approach and that sets a firm test for any loss of main town centre uses in primary shopping areas, based on viability and impact on vitality and viability.

We propose replacing TLC1(2) with:

‘The Council will apply a town centres first approach so that main town centre uses are clustered together within defined town centre boundaries and retail provision is protected within the primary shopping areas. New development for main town centre uses must be located within defined town centre boundaries unless the sequential test in TLC1(3) is satisfied. The loss of main town centre uses within the primary shopping areas will only be permitted where it is clearly demonstrated that the existing use is no longer viable or needed and that the change would not harm the vitality and viability of the centre.’

Requested Change

- We ask that the Council replace ‘supports a town centres first approach’ with ‘will apply a town centres first approach.’
- We ask that the Council replace ‘will be resisted where possible’ with a clear test that loss will ‘only be permitted’ where viability and impact are robustly demonstrated.

Regulation 19 soundness and legal points

The policy is not sound because it is not effective. Phrases such as ‘supports’ and ‘resisted where possible’ do not provide a robust basis for refusing harmful proposals or for consistent decision making.

The policy is not sound because it is not consistent with national policy. The NPPF expects local plans to define and apply a clear town centre first policy and to protect the vitality and viability of centres through firm tests, not vague resistance.

TLC1(3)

What this clause does

This clause says that main town centre uses proposed outside town centre boundaries must go through the sequential test, and that retail and leisure development of 500 square metres or more outside those boundaries must provide an impact assessment.

What is good

It properly signposts the sequential test, which reflects established NPPF practice.

It introduces a local impact assessment threshold, which is better than relying entirely on national default thresholds.

What is vague or risky

A 500 square metre gross threshold is still relatively high and may not protect smaller and medium centres from moderate but harmful out of centre schemes.

There is no reference to cumulative impact, so multiple sub threshold schemes in similar locations could escape scrutiny.

There is no indication that the sensitivity of smaller centres has been used to set the threshold, which matters for justification.

What to Change

We want a lower impact assessment threshold that reflects the size and sensitivity of smaller and medium centres, and an explicit requirement to consider cumulative impact.

We propose replacing TLC1(3) with:

'Main town centre uses proposed outside the defined town centre boundaries will be subject to the sequential test, to ensure that all sequentially preferable locations are assessed for their suitability and availability. An impact assessment will be required for any retail and leisure development with a floorspace of 300 square metres gross or above, or where the cumulative floorspace of related proposals would exceed 300 square metres gross, outside defined town centre boundaries.'

Requested Change

- We ask that the Council lower the impact assessment threshold to 300 square metres gross and introduce a clear cumulative impact requirement to reflect the sensitivity of smaller and medium town centres.
- We ask that the Council explain in the evidence base how the chosen threshold reflects local centre sizes and vulnerabilities.

Regulation 19 soundness and legal points

The policy is not sound because it is not justified. There is no clear evidence that a 500 square metre threshold is the right local level to protect smaller and medium centres, and cumulative impact is ignored.

The policy is not sound because it is not positively prepared. It does not make full use of local thresholds to manage risks to existing centres, even though the NPPF allows such local tailoring.

The policy is not sound because it is not fully consistent with national policy, which expects sequential and impact tests to be used to safeguard the vitality and viability of all centres, not only the largest.

TLC1(4)

What this clause does

This clause says that schemes including some housing in town centres will be supported in order to increase footfall, as long as the housing is not at ground floor in primary shopping areas unless permitted development rights allow it.

What is good

It supports mixed use development and more people living in centres, which can support local shops and services and improve natural surveillance.

It protects ground floor primary shopping frontages for active town centre uses.

What is vague or risky

There is no safeguard to stop the loss of valuable commercial, community, or employment space on upper floors, which can be very limited in smaller centres such as Edenbridge.

There is no requirement to maintain an appropriate mix of uses overall, beyond the basic ground floor protection.

What to Change

We want a clear safeguard so that introducing residential uses does not result in the loss of viable commercial, community or employment space that is important to the vitality and viability of centres.

We propose replacing TLC1(4) with:

'Town centre proposals which include a proportion of residential floorspace will be supported, to provide customer footfall and natural surveillance within the town centre, provided that the residential element is not at ground floor level within the primary shopping area (other than where permitted development rights apply) and that the proposal would not result in the loss of viable commercial, community or employment uses needed to support the vitality and viability of the centre.'

Requested Change

- We ask that the Council add wording to ensure that introducing residential uses does not lead to the loss of viable commercial, community or employment space that is important to the vitality and viability of town centres.

Regulation 19 soundness and legal points

The policy is not sound because it is not effective. Without safeguards, it could unintentionally encourage the loss of upper floor town centre uses that contribute to a balanced and active centre.

The policy is not sound because it is not fully consistent with national policy, which encourages a mix of uses in town centres, not the gradual replacement of non-retail uses with housing.

TLC1(5)

What this clause does

This clause says that local centres meet day to day needs, and that the Council will resist the loss of shops and services in local centres where they meet a local need, especially key sustainable services in the Settlement Hierarchy, unless it is fully proven under Policy EMP3 that the use is no longer suitable.

What is good

It recognises the importance of local centres and key sustainable services.

It links loss of such uses to Policy EMP3, which suggests that there will be defined marketing and viability tests.

What is vague or risky

The phrase 'serving a local need' is undefined, so developers can argue that a need no longer exists.

The phrase 'will resist the loss' is weaker than 'will not permit' and leaves room for inconsistent application.

There is no explicit protection for the last shop or last facility of its kind in a settlement.

What to Change

We want strong protection for local centres, including explicit protection for the last or only facility of its kind serving a community, and a clear link to robust viability and marketing evidence.

We propose replacing TLC1(5) with:

'Local centres provide for the day to day needs of the communities they serve. The Council will not permit the loss of shops and services from defined local centres, particularly where they are identified as key sustainable services in the Settlement Hierarchy, unless it is demonstrated, in accordance with the marketing and viability requirements of Policy EMP3, that there is no reasonable prospect of the use continuing and that the proposal would not result in the loss of the last or only facility of its kind serving that community.'

Requested Change

- We ask that the Council replace 'will resist the loss' with 'will not permit the loss' so that the presumption in favour of retaining local facilities is clear.
- We ask that the Council add explicit protection against the loss of the last or only shop or service of its kind serving a community.

Regulation 19 soundness and legal points

The policy is not sound because it is not effective. Undefined language such as 'serving a local need' and weak phrasing such as 'will resist' undermine consistent protection of local centres.

The policy is not sound because it is not positively prepared for rural and edge of town communities that rely on small local centres.

Strengthening this clause would better align with the NPPF focus on supporting local services and social sustainability, thereby improving consistency with national policy.

TLC1(6)

What this clause does

This clause says that on strategic sites of 100 homes or more, new small scale convenience retail is expected on site in order to encourage walking and cycling to local services.

What is good

It aims to reduce car trips by providing day to day facilities within walking and cycling distance in new development.

What is vague or risky

Describing all 100 unit sites as strategic blurs the distinction between genuinely strategic allocations and ordinary larger schemes.

The term 'small scale convenience retail' is not defined. Without clear size and role limits, this could effectively become new edge of centre or out of centre competition.

There is no link to sequential or impact testing, or to the need to avoid undermining existing centres.

What to Change

We want clear limits on the scale of new retail on housing sites and an explicit requirement to assess the impact on existing centres so that new provision genuinely complements rather than undermines them.

We propose replacing TLC1(6) with:

'Where housing sites of 100 dwellings or more are proposed, small new scale convenience retail should be provided in locations that are easily and safely accessible on foot and by cycle, where this would not undermine the vitality and viability of existing town and local centres. Any such provision must be of a local scale, normally not exceeding 300 square metres gross floorspace in total and justified through an assessment of its likely impact on nearby centres.'

Requested Change

- We ask that the Council define 'small scale convenience retail' by setting a clear maximum floorspace of local scale, for example normally not exceeding 300 square metres gross in total.
- We ask that the Council require an assessment of impacts on existing town and local centres and confirm that provision will only be supported where it would not undermine those centres' vitality and viability.

Regulation 19 soundness and legal points

The policy is not sound because it is not justified. It introduces a blanket expectation for convenience retail on all 100 home sites without clear evidence on the right scale or on how this interacts with existing centres.

The policy is not sound because it is not consistent with national policy, which requires sequential and impact considerations for new retail development that could affect town centres. This clause omits those safeguards.

The policy is not sound because it is not fully effective. Leaving 'small scale' undefined and ignoring impact risks allows outcomes that may conflict with the rest of TLC1.

TLC1(7) main stem

What this clause does

This part of the clause says that town centre schemes, especially those affecting the public realm, will be expected to meet certain criteria on design, access, and health, where appropriate.

What is good

It brings together several important considerations such as climate, movement, and health for town centre development.

What is vague or risky

The combination of 'will be expected to' and 'where appropriate' makes the policy easy to set aside on a case by case basis.

The phrase does not make clear that the requirements should apply in a proportionate way, which is the normal approach.

What to Change

We want firm wording that requires proposals to meet the criteria, while confirming that they will be applied in a proportionate way according to the scale and nature of development.

We propose replacing the stem of TLC1(7) with:

'Town centre development, particularly where it includes work within the public realm, must meet the following criteria in a manner proportionate to the scale and nature of the proposal:'

Requested Change

- We ask that the Council remove 'will be expected to' and 'where appropriate' and instead require that proposals 'must' meet the criteria, applied proportionately to the scale and nature of development.

Regulation 19 soundness and legal points

The policy is not sound because it is not effective. The double caveat weakens the criteria so that they cannot reliably guide decisions or negotiations over the plan period.

TLC1(7)(a)

What this clause does

This clause says that development should be of the highest quality sustainable design to tackle climate change, following Policy CC2.

What is good

It connects town centre development directly to tackling climate change and to the wider climate policy in Policy CC2.

What is vague or risky

The phrase 'highest quality' is subjective and not a clear decision making standard.

The clause focuses only on climate and does not mention townscape or heritage, which are central to how many town centres function and feel.

What to Change

We want wording that is both ambitious and usable in practice, and that recognises the importance of townscape and character alongside climate objectives.

We propose replacing TLC1(7)(a) with:

'be of high quality, low carbon and climate resilient design, in accordance with Policy CC2, and respond positively to the established character and townscape of the centre'

Requested Change

- We ask that the Council replace ‘highest quality’ with clearer, deliverable wording and add a requirement for development to respond positively to the established character and townscape of the centre.

Regulation 19 soundness and legal points

The policy is not sound because it is not fully consistent with national policy, which expects plans to conserve and enhance the historic environment alongside addressing climate change. The current wording omits this balance.

The policy is not sound because it is not effective. The phrase ‘highest quality’ on its own is too vague to be used consistently in development management.

TLC1(7)(b)

What this clause does

This clause says that development should be accessible, promote walking, cycling and public transport, and provide adequate parking, electric vehicle and cycling infrastructure and car clubs.

What is good

It supports sustainable and active travel and modern infrastructure such as electric vehicle charging and cycle parking.

It recognises that parking still has a role.

What is vague or risky

The phrase ‘adequate parking’ is not defined. What is adequate will vary and could cause disputes between applicants and decision makers, and between different centres.

There is no explicit reference to inclusive access for disabled people and others with mobility and sensory needs.

What to Change

We want wording that clearly requires safe, convenient, and inclusive access for all users and refers to appropriate levels of parking and infrastructure, recognising that what is appropriate will differ by centre and scheme.

We propose replacing TLC1(7)(b) with:

‘provide safe, convenient, and inclusive access for all users, prioritising walking, cycling and public transport, and include appropriate levels of car parking, electric vehicle charging infrastructure, secure cycle parking and, where feasible, car club spaces’

Requested Change

- We ask that the Council clarify the clause to require ‘safe, convenient, and inclusive access for all users’ and refer to ‘appropriate levels’ of parking and infrastructure, recognising that what is appropriate will differ by centre and by scheme.

Regulation 19 soundness and legal points

The policy is not sound because it is not effective. The phrase ‘adequate parking’ is not a clear standard for determining applications and risks inconsistent outcomes between settlements.

Adding a clear inclusive access requirement would also better reflect the NPPF focus on meeting the needs of all users, improving consistency with national policy.

TLC1(7)(c)

What this clause does

This clause says that development should promote health and wellbeing, including community space or green space.

What is good

It links town centre development to health and wellbeing outcomes.

It recognises the value of community and green spaces.

What is vague or risky

The wording is very broad and nonspecific. There is no indication of what ‘promote health and well being’ means in practical terms for town centre schemes.

The clause misses straightforward urban greening measures such as street trees and pocket parks in town centre streets.

What to Change

We want wording that sets out practical expectations for community and green space and explicitly encourages street trees and urban greening where feasible.

We propose replacing TLC1(7)(c) with:

‘promote health and well being by providing safe, attractive and usable community space and green space, including street trees and other urban greening where feasible’

Requested Change

- We ask that the Council specify that proposals should provide safe, attractive, and usable community and green spaces, and explicitly encourage street trees and urban greening where feasible.

Regulation 19 soundness and legal points

While the clause is broadly consistent with national policy, it is not fully effective because it is too general to guide design discussions or decisions. Modest extra clarity would significantly improve implementation in line with the NPPF emphasis on healthy, inclusive, and safe places.

Edenbridge Impact

As a blanket policy, TLC1 sets a broadly positive town centres first direction, but without firmer wording, clearer thresholds, and stronger protection for local facilities, it risks being applied in ways that favour the largest centres and leaves smaller places such as Edenbridge more exposed to out of centre retail and the gradual loss of key shops and services.

NEDRA (New Edenbridge District Residents' Association)

Chapter 3 Response

NEDRA Disagree

Policy EDN1

The opening line currently reads along the lines of "Over the Plan period, proposals for Edenbridge Town Centre should focus on…." This is meant to introduce the Edenbridge town centre vision and leads into the four bullet point outcomes, but it is written more like a brochure than a planning policy.

What is good

It does at least signal that Edenbridge has its own town centre agenda and that there is some specific thinking for the town, rather than purely generic district wide wording.

What is vague or risky

The phrase "proposals… should focus on" has no decision making bite. It does not say when planning permission will be granted or refused and so has very little weight in development management.

The tone is marketing language, which weakens its status as a material planning consideration.

The wording does not anchor the policy to the mapped town centre boundary, which is essential for clarity about where EDN1 applies.

What to Change

We propose that the opening line is replaced with:

'Within the boundary defined for Edenbridge Town Centre on the Policies Map, planning permission will only be granted for development that demonstrably contributes to one or more of the following outcomes and does not materially undermine any of them'

Requested Change EDN1 opening line

- We ask that the Council replace "proposals… should focus on" with "planning permission will only be granted" so that EDN1 has clear development management weight.
- We ask that the Council tie EDN1 explicitly to the Edenbridge Town Centre boundary on the Policies Map, so applicants and decision makers know exactly where it applies.

Regulation 19 soundness and legal points EDN1 opening line

The policy is not sound because its current wording is too aspirational to be effective in determining planning applications. It does not say when planning permission will be granted or refused, which undermines the Effective test of soundness.

The policy is not sound because it is not clearly consistent with national policy in the National Planning Policy Framework (NPPF), which expects local plans to provide a clear framework for decision taking rather than marketing language.

EDN1(1)

This clause refers to "a flourishing town centre that celebrates its history through investment and renewal of its handsome and historic High Street." It is trying to say that the town centre should prosper and that investment in the historic High Street should "celebrate" its character.

What is good

It recognises the historic value of the High Street and that this should be celebrated.

It acknowledges that renewal and investment are needed, rather than leaving buildings to decay.

What is vague or risky

Words such as "flourishing," "celebrates its history" and "handsome" are subjective and not usable as tests in planning reports or appeals.

There is no explicit requirement to conserve or enhance heritage significance or the conservation area, so the clause falls short of heritage policy expectations.

There is no reference to active ground floor frontages, scale, massing, or how shopfront changes should respond to character.

A developer could argue that an out of scale or generic scheme still "celebrates" history simply because money is being spent.

What to Change

We propose that EDN1(1) is replaced with:

'Securing development within the High Street that preserves or enhances the significance and setting of heritage assets, maintains active ground floor frontages and delivers high quality shopfront and public realm improvements that respect the historic scale and character of Edenbridge town centre'

Requested Change EDN1(1)

- We ask that the Council replace subjective terms such as "flourishing" and "celebrates its history" with clear requirements to preserve or enhance heritage assets and the historic character of Edenbridge High Street.
- We ask that the Council add explicit reference to active ground floor frontages, high quality shopfronts, and public realm as criteria for granting permission on the High Street.

Regulation 19 soundness and legal points EDN1(1)

The policy is not sound because the current wording is too subjective to be effective. Decision makers cannot consistently apply concepts like “handsome” or “celebrates its history” when deciding applications, which undermines the Effective test.

The policy is not sound because it is not clearly consistent with national policy in the NPPF on conserving and enhancing the historic environment, which expects plans to set out clear heritage based requirements, not rely on vague wording.

EDN1(2)

This clause talks about “a transformed Leathermarket area as a focus for markets and activities in the heart of the town.” The intention is to redevelop Leathermarket into a central space for markets and activities.

What is good

It recognises Leathermarket as a key regeneration site in the town centre.

It points to a civic and market role, which could help local businesses and community life.

What is vague or risky

The word “transformed” is extremely open ended and gives no limits on height, bulk, uses or layout.

There is no requirement for a public square, community space, or quality public realm. It is only described as “a focus for activities.”

There is no mention of flood risk, which is a major material consideration in Edenbridge.

There is no requirement for safe pedestrian and cycle connections to the High Street and the stations.

Too much is left to guidance elsewhere instead of clear policy criteria in the Plan itself.

What to Change

We propose that EDN1(2) is replaced with:

‘Redevelopment of the Leathermarket site to provide a high quality mixed use scheme, including a publicly accessible market square and community space, active ground floor frontages, safe and attractive walking and cycling links to the High Street and rail stations, and building heights and massing that respect local townscape and avoid unacceptable flood risk’

Requested Change EDN1(2)

- We ask that the Council replace the word “transformed” with clear, site specific requirements for Leathermarket, including a public market square, community space, and active ground floor frontages.
- We ask that the Council include explicit criteria on building height, massing, pedestrian and cycle links and flood risk to ensure Leathermarket redevelopment fits Edenbridge and is safe and accessible.

Regulation 19 soundness and legal points EDN1(2)

The policy is not sound because it is not effective. It gives no clear parameters for height, bulk, use mix, layout, or flood risk at Leathermarket, which is a major town centre opportunity site. This undermines the Effective test.

The policy is not sound because it is not adequately justified. Such a strategic site needs evidence based policy criteria in the Plan itself rather than a single word such as "transformed" and a cross reference to guidance. This falls short of the Justified test.

The policy is not sound because it risks not being consistent with national policy in the NPPF, which expects robust policies for significant town centre sites, including consideration of flood risk and high quality place making.

EDN1(3)

This clause refers to "an aspirational place where people stay when visiting the District's attractions, with a variety of accommodation and a stronger food, drink, cultural, community, education and leisure offer." It is trying to position Edenbridge as somewhere visitors stay and spend time, with more accommodation and more food, drink, cultural, community, education and leisure uses.

What is good

It recognises that Edenbridge can serve visitors and that town centres are about more than shops.

It mentions cultural and community offers, which are important for local residents as well as visitors.

What is vague or risky

Terms such as "aspirational place" and "variety of accommodation" are not planning tests.

There are no controls on the scale or location of visitor accommodation, which could put pressure on housing land or local amenity.

There are no safeguards on late night food and drink, noise, anti-social behaviour, traffic, or servicing, all of which are key concerns for residents.

"Education" is included without clarity on what this means in town centre terms.

There is no statement that such uses should first meet local needs and be proportionate to the size and accessibility of Edenbridge.

What to Change

We propose that EDN1(3) is replaced with:

'Securing a balanced mix of town centre uses, including small scale visitor accommodation and food, drink, cultural, community, education and leisure uses, where they meet local needs, are proportionate to the role and accessibility of Edenbridge, protect the supply of permanent housing and do not cause unacceptable harm to residential amenity, highway safety or the character of the town centre'

Requested Change EDN1(3)

- We ask that the Council replace vague terms such as “aspirational place” and “variety of accommodation” with clear requirements for a balanced mix of town centre and visitor uses that protect permanent housing and local amenity.
- We ask that the Council add explicit safeguards so that food, drink, leisure, and visitor accommodation uses are only permitted where they are proportionate and do not harm residential amenity, highway safety, or town centre character.

Regulation 19 soundness and legal points EDN1(3)

The policy is not sound because it is not effective. Without criteria on scale, location and impact, the Council cannot reliably manage visitor accommodation and late night uses, which undermines the Effective test.

The policy is not sound because it is not clearly justified. There is no visible link to evidence on tourism and visitor accommodation needs for Edenbridge, yet the wording opens the door to more intensive visitor uses.

The policy is not sound because it risks being inconsistent with national policy on achieving healthy, inclusive, and safe places in the NPPF, which expects plans to manage the impacts of town centre uses on health, noise, and amenity.

EDN1(4)

This clause talks about “sensitively enhancing seasonal accessibility to the river Eden with new lighting and seating.” It suggests improving access to the River Eden, with lighting and seating, in a supposedly “sensitive” way.

What is good

It recognises the river as a town asset and suggests that access should be improved.

It hints that this should be done in a sensitive way.

What is vague or risky

The phrase “seasonal accessibility” is not defined. It is not explained when access would be allowed or restricted, or why.

Lighting near a river can conflict with biodiversity, dark skies, and residential amenity, yet none of this is referenced.

There is no mention of flood risk or flood zones, which are key material considerations for riverside works in Edenbridge.

The word “sensitively” is a soft, non-technical term that carries little weight at appeal.

There is no reference to the Environment Agency or ecological constraints.

What to Change

We propose that EDN1(4) is replaced with:

‘Enhancing public access to appropriate sections of the River Eden through low impact paths, wayfinding, and seating, only where this does not increase flood risk, protects and enhances

biodiversity and dark skies, and avoids unacceptable impacts on the amenity of nearby residents'

Requested Change EDN1(4)

- We ask that the Council delete the unclear phrase "seasonal accessibility" and instead specify that any access improvements must not increase flood risk and must protect and enhance biodiversity and dark skies.
- We ask that the Council make clear that lighting and seating near the River Eden will only be permitted where there is no unacceptable impact on ecology or the amenity of nearby residents.

Regulation 19 soundness and legal points EDN1(4)

The policy is not sound because it is not effective. "Seasonal accessibility" and "sensitively" are not defined, making it hard for officers to apply the policy consistently.

The policy is not sound because it is not consistent with national policy in the NPPF on flood risk, biodiversity, and climate change. It encourages riverside works and lighting without explicit safeguards on flood zones or habitats.

EDN1 projects introduction

The introduction to the projects section refers to "potential projects and development opportunities" and directs readers to the Town Centres Strategy and Edenbridge Strategic Plan for further detail. It is intended to introduce the list of town centre projects and link them to other documents.

What is good

It shows that there is some thinking behind implementation for Edenbridge, not just high level policy.

It recognises the Edenbridge Strategic Plan as a supporting document.

What is vague or risky

Calling them "potential projects" is non-committal and weakens their status as a delivery framework.

It relies heavily on other documents whose status in planning decisions is not clear, so it is uncertain whether they are part of the development plan or simply guidance.

If those other documents can be changed without examination, there is a risk of "policy by the back door."

It is unclear how these projects link to the Infrastructure Delivery Plan and to funding.

What to Change

We propose that the introductory text is replaced with:

'The following projects and development opportunities are identified to help deliver this policy. Further details are set out in the Town Centres Strategy and Edenbridge Strategic Plan, which

provide supporting evidence and implementation guidance but do not replace the policy requirements in EDN1'

Requested Change EDN1 projects introduction

- We ask that the Council remove the word "potential" so that the listed projects are clearly identified as the intended implementation route for the policy, subject to funding and feasibility.
- We ask that the Council state explicitly that the Town Centres Strategy and Edenbridge Strategic Plan are supporting guidance and evidence, not a substitute for the policy wording in EDN1.

Regulation 19 soundness and legal points EDN1 projects introduction

The policy is not sound because it is not fully effective. It pushes core implementation detail into separate strategies without clearly stating how these will be used in planning decisions.

The policy is not sound because it is not clearly justified. Residents and developers cannot tell from the Plan itself what the committed projects and priorities are, making it harder to judge whether reasonable alternatives have been considered.

EDN1 project 1 Leathermarket

This project simply refers to "redevelopment of the Leathermarket site" and points to development guidance in chapter 2. It is meant to flag Leathermarket as a redevelopment site and signpost further guidance.

What is good

It recognises Leathermarket as a key development opportunity for Edenbridge.

It acknowledges that further detail exists elsewhere.

What is vague or risky

There is no policy wording in EDN1 itself setting out what is actually required or acceptable on this site.

Relying on "development guidance" rather than clear, site specific policy weakens the Council's position at application and appeal.

The text does not explicitly refer to flood risk, heritage, public space, or access, all of which are key material considerations at Leathermarket.

There is no commitment to delivering a true public square or community space.

What to Change

We propose that project 1 is replaced with:

'Redevelopment of the Leathermarket site for a high quality mixed use scheme that includes a publicly accessible market square and community space, active ground floor frontages, high quality public realm, safe and convenient walking and cycling connections to the High Street and rail stations, and development that respects local heritage, townscape and flood risk constraints, in line with the site specific criteria in this Plan'

Requested Change EDN1 project 1

- We ask that the Council include clear site specific criteria for Leathermarket in the Plan itself, including a public market square and community space, active ground floor frontages, high quality public realm and safe walking and cycling connections.
- We ask that the Council ensure any development guidance referenced in chapter 2 cannot dilute these policy requirements and is clearly subordinate to EDN1.

Regulation 19 soundness and legal points EDN1 project 1

The policy is not sound because it is not effective. Leathermarket is a strategic town centre site but EDN1 does not set out enforceable policy criteria, leaving too much to guidance.

The policy is not sound because it is not adequately justified. Without clear policy parameters for such a major site, it is not possible to see from the Plan how evidence and reasonable alternatives have fed into the chosen approach.

EDN1 project 2 Shopfront renewal

This project refers to "shopfront renewal" in Edenbridge town centre. It suggests a programme of renewing shopfronts.

What is good

This is positive for visual quality and can support the historic character of the High Street.

It could help refresh older or poor quality frontages and support a more attractive town centre.

What is vague or risky

"Shopfront renewal" is completely undefined. There is no linked design guide, heritage test, or accessibility requirement.

Without a framework, renewal could lead to generic or corporate standard styles that harm local character.

There is no indication of how this will be implemented, whether through policy expectations, a supplementary planning document or grant schemes.

What to Change

We propose that project 2 is replaced with:

'A design led programme of shopfront renewal, guided by a shopfront design framework for Edenbridge, to secure high quality, accessible and heritage sensitive shopfronts that reinforce the historic character of the High Street and support independent local businesses'

Requested Change EDN1 project 2

- We ask that the Council commit to preparing and applying an Edenbridge shopfront design framework so that shopfront renewal improves heritage value and accessibility rather than eroding it.
- We ask that the Council ensure that shopfront renewal policy is framed to support independent local businesses, including avoiding unnecessary cost or corporate standardisation.

Regulation 19 soundness and legal points EDN1 project 2

The policy is not sound because it is not effective. Without linked design guidance or criteria, "shopfront renewal" is too vague to guide applicants or decision makers.

The policy is not sound because it is not clearly justified. The Plan does not explain the scale of the issue, the evidence behind the need for renewal or the means of delivery.

EDN1 project 3 River access

This project refers to "sensitively enhanced river accessibility" and effectively repeats the aim of improving access to the River Eden, echoing EDN1(4).

What is good

It recognises the river as a specific project area, not just a general aspiration.

What is vague or risky

It repeats the same problems as EDN1(4). The word "sensitively" is undefined and there is no mention of flood risk, biodiversity, or amenity.

It does not say which sections of the river are in scope or how the Council will work with landowners and the Environment Agency.

What to Change

We propose that project 3 is replaced with:

'Enhancement of public access to appropriate sections of the River Eden through low impact paths, wayfinding and seating, developed in partnership with landowners and the Environment Agency and designed not to increase flood risk or harm biodiversity, dark skies, or the amenity of nearby residents'

Requested Change EDN1 project 3

- We ask that the Council specify that river access works will only proceed where they are compatible with flood risk management, biodiversity objectives, and dark skies.
- We ask that the Council commit to working with the Environment Agency and relevant landowners to agree suitable locations and designs for any river access improvements.

Regulation 19 soundness and legal points EDN1 project 3

The policy is not sound because it is not effective. Without spatial scope, identified partners or clear constraints, this project cannot be reliably delivered or assessed in applications.

The policy is not sound because it is not consistent with national policy in the NPPF on flood risk and biodiversity, which expects riverside interventions to be explicitly controlled to avoid increasing risk or harming habitats.

EDN1 project 4 Footpaths and crossings

This project refers to "improved footpaths and pedestrian crossings, to provide better access through and into the town centre." It seeks to improve paths and crossings to make it easier to get to and through the town centre.

What is good

It aligns strongly with active travel and inclusive access.

It is likely to benefit children, older people, and those without cars, which is a clear planning benefit.

What is vague or risky

It does not identify priority routes, for example between the two stations, schools, health facilities, and the town centre.

It ignores cycling, even though there is a clear opportunity for better cycle links to and through the town.

It does not explain the role of Kent County Council as highway authority or link to any walking and cycling infrastructure plan.

There is no reference to developer contributions as a possible funding source.

What to Change

We propose that project 4 is replaced with:

'Improved, safe and well-lit footpaths and pedestrian and cycle crossings on key routes into and through the town centre, particularly between both rail stations, schools, health facilities, residential areas and the High Street, delivered with Kent County Council and funded in part through planning obligations or Community Infrastructure Levy contributions where justified'

Requested Change EDN1 project 4

- We ask that the Council identify footpaths and crossings as a combined walking and cycling project, naming key desire lines between the stations, schools, health facilities, residential areas, and the High Street.
- We ask that the Council commit to working with Kent County Council and using planning obligations and Community Infrastructure Levy, where justified, to deliver these improvements within the plan period.

Regulation 19 soundness and legal points EDN1 project 4

The policy is not sound because it is not fully effective. Without identifying priority routes, delivery partners, or funding mechanisms, it will be hard to deliver the stated improvements.

The policy is not sound because it is not clearly consistent with national policy on promoting sustainable transport in the NPPF, which expects plans to support coherent networks for walking and cycling, not just general aspirations.

EDN1 project 5 Community, youth, and education facilities

This project refers to "new and enhanced community and youth or education facilities" with an example list including a leisure centre, all weather pitch, bandstand, skate park and "provision of a secondary school in the town." It is trying to capture a wide set of potential community and youth facilities.

What is good

It recognises that Edenbridge needs stronger community and youth provision.

It acknowledges long standing community concern about secondary education in the town.

What is vague or risky

The "for example" list lumps together very different proposals, from a bandstand to a secondary school, with no sense of priority, evidence, or likely location.

There is no explicit link to needs evidence or work with the education authority, especially in relation to a secondary school.

It does not commit to protecting existing community facilities from loss.

Without safeguards, the clause could be used to justify inappropriate "enabling development" elsewhere on the basis that it might fund these items.

There is no reference to flood risk or to sustainable, walkable locations for any major facility such as a secondary school.

What to Change

We propose that project 5 is replaced with:

'New and enhanced community, youth and education facilities in or well related to Edenbridge town centre, including improvements to leisure, sports, cultural and youth provision, and, where evidenced and agreed with the education authority, provision of a secondary school in a sustainable, walkable location outside areas of highest flood risk, alongside robust protection of existing community facilities from unnecessary loss'

Requested Change EDN1 project 5

- We ask that the Council link any new or expanded community, youth, and education facilities to clear evidence of need and to sustainable, walkable locations outside the highest flood risk areas.
- We ask that the Council add explicit wording to protect existing community facilities in Edenbridge from unnecessary loss, in line with national policy.

Regulation 19 soundness and legal points EDN1 project 5

The policy is not sound because it is not justified. It proposes a wide range of possible facilities, including a secondary school, without showing through the Plan how needs, locations and alternatives have been assessed, which undermines the Justified test.

The policy is not sound because it is not fully effective. Without locational or flood risk criteria, there is no assurance that any future secondary school or major community facility would be deliverable in a suitable, sustainable location.

The policy is not sound because it is not clearly consistent with national policy in the NPPF on supporting community facilities and managing flood risk, as it does not include protective wording for existing facilities or clear constraints for new ones.

EDN1 project 6 Access to Edenbridge Town station

This project refers to "access for all to Edenbridge Town station." It is intended to secure better access to Edenbridge Town station for everyone.

What is good

It recognises a real barrier to sustainable travel and inclusion.

It highlights rail accessibility as a specific project for Edenbridge.

What is vague or risky

"Access for all" is undefined and could be interpreted very narrowly.

There is no explicit mention of step free access to platforms, which is likely to be the core issue.

There is no mention of safe walking and cycling routes to the station.

Delivery partners such as Network Rail, the train operator and Kent County Council are not identified, and there is no reference to how development will contribute.

What to Change

We propose that project 6 is replaced with:

'Improved, step free and inclusive access to Edenbridge Town station, including safe and attractive walking and cycling routes and, where feasible, lift or ramp access to platforms, delivered in partnership with Network Rail, train operators and Kent County Council and supported by planning obligations or Community Infrastructure Levy contributions where justified'

Requested Change EDN1 project 6

- We ask that the Council define "access for all" to include step free access to platforms and safe walking and cycling routes to Edenbridge Town station.
- We ask that the Council commit to working with Network Rail, train operators, and Kent County Council and to using planning obligations and Community Infrastructure Levy, where justified, to deliver these improvements within the plan period.

Regulation 19 soundness and legal points EDN1 project 6

The policy is not sound because it is not effective. The current wording gives no clear definition or delivery pathway for "access for all," which makes it hard to monitor and achieve.

The policy is not sound because it is not clearly consistent with national policy in the NPPF on promoting sustainable transport and inclusive design, which expects plans to address barriers faced by people with disabilities and improve access to public transport.

EDN1 final sentence on delivery and funding

The final sentence states that "these projects will be delivered through partnership working" with "potential funding from development in the local vicinity." It is supposed to explain how the projects will be delivered and funded.

What is good

It recognises that delivery depends on partnerships and not just on the Council acting alone.

It hints that developer contributions could be used for Edenbridge projects.

What is vague or risky

The phrase “will be delivered” is very strong, but delivery is not guaranteed and depends on third parties and funding.

“Potential funding from development in the local vicinity” is vague and could misrepresent how planning obligations and Community Infrastructure Levy legally work.

“Local vicinity” is undefined and could lead to inequitable or unlawful use of contributions.

There is no link to the Infrastructure Delivery Plan or to the legal tests for planning obligations.

What to Change

We propose that the final sentence is replaced with:

‘Delivery of these projects will rely on partnership working between Sevenoaks District Council, Edenbridge Town Council, Kent County Council, transport and other infrastructure providers, local businesses and community organisations, with funding drawn from public programmes and, where they meet the statutory tests and are identified in the Infrastructure Delivery Plan, planning obligations and Community Infrastructure Levy contributions arising from development that is directly related to the projects’

Requested Change EDN1 final sentence

- We ask that the Council clarify the delivery and funding framework for these projects, including a clear link to the Infrastructure Delivery Plan and the statutory tests for planning obligations and Community Infrastructure Levy.
- We ask that the Council define the area over which development can reasonably be said to be “directly related” to Edenbridge town centre projects, to ensure contributions are used lawfully.

Regulation 19 soundness and legal points EDN1 final sentence

The policy is not sound because it is not fully effective. Promising that projects “will be delivered” without a clear delivery and funding framework tied to the Infrastructure Delivery Plan risks undeliverable expectations.

The policy is not sound because it is not fully justified. The extent to which “development in the local vicinity” can fund these projects is not evidenced in the Plan, weakening the Justified test.

The policy is not sound because it may not be consistent with national policy and legal requirements on planning obligations, which require contributions to be necessary, directly related and reasonably related in scale and kind.

Edenbridge Impact

In its current form EDN1 gives Edenbridge a pleasant sounding town centre vision but lacks the clear, enforceable policy tests and delivery mechanisms needed to secure heritage sensitive regeneration, real community and youth facilities and sustainable transport improvements on a defensible basis in planning decisions for the town.

NEDRA (New Edenbridge District Residents' Association)

Chapter 4 Response - NEDRA Disagree

Policy CC1

CC1(1) opening sentence

The opening sentence says that the Council will seek to ensure that all development in the District contributes to reducing carbon emissions and adapting to the impacts of climate change, and then refers to the criteria listed in parts a to j.

This is positive because it puts climate change up front as a basic requirement for all development and gives a clear hook to challenge schemes that obviously ignore climate impacts.

However, the phrase 'will seek to ensure' is weak. It reads as an aspiration rather than a firm policy requirement. It does not say that development must comply with the criteria, nor what happens if it does not. That creates a real risk that harmful schemes are still approved even if they fail to meet the CC1 tests.

What to Change

The opening sentence should be strengthened so that it is clearly a decision making test for planning applications, not just an intention. For example:

'The Council will only grant planning permission for development where it demonstrably contributes to the mitigation of, and adaptation to, climate change by:'

This makes it clear that failure to comply with the criteria in CC1 is a reason to refuse planning permission.

Requested Change

- We ask that the wording 'will seek to ensure' is replaced with 'will only grant planning permission for development where it demonstrably contributes to the mitigation of, and adaptation to, climate change.'
- We ask that the policy makes clear that failure to meet the listed criteria in CC1 will be treated as a reason for refusal.

Regulation 19 soundness and legal points

- The policy is not sound because the phrase 'will seek to ensure' is too weak to support refusal of non-compliant schemes, so it is unlikely to be effective in delivering real climate mitigation and adaptation. This engages the Effective and Consistent with

national policy tests, including the need in the National Planning Policy Framework for clear decision making criteria.

- The policy is not sound because it reads as an intention rather than a firm requirement, so it does not positively plan for climate obligations to be integrated into all development decisions. This engages the Positively prepared test.

CC1(1)(a)

'being in sustainable locations which are well supported by, or capable of delivering improved local services and facilities, minimising the need to travel for day to day needs;'

This clause is about the location of new development. It says that development should be in places that already have good local services, or could gain them, so people do not need to travel far for everyday needs.

It is helpful because it makes a clear link between location, services, and reduced travel, which is a proper material planning consideration. In principle it gives a basis to challenge large allocations in locations that remain heavily car dependent.

The risk lies in the wording 'capable of delivering improved local services and facilities. This is extremely loose. Any greenfield or peripheral site could be claimed to be 'capable' of delivering something in theory, with no guarantee that the services will ever arrive. There is no requirement for evidence, timing, or guaranteed delivery of those improvements. There is also no recognition that some settlements such as Edenbridge already have high growth commitments and very limited realistic scope for further so called 'sustainable' expansion without overloading local services and facilities.

What to Change

The wording should require real, secured, and funded improvements to local services which come forward in step with development. For example:

'being in sustainable locations which are already well supported by local services and facilities, or where specific, secured and funded improvements to local services and facilities will be delivered in step with the development, so as to minimise the need to travel for day to day needs;'

This would prevent vague claims about future services being used to justify car dependent allocations.

Requested Change

- We ask that 'capable of delivering improved local services and facilities' is replaced with wording that requires specific, secured, and funded improvements which are delivered in step with the development.
- We ask that the policy makes clear that car dependent locations without realistic and deliverable service improvements will not be regarded as 'sustainable locations.

Regulation 19 soundness and legal points

- The policy is not sound because it allows any site to be claimed as 'capable of delivering improved services' without evidence of deliverability, funding, or timing. This fails the

Justified and Effective tests, as it is not supported by clear local evidence and will not manage real world impacts.

- The policy is not sound because, without a requirement for secured and timely infrastructure, it does not properly reflect National Planning Policy Framework expectations that significant development should be focused on locations which are, or can be made, sustainable with necessary infrastructure delivered alongside growth. This affects the Consistent with national policy and Positively prepared tests, particularly for already stretched settlements such as Edenbridge.

CC1(1)(b)

'In accordance with the Movement Hierarchy, maximising opportunities for active and sustainable modes of transport and, where applicable, contributing to the delivery of walking, wheeling and cycling routes;'

This clause is about transport. It says that development should follow the Movement Hierarchy, promote walking, wheeling, cycling and public transport, and where appropriate contribute to routes for these modes.

It is positive that it explicitly refers to the Movement Hierarchy and to walking, wheeling, and cycling routes. This gives a clear hook for walking and cycling first, which is especially important in a town like Edenbridge that has a railway station and local schools that should be safely accessible on foot and by bike.

The weaknesses are in the phrases 'maximising opportunities' and 'where applicable.' Both are vague and subjective, giving developers scope to argue that very little is 'applicable' on their site. There is no requirement to show how opportunities have been assessed, or to prioritise links to specific destinations such as schools, the town centre, and the station. For Edenbridge there is a particular risk that rural or edge of settlement sites will offer only basic paths within the site boundary with no safe, continuous links into the town centre or to the station.

What to Change

The policy should move from vague aspirations to clear requirements for safe and direct active travel. For example:

'In accordance with the Movement Hierarchy, prioritising and securing safe and direct active and sustainable transport connections, including, where relevant, contributions to or delivery of continuous walking, wheeling and cycling routes to key destinations such as town centres, schools and transport hubs;'

This would give a firm basis to require real links and contributions from development around Edenbridge.

Requested Change

- We ask that 'maximising opportunities' and 'where applicable' are replaced with clear requirements to prioritise and secure safe, direct active travel routes to key local destinations.
- We ask that the policy explicitly requires walking, wheeling, and cycling links to the town centre, schools, and the railway station where development lies within their catchment.

Regulation 19 soundness and legal points

- The policy is not sound because vague terms such as 'maximising opportunities' and 'where applicable' do not provide a clear or enforceable basis for decision making. This limits its effectiveness in changing travel behaviour and fails the Effective test.
- The policy is not sound because it does not strongly enough require deliverable walking and cycling infrastructure to support modal shift, as encouraged by the National Planning Policy Framework. This engages the Consistent with national policy test.

CC1(1)(c)

'Delivering sustainable new buildings which adopt a fabric first design approach and minimise energy consumption;'

This clause says that new buildings should use a fabric first approach so that they use less energy overall.

It is welcome that the policy recognises the fabric first principle, including insulation and airtightness, which is good practice and a proper planning consideration for energy use and carbon. This provides a useful basis to challenge leaky, poor performing new buildings.

The problem is that 'sustainable new buildings' and 'minimise energy consumption' are not tied to measurable standards. Without clear metrics or thresholds almost, any building could be said to 'minimise' energy, which weakens the policy significantly.

What to Change

The wording should be tied to specific energy performance expectations, set out in supporting policies. For example:

'Delivering new buildings which adopt a fabric first design approach and achieve high energy performance with substantially reduced regulated energy demand compared with current Building Regulations, as set out in supporting development management policies;'

This would give officers and applicants a clear benchmark to work to.

Requested Change

- We ask that 'minimise energy consumption' is linked to clear, measurable energy performance requirements, referenced in development management policies.
- We ask that the phrase 'sustainable new buildings' is clarified by specific performance expectations rather than generic language.

Regulation 19 soundness and legal points

- The policy is not sound because it uses unmeasured terms like 'sustainable' and 'minimise' without clear performance benchmarks, so it is not properly justified by robust evidence and is unlikely to be effective in securing high performing buildings. This affects the Justified and Effective tests.
- The policy is not sound because without clear outcomes it risks falling short of National Planning Policy Framework expectations for planning to help secure radical reductions in greenhouse gas emissions. This affects the Consistent with national policy test.

CC1(1)(d)

‘Utilising sustainable construction techniques, making the most efficient use of resources and minimising waste;’

This clause concerns how construction itself is carried out. It says that construction should use sustainable techniques, use resources efficiently and minimise waste.

This is positive in principle, as it encourages better construction practice and waste reduction, which can be secured through Construction Management Plans and planning conditions.

However, the phrase ‘sustainable construction techniques’ is not defined, which makes it very difficult to enforce. ‘Minimising waste’ is also generic and there is no reference to construction waste plans or measurable requirements for resource efficiency.

What to Change

The policy should spell out at least one clear mechanism that will be required on relevant schemes. For example:

‘Utilising sustainable construction techniques, including the preparation and implementation of a Construction and Demolition Waste Management Plan, to make the most efficient use of resources and minimise waste;’

This would make it clear how the Council expects the objective to be delivered.

Requested Change

- We ask that ‘sustainable construction techniques’ are tied to a specific requirement for Construction and Demolition Waste Management Plans on relevant schemes.
- We ask that the policy gives clearer direction on how efficient use of resources and minimisation of waste will be secured through planning conditions and obligations.

Regulation 19 soundness and legal points

- The policy is not sound because it relies on generic wording without specifying mechanisms, such as waste management plans, to deliver the stated outcomes, so it is unlikely to have a meaningful effect in practice. This fails the Effective test.
- The policy is not sound because it does not explain how its aspirations relate to any locally evidenced issues around construction waste or resource use in the district. This engages the Justified test.

CC1(1)(e)

‘Delivering renewable and low carbon energy generation and storage (including opportunities for decentralised energy and heating where appropriate);’

This clause says that development should include or support renewable and low carbon energy generation and storage, and, where suitable, decentralised energy or heating networks.

It is positive that the policy encourages on site renewables and storage, which is a clear material consideration. It is also helpful that it mentions decentralised energy and heating, which may be appropriate in higher density areas.

The concern is the phrase 'where appropriate.' Without any further explanation there is a risk that developers will argue that renewables are not appropriate in many schemes, especially in smaller towns and edge of settlement developments. The policy does not distinguish between different settlement types and what is realistic and cost effective in each. For example, rooftop solar will usually be appropriate for major development in and around Edenbridge, whereas full heat networks may not be.

What to Change

The policy should set a clear default expectation for onsite renewables, while recognising that decentralised energy and heat networks will depend on density and feasibility. For example:

'Delivering renewable and low carbon energy generation and storage, with onsite measures such as rooftop solar and heat pumps expected on most major developments, and exploring opportunities for decentralised energy and heating in locations and densities where this is technically and economically feasible;'

Requested Change

- We ask that the policy sets a clear expectation that on site renewables such as rooftop solar will be provided on most major developments, rather than only where someone chooses to argue they are 'appropriate.'
- We ask that 'where appropriate' is clarified by reference to technical and economic feasibility, recognising different settlement patterns, including those of Edenbridge.

Regulation 19 soundness and legal points

- The policy is not sound because open ended terms like 'where appropriate' do not provide a robust basis to secure on site renewable and low carbon energy, limiting its effectiveness. This fails the Effective test.
- The policy is not sound because it does not clearly show how local requirements will deliver the National Planning Policy Framework expectation of supporting renewable and low carbon energy development, considering local circumstances and viability. This affects the Justified and Consistent with national policy tests.

CC1(1)(f)

'Maximising blue green infrastructure, including protecting existing carbon sinks and seeking nature based opportunities for carbon sequestration.'

This clause says that development should make the most of blue green infrastructure such as trees, rivers and wetlands, protect areas that store carbon and look for nature based ways to store more carbon.

This is positive because it recognises carbon sinks and nature based solutions and links climate and biodiversity. It provides a useful hook to protect features like mature trees, hedgerows, floodplain grassland, and river corridors around Edenbridge.

The difficulty is that the wording 'maximising' and 'seeking opportunities' is vague. It risks resulting in token gestures rather than meaningful protection and enhancement. There is no requirement to map or evidence existing carbon sinks or to avoid their loss. Important habitats could therefore be traded away too easily against built development on sensitive land.

What to Change

The policy should require identification and protection of known carbon sinks and insist on measurable nature based sequestration. For example:

'Protecting and enhancing blue green infrastructure, including avoiding the loss of identified carbon sinks wherever possible and securing measurable, on site nature based carbon sequestration measures proportionate to the scale of development.'

Requested Change

- We ask that the policy moves from 'seeking opportunities' to a clear requirement to protect identified carbon sinks and secure measurable nature based sequestration.
- We ask that the policy requires identification and mapping of key blue green and carbon sink assets at plan or application stage so they cannot be ignored in schemes around Edenbridge.

Regulation 19 soundness and legal points

- The policy is not sound because it does not require identification or mapping of carbon sinks or blue green assets, so it is not strongly grounded in local evidence. This fails the Justified test.
- The policy is not sound because vague wording will not reliably avoid the loss of important habitats and carbon rich features, undermining National Planning Policy Framework aims to protect and enhance the natural environment while addressing climate change. This engages the Effective and Consistent with national policy tests.

CC1(1)(g)

'In accordance with the Council's Strategic Flood Risk Assessment, avoiding inappropriate development in areas at risk of flooding from all sources, both now and in the future, avoiding any increase in risk where development does occur and, where possible, reducing that risk;'

This clause deals with flooding. It says that development should follow the Strategic Flood Risk Assessment, avoid inappropriate development in flood risk areas, not increase flood risk and, where possible, help to reduce it.

This is especially relevant for Edenbridge, which faces river and surface water flood risks. It is helpful that the policy refers to all sources of flooding and to the Strategic Flood Risk Assessment and that it recognises the need to avoid any increase in risk and, ideally, to reduce it.

The concern is that 'inappropriate development' is not defined here, leaving room for argument. The phrase 'where possible, reducing that risk' is also weak, especially for major schemes in sensitive catchments like Edenbridge, where flood risk betterment should be a clear expectation. There is also no mention of cumulative impacts from multiple developments in the Edenbridge catchment.

What to Change

The policy should expect major development in relevant catchments to deliver a net reduction in flood risk where feasible and should refer to cumulative impacts. For example:

'…avoiding any increase in risk where development does occur and, for major development in areas contributing to identified flood risk, securing measures which deliver a net reduction in flood risk where this is technically feasible and viable;'

Requested Change

- We ask that the policy requires major development in relevant catchments, including around Edenbridge, to deliver a net reduction in flood risk where technically feasible and viable, rather than only 'where possible.'
- We ask that the policy explicitly refers to cumulative flood risk impacts and the need for catchment wide solutions informed by the Strategic Flood Risk Assessment.

Regulation 19 soundness and legal points

- The policy is not sound because the phrase 'where possible' does not give a strong enough requirement to secure flood risk betterment from major schemes in sensitive locations such as Edenbridge. This affects the Effective test.
- The policy is not sound because it does not fully reflect the National Planning Policy Framework risk based approach or its emphasis on using opportunities provided by new development to reduce the causes and impacts of flooding. This engages the Consistent with national policy test.

CC1(1)(h)

'Being resilient and adaptable to the impacts of climate change, ensuring that buildings can be easily modified to meet future needs;'

This clause says that buildings should be designed to withstand climate impacts and be easy to adapt to changing needs over time.

It is helpful that the policy recognises long term resilience and adaptability, which is important given the likelihood of hotter summers, more intense rainfall and changing living and working patterns.

However, the phrase 'easily modified' is subjective and not explained. There is no link to specific design principles, such as layout, floor to ceiling heights, structural design, or ability to retrofit cooling and renewables. Without examples or criteria, it will be difficult to apply this requirement consistently.

What to Change

The policy should give some indication of what design for flexibility means in practice. For example:

'Being resilient and adaptable to the impacts of climate change, ensuring that buildings are designed for flexibility of use over time, for example through appropriate floor to ceiling heights, structural design and services layouts, so they can be modified to meet future needs without extensive reconstruction;'

Requested Change

- We ask that 'easily modified' is clarified with design principles or examples so that officers can apply the policy consistently.

- We ask that supporting guidance ties this requirement to practical measures that can be secured by condition at application stage.

Regulation 19 soundness and legal points

- The policy is not sound because it lacks clear criteria or examples of what 'easily modified' means, so it will be very difficult to implement consistently. This fails the Effective test.
- The policy is not sound because it does not explain how the proposed flexibility responds to locally identified needs or evidence, such as the housing mix and ageing population within the district. This engages the Justified test.

CC1(1)(i)

'Minimising mains water consumption, making the most efficient use of water, and protecting water resources from increased pollution;'

This clause is about water. It says that development should reduce mains water use, make efficient use of water and protect water resources from additional pollution.

This is welcome given the South East's water pressures. It provides a basis for tighter water efficiency standards and stronger controls on water pollution.

The difficulty is that 'minimising' and 'most efficient' are not defined. The policy does not refer to specific water efficiency standards or to the water stressed status of the area. There is also no explicit link to the design of Sustainable Drainage Systems and associated treatment requirements.

What to Change

The policy should refer to clear standards and to drainage and treatment measures. For example:

'Minimising mains water consumption through water efficiency standards at least equivalent to those for seriously water stressed areas, making the most efficient use of water, and protecting water resources from increased pollution through appropriate drainage and treatment measures;'

Requested Change

- We ask that the policy specifies a clear water efficiency standard that reflects the district's water stressed context.
- We ask that protection from water pollution is explicitly linked to drainage and treatment requirements that can be secured by condition.

Regulation 19 soundness and legal points

- The policy is not sound because it does not clearly respond to local evidence on water stress or set out specific standards, which is needed to demonstrate consistency with national guidance on water efficiency in stressed areas. This affects the Justified and Consistent with national policy tests.

- The policy is not sound because, without defined standards, it will be difficult to secure meaningful reductions in water use or pollution, which affects the Effective test.

CC1(1)(j)

'Incorporating multi functional blue green infrastructure which assists in managing flood risk, enhancing biodiversity and addressing overheating.'

This clause says that new development should include blue green infrastructure that helps with flood risk, biodiversity, and overheating.

This is positive as it recognises that features such as trees, ponds and swales can have multiple benefits. This is particularly relevant to Edenbridge where blue green infrastructure can support flood mitigation and create cooler, greener streets.

The problem is that 'incorporating' multi-functional blue green infrastructure does not say anything about scale, quality, or integration. There is a real risk that this will result in small, left over areas rather than properly designed networks. There is also no mention of prioritising natural Sustainable Drainage Systems or making these features central to site layout.

What to Change

The policy should be clear that blue green infrastructure must be an integral and high quality part of the design. For example:

'Incorporating high quality, multi-functional blue green infrastructure as an integral part of site layout and design, which assists in managing flood risk, enhancing biodiversity and addressing overheating.'

Requested Change

- We ask that the policy requires blue green infrastructure to be an integral and high quality element of site layout, not an afterthought.
- We ask that supporting policies set out minimum expectations for natural Sustainable Drainage Systems and shade providing planting in higher risk locations such as Edenbridge.

Regulation 19 soundness and legal points

- The policy is not sound because it does not clearly state the scale, quality or integration of blue green infrastructure needed, limiting its practical effectiveness in addressing flood risk and overheating. This fails the Effective test.
- The policy is not sound because the weak wording risks failing to secure the multi-functional green infrastructure networks encouraged by the National Planning Policy Framework. This affects the Consistent with national policy test.

CC1(2)

'Compliance with Strategic Policy CC1 (Mitigating and Adapting to the Impacts of Climate Change) and its relevant supporting development management policies should be demonstrated through the submission of a proportionate Sustainability Strategy.'

This clause requires applicants to demonstrate compliance with CC1 and related policies through a Sustainability Strategy, proportionate to the scale of the scheme.

This is useful because it requires a formal document demonstrating climate performance, which is particularly important for major schemes in and around Edenbridge. The reference to proportionality should avoid over burdening small household applications.

The concern is that 'proportionate' is not defined and there are no thresholds or minimum content requirements. This creates a risk of very minimal submissions even on sizeable schemes. There is also no explicit link to decision making, as it does not say that failure to provide an adequate Sustainability Strategy will be a reason for refusal.

What to Change

The policy should specify the schemes that must submit a Sustainability Strategy and what the Strategy must cover. For example:

'Compliance with Strategic Policy CC1 (Mitigating and Adapting to the Impacts of Climate Change) and its relevant supporting development management policies must be demonstrated, for all major development and other proposals where specified in development management policies, through the submission of a Sustainability Strategy. The Strategy shall be proportionate to the scale and nature of the development and address, as a minimum, each of the criteria in this policy and relevant supporting development management policies.'

There should also be a clear expectation that failure to submit an adequate Sustainability Strategy will be grounds for refusal.

Requested Change

- We ask that the policy specifies that a Sustainability Strategy is mandatory for all major development and for any other categories of proposal identified in development management policies.
- We ask that 'proportionate' is clarified by setting out minimum content and linking the Strategy explicitly to each criterion in CC1 and relevant supporting policies.
- We ask that the policy confirms that failure to submit an adequate Sustainability Strategy will be treated as a reason to refuse planning permission.

Regulation 19 soundness and legal points

- The policy is not sound because it does not set clear thresholds or minimum requirements for Sustainability Strategies, making it difficult to ensure consistent and robust climate evidence on significant schemes. This fails the Effective test.
- The policy is not sound because it does not explain how Sustainability Strategies will deliver the plan's climate objectives in a way that reflects local circumstances and National Planning Policy Framework expectations that decisions should be supported by proportionate evidence. This affects the Justified and Consistent with national policy tests.
- The policy is not sound because the lack of clear thresholds and minimum content creates a risk of inconsistent application across settlements, undermining plan wide consistency and exposing decisions, especially on contested sites such as those

around Edenbridge, to challenge. This engages basic legal compliance and internal consistency across the plan.

Edenbridge Impact

As drafted, CC1 identifies the right climate themes but uses wording that is too vague and weak, so there is a real risk that large, car dependent and flood sensitive developments around Edenbridge will still be approved on the basis of minimal, box ticking climate measures rather than genuinely sustainable design and infrastructure.

NEDRA (New Edenbridge District Residents' Association)

Chapter 4 Response - NEDRA Disagree

Policy CC2

CC2(1) Operational carbon and fabric first design

This part of the policy says that new buildings must show they were designed to use as little energy as possible, using a fabric first approach such as good insulation and airtightness and by thinking about the site, layout, orientation, size, and landscaping.

What is good

It is helpful that fabric first is put up front, as improving the building fabric is usually the most effective way to cut energy use and bills for future residents.

It is also positive that layout and orientation are mentioned, as this should encourage developments in Edenbridge to make better passive use of sun and shading rather than simply adding renewable technologies at the end of the design process.

What is vague or risky

The wording only asks applicants to 'demonstrate that minimising energy consumption has formed part of the design process.' In practice this could be satisfied by a short paragraph in a Design and Access Statement with no clear performance target and very little real effect.

There is no measurable requirement, for example a clear percentage better than Building Regulations, and no fixed requirement for an Energy Strategy. This makes it unclear what a planning officer could reasonably refuse at application or appeal.

There is nothing in the wording that requires developers in Edenbridge to meet the same performance standards as those in larger or higher value settlements. In reality the weakest scheme in the district could set the effective bar.

What to Change

We propose that CC2(1) is rewritten as:

'1. Proposals which include the construction of new buildings must demonstrate, through a submitted Energy Strategy, that minimising energy consumption has formed a core part of the design process by adopting a fabric first approach. Proposals must show how landform, layout, building orientation, massing and landscaping have been used to reduce energy demand and must achieve a minimum regulated energy performance at least 10 per cent better than current Building Regulations, unless robustly demonstrated to be technically infeasible.'

Requested Change

- We ask that the Council requires an Energy Strategy for all proposals that include new buildings, clearly setting out how a fabric first approach has been applied.
- We ask that the policy includes a measurable minimum improvement over Building Regulations, so the requirement is enforceable at both application and appeal.
- We ask that the Council confirms the same minimum energy performance uplift applies in all settlements, including Edenbridge, so there is no weaker standard here.

Regulation 19 soundness and arguments for CC2(1)

The policy is not sound because, without measurable performance standards or an Energy Strategy requirement, it is not effective. Decision makers will not have a clear basis to secure or enforce higher performance in practice.

The policy is not sound because it is not clearly positively prepared. It reads as a light touch design process test rather than a clear requirement to secure meaningful contributions to carbon reduction in line with the National Planning Policy Framework (NPPF).

The policy is not sound because it is not fully consistent with national policy, which expects local plans to support the transition to a low carbon future in a proactive and deliverable way. Vague wording risks under delivery on the ground.

CC2(2)(a) Embodied carbon, waste, reuse, and recycling

This part of the policy says that new buildings should minimise embodied carbon by reducing waste during construction and use, reusing, and recycling construction waste, and providing good space for storing and sorting waste and recycling, 'where practicable.'

What is good

It is positive that the policy recognises that waste and materials are part of carbon reduction, not just operational energy.

It is also helpful that it refers to space for recycling and composting, which can support everyday behaviour in homes and businesses in Edenbridge.

What is vague or risky

The phrase 'where practicable' is vague and allows applicants to argue that they cannot provide decent recycling and composting facilities, particularly on tighter sites in Edenbridge.

There is no requirement for a Construction or Site Waste Management Plan, which means that what happens on site may never be properly checked or monitored.

'Minimising waste' is not tied to any clear standard, metric, or evidence. This could easily be argued away on viability grounds without transparency, especially in lower value areas.

What to Change

We propose that CC2(2)(a) is rewritten as:

'2(a). Minimising waste in both the construction and occupation of new buildings by preparing and implementing a Site Waste Management Plan which prioritises reuse and recycling of construction materials, and by providing adequate, well designed space to facilitate waste

storage, reuse, recycling, and composting. Where the Council accepts that full provision cannot be delivered due to genuine site constraints, proposals must clearly justify this and demonstrate how waste will be managed to an equivalent standard.'

Requested Change

- We ask that the wording 'where practicable' is replaced with a clear requirement to provide waste, recycling, and composting space, with any exceptions fully justified against set criteria.
- We ask that a Site Waste Management Plan is explicitly required so this part of the policy can be enforced and monitored in practice.
- We ask that the Council confirms this requirement applies equally in Edenbridge and in the larger settlements so that smaller towns are not left with weaker provision.

Regulation 19 soundness and arguments for CC2(2)(a)

The policy is not sound because the phrase 'where practicable' makes it ineffective. It allows inconsistent interpretation and makes it difficult for officers, members, and the community to hold developers to account.

The policy is not sound because it is not properly justified. Without defined expectations or evidence on what is 'practicable' in different types of settlement, including smaller towns like Edenbridge, decisions risk becoming arbitrary.

The policy is not sound because it risks inconsistency with national policy expectations that plans provide clear, enforceable requirements to support sustainable waste management as part of climate action.

CC2(2)(b) Embodied carbon, local and low carbon materials

This part of the policy says that developers should favour the use of locally sourced materials that are low in embodied carbon.

What is good

Encouraging lower carbon materials and shorter supply chains is positive and could support appropriate local suppliers around Edenbridge.

This approach can also sit well with the rural character of the district if local materials are chosen sensitively.

What is vague or risky

The wording 'favouring the use of locally sourced materials' is not defined. There is no distance, percentage, or evidence requirement, so it can easily be ignored with no consequence.

The clause does not explain how this will be balanced with heritage or durability needs, which is important for older or historic buildings in Edenbridge.

Without clearer expectations, developers may claim that using low carbon and local materials is not viable or practical, particularly in smaller markets such as Edenbridge.

What to Change

We propose that CC2(2)(b) is rewritten as:

'2(b). Demonstrating, through the Design and Access Statement or a Materials Schedule, how the proposal has selected materials with low embodied carbon, giving priority to responsibly sourced materials from within the region where compatible with design, heritage, and durability requirements.'

Requested Change

- We ask that the Council defines how the use of low carbon and locally sourced materials will be demonstrated, for example through a Materials Schedule or equivalent document.
- We ask that the wording is clarified to balance the use of low carbon materials with heritage and long term durability, which is particularly important in historic parts of Edenbridge.
- We ask that the Council confirms that the same expectations on materials will apply in all settlements so that smaller towns like Edenbridge are not treated less favourably.

Regulation 19 soundness and arguments for CC2(2)(b)

The policy is not sound because it is not effective. Without any definition of 'locally sourced' and without a requirement for evidence, it does not give decision makers a clear basis to secure or enforce lower embodied carbon materials.

The policy is not sound because it is not sufficiently justified. It does not show how the chosen approach reflects local supply chains or heritage constraints in different settlements, including Edenbridge.

The policy is not sound because, in its current vague form, it risks failing to deliver on the National Planning Policy Framework (NPPF) expectation that plans set out clear, locally appropriate measures to support the transition to a low carbon future.

CC2(3) Demolition of structurally sound buildings

This part of the policy says that where a building is structurally sound, developers should consider reusing, extending, or refurbishing it instead of demolishing it.

What is good

It is welcome that the policy recognises that keeping and reusing existing buildings is usually better for carbon than demolition and rebuild.

This is also helpful in protecting the character of places like Edenbridge, where sound historic buildings on the High Street and in the town, centre might otherwise be knocked down.

What is vague or risky

The phrase 'should consider' is extremely weak. A developer can say that alternatives were considered and rejected without providing meaningful evidence.

There is no requirement for a whole life carbon assessment or proof that demolition is clearly preferable. This means that structurally sound buildings in Edenbridge could still be demolished without a proper comparison of options.

There is no clear link to heritage, townscape, or community value, which are all important in a small town centre like Edenbridge.

What to Change

We propose that CC2(3) is rewritten as:

‘3. Proposals which include the demolition of structurally sound buildings will only be supported where a whole life carbon assessment and design options appraisal have been undertaken and demonstrate that reuse, extension, or refurbishment are not reasonably practicable or would result in significantly poorer environmental, heritage or place making outcomes. Particular weight will be given to retaining structurally sound buildings that contribute to townscape character, including in town centres such as Edenbridge.’

Requested Change

- We ask that ‘should consider’ is strengthened to a clear test so that demolition of structurally sound buildings is only supported where robust evidence shows that reuse or refurbishment is genuinely not suitable.
- We ask that the policy requires a simple, proportionate whole life carbon assessment and options appraisal before demolition of structurally sound buildings is agreed.
- We ask that specific weight is given to retaining sound buildings that contribute to the character of Edenbridge town centre.

Regulation 19 soundness and arguments for CC2(3)

The policy is not sound because, in its current wording, it is not effective. ‘Should consider’ is advisory rather than a clear decision making test and will not reliably prevent unnecessary demolition.

The policy is not sound because it is not fully consistent with national policy, which expects the planning system to support the reuse of existing resources, including existing buildings, as part of climate and resource efficiency objectives.

The policy is not sound because it is not positively prepared for places like Edenbridge, where the loss of structurally sound town centre buildings would harm both character and embodied carbon performance.

CC2(4) Resilience and health, general wording

This part of the policy says that, where it is relevant and proportionate, developments must show how they will be resilient to climate change and protect the health of users, including through blue green infrastructure, long life adaptable buildings, and sustainable water management.

What is good

It is sensible that the policy links climate resilience and health, as these are closely connected themes in the National Planning Policy Framework.

The recognition of blue green infrastructure and water management is important, especially for Edenbridge where there are known flood issues and drainage constraints.

What is vague or risky

The phrase 'where relevant and proportionate to the type and scale of development' is very open ended. Applicants can easily argue that measures are not relevant or proportionate, particularly on smaller schemes in Edenbridge.

There are no thresholds or examples, so planning officers may apply this unevenly between different settlements and site types.

Without clear requirements, there is a risk that climate resilience measures are concentrated in a few larger flagship schemes and not applied consistently, including in Edenbridge.

What to Change

We propose that CC2(4) is rewritten as:

'4. Proposals must demonstrate measures to ensure future climate resilience and to protect the health and wellbeing of users, proportionate to the type and scale of development. For all major developments, and for minor developments in areas at higher climate or flood risk, a Climate Resilience Statement must be submitted addressing, as a minimum:'

with the statement then leading into parts (a) to (c).

Requested Change

- We ask that the Council replaces the vague phrase 'where relevant and proportionate' with clear expectations and thresholds, including a requirement for a Climate Resilience Statement for all major schemes.
- We ask that the policy explicitly applies to developments in higher risk locations, such as Edenbridge, even where individual schemes are not large.
- We ask that the Council provides guidance so that 'proportionate' is applied consistently across all settlements.

Regulation 19 soundness and arguments for CC2(4)

The policy is not sound because the 'where relevant and proportionate' caveat makes it ineffective. It creates too much scope for inconsistent application and under delivery of resilience measures.

The policy is not sound because it is not adequately justified. There is no clear evidence or guidance on how 'proportionate' will be applied in different settlement types or risk areas, including Edenbridge.

The policy is not sound because it risks inconsistency with the National Planning Policy Framework requirement for a proactive and risk based approach to climate change and flood risk, rather than one that developments can effectively opt out of.

CC2(4)(a) Blue green infrastructure and urban heat

This part of the policy says that developments should use blue green infrastructure such as trees, planting, and water features to provide natural cooling and reduce the urban heat island effect, especially around roads and walking routes.

What is good

It is positive that natural shading and cooling are promoted, as this is good for health and comfort on streets and in public spaces, including in Edenbridge.

The link to walking routes is also welcome, as it supports safer and more pleasant active travel.

What is vague or risky

'Using blue green infrastructure' is a positive direction but the level of provision is not specified, and it is unclear how this will be secured in smaller towns.

The reference to 'urban heat island' suggests a focus on dense urban areas and may not fully reflect the pattern of overheating risks in Edenbridge, for example in large car parks and new residential estates.

Without more specific expectations, developers in Edenbridge could satisfy the wording with token planting rather than meaningful shade and cooling.

What to Change

We propose that CC2(4)(a) is rewritten as:

'4(a). Incorporating blue green infrastructure, such as street trees, planting, and water features, to provide natural cooling and shade and to reduce local heat build-up, with particular regard to road surfacing, parking areas and pedestrian and cycle routes. Development in all town centres, including Edenbridge, must demonstrate how it will deliver high quality shade and cooling along key walking routes.'

Requested Change

- We ask that the policy sets clearer expectations for the levels and types of blue green infrastructure that are required so that developers cannot rely on minimal token planting.
- We ask that Edenbridge town centre and its key walking and cycling routes are explicitly identified as locations needing shade and cooling.
- We ask that car parks and large hard surfaced areas in Edenbridge are specifically referenced as places where blue green cooling measures are expected.

Regulation 19 soundness and arguments for CC2(4)(a)

This clause is broadly consistent with national policy, and we do not identify major soundness issues provided that the general wording of CC2(4) on proportionality and clear requirements is strengthened as set out above.

CC2(4)(b) Long life, adaptable buildings

This part of the policy says that buildings should aim to last longer, be adaptable to changing needs, and allow future climate adaptation technologies to be added.

What is good

It is helpful that the policy recognises the value of long life, adaptable buildings for sustainability and resilience.

This is particularly relevant for Edenbridge, where buildings may need to change use over time without frequent demolition and rebuild.

What is vague or risky

The phrase 'aiming to increase the lifespan' is weak and does not set any clear test for design quality, robustness, or adaptability.

There is no specific requirement for flexible layouts, easily adaptable ground floors in centres like Edenbridge, or space to allow for retrofitting future technologies.

Without more detail, this reads as an aspiration rather than a material control that can be applied in decisions.

What to Change

We propose that CC2(4)(b) is rewritten as:

'4(b). Designing new buildings and associated infrastructure for a long service life and adaptability, including flexible internal layouts, generous floor to ceiling heights where appropriate, and provision for future climate adaptation measures, such as retrofitting shading, renewables, and cooling technologies, without major structural works.'

Requested Change

- We ask that the policy is strengthened from 'aiming to increase' to a clear requirement to design for long life and adaptability, with specific design measures.
- We ask that the flexibility of ground floor uses in town centres, including Edenbridge, is explicitly recognised as part of building adaptability.
- We ask that provision for future retrofitting of climate adaptation technologies is required so that buildings in Edenbridge are not locked into outdated designs.

Regulation 19 soundness and arguments for CC2(4)(b)

The policy is not sound because, with only 'aiming to' wording, it is not effective and does not provide a clear basis for decision making or for refusal where designs are short lived and inflexible.

The policy is not sound because it is not fully positively prepared. It does not set out the strong, deliverable approach to long term resilience that is expected by the National Planning Policy Framework.

CC2(4)(c) Sustainable water and flood risk management

This part of the policy says that development must manage water and flood risk sustainably, with cross references to the detailed flood and water policies.

What is good

It is helpful that this clause links CC2 to the more detailed water and flood policies, which should improve clarity for applicants.

This link is particularly important for Edenbridge, given its known flood risks and drainage problems.

What is vague or risky

The real strength or weakness on water and flood risk sits in Policies W1 to W3. This clause itself is mainly a signpost.

The wording does not recognise that some settlements, including Edenbridge, face higher flood risk and therefore need stronger measures as 'proportionate' development.

What to Change

We propose that CC2(4)(c) is rewritten as:

'4(c). Managing water, including flood risk, sustainably in line with Policies W1, W2 and W3, with particular attention to settlements and locations at higher flood risk, including Edenbridge and its catchment.'

Requested Change

- We ask that higher risk settlements, including Edenbridge, are explicitly recognised so that sustainable water management is not treated as optional.
- We ask that the policy wording ties compliance clearly to the detailed flood and water policies so that there is no ambiguity for applicants or decision makers.

Regulation 19 soundness and arguments for CC2(4)(c)

We do not identify immediate soundness concerns with this signposting clause, provided that Policies W1 to W3 themselves are justified, effective and consistent with national policy.

CC2(5) BREEAM 'Excellent' for larger residential conversions

This part of the policy says that conversions of existing buildings to ten or more homes must achieve a BREEAM Domestic Refurbishment 'Excellent' rating unless that is shown to be unviable or impracticable.

What is good

It is positive to see a high standard for energy and sustainability in larger residential conversions.

If properly applied, this could help ensure that larger conversions in Edenbridge, particularly in and around the town centre, are high quality and efficient.

What is vague or risky

The phrase 'unless demonstrated to be unviable or impracticable' is a wide get out clause, with no requirement for independent evidence and no minimum fallback standard.

The plan does not clearly explain whether achieving 'Excellent' is viable in different market areas, including Edenbridge, so there is a real risk that developers argue that in weaker value areas it is not viable.

The threshold of ten dwellings means that many conversions in Edenbridge will fall below the bar and will not be held to any equivalent standard.

What to Change

We propose that CC2(5) is rewritten as:

‘5. Proposals for the conversion of existing buildings to 10 dwellings or more must achieve a BREEAM Domestic Refurbishment rating of ‘Excellent’ (or any subsequent revision). Where an applicant claims that this standard is not viable or practicable, this must be demonstrated through an independently reviewed viability assessment or technical report. In such cases, the Council will require the highest achievable rating, and in no circumstances will a rating below ‘Very Good’ be accepted.’

Requested Change

- We ask that any departure from BREEAM ‘Excellent’ is only allowed where it is supported by independent viability or technical evidence, and that a minimum ‘Very Good’ fallback is specified.
- We ask that the Council publishes evidence showing that BREEAM ‘Excellent’ is viable in different value areas, including Edenbridge, so that this policy is genuinely justified.
- We ask that the Council considers whether a lower dwelling threshold is needed in smaller settlements so that important conversions in Edenbridge are not left without any clear standard.

Regulation 19 soundness and arguments for CC2(5)

The policy is not sound because it is not clearly justified. The plan does not appear to contain proportionate evidence that BREEAM ‘Excellent’ is viable across all market areas and building types, including in Edenbridge.

The policy is not sound because, with an unqualified ‘unviable or impracticable’ caveat and no fallback standard, it is not effective. Developers can avoid the requirement too easily and officers will lack a clear minimum to enforce.

The policy may be inconsistent with the National Planning Policy Framework approach to viability, which expects policies to be informed by evidence and set at a level that is deliverable, rather than relying on case by case opt outs.

CC2(6) BREEAM ‘Excellent’ for major non-residential development

This part of the policy says that major non-residential developments must achieve BREEAM New Construction ‘Excellent,’ unless this is shown to be unviable or impracticable.

What is good

A strong sustainability standard for larger commercial and community buildings is welcome and aligns with overall climate objectives.

If applied properly, this should mean that new non-residential buildings in Edenbridge are efficient and have lower running costs for occupiers.

What is vague or risky

As with CC2(5), the phrase ‘unless demonstrated to be unviable or impracticable’ is a generous escape clause without any clear test or minimum fallback standard.

The use of major development thresholds means that many smaller but still important non-residential schemes in Edenbridge, such as community facilities or health services, may not be covered.

Without clear district wide viability evidence, there is a risk that developers in lower value areas, often smaller towns, argue more often that 'Excellent' is not viable. This could lead to uneven standards between settlements.

What to Change

We propose that CC2(6) is rewritten as:

'6. Proposals for major non-residential development must achieve a BREEAM New Construction rating of 'Excellent' (or any subsequent revision). Where an applicant contends that this standard cannot reasonably be achieved, this must be evidenced through an independently reviewed viability assessment or technical report. In such cases, the Council will secure the highest achievable rating, and in no circumstances will a rating below 'Very Good' be accepted.'

Requested Change

- We ask that any relaxation of the BREEAM 'Excellent' requirement is tied to independent viability or technical evidence and that a clear minimum fallback standard is set.
- We ask that the Council demonstrates, with evidence, that BREEAM 'Excellent' is viable in different parts of the district, including Edenbridge, to avoid weaker standards being accepted here.
- We ask that the Council reviews whether important non-residential schemes in smaller settlements fall outside the definition of major development and, if so, how equivalent sustainability standards will be secured.

Regulation 19 soundness and arguments for CC2(6)

The policy is not sound because it is not adequately justified. There is no clear evidence in the plan that BREEAM 'Excellent' is generally viable in all locations and sectors, including Edenbridge, nor that the 'unviable or impracticable' caveat will be used sparingly.

The policy is not sound because it is not fully effective. Without a defined process and fallback standard, officers may feel unable to resist arguments for weaker performance, leading to uneven application across settlements.

The policy risks inconsistency with the National Planning Policy Framework requirement that policies should be realistic and deliverable over the plan period, informed by proportionate viability evidence rather than case by case opt outs.

Edenbridge Impact

As drafted, CC2 contains the right climate and design themes but is too often weakened by vague wording and broad caveats, so Edenbridge risks ending up with lower real world standards than better resourced or higher value settlements and with fewer tools to resist unnecessary demolition, poor adaptability and diluted BREEAM commitments.

NEDRA
Together, we can.

NEDRA (New Edenbridge District Residents' Association)

Chapter 4 Response - NEDRA Disagree

Policy CC3

CC3(1)

This clause says that, when the Council thinks it is appropriate, it will strongly encourage new development to build in on site low carbon and renewable energy such as solar PV, batteries, and heat pumps, and to look at district or communal energy networks as part of the design from the start.

What is positive

It recognises that low carbon and renewable energy should be considered at the beginning of the design process rather than being bolted on as an afterthought.

It explicitly supports on site generation and storage, which can help Edenbridge schemes to reduce both running costs and carbon emissions.

What is vague or risky

The phrase "where appropriate" is very woolly and gives developers a lot of scope to argue that on site renewables are not appropriate in Edenbridge because of cost or site constraints.

"Strongly encouraged" is not a firm decision making hook. At appeal, a developer can simply say they have considered renewables and decided against them.

There is no clear requirement for major development, including the Edenbridge allocations, to actually provide renewables or to submit an energy strategy. This means the policy may carry little real weight in decisions.

What to Change

We want CC3(1) to be rewritten so that it becomes a clear requirement for major development, not just polite encouragement. Our preferred wording is:

'CC3(1) All major development must incorporate on site low carbon and renewable energy generation and, where feasible, energy storage as an integral part of the design, demonstrated through an Energy and Carbon Statement, and must assess the potential to create and or connect to decentralised energy networks.'

Requested Change

- We ask that the Council replaces "where appropriate" and "strongly encouraged" with a clear requirement on all major development to provide onsite low carbon and renewable energy and to submit an Energy and Carbon Statement.

- We ask that the Council requires the feasibility of decentralised energy networks to be assessed and reported for all major sites in Edenbridge and elsewhere.

Regulation 19 soundness and legal points for CC3(1)

The evidence is not sound because the policy is not effective. It uses soft wording such as "strongly encouraged" and "where appropriate" instead of a clear requirement, so decision makers and inspectors will struggle to resist high carbon proposals that simply claim renewables are not appropriate.

The evidence is not sound because the policy is not positively prepared. It fails to secure a meaningful and measurable contribution from new major development to national and local climate change and decarbonisation objectives, as required by the National Planning Policy Framework.

The evidence is not sound because the policy is not consistent with national policy, which expects local plans to take a proactive approach to climate change and low carbon development. The current wording is too weak to ensure that major schemes, including in Edenbridge, actually deliver on this.

CC3(2)

This part of the policy is the gateway. It says the Council will support renewable and low carbon energy schemes, including the life extension and repowering of existing sites, where they can show that certain tests are met.

What is positive

It clearly supports renewable and low carbon energy schemes in principle, which aligns with national policy.

It covers both new schemes and life extension or repowering of existing installations, which matters if there are already such schemes in or around Edenbridge.

What is vague or risky

The phrase "will be supported where it can be demonstrated" is reasonable in principle, but the tests underneath it rely heavily on subjective words such as "unacceptable" and "satisfactorily mitigated" that can be argued either way at appeal.

There is no explicit reference to avoiding a disproportionate concentration of renewable schemes and their impacts around particular communities, such as Edenbridge, when broad locations are later introduced.

What to Change

We want the opening of CC3(2) to be strengthened and made more explicit. Our preferred wording is:

'CC3(2) Proposals for renewable and low carbon energy generation and storage, including the life extension and repowering of existing sites, will only be permitted where they clearly demonstrate compliance with criteria (a) to (d) and avoid a disproportionate concentration of impacts on any one settlement, including Edenbridge.'

Requested Change

- We ask that the Council requires proposals to clearly demonstrate compliance with criteria (a) to (d), rather than relying on softer support wording.
- We ask that the Council adds a requirement to avoid a disproportionate concentration of renewable energy development and associated impacts on any one settlement, including Edenbridge.

Regulation 19 soundness and legal points for CC3(2)

The evidence is not sound because the policy is not effective. It lacks a clear mechanism to prevent a disproportionate concentration of renewable schemes around particular settlements, which could result in cumulative harm to Edenbridge.

The evidence is not sound because the policy is not justified. There is no evidence presented that the distribution and cumulative impacts on individual communities have been assessed or reflected in the wording.

CC3(2)(a)

This criterion says renewable and low carbon schemes should not cause unacceptable adverse impacts, either alone or cumulatively, on the natural and built environment, heritage, landscape and visual amenity, neighbours' amenity, and highways unless those impacts can be satisfactorily mitigated.

What is positive

It explicitly refers to cumulative impacts, which is important where there are clusters of schemes around settlements such as Edenbridge.

It lists key planning impacts that matter in decisions and appeals, including landscape, heritage, amenity, and highways.

It acknowledges specific issues such as safety, noise, odour, shadow flicker, glare, and visual impacts, which matter for people living near large solar or battery schemes.

What is vague or risky

The terms "unacceptable" and "satisfactorily mitigated" are vague and open to broad interpretation. Different decision makers could reach very different conclusions on the same scheme.

"Very careful consideration required" for heritage and National Landscapes sounds strong but is not a firm test. There is no reference to conserving and enhancing, or to giving great weight to National Landscapes as national policy expects.

There is no explicit reference to settlement level cumulative impacts on the character and setting of specific towns such as Edenbridge. This means Edenbridge could be surrounded incrementally by schemes without a clear test to prevent that outcome.

What to Change

We want CC3(2)(a) recast in clearer, more objective terms. Our preferred wording is:

'CC3(2)(a) the development, including in combination with other existing and permitted schemes, must not give rise to significant adverse impacts on:

- the natural and built environment, including the conservation and enhancement of heritage assets and their settings
- the landscape character and visual amenity of the District, including giving great weight to conserving and enhancing National Landscapes and their settings
- the amenity and health of surrounding occupiers, including from safety issues, noise, odour, shadow flicker, glare, and visual dominance
- the safety and capacity of the highway network

and any residual impacts must be clearly and demonstrably outweighed by the public benefits of the proposal.'

Requested Change

- We ask that the Council replaces "unacceptable" and "satisfactorily mitigated" with clearer tests based on "significant adverse impacts" and an explicit planning balance against public benefits.
- We ask that the Council gives great weight to conserving and enhancing National Landscapes and heritage assets in line with national policy and recognises cumulative impacts on the character and setting of individual settlements such as Edenbridge.

Regulation 19 soundness and legal points for CC3(2)(a)

The evidence is not sound because the policy is not effective. It relies on vague concepts such as "unacceptable" and "satisfactorily mitigated" without clear tests, which will lead to inconsistent decisions and weaker protection for sensitive locations around Edenbridge.

The evidence is not sound because the policy is not consistent with national policy, which gives great weight to conserving and enhancing heritage assets and National Landscapes. The current wording only requires "very careful consideration" and does not reflect that higher level of protection.

The evidence is not sound because the policy is not justified. There is no clear explanation or evidence for why weaker wording than national policy is appropriate in the Sevenoaks context.

CC3(2)(b)

This part deals with development on agricultural land. It says that where significant development of agricultural land is proposed, poorer quality land should be considered in preference to higher quality land, with particular regard to best and most versatile land in Grades 1, 2 and 3a, unless there is no appropriate lower quality land available and suitable.

What is positive

It recognises the need to protect best and most versatile agricultural land, which is a clear requirement of the National Planning Policy Framework.

It gives a basis to resist large solar farms on high quality farmland around Edenbridge if there are realistic alternatives on lower quality land.

What is vague or risky

"Significant development of agricultural land" is not defined, so developers may argue that even quite large schemes are not significant.

"Have been considered in preference" is weak phrasing. It does not require schemes to be located on poorer quality land, only that such land is considered.

There is no reference to independent or up to date Agricultural Land Classification evidence. Developers might provide minimal evidence to argue that best and most versatile land is unavoidable.

What to Change

We want CC3(2)(b) to apply clear and enforceable tests. Our preferred wording is:

'CC3(2)(b) for all major development on agricultural land, schemes must be located on land of the lowest reasonably available agricultural quality, giving particular protection to best and most versatile land (Grades 1, 2 and 3a), and must be supported by up to date Agricultural Land Classification evidence demonstrating that no suitable lower quality land is reasonably available.'

Requested Change

- We ask that the Council applies this test to all major development on agricultural land, instead of relying on the undefined concept of "significant development", and that it requires schemes to be located on the lowest reasonably available land quality.
- We ask that the Council requires up to date Agricultural Land Classification evidence for renewable energy proposals on farmland around Edenbridge and other settlements.

Regulation 19 soundness and legal points for CC3(2)(b)

The evidence is not sound because the policy is not effective. The phrases "significant development" and "considered in preference" are vague and difficult to enforce. This will make it harder to resist large schemes on best and most versatile land around settlements such as Edenbridge.

The evidence is not sound because the policy is not consistent with national policy, which expects strong protection for best and most versatile land. The current wording does not secure that protection in practice.

The evidence is not sound because the policy is not justified. It does not define "significant development" or set out what evidence is needed to show that no suitable lower grade land is available.

CC3(2)(c)

This criterion says that, where practicable, the land under and between the infrastructure should continue to be used for agriculture or grazing and or be managed for biodiversity improvements.

What is positive

It promotes multi use of land, combining renewables with continued agriculture and nature recovery.

It can help offset some of the visual and land use impacts of large solar schemes around Edenbridge.

What is vague or risky

"Where practicable" is vague and very easy for applicants to dismiss without giving a clear justification.

There is no requirement for a long term land management or biodiversity plan, which means claimed benefits may not be secured, monitored, or maintained.

What to Change

We want CC3(2)(c) to contain a firm requirement and a mechanism to secure it. Our preferred wording is:

'CC3(2)(c) the land below and between the infrastructure must, wherever compatible with safety and operational requirements, be managed for ongoing agricultural use and or measurable biodiversity net gain, secured through a long term Land Management and Biodiversity Plan.'

Requested Change

- We ask that the Council replaces "where practicable" with a clear requirement to manage land for ongoing agriculture and or measurable biodiversity net gain, subject only to safety and operational limits.
- We ask that the Council requires a secured Land Management and Biodiversity Plan for the lifetime of renewable energy schemes, including those affecting land around Edenbridge.

Regulation 19 soundness and legal points for CC3(2)(c)

The evidence is not sound because the policy is not effective. It relies on the vague phrase "where practicable" and has no requirement for a secured management plan, so biodiversity and agricultural co use benefits may never materialise in practice.

The evidence is not sound because the policy is not consistent with national policy, which expects clear and deliverable measures to secure biodiversity improvements, not just aspirational wording.

CC3(2)(d)

This criterion says that provision should be made for decommissioning the infrastructure once it stops operating, and that the land should be left in an appropriate condition afterwards.

What is positive

It recognises that land should be restored after the life of a solar or renewable scheme.

It gives a basis to secure decommissioning conditions for permissions affecting land around Edenbridge.

What is vague or risky

"Provision is made" does not spell out what is actually required, for example a decommissioning plan, financial bond, or legal agreement.

"Appropriate condition" is not defined and could be interpreted as very minimal restoration.

There is no timescale set for decommissioning once operations have ceased.

What to Change

We want CC3(2)(d) to secure clear, enforceable restoration outcomes. Our preferred wording is:

'CC3(2)(d) a detailed Decommissioning and Restoration Plan is secured by planning condition and or legal agreement before commencement, setting out how all infrastructure will be removed within a defined period after operations cease and how the land will be restored to its previous agricultural quality or to an agreed alternative beneficial use.'

Requested Change

- We ask that the Council requires a secured Decommissioning and Restoration Plan, with a clear timescale and restoration standard, for all renewable energy schemes.
- We ask that the Council specifies that land should be restored to its previous agricultural quality, or another agreed beneficial use, to protect rural land around Edenbridge over the long term.

Regulation 19 soundness and legal points for CC3(2)(d)

The evidence is not sound because the policy is not effective. It does not specify the mechanism, standard or timescale for decommissioning, which weakens the Council's ability to secure proper restoration of land near Edenbridge and elsewhere.

The evidence is not sound because the policy is not justified. It does not explain what level of restoration is sought or how that will be enforced.

Unnumbered sentence on future update and broad solar locations

The unnumbered sentence says that the policy will be updated to identify broad locations that are most suitable for solar development once supporting evidence is available.

What is positive

It recognises that proper evidence is needed to identify the best locations for solar.

What is vague or risky

It is not clear how or when the policy will be updated. It does not say whether this would be through a full Local Plan review, a separate development plan document or some other process, which raises legal and procedural uncertainty.

It explicitly admits that the evidence needed to plan the spatial distribution of solar is not yet available, yet the Council is asking the Inspector to find the plan sound now.

It risks "policy by stealth", where broad locations for solar, potentially including land around Edenbridge, are introduced later without the same level of public consultation and examination as this Local Plan.

It undermines certainty for communities and applicants, which the National Planning Policy Framework expects local plans to provide at the point of adoption.

What to Change

We want this sentence removed from the policy and any future spatial choices on solar to be handled transparently. Our preferred approach is:

Delete the sentence 'This policy will be updated to identify broad locations which are the most suitable for solar development once the supporting evidence is available.' and instead rely on a future, separately examined development plan document if the Council wishes to bring forward broad locations, supported by full evidence and consultation.

Requested Change

- We ask that the Council deletes the sentence referring to a future update to identify broad locations for solar development, as this is procedurally unclear and undermines certainty for communities such as Edenbridge.
- We ask that the Council commits that any future identification of broad locations for solar will only take place through a separate development plan document or Local Plan review, subject to full public consultation and independent examination.

Regulation 19 soundness and legal points for the future update sentence

The evidence is not sound because the policy is not justified. It expressly acknowledges that the evidence to identify broad locations for solar is not yet available yet still seeks adoption of the plan without that evidence.

The evidence is not sound because the policy is not effective. It refers vaguely to a future update without setting out a clear mechanism, process, or timing. This does not provide the certainty and clarity required for applicants and local communities, including those in Edenbridge.

The evidence is not sound because the policy is not consistent with national policy, which expects local plans to be based on proportionate, up to date evidence and to set out a clear strategy at adoption, rather than deferring key spatial choices to an undefined future update.

The evidence is not sound because it raises legal and procedural concerns. It implies substantive changes to policy wording and spatial strategy outside the proper plan making process, including consultation and examination.

Edenbridge Impact

As drafted, CC3 could allow a concentration of large solar and other renewable schemes around Edenbridge with weak safeguards on land quality, cumulative impacts, and long term restoration, while leaving the real decisions on where solar goes to a vague future policy update that communities cannot properly scrutinise now.

NEDRA (New Edenbridge District Residents' Association)

Chapter 4 Response - NEDRA Disagree

Policy CC4

CC4(1) Two trees per new home on major residential sites

This part of CC4 says that major housing schemes must provide at least two new trees for every new home, unless the developer can show that this is not practical on that particular site. In practice this will apply to the larger allocations and major applications that will affect Edenbridge.

What is positive

It is helpful that the policy sets a clear numeric requirement, rather than simply saying that developments should provide "appropriate landscaping." A minimum of two trees per home is easy to measure and monitor.

It is also positive that the requirement applies across the whole district. In principle this should mean that Edenbridge receives at least the same basic standard of tree planting as any other settlement.

Tree planting brings clear benefits for climate change adaptation, biodiversity, air quality, and visual amenity. It also makes streets and open spaces more pleasant for residents, which is particularly important where new homes are added at higher densities.

What is vague or risky

The caveat that allows developers to avoid the full requirement, where it is said that tree planting may not be "practicable due to site constraints," is far too loose. Almost any awkward layout, underground service run or claimed "design concept" could be used as an excuse to reduce planting. This is especially risky on tight brownfield or town centre sites in Edenbridge where space is already limited.

There is no requirement for offsite tree planting or a clear mechanism for securing planting elsewhere in the same settlement if it genuinely cannot all be delivered within the site boundary. Without that, Edenbridge schemes could simply provide fewer trees, while large edge of town greenfield sites in other locations meet or exceed the standard quite easily.

The policy does not say whether the new trees are in addition to the retention of existing trees. In theory a developer could remove good mature trees and then argue that planting two small saplings per home meets the policy. This would be a net loss in real terms for Edenbridge residents.

There is no link to any local canopy cover targets, or to priorities about where trees should go, for example along streets, in public open spaces or in areas more exposed to climate risk, such as Edenbridge's floodplain.

What to Change

We propose that CC4(1) is replaced with wording along the following lines:

'All major residential development must provide a minimum of two additional new trees for every new dwelling (excluding proposals for conversions and changes of use). New tree planting must be provided on site wherever practicable. Where a detailed, site specific landscaping plan demonstrates that it is not reasonably practicable to accommodate the full requirement on site due to physical site constraints, the development will only be supported where the shortfall is met through equivalent tree planting on suitable nearby land within the same settlement, secured before occupation. Loss of existing trees of value will not be offset by new planting required under this policy.'

Requested Change

- We ask that the Council removes references to financial contributions and instead requires any shortfall in on site tree provision to be met through additional tree planting on suitable nearby land within the same settlement.
- We ask that the Council clarifies that the required new trees are additional to the retention of existing trees of value and cannot be used to justify the removal of mature trees.
- We ask that the Council only allows any relaxation of the onsite requirement where a detailed landscaping plan demonstrates that full provision is physically impossible, not simply undesirable for the developer's preferred layout.

Regulation 19 soundness and arguments CC4(1)

The policy is not sound because it is not effective. The broad "not practicable due to site constraints" caveat is undefined, which makes it easy for developers, particularly on constrained brownfield sites in Edenbridge, to avoid the requirement, so the intended level of tree planting may not be delivered in practice.

The policy is not sound because it is not justified. There is no clear evidence or mechanism to explain how the Council will secure equivalent off site tree planting where on site provision is constrained. Without this, the approach risks inconsistent outcomes between different settlements, with Edenbridge potentially losing out.

The policy is not sound because it is not consistent with national policy. National policy expects local plans to secure measurable environmental gains and clear, enforceable design and green infrastructure outcomes, rather than aspirations that can be set aside by vague references to "site constraints." The policy needs a clear hierarchy of on site, off site and financial mitigation to align with this.

The policy is not sound because it is not positively prepared. It does not fully plan for the increase in tree cover required for climate change mitigation and adaptation across all settlements, including more vulnerable locations such as Edenbridge, if developers can readily opt out through the caveat.

CC4(2) One tree per 500 square metres of new non-residential floorspace

This part of CC4 says that major non-residential developments must plant at least one new tree for every 500 square metres of new floorspace, again unless they can show that this is not practical on the site. This would apply to larger employment, retail and mixed use schemes that may come forward in or around Edenbridge.

What is positive

It is helpful that the policy sets a clear numeric minimum for non-residential schemes, covering employment, retail, and other uses. This gives a direct way to secure tree planting when larger commercial or town centre developments come forward.

For Edenbridge, which may see future changes to shops, services, or employment space, this creates a route to secure meaningful tree planting as part of regeneration or new development.

What is vague or risky

The same loose caveat appears again. The phrase "not to be practicable due to site constraints" is not defined and there is no clear hierarchy to manage this. On tight town centre or mixed use schemes in Edenbridge this offers a ready made way to reduce or remove the requirement.

There is no requirement that any shortfall be made up through off site planting or contributions in the same settlement. As a result, Edenbridge town centre schemes could theoretically provide little or no tree planting if the site is argued to be constrained.

The policy does not clarify whether this requirement is in addition to any other trees required by other policies or those already existing on the site. This creates a risk of double counting and weakens the overall outcome.

What to Change

We propose that CC4(2) is replaced with wording along the following lines:

'All major non-residential development must provide a minimum of one additional new tree for every 500 square metres of new floorspace. New tree planting must be provided on site wherever practicable. Where a detailed landscaping plan demonstrates that it is not reasonably practicable to accommodate the full requirement on site due to physical site constraints, the development will only be supported where the shortfall is met through equivalent tree planting on suitable nearby land within the same settlement, secured before occupation. Loss of existing trees of value will not be offset by new planting required under this policy.'

Requested Change

- We ask that the Council requires any shortfall in on site tree planting for major non-residential schemes to be met by planting the equivalent number of trees on suitable nearby land within the same settlement, rather than through financial payments.
- We ask that the Council confirms that the tree requirement is additional to any existing trees of value on the site and to any other landscape requirements, so that there is no double counting for schemes in Edenbridge.

We ask that the Council secures both on site and off site tree planting locations through planning conditions and planning obligations, so that residents in Edenbridge can see clearly where the trees will be provided.

Regulation 19 soundness and arguments CC4(2)

The policy is not sound because it is not effective. The undefined "site constraints" caveat will lead to inconsistent application across the district and particularly weak outcomes on constrained town centre sites such as those in Edenbridge.

The policy is not sound because it is not justified. The Plan does not appear to contain an evidenced approach to securing equivalent off site tree planting or contributions where on site planting is reduced, so the requirement may not deliver the intended gains in tree canopy over the plan period.

The policy is not sound because it is not consistent with national policy. National policy expects clear, robust design and green infrastructure standards that can be delivered, monitored, and enforced. The absence of a clear off site mechanism and clear tests for any relaxation undermines this.

CC4(3) Species type and size

This part of CC4 says that new trees should be native, drought tolerant, locally sourced from bio secure nurseries and at least of "standard" size at the time of planting.

What is positive

The emphasis on native species, drought tolerance and local provenance is strong and positive. This supports biodiversity, climate resilience, and good biosecurity, which are all important for a long term tree strategy.

The requirement for "standard size" trees is also helpful, as it prevents developers from planting only very small whips and then claiming full compliance with the policy.

For Edenbridge, properly specified trees are essential so that planting can cope with river valley conditions, changing climate and local soil and drainage constraints.

What is vague or risky

A strict "native only" approach may sometimes conflict with climate adaptation or with conditions in dense town centre environments. In some situations, carefully chosen non-native species can cope better with heat, pollution, or very tight planting spaces, including along Edenbridge High Street or near the station.

There is no reference to soil conditions, floodplain issues, or urban constraints, all of which are directly relevant to Edenbridge.

There is also no mention of where trees should be located and how they should be designed into schemes, such as street trees, trees in public spaces or trees within car parks and larger open areas. Those are the locations where residents actually experience the benefit.

What to Change

We propose that CC4(3) is revised along the following lines:

'New tree planting should predominantly comprise native, drought tolerant species of local provenance from a bio secure source and should be of a standard size specification as a minimum. Non-native species will only be supported where a landscaping scheme

demonstrates that they offer clear benefits for climate resilience, flood risk, town centre conditions, or biodiversity that cannot be achieved using suitable native species.'

Requested Change

- We ask that the Council allows limited, fully justified use of non-native species where this clearly improves climate resilience or town centre conditions, while retaining a strong presumption for native, locally sourced trees.
- We ask that the Council requires landscape schemes to take explicit account of local conditions, including Edenbridge's floodplain and town centre constraints, when selecting species.

Regulation 19 soundness and arguments CC4(3)

The policy is not sound because it is not fully justified. An inflexible "native only" approach is not supported by clear evidence that native species will always be the most appropriate choice under future climate conditions and within tightly built up town centres.

The policy is not sound because it may not be effective. In some locations, such as Edenbridge High Street or the station area, lack of flexibility may discourage tree planting altogether if no suitable native species can be accommodated, which would undermine the aims of CC4.

The policy risks not being fully consistent with national policy, which supports both nature recovery and climate resilience. A more nuanced approach that is predominantly native but allows justified exceptions would better deliver those outcomes.

CC4(4) Landscaping scheme and management plan

This part of CC4 says that major developments must submit a detailed landscaping scheme and a long term management plan. This should set out what will be planted, how it will be managed and how it will be maintained over the life of the development.

What is positive

It is helpful that the policy requires detailed information about landscaping and management to be provided up front, rather than relying on vague indicative plans.

The reference to management and maintenance "over the lifetime of the development" recognises that trees and landscaping need ongoing care, not just initial planting.

If this is applied properly, it should benefit Edenbridge by ensuring that tree planting and landscaping on large sites are properly planned and funded, rather than being left to chance.

What is vague or risky

The phrase "lifetime of the development" is not defined. It could be argued to mean 10 years, 30 years, or some other period. This creates uncertainty and gives scope for developers to argue down their responsibilities, leaving residents with weaker long term outcomes.

The policy does not say who is responsible for maintenance, whether that is the developer, a management company, the Council, or residents, nor does it explain how this will be secured and funded through conditions, Section 106 obligations, or service charges.

There is no explicit requirement that failed trees or landscaping must be replaced. This is critical to ensuring that Edenbridge actually gains and keeps its tree cover over time, rather than seeing planting fail and not be replaced.

There is no clear reference to enforcement. The Council needs a firm policy hook to act if planting or maintenance does not take place as approved.

What to Change

We propose that CC4(4) is revised along the following lines:

'A detailed landscaping scheme and landscape management plan must be submitted for all major development proposals. These must include, as a minimum, the location, species, size and numbers of all trees and shrubs to be planted, the arrangements for their management and maintenance, and provisions for the replacement of any trees or planting that fail within at least the first 30 years following completion. The approved landscaping and management plan will be secured and enforced through planning conditions and or planning obligations, including clear identification of the responsible party or parties and funding arrangements.'

Requested Change

- We ask that the Council defines the minimum period for replacement and maintenance, for example at least 30 years, so that residents in Edenbridge can rely on trees and planting being looked after properly.
- We ask that the Council requires the landscaping and management plan to clearly identify the responsible party and funding mechanism and to secure these through planning conditions and planning obligations.
- We ask that the Council explicitly requires replacement of any failed trees or planting during the agreed period, so that the promised canopy cover in Edenbridge is actually delivered on the ground.

Regulation 19 soundness and arguments CC4(4)

The policy is not sound because it is not fully effective. Without a defined maintenance period, clear replacement expectations or specified responsibilities and enforcement mechanisms, the Council cannot be confident that tree planting and landscaping will be maintained over time.

The policy is not sound because it is not fully justified. Given the well known issues with long term maintenance of open spaces and landscaping on large sites, the Plan should clearly explain how management will be secured and funded. The current wording is too generic to provide this assurance.

The policy is not sound because it is not fully consistent with national policy, which expects local plans to deliver lasting environmental improvements, not just planting at completion. Clear requirements for replacement and maintenance are needed to achieve that outcome.

Edenbridge Impact

As drafted, CC4 has good intentions but its vague site constraint caveats and lack of clear off site or long term maintenance mechanisms mean that Edenbridge, with its tighter town centre sites and floodplain constraints, is at real risk of ending up with fewer trees and weaker canopy gains than larger and easier greenfield schemes in other settlements.

NEDRA (New Edenbridge District Residents' Association)

Chapter 4 Response - NEDRA Disagree

Policy W1

Policy W1 sets the overall approach to managing flood risk in the district and links directly to national policy in the National Planning Policy Framework. This is critical for Edenbridge, where flood risk is already a major constraint on how and where growth can reasonably be accommodated.

W1(1) overall requirement to manage flood risk

What this clause does

This clause says that where there is any current or future risk of flooding from any source, development must manage that risk in strict accordance with national policy. It refers to the sequential test, avoiding incompatible uses in high risk flood zones, and the need for flood protection and mitigation that does not increase flood risk on or off the site.

What is positive

It ties the Local Plan directly to national policy, which is particularly important at Edenbridge where flood risk is a known and serious constraint.

It refers to all sources of flooding, not just rivers, which matters for surface water and sewer flooding in built up areas.

It confirms that development must not increase flood risk elsewhere, which is important where new sites in Edenbridge could worsen flooding downstream or in other parts of the town.

What is vague or risky

The phrase "where there is a risk of flooding from any source" is very broad but does not say how that risk will be judged. It does not state whether this will be based on the Strategic Flood Risk Assessment, historic flooding events, or local knowledge. This creates a risk of developers arguing that a "low" risk can be discounted.

The reference to "strict accordance with national policy" sounds strong, but the policy does not clearly repeat the key National Planning Policy Framework principle that new development should be steered away from areas at highest risk wherever possible. In a town like Edenbridge, with extensive land in Flood Zones 2 and 3, that is a significant omission.

There is no explicit recognition that some settlements, including Edenbridge, are much more constrained by flood risk and therefore should not be expected to take the same level of growth as less constrained places.

What to Change

We propose that flood risk is clearly treated as a strategic constraint on the scale and location of growth, and that the "steer away" principle from the National Planning Policy Framework is spelled out in the policy wording.

Proposed replacement wording for W1(1):

"W1(1) Where there is a risk of flooding from any source, both now and in the future, development must manage and, where reasonably practicable, reduce that risk by:

- locating development in areas at lowest flood risk in line with the sequential test, steering new development away from areas at highest risk wherever possible.
- applying the exception test only where it is clearly justified and where wider sustainability benefits outweigh the flood risk.
- avoiding uses that are incompatible with Flood Zones 3a and 3b in accordance with the national Flood Risk Vulnerability Classification; and
- incorporating flood protection, resilience and mitigation measures that do not increase flood risk on the site or elsewhere and, where practicable, reduce the overall level of flood risk, taking account of the Council's Strategic Flood Risk Assessment."

Requested Change for W1(1)

- We ask that the Council add explicit wording that development must be steered away from areas at the highest risk of flooding wherever possible, in line with the National Planning Policy Framework.
- We ask that the Council recognise in the policy text that flood risk is a strategic constraint on the scale and location of growth in the most at risk settlements, including Edenbridge.
- We ask that the Council clarify that "risk of flooding" will be assessed using the Strategic Flood Risk Assessment, historic flood records, and well evidenced local information.

Regulation 19 soundness and legal points for W1(1)

The evidence is not sound because the policy does not explicitly reflect the National Planning Policy Framework requirement to steer new development away from areas at highest flood risk wherever possible. This goes to the tests of being positively prepared and consistent with national policy.

The evidence is not sound because the policy fails to acknowledge that settlements with greater flood risk constraints, such as Edenbridge, cannot reasonably be expected to take the same level of growth as lower risk settlements. This affects the justified test, as it is not supported by the Strategic Flood Risk Assessment and undermines an equitable distribution of development.

The evidence is not sound because relying only on generic reference to "strict accordance with national policy" is too vague to guide development management decisions and appeals, especially where developers seek to justify growth on high risk sites. This affects the effective test.

W1(1)(a) sequential and exception tests

What this clause does

This clause states that development must apply the sequential test and, where required, the exception test. These are the national tools used to make sure more vulnerable uses such as housing are kept away from the highest areas of flood risk wherever possible.

What is positive

It restates the key national tools that are supposed to keep more vulnerable uses away from the worst flood risk when there are safer alternatives.

It is helpful for Edenbridge, because it should require developers to show why sites in Flood Zones 2 and 3 are needed at all.

What is vague or risky

• The wording does not make clear that the sequential test must be applied at plan making stage as well as at the application stage. This is critical to how much housing is pushed into flood prone parts of Edenbridge.

• The clause does not clearly say that the Council will refuse schemes that fail either the sequential test or the exception test.

What to Change

We propose that the wording is made explicit about both stages and the consequence of failing the tests.

Proposed wording for W1(1)(a):

“W1(1)(a) applying the sequential test at both plan making and decision taking stages and the exception test where required, and refusing development that fails either test;”

Requested Change for W1(1)(a)

- We ask that the Council specify that the sequential test applies at both plan making and decision taking stages.
- We ask that the Council state clearly that development which fails the sequential or exception test will be refused.

Regulation 19 soundness and legal points for W1(1)(a)

The evidence is not sound because the policy does not clearly state when and how the sequential and exception tests will be applied, or what happens if a proposal fails them. This affects the effective test, particularly in a high risk settlement such as Edenbridge.

The evidence is not sound because it does not fully reflect national policy, which requires a plan led sequential approach to locating development in areas of lowest flood risk. This affects the consistent with national policy test.

W1(1)(b) incompatible uses in Flood Zones 3a and 3b

What this clause does

This clause says development should avoid uses that are not allowed in Flood Zone 3a or Flood Zone 3b, based on the national flood risk vulnerability categories. In practice this is about keeping very vulnerable uses, such as certain types of residential development, out of the functional floodplain and the highest risk areas.

What is positive

It recognises the need to protect the functional floodplain in Flood Zone 3b and high risk areas from very vulnerable uses.

For Edenbridge, this can help reduce the risk of placing new residents in the most dangerous locations.

What is vague or risky

The wording "avoiding" is softer than "not permitting" and leaves room for arguments that some incompatible uses may be acceptable if mitigation is offered.

The clause does not state that existing or proposed allocations will be reviewed if updated mapping shows they fall within functional floodplain or worsening areas of Flood Zone 3a.

What to Change

We propose stronger wording that clearly aligns with national expectations for the functional floodplain.

Proposed wording for W1(1)(b):

"W1(1)(b) not permitting uses that are incompatible with Flood Zones 3a and 3b, treating Zone 3b as functional floodplain, in accordance with the national Flood Risk Vulnerability Classification;"

Requested Change for W1(1)(b)

- We ask that the Council change the wording from "avoiding" to "not permitting" to provide a clear policy basis for refusing incompatible development in Flood Zones 3a and 3b.
- We ask that the Council confirm that any existing or proposed allocations falling within functional floodplain at Edenbridge will be reviewed in light of the latest flood mapping.

Regulation 19 soundness and legal points for W1(1)(b)

The evidence is not sound because the current wording using "avoiding" is not strong enough to prevent inappropriate development in the functional floodplain, especially under developer pressure in towns like Edenbridge. This affects the effective test.

The evidence is not sound because national policy expects functional floodplain to be safeguarded from inappropriate development, not merely "avoided" where possible. This affects the consistent with national policy test.

W1(1)(c) flood protection, resilience, and mitigation

What this clause does

This clause states that schemes must include flood protection, resilience and mitigation measures that are appropriate to the type and scale of flood risk, and that these measures should follow the Council's Strategic Flood Risk Assessment.

What is positive

It links design and mitigation directly to the Council's evidence base, which should reflect the specific river and surface water risks in Edenbridge.

It recognises that resilience measures must be proportionate to the level of risk.

What is vague or risky

The clause only refers to "incorporating" measures. It does not say that development will be refused where measures are inadequate or where they worsen flood risk elsewhere.

The clause does not set a clear expectation of betterment in places with repeated flooding, such as parts of Edenbridge, where doing no worse may not be good enough.

What to Change

We propose wording that requires robust and long term mitigation that is clearly shown to be effective.

Proposed wording for W1(1)(c):

"W1(1)(c) incorporating flood protection, resilience and mitigation measures that are demonstrably appropriate to the nature and scale of the risk, as set out in the Council's Strategic Flood Risk Assessment, and securing their delivery, operation and maintenance for the lifetime of the development;"

Requested Change for W1(1)(c)

- We ask that the Council require developers to show that proposed mitigation is effective, proportionate and secured for the lifetime of the development.
- We ask that the Council commit to seeking betterment in settlements with a history of flooding, such as Edenbridge, so that new development reduces existing risks where this is practicable.

Regulation 19 soundness and legal points for W1(1)(c)

The evidence is not sound because the policy does not clearly require evidence that proposed mitigation will work in practice and be maintained in the long term. This affects the effective test and risks undeliverable or short lived measures in high risk locations.

The evidence is not sound because, in areas with known repeat flooding, the lack of a clear expectation of betterment means the policy does not plan positively for the safety and resilience of existing communities. This affects the positively prepared test.

W1(1)(d) no increase in flood risk and reducing risk

What this clause does

This clause says development should not increase flood risk on or off the site and should reduce overall flood risk where possible. It recognises off site impacts, for example where development in one part of a catchment pushes water into other areas.

What is positive

It explicitly recognises the risk of off-site impacts, which is important in a town like Edenbridge and further downstream.

It encourages schemes that aim to improve the current situation, not just avoid making it worse.

What is vague or risky

The phrase "avoiding an increase in flood risk" is still soft and does not clearly state that schemes which increase risk will be refused.

The phrase "where possible reducing" is vague and can be interpreted very weakly, with no expectation of measurable improvement.

There is no requirement for a clear baseline or metrics for assessing the claimed change in flood risk.

What to Change

We propose tighter wording that clearly requires no increase in risk and, where practicable, measurable reductions.

Proposed wording for W1(1)(d):

"W1(1)(d) ensuring that there is no increase in flood risk on the site or elsewhere and, where reasonably practicable, securing a demonstrable reduction in the overall level of flood risk, with reference to an agreed baseline;"

Requested Change for W1(1)(d)

- We ask that the Council tighten the wording so that there is a clear requirement for no increase in flood risk on or off the site, with explicit refusal of schemes that worsen risk.
- We ask that the Council require a clear baseline and measurable evidence where applicants claim that a proposal will reduce flood risk.

Regulation 19 soundness and legal points for W1(1)(d)

The evidence is not sound because the current wording around "avoiding an increase" and "where possible reducing" is too vague to be used as a robust basis for refusing harmful schemes. This affects the effective test.

The evidence is not sound because, without requiring a measurable baseline, the policy does not ensure that claims about reducing flood risk are properly evidence based. This affects the justified test.

W1(2) when a site specific Flood Risk Assessment is required

What this clause does

This part of the policy sets out when a site specific Flood Risk Assessment will be required and says this should follow the Council's Strategic Flood Risk Assessment.

What is positive

It brings national and local triggers together and should ensure proper technical assessment of flood risk, which is essential in a place like Edenbridge where the pattern of risk is complex.

What is vague or risky

The wording relies heavily on the Strategic Flood Risk Assessment but does not commit to keeping that document up to date over the life of the plan. In reality, climate change and evolving evidence will change the risk picture.

What to Change

We propose wording that commits to an up to date Strategic Flood Risk Assessment over the plan period.

Proposed wording for W1(2):

"W1(2) Site specific flood risk assessments will be required in accordance with the Council's up to date Strategic Flood Risk Assessment and national guidance for proposals that meet any of the following criteria:"

Requested Change for W1(2)

- We ask that the Council commit to maintaining an up to date Strategic Flood Risk Assessment and to reviewing the triggers for Flood Risk Assessments if new mapping or evidence shows increased risk in Edenbridge.

Regulation 19 soundness and legal points for W1(2)

The evidence is not sound because the policy does not explicitly commit to using an up to date Strategic Flood Risk Assessment over the whole plan period, despite clear expectations around climate change adaptation. This affects the justified test.

The evidence is not sound because, without that commitment, the triggers for Flood Risk Assessments may become out of date and ineffective in settlements with changing risk. This affects the effective test.

W1(2)(a) Flood Risk Assessments in Flood Zones 2 and 3

What this clause does

This clause requires a Flood Risk Assessment for any development in Flood Zones 2 or 3.

What is positive

This is standard and essential national practice and is particularly important for Edenbridge where a significant amount of land lies within these zones.

What is vague or risky

No specific issues have been identified, provided this is applied consistently.

What to Change

We support the substance of this clause and do not propose changes other than the general wording update already suggested for W1(2).

Requested Change for W1(2)(a)

- We ask that the Council retain this requirement and confirm that it applies to all types and scales of development in Flood Zones 2 and 3, including changes of use where vulnerability increases.

Regulation 19 soundness and legal points for W1(2)(a)

We do not raise specific soundness concerns on this clause. It is broadly justified, effective and consistent with national policy if implemented properly.

W1(2)(b) Flood Risk Assessments for large sites in Flood Zone 1

What this clause does

This clause requires a Flood Risk Assessment for sites of one hectare or more in Flood Zone 1, even though this is the lowest probability zone.

What is positive

This follows national guidance and helps to pick up surface water and drainage issues on larger sites, which can still have significant effects on Edenbridge and downstream locations.

What is vague or risky

No major concerns are identified.

What to Change

We support the substance of this clause and do not propose changes.

Requested Change for W1(2)(b)

- We ask that the Council retain this requirement and clarify that Flood Risk Assessments in Flood Zone 1 must properly address surface water and drainage impacts on built up areas.

Regulation 19 soundness and legal points for W1(2)(b)

We do not identify obvious soundness issues. This clause is consistent with national policy and effective if implemented.

W1(2)(c) critical drainage problems

What this clause does

This clause requires Flood Risk Assessments in Flood Zone 1 where the Environment Agency has identified critical drainage problems.

What is positive

It recognises that additional scrutiny is necessary where drainage is already known to be problematic.

What is vague or risky

The trigger is limited to areas "as notified by the Environment Agency." This may miss local problem areas identified by the Lead Local Flood Authority, water companies, or local communities, including parts of Edenbridge.

What to Change

We propose widening the recognised sources of evidence for critical drainage problems.

Proposed wording for W1(2)(c):

"W1(2)(c) in Flood Zone 1 where there is an identified critical drainage problem, including areas notified by the Environment Agency, the Lead Local Flood Authority, water companies or robust local evidence;"

Requested Change for W1(2)(c)

- We ask that the Council widen the sources of evidence for critical drainage problems beyond the Environment Agency alone, so that local drainage issues in Edenbridge can trigger a Flood Risk Assessment.

Regulation 19 soundness and legal points for W1(2)(c)

The evidence is not sound because the clause ignores other authoritative evidence sources on drainage problems, such as the Lead Local Flood Authority and water companies. This affects the justified test.

The evidence is not sound because narrowing the trigger to Environment Agency notifications may fail to capture serious local drainage issues, especially in smaller settlements. This affects the effective test.

W1(2)(d) other sources of flooding and surface water flows

What this clause does

This clause requires Flood Risk Assessments where sites may be at risk from sources of flooding other than rivers, including surface water and overland flow routes.

What is positive

It explicitly covers surface water flows, which are a genuine risk in built up areas of Edenbridge.

What is vague or risky

The phrase “substantial overland surface water flow routes” is undefined and could become a point of argument between applicants and the Council.

What to Change

We propose linking the trigger to mapped and agreed evidence.

Proposed wording for W1(2)(d):

“W1(2)(d) which may be subject to sources of flooding other than from rivers, including surface water flooding and overland flow routes identified in the Strategic Flood Risk Assessment or other agreed evidence;”

Requested Change for W1(2)(d)

- We ask that the Council link “overland surface water flow routes” to the Strategic Flood Risk Assessment and other agreed evidence, in order to reduce argument at application stage.

Regulation 19 soundness and legal points for W1(2)(d)

The evidence is not sound because the term “substantial overland surface water flow routes” is unclear and may lead to inconsistent decisions. This affects the effective test.

W1(2)(e) risk from breach of local defences

What this clause does

This clause requires a Flood Risk Assessment where a site may flood if a local flood defence fails, even where the site is currently mapped in Flood Zone 1.

What is positive

It correctly recognises residual risk if defences fail or are overtopped, which is critical for public safety.

What is vague or risky

The term “local defence” is not defined and could be read narrowly, excluding informal or privately maintained defences that still provide real protection.

What to Change

We propose clarifying the types of defences that must be considered.

Proposed wording for W1(2)(e):

“W1(2)(e) where the site may be at risk from the breach or overtopping of a formal or informal flood defence (even if the site itself is in Flood Zone 1);”

Requested Change for W1(2)(e)

- We ask that the Council clarify that residual risk from both formal and informal defences must be considered in Flood Risk Assessments.

Regulation 19 soundness and legal points for W1(2)(e)

The evidence is not sound because ambiguity over what counts as a “local defence” could make it harder to secure Flood Risk Assessments where they are genuinely needed. This affects the effective test.

W1(2)(f) discharging water to a water management authority

What this clause does

This clause requires a Flood Risk Assessment where development intends to discharge water into the system or catchment of a water management authority.

What is positive

It ensures that the wider network impact is considered, which can protect communities such as Edenbridge from knock on effects.

What is vague or risky

The clause does not explicitly include discharges into smaller culverts and ordinary watercourses that may also cause local flooding.

What to Change

We propose explicit reference to ordinary watercourses and culverted systems.

Proposed wording for W1(2)(f):

“W1(2)(f) where there is an intention to discharge water to the catchment, assets or systems of a water management authority, including ordinary watercourses and culverted systems;”

Requested Change for W1(2)(f)

- We ask that the Council explicitly include ordinary watercourses and culverts in this trigger.

Regulation 19 soundness and legal points for W1(2)(f)

The evidence is not sound because without clear coverage of ordinary watercourses and culverts, the policy may miss significant local flood risks. This affects the effective test.

W1(2)(g) historical or recent flood events

What this clause does

This clause requires a Flood Risk Assessment where robust evidence of past or recent flooding has been provided.

What is positive

It allows local knowledge and past events, including repeated local flooding, to trigger a proper assessment. This is very important for Edenbridge.

What is vague or risky

The phrase "robust, documented evidence" is not defined, and communities may struggle to meet an unclear threshold, even where flooding has clearly occurred.

What to Change

We propose that the policy lists possible sources of robust evidence and confirms that well documented community evidence can contribute.

Proposed wording for W1(2)(g):

"W1(2)(g) where robust evidence of historical or recent flood events has been provided to the Council, including Environment Agency records, Lead Local Flood Authority data, records from water companies, insurance or emergency services data, or well documented local evidence;"

Requested Change for W1(2)(g)

- We ask that the Council list possible evidence sources and clarify that well documented community evidence can contribute to the "robust" test.

Regulation 19 soundness and legal points for W1(2)(g)

The evidence is not sound because the policy does not explain what counts as "robust" evidence, which risks dismissal of genuine local concerns. This affects the justified test.

The evidence is not sound because, without clarity on evidence, decision making will be inconsistent and open to dispute, especially in towns with a history of flooding. This affects the effective test.

W1(2)(h) small watercourses and unmapped drainage features

What this clause does

This clause requires Flood Risk Assessments on land near small watercourses or drainage features that are not shown as Flood Zones on national maps.

What is positive

It recognises that national flood mapping can miss local risks, which is particularly relevant in rural and small town settings.

What is vague or risky

The phrase "in the vicinity" is very vague and could be interpreted narrowly by applicants, even where the risk is real.

What to Change

We propose defining the trigger more clearly by reference to a distance and to technical sources of information.

Proposed wording for W1(2)(h):

"W1(2)(h) on land within a distance agreed with the Council of a small watercourse or drainage feature that might not have been demarcated as being in a Flood Zone in national mapping, as identified in the Strategic Flood Risk Assessment or by the Lead Local Flood Authority;"

Requested Change for W1(2)(h)

- We ask that the Council define “vicinity” by reference to technical guidance or an agreed distance, to avoid argument and under assessment near small watercourses around Edenbridge.

Regulation 19 soundness and legal points for W1(2)(h)

The evidence is not sound because the term “in the vicinity” is too vague to provide a clear or consistent trigger for Flood Risk Assessments. This affects the effective test.

W1(3) requirements for flood protection, resilience, and mitigation

What this clause does

This part of the policy explains that, where needed, flood protection, resilience and mitigation must be based on a site specific Flood Risk Assessment, must be designed in a certain way, should be multi-functional where possible, must be maintainable for the long term and must prevent pollution.

What is positive

It links mitigation design to evidence, layout, landscape, and long term management, which has real potential to secure well designed “space for water” schemes in Edenbridge.

What is vague or risky

The phrase “where required” is vague. It is not clear who decides when measures are required and on what basis. It should be clear that if a Flood Risk Assessment identifies risk, mitigation measures are required.

What to Change

We propose wording that ties the requirement for measures directly to the findings of the Flood Risk Assessment.

Proposed wording for W1(3):

“W1(3) Where a site specific flood risk assessment identifies flood risk, flood protection, resilience and mitigation measures must:”

Requested Change for W1(3)

- We ask that the Council tie the requirement for flood protection, resilience, and mitigation directly to the findings of the Flood Risk Assessment, rather than using the vague phrase “where required.”

Regulation 19 soundness and legal points for W1(3)

The evidence is not sound because the phrase “where required” leaves too much room for argument about when mitigation is necessary, which undermines consistent and robust decision making. This affects the effective test.

W1(3)(a) informed by the Flood Risk Assessment

What this clause does

This clause states that mitigation measures must be based on a site specific Flood Risk Assessment.

What is positive

It confirms that technical evidence should inform the design of mitigation.

What is vague or risky

The wording does not explicitly require that mitigation should fully address all of the risks identified in the Flood Risk Assessment.

What to Change

We propose wording that closes this gap.

Proposed wording for W1(3)(a):

"W1(3)(a) be informed by, and fully address the risks identified in, a site specific flood risk assessment;"

Requested Change for W1(3)(a)

- We ask that the Council make clear that mitigation must fully address the risks identified in the Flood Risk Assessment.

Regulation 19 soundness and legal points for W1(3)(a)

The evidence is not sound because the clause does not state that mitigation must fully address identified risks, which could allow partial or inadequate measures. This affects the effective test.

W1(3)(b) early design, sequential layout and making space for water

What this clause does

This clause says that mitigation measures must feature early in the design process, use a sequential approach to the layout on site by placing more vulnerable uses in safer parts, make space for water and design buildings to reflect flood risk.

What is positive

It promotes better layouts and reduced vulnerability, which is very relevant to constrained sites in Edenbridge.

What is vague or risky

The phrase "make space for water" is positive but not defined. Without clearer expectations, there is a risk that provision is tokenistic and does not address the real level of risk.

What to Change

We propose wording that requires space for water to be sufficient to manage the identified risks and includes safe access and egress.

Proposed wording for W1(3)(b):

“W1(3)(b) feature at an early stage in the design process, take a sequential approach to the location of built structures within the site, make sufficient space for water, and design buildings and access routes to reflect and safely manage the identified flood risk;”

Requested Change for W1(3)(b)

- We ask that the Council clarify that “making space for water” must be sufficient to manage the identified risks and must include safe access and egress.

Regulation 19 soundness and legal points for W1(3)(b)

The evidence is not sound because “make space for water” is not defined sufficiently to ensure meaningful provision, which affects the effective test.

W1(3)(c) multi-functional measures and blue green infrastructure

What this clause does

This clause says that mitigation measures should, where possible, do several jobs at once, including improving landscape, biodiversity, and blue green infrastructure.

What is positive

It supports nature based solutions that can improve the environment and amenity of Edenbridge while managing flood risk.

What is vague or risky

The phrase “where possible” is vague and could be used to avoid multi-functional design on viability or other grounds, without proper justification.

What to Change

We propose wording that keeps the flexibility but requires applicants to justify when they do not provide multi-functional measures.

Proposed wording for W1(3)(c):

“W1(3)(c) be multi-functional where practicable and maximise opportunities for landscape, biodiversity and blue green infrastructure improvements;”

Requested Change for W1(3)(c)

- We ask that the Council clarify that applicants must demonstrate why multi-functional measures are not practicable if they are not provided.

Regulation 19 soundness and legal points for W1(3)(c)

The evidence is not sound because “where possible” is not accompanied by any expectation for applicants to justify when they do not provide multi-functional measures. This affects the effective test.

W1(3)(d) long term retention, maintenance, and management

What this clause does

This clause says that mitigation measures must have agreed arrangements for long term retention, maintenance, and management.

What is positive

This is essential for Sustainable Drainage Systems and flood defences to continue to function over the life of the development.

What is vague or risky

The clause does not say who will be responsible, for example a management company or public body, and does not state that arrangements must be secured through planning obligations or conditions.

What to Change

We propose wording that requires legally secured management arrangements and an identified responsible body.

Proposed wording for W1(3)(d):

"W1(3)(d) include legally secured arrangements for the long term retention, maintenance and management of all flood risk infrastructure and features, identifying a responsible body;"

Requested Change for W1(3)(d)

- We ask that the Council require legally secured long term management arrangements, with a clearly identified responsible body.

Regulation 19 soundness and legal points for W1(3)(d)

The evidence is not sound because the clause does not require legally secured, funded responsibilities for long term maintenance. This risks failure of measures over time and affects the effective test.

W1(3)(e) preventing pollution and link to Policy W3

What this clause does

This clause is intended to say that measures must prevent increased pollution of the natural environment and links to Policy W3 on Water Supply and Quality.

What is positive

It recognises the link between flood management, water quality, and pollution.

What is vague or risky

The current wording is grammatically muddled, particularly the phrase "natural environment Policy W3", and is unclear as to how it cross refers to Policy W3.

It focuses on "prevent increased pollution" but does not encourage improvement where water quality is already poor.

What to Change

We propose clearer grammar and an expectation of improvement where practicable.

Proposed wording for W1(3)(e):

“W1(3)(e) prevent increased pollution of the natural environment and, where practicable, improve water quality, in accordance with Policy W3 (Water Supply and Quality).”

Requested Change for W1(3)(e)

- We ask that the Council correct the wording so it clearly cross refers to Policy W3 and adds an expectation to improve water quality where practicable.

Regulation 19 soundness and legal points for W1(3)(e)

• The evidence is not sound because the current wording is grammatically unclear and may cause confusion about how it relates to Policy W3, which undermines effective implementation. This affects both legality and the effective test.

Summary of our position

“We are not asking the Council to go beyond the National Planning Policy Framework; we are asking it to bring Policy W1 into line with the NPPF and updated national guidance on flood risk, and to apply those national principles to heavily constrained settlements such as Edenbridge.”

“The strengthened wording we propose on the sequential test, incompatible uses, Flood Risk Assessment triggers and ‘no increase in flood risk’ simply reflects the NPPF and Planning Practice Guidance and is necessary to make the policy effective and positively prepared.”

Edenbridge Impact

As drafted, Policy W1 provides a broadly useful flood risk framework but is too vague and weak in key places to reliably prevent or limit high risk development in Edenbridge, leaving the town exposed to taking more growth in flood affected locations than is reasonable compared with safer settlements.

NEDRA (New Edenbridge District Residents' Association)

Chapter 4 Response - NEDRA Disagree

<u>Policy W2</u>

Policy W2 Surface Water Management

This is our response to Policy W2 on Surface Water Management in the draft Local Plan, drawing on the wording in the policy and the supporting evidence.

Our concern is that while the overall direction of the policy is sensible, the wording leaves multiple gaps that are especially risky for a town like Edenbridge which already has a history of surface water and river flooding and known sewer capacity problems.

W2(1)

What is in this part of the policy

W2(1) says that any development which could affect drainage on or around a site must include drainage that manages surface water, does not increase flood risk on or off the site, and takes climate change into account.

It says that Sustainable Drainage Systems, often called SuDS, should be used unless the developer can demonstrate that they are inappropriate.

What is good

It states that flood risk must not increase on the site or elsewhere and that climate change must be considered.

It treats drainage as something that should be designed into the scheme, not bolted on as an afterthought.

It places SuDS as the default approach, which is particularly important for Edenbridge given our surface water and river flood history.

What is vague or risky

The phrase "adequate drainage provision" is vague and gives no clear standard. There is no link to greenfield run off rates or any expectation of betterment on previously developed land.

"Development that could affect drainage" is very broad, but there are no clear triggers such as all major development, or all development in Flood Zones 2 and 3, or in areas identified in the Strategic Flood Risk Assessment as having surface water risk.

The phrase “unless demonstrated to be inappropriate” is a major loophole. There is no defined test, no requirement for independent evidence, no reference to local geology or groundwater, and no obligation to agree this with the Lead Local Flood Authority or the water company.

In areas that already suffer surface water problems such as Edenbridge, there is no expectation that new schemes should improve the situation where this is feasible. The policy only aims to avoid making things worse.

There is no explicit reference to the Strategic Flood Risk Assessment, even though that evidence base is supposed to underpin exactly these decisions.

What to Change W2(1)

We want this part of the policy to tighten the duty, define the test for when SuDS are not appropriate, and link decisions directly to the evidence and the Strategic Flood Risk Assessment.

Suggested wording for W2(1):

“1. All development that would materially change surface water drainage on or around the site, including all major development and all development in Flood Zones 2 and 3 or in areas identified in the Strategic Flood Risk Assessment as being at risk from surface water flooding, must provide surface water drainage that:

(a) Reduces peak surface water run off rates and overall volumes compared with the predevelopment situation where reasonably practicable, and in all cases does not increase flood risk on the site or elsewhere, taking account of climate change.

(b) Is designed in accordance with the Council’s Strategic Flood Risk Assessment and the guidance of the Lead Local Flood Authority.

Sustainable Drainage Systems will be required for all such development unless it is robustly demonstrated, through evidence agreed with the Lead Local Flood Authority and the relevant sewerage undertaker, that such systems are technically infeasible or would unacceptably increase other forms of flood or pollution risk.”

Requested Change W2(1)

- We ask that the Council replace the phrase “adequate drainage provision” with a clear requirement to reduce run off rates and volumes compared with the predevelopment situation where this is reasonably practicable, with no increase in flood risk in any case.
- We ask that the Council require SuDS for all major development and all development in Flood Zones 2 and 3 or in areas of surface water risk identified in the Strategic Flood Risk Assessment, with any departure only allowed where robust evidence is agreed with the Lead Local Flood Authority and the relevant sewerage undertaker.
- We ask that the Council explicitly require that decisions under this part of the policy are informed by the Strategic Flood Risk Assessment.

Regulation 19 soundness and legal points W2(1)

The evidence is not sound because it allows SuDS to be set aside on the basis of an undefined “inappropriate” test, without requiring robust evidence or agreement with risk management

authorities. This is not justified by the scale of flood risk and does not ensure effective delivery of sustainable drainage, so it fails the justified, effective, and consistent with national policy tests.

The evidence is not sound because it seeks only to avoid increased flood risk, rather than seeking betterment where this is feasible in locations with known surface water problems such as Edenbridge. This is not a positively prepared strategy for climate resilience or cumulative flood risk management.

The evidence is not sound because the policy does not require explicit reliance on the Strategic Flood Risk Assessment or set clear triggers such as Flood Zones or critical drainage areas. Decision making therefore risks being ad hoc and not properly evidence based, which fails the justified and effective tests.

W2(2) including criteria (a) to (e) and the sewer capacity test

What is in this part of the policy

This part says that drainage solutions must manage surface water flow rates and volumes so that they mimic natural drainage flows as closely as possible, with details agreed with the Lead Local Flood Authority.

It sets out a hierarchy for discharge: first use non potable water on site, then infiltrate it into the ground, then discharge to a water body, then to a surface water sewer, and only as a last resort to a combined sewer.

It also says that any use of a sewer should follow a capacity assessment and must not increase flood risk.

What is good

The hierarchy discourages sending surface water into combined sewers, which is positive.

It requires both flow rates and volumes to be managed, not just the destination of flows.

It says that a capacity assessment and no increase in flood risk are needed before a sewer is used.

It promotes managing water close to its source, which is good SuDS practice and important for Edenbridge's catchment.

What is vague or risky

The phrase "as agreed by the Lead Local Flood Authority" gives no minimum standard such as greenfield run off rates or betterment on brownfield sites. This leaves too much to negotiation on a case by case basis.

"Mimic natural drainage flows as closely as possible" is vague and subjective. A developer could argue that a conventional piped system is close enough.

Once again, the wording "demonstrated to be inappropriate" is not defined. There is no requirement for proper hydraulic or ground investigation and no formal requirement for input from the sewerage undertaker such as Southern Water.

There is no explicit requirement to assess and manage cumulative impacts within a catchment such as Edenbridge where many small schemes can add up to a significant problem.

There is no clear linkage to greenfield, and brownfield run off standards, which are now normal in well-designed drainage policies.

What to Change W2(2)

We want this part of the policy to include clear run off standards and to require proper evidence when sewers are used.

Suggested wording for W2(2):

"2. Drainage solutions must:

(a) Limit peak surface water run off rates to no more than the equivalent greenfield run off rate and secure a meaningful reduction in run off rates and volumes from previously developed sites where reasonably practicable.

(b) Mimic natural drainage pathways and manage water as close to its source as possible, through above ground SuDS features in preference to underground storage, in line with the drainage hierarchy.

(c) Be designed having regard to cumulative impacts within the relevant catchment.

Discharge into a surface water or combined sewer will only be acceptable where it is demonstrated, through agreed hydraulic modelling and written confirmation from the relevant sewerage undertaker and the Lead Local Flood Authority, that infiltration into the ground and discharge into a surface water body are not feasible and that there would be no increase in flood risk either on the site or elsewhere."

Requested Change W2(2)

- We ask that the Council set a clear greenfield run off standard, with betterment on brownfield sites, instead of leaving flow rates and volumes entirely to negotiation with the Lead Local Flood Authority.
- We ask that the Council require any discharge to a surface water or combined sewer to be supported by written confirmation from the sewerage undertaker and appropriate hydraulic modelling, not just a broad "capacity assessment."
- We ask that the Council add an explicit requirement to consider cumulative catchment impacts, which is particularly important in Edenbridge.

Regulation 19 soundness and legal points W2(2)

The evidence is not sound because it lacks clear and measurable standards for run off rates and volumes and relies instead on case by case agreement, which weakens enforceability and makes consistent outcomes difficult to secure. This fails the effective test.

The evidence is not sound because it fails to secure greenfield equivalent or improved run off standards that are widely recognised as good practice in flood risk and climate management. National policy expects robust plan led standards rather than purely negotiated outcomes, so this fails the justified and consistent with national policy tests.

The evidence is not sound because it does not require firm evidence from sewerage undertakers when the policy relies on sewer systems, despite the clear evidence of sewer and surface water capacity issues in many settlements including Edenbridge. This fails the justified test.

W2(3)

What is in this part of the policy

This part says that the discharge of surface water runoff into a foul only sewer will not be allowed.

What is good

The wording is clear and easy to enforce.

It protects foul drainage networks that are already stressed and reduces the risk of foul flooding and pollution. This is particularly relevant in Edenbridge where residents are already worried about foul and surface water interactions.

What is vague or risky

There is no real risk in principle. The only minor issue is that the policy does not say who confirms whether a sewer is foul only, and this can be disputed at application stage.

What to Change W2(3)

We support the direction of this part of the policy and suggest only a minor clarification.

Suggested wording for W2(3):

"3. The discharge of surface water runoff into a foul only sewer, as confirmed by the relevant sewerage undertaker, will not be permitted."

Requested Change W2(3)

- We ask that the Council clarify that whether a sewer is foul only is to be confirmed by the sewerage undertaker, to avoid disputes at application stage.

Regulation 19 soundness and legal points W2(3)

The policy is broadly sound and effective in this respect, and consistent with national policy on avoiding pollution and inappropriate connections to foul systems. A minor clarification about who determines foul only status would make it more clearly effective and easier to implement.

W2(4)

What is in this part of the policy

This part says that where SuDS are used, they should form an integral part of the development, be multi-functional and follow the Department for Environment Food and Rural Affairs national standards as far as possible. It refers to benefits for water quality, amenity, and biodiversity.

What is good

It recognises that SuDS should be multi-functional, so not just hidden tanks but features that can improve amenity and biodiversity. That is valuable in Edenbridge where new development should contribute to a greener town.

It links to the national SuDS standards, which is sensible.

It stresses that SuDS should be integral to the development rather than tacked on at the end of the design process.

What is vague or risky

The phrase "where used" undermines the idea that SuDS should be the default. It reads as if SuDS are optional.

The phrase "so far as possible" is a classic get out clause and could be used to downplay water quality, amenity, and biodiversity benefits.

There is no stated preference for above ground nature based SuDS that actually deliver amenity and biodiversity, instead of buried crates in car parks.

There is no requirement to avoid private gated SuDS with no public benefit, which can be a particular risk on town centre and edge of town sites.

What to Change W2(4)

We want this part of the policy to treat SuDS as the clear expectation for qualifying development and to remove soft caveats.

Suggested wording for W2(4):

"4. SuDS must form an integral part of the layout and design of all development required to provide surface water management under this policy. They must be designed as multi-functional, predominantly above ground, nature based features that deliver benefits for water quantity, water quality, amenity, and biodiversity, in accordance with the Department for Environment Food and Rural Affairs national standards for sustainable drainage systems and any relevant local guidance."

Requested Change W2(4)

- We ask that the Council state that SuDS "must," not "where used should," form an integral part of qualifying development so that they are genuinely expected rather than treated as optional.
- We ask that the Council remove the caveat "so far as possible" and require SuDS to be predominantly above ground and nature based, delivering water quality, amenity, and biodiversity benefits wherever this is feasible.

Regulation 19 soundness and legal points W2(4)

The evidence is not sound because the "where used" and "so far as possible" caveats dilute the expectation that SuDS will be properly integrated multi-functional features, which is now a key part of modern sustainable drainage practice. This weakens alignment with national policy on climate resilience, good design and nature recovery, so fails the positively prepared and consistent with national policy tests.

The evidence is not sound because these caveats make it easy for developers to rely on hidden single function solutions, undermining the delivery of the multi benefit outcomes that the policy claims to seek. This fails the effective test.

W2(5)

What is in this part of the policy

This part says that the design, operation, and maintenance of SuDS over the lifetime of the development must be approved before development starts.

What is good

It recognises that long term maintenance is crucial.

It correctly requires approval before development begins, which is better than trying to fix drainage after construction.

What is vague or risky

It does not say who approves the SuDS design and maintenance plan, whether that is the Local Planning Authority, the Lead Local Flood Authority, the sewerage undertaker, or some combination. It also does not say how disagreements will be handled.

It does not require the developer to identify who will adopt the SuDS and how long term maintenance will be funded. In practice this can fall back on residents through opaque charges.

There is no explicit link to planning conditions or legal agreements, which is how maintenance obligations are usually secured in practice.

In a town like Edenbridge there is a real risk that we will inherit poorly funded privately managed SuDS that are not maintained properly, which will increase future flood risk.

What to Change W2(5)

We want this part of the policy to secure clear responsibilities and funding for long term maintenance.

Suggested wording for W2(5):

“5. Prior to the commencement of development, a detailed SuDS design and a fully costed management and maintenance plan for the lifetime of the development must be submitted to and approved in writing by the Local Planning Authority, in consultation with the Lead Local Flood Authority and, where relevant, the sewerage undertaker. The plan must identify the responsible body or bodies and funding mechanism for long term maintenance and shall be secured through appropriate planning conditions and or legal agreements.”

Requested Change W2(5)

- We ask that the Council specify that the Local Planning Authority, in consultation with the Lead Local Flood Authority and the sewerage undertaker where relevant, must approve SuDS design and maintenance plans.
- We ask that the Council require a fully costed lifetime management plan, with clearly identified responsible parties and funding mechanisms, secured through planning conditions and or legal agreements.

Regulation 19 soundness and legal points W2(5)

The evidence is not sound because it does not secure who will maintain SuDS or how this will be funded. Without a clear and enforceable mechanism, long term performance is uncertain, and the policy is not effective in managing surface water over the plan period, so it fails the effective test.

The evidence is not sound because it ignores well known delivery problems where SuDS fail in practice due to lack of adoption or funding. National policy expects plans to be deliverable and effective over time, not only at design stage, so this fails both the justified and effective tests.

W2(6)

What is in this part of the policy

This part says that in Groundwater Source Protection Zones SuDS may not be appropriate unless it can be shown that there would be no increased pollution risk and that mitigation can be implemented in line with Policy W3 on Water Supply and Quality.

What is good

It recognises that groundwater protection is important and links to the water quality policy.

It requires demonstration that pollution risk will not increase.

What is vague or risky

It starts from the position that "SuDS may not be appropriate" in these areas, which reads as an invitation to avoid SuDS rather than as a requirement to design SuDS that protect groundwater by using lined or non-infiltrating systems where necessary.

There is no requirement for a formal risk assessment or for input from the Environment Agency or the water company.

The wording could be misused to justify conventional piped drainage systems in sensitive areas, undermining the wider SuDS aims of the policy.

What to Change W2(6)

We want this part of the policy to start from an expectation that SuDS will be used, with infiltration SuDS controlled by risk assessment.

Suggested wording for W2(6):

"6. In Groundwater Source Protection Zones, SuDS must be designed and constructed so as to protect groundwater and surface water quality. Infiltration SuDS will only be permitted where a detailed risk assessment, prepared in accordance with Policy W3 on Water Supply and Quality and agreed with the Environment Agency and the relevant water undertaker, demonstrates that there would be no unacceptable risk to groundwater. Where infiltration SuDS are not appropriate, non-infiltrating SuDS such as lined basins, swales or wetlands must be used in preference to conventional piped systems."

Requested Change W2(6)

- We ask that the Council reframe this part of the policy so that SuDS are expected in Groundwater Source Protection Zones, with infiltration systems controlled through risk assessment, rather than implying that SuDS are generally not appropriate.
- We ask that the Council require formal agreement from the Environment Agency and the relevant water undertaker where infiltration SuDS are proposed in Source Protection Zones.

Regulation 19 soundness and legal points W2(6)

The evidence is not sound because it implies that SuDS may generally not be appropriate in groundwater protection zones, rather than requiring well designed SuDS that protect water quality. This runs against national policy which seeks to mainstream SuDS while managing pollution risk, so it fails the positively prepared and consistent with national policy tests.

The evidence is not sound because it does not clearly require risk assessment and agreement from the relevant regulators, which is essential if the policy is to deliver both groundwater protection and sustainable drainage in sensitive areas. This fails the effective test.

W2(7)

What is in this part of the policy

This part says that where SuDS are included in development, compliance with Policy W2 should be demonstrated through a proportionate surface water drainage strategy.

What is good

It recognises that a drainage strategy document is needed.

It allows proportionality so that smaller schemes are not overburdened.

What is vague or risky

Again, the phrase “where SuDS are incorporated” suggests that SuDS are optional. It implies that if a developer does not include SuDS in early designs, they may argue that no drainage strategy is needed at all.

There are no clear triggers for when a drainage strategy is mandatory, such as all major development, all development in Flood Zones 2 and 3, and all development in areas identified in the Strategic Flood Risk Assessment as having surface water or drainage capacity issues.

While proportionality is sensible, places with known flood problems such as Edenbridge clearly need stronger expectations for proper assessment.

The approach weakens the role of the Strategic Flood Risk Assessment and sits uneasily with national guidance that expects robust assessment of flood and surface water risk.

What to Change W2(7)

We want this part of the policy to require a drainage strategy in a clear set of high risk circumstances, whether or not SuDS are proposed at the outset.

Suggested wording for W2(7):

“7. A proportionate surface water drainage strategy must be submitted for:

(a) all major development.

(b) all development in Flood Zones 2 and 3.

(c) all development in areas identified in the Strategic Flood Risk Assessment as being at risk from surface water flooding or drainage capacity constraints.

The strategy must demonstrate full compliance with this policy, regardless of whether SuDS are proposed at validation stage. It must set out the proposed use of SuDS, run off rates and volumes, exceedance routes and how long term maintenance will be secured.”

Requested Change W2(7)

- We ask that the Council require a surface water drainage strategy for all major development, and for all development in Flood Zones 2 and 3 or in Strategic Flood Risk Assessment identified risk areas, rather than only where SuDS are incorporated.
- We ask that the Council make clear that the drainage strategy must demonstrate full compliance with Policy W2, including SuDS use, run off standards and maintenance arrangements.

Regulation 19 soundness and legal points W2(7)

The evidence is not sound because it only requires a drainage strategy “where SuDS are incorporated.” This allows developers to avoid proper assessment by omitting SuDS from early designs, which undermines the effectiveness and enforceability of the policy, so it fails the effective test.

The evidence is not sound because, in a district with known flood and drainage issues and in a settlement such as Edenbridge which already experiences surface water problems, it is not justified to limit drainage strategies in this way. National policy expects robust and evidence based assessment of flood risk and surface water management in such locations, so this fails the justified and consistent with national policy tests.

Edenbridge impact

As drafted, Policy W2 has the right intentions but too many loopholes and soft phrases, so in a high risk town like Edenbridge it is likely to allow standard piped drainage with limited SuDS and little guaranteed improvement, leaving residents to bear ongoing surface water and sewer flood risks while further growth is added.

NEDRA (New Edenbridge District Residents' Association)

Chapter 4 Response - NEDRA Disagree

Policy W3

W3 1 Proposals to increase water supply and wastewater treatment capacity

This part of the policy says the Council will support new or expanded water supply and sewage treatment infrastructure, provided proposals also comply with other Local Plan policies.

What is good

It recognises that extra capacity is needed. That is important if the Council is placing more housing in locations such as Edenbridge, where sewerage capacity, flood risk and pressures on the River Eden are already real concerns.

What is vague or risky

The phrase that such proposals will be 'supported in principle' is vague and does not tie capacity upgrades directly to the locations where major growth is planned. Edenbridge could see substantial new development without any clear requirement that our water and sewer capacity is fixed first.

The clause does not require evidence that capacity upgrades are timely, funded and deliverable alongside development. That weakens our ability to argue for phasing conditions or holding back schemes in Edenbridge until the necessary infrastructure is in place.

What to Change

We want a clear and explicit link between growth locations and infrastructure delivery, supported by area specific evidence where a town is taking significant growth.

Suggested wording for W3 1 is:

'Proposals to increase water supply and wastewater treatment capacity, particularly in locations identified for significant growth such as Edenbridge, will be supported where they are demonstrated to be necessary, appropriately phased with planned development, and in compliance with other relevant policies within this Local Plan.'

Requested Change W3 1

We ask that the Council link water supply and wastewater capacity improvements explicitly to locations taking significant growth, including Edenbridge.

We ask that the Council require evidence that capacity upgrades are phased and funded to come forward in step with development proposals.

We ask that the Council insert a specific reference to Edenbridge water and wastewater constraints in the supporting text, so that this policy is clearly applied here in practice.

Regulation 19 soundness and legal points W3 1

The evidence is not sound because it is not effective under the Regulation 19 test of being positively prepared and effective. The policy supports capacity in general terms but does not require that water and wastewater upgrades are actually delivered in step with major new development in places such as Edenbridge, so it does not ensure needs are met in a realistic and infrastructure led way.

The evidence is not sound because it is not justified. There is no clear link between the distribution of growth in the plan and the locations where extra water and wastewater capacity is required. The strategy for settlements such as Edenbridge is therefore not clearly backed by infrastructure evidence, which fails the justified test.

The evidence is not sound because it risks inconsistency with national policy. The National Planning Policy Framework NPPF expects plans to ensure that infrastructure, including water and wastewater, is planned and coordinated with development rather than treated as a general aspiration. The current wording falls short of that expectation.

W3 2 Development must be designed to minimise the use of mains water and make efficient use of water

This part of the policy requires new buildings that use mains water or generate wastewater to save water and mentions measures such as rainwater harvesting and greywater recycling.

What is good

It expects water efficient design, which is positive in a district facing water stress and helps reduce pressure on the local network and the River Eden.

It at least recognises techniques such as rainwater harvesting and greywater recycling, which are important tools for managing demand.

What is vague or risky

The wording ‘minimise the use of mains water’ is woolly, especially for non-residential schemes, as there is no measurable standard and no clear benchmark for decision making.

The phrase ‘measures such as’ turns rainwater harvesting and greywater recycling into optional examples. In practice this lets developers ignore them with little consequence if they can point to minor alternative measures.

The reference to retrofitting existing buildings is unclear. The Council cannot usually compel retrofitting outside what is included in a planning application, so this risks creating confusion about what can actually be required.

What to Change

We want to tighten the duty and make rainwater and greywater systems the default expectation unless there is clear evidence that they are not feasible.

Suggested wording for W3 2 is:

‘Development that results in the construction of new buildings which use mains water and or generate wastewater must be designed to minimise the use of mains water and make the most efficient use of water. This must include the incorporation of rainwater harvesting and or greywater recycling systems, unless it is robustly demonstrated that these are not feasible due to site specific constraints.’

Requested Change W3 2

- We ask that the Council replace ‘such as’ with a firm requirement for rainwater harvesting and or greywater systems, unless it is robustly shown that this is not feasible on the specific site.
- We ask that the Council clarify that the policy applies to development proposals, including retrofits that require planning permission, rather than making vague references to retrofitting existing buildings with no planning hook.
- We ask that the Council introduce clear and enforceable water efficiency expectations for non-residential development, not just general wording about minimising water use.

Regulation 19 soundness and legal points W3 2

The evidence is not sound because it is not effective. Without clear and enforceable requirements, developers can satisfy this policy with minimal measures. It will not reliably reduce water demand or wastewater pressures in Edenbridge or across the district, so it fails the effective test.

The evidence is not sound because it is not justified. The Council has not set out why it chose very general wording instead of specific standards, despite known water stress issues and the availability of recognised technical approaches such as rainwater harvesting and greywater use.

The evidence is not sound because it risks inconsistency with national policy. The National Planning Policy Framework NPPF expects planning policies to secure high standards of resource efficiency in new development. Turning key measures into optional examples weakens that aim.

W3 3 Water consumption no greater than 110 litres per person per day

This part of the policy says that all new homes, including conversions and new dwellings created through extensions, must meet the tighter optional national water standard of 110 litres per person per day.

What is good

It sets a clear, measurable requirement and aligns with the optional national standard, which is appropriate in an area of water stress.

It applies widely, including conversions and extensions that create new dwellings, so the standard is applied across different types of site and settlement, including Edenbridge.

What is vague or risky

The policy does not cross refer to the evidence that justifies using the 110 litres standard, for example water stress data or the relevant Water Resources Management Plan. If that evidence is weak or not clearly presented, the requirement could be open to challenge.

It does not say how compliance will be checked, for example through Building Regulations or planning conditions that control fixtures and fittings.

What to Change

We support the 110 litres standard, but it needs to be clearly rooted in evidence and backed by practical arrangements for implementation.

Suggested wording for W3 3 is:

'In view of the district's identified water stress and the evidence provided by the relevant Water Resources Management Plan, development that results in the creation of one or more new residential dwellings, including conversions, changes of use and extensions resulting in a new dwelling unit, must be designed so that water consumption is no greater than 110 litres per person per day, demonstrated through an appropriate water efficiency calculation submitted at planning or Building Regulations stage.'

Requested Change W3 3

- We ask that the Council retain the 110 litres per person per day standard and clearly link it to the district's water stress evidence and the relevant Water Resources Management Plan.
- We ask that the Council require applicants to submit water efficiency calculations to show how the 110 litres standard will be met in practice.
- We ask that the Council confirm in the supporting text that this standard applies equally in all settlements, including Edenbridge, to ensure consistent treatment.

Regulation 19 soundness and legal points W3 3

The evidence is not sound because it may not be justified. Unless the evidence base on local water stress is clearly presented, the Council has not shown why the 110 litres standard is necessary and proportionate. That is required to satisfy the justification test.

The evidence is not sound because it is not effective if there is no clear mechanism for monitoring and enforcing compliance with the 110 litres standard. Without such a mechanism the requirement risks becoming a statement of intent rather than a deliverable policy, which fails the effective test.

Subject to adequate evidence, the standard itself is capable of being consistent with the National Planning Policy Framework NPPF and national technical standards, which allow this tighter requirement in areas of water stress.

W3 4 Development that supports the aims of the Water Resources Management Plan

This part of the policy says the Council will support development that helps deliver the water company's Water Resources Management Plan, as long as proposals also meet other Local Plan policies.

What is good

It recognises the link between the Local Plan and the water company's long term planning, which is sensible if handled carefully.

It could help secure investment in strategic water infrastructure that benefits the whole district, including Edenbridge.

What is vague or risky

The Water Resources Management Plan is not part of the development plan and may include schemes with significant local impacts. Simply supporting everything that aligns with it risks prejudging site specific impacts on towns such as Edenbridge.

The current wording does not require such schemes to be consistent with the Local Plan spatial strategy, environmental protections, or town centre policies.

There is a risk that this clause could be used to justify major infrastructure in more favoured parts of the district, while local needs in places such as Edenbridge remain under served.

What to Change

We want to keep an appropriate link to the Water Resources Management Plan, but any such schemes must clearly sit within the Local Plan strategy and respect environmental protections.

Suggested wording for W3 4 is:

'Development that demonstrably supports the delivery of the relevant water service provider's Water Resources Management Plan will be supported where it is consistent with the spatial strategy for the district, avoids unacceptable environmental or amenity impacts, and complies with other relevant policies within this Local Plan.'

Requested Change W3 4

- We ask that the Council make clear that support for Water Resources Management Plan schemes is subject to full compliance with the Local Plan spatial strategy and environmental policies.
- We ask that the Council avoid wording that appears to give blanket support to Water Resources Management Plan projects regardless of their local impacts on settlements such as Edenbridge.
- We ask that the Council require applicants to demonstrate explicitly how any proposed development supports the Water Resources Management Plan and provides benefits for local communities.

Regulation 19 soundness and legal points W3 4

The evidence is not sound because it is not justified. The policy effectively imports another body's strategy into the Local Plan without explaining how Water Resources Management Plan proposals have been appraised as reasonable alternatives or tested against local impacts, including on Edenbridge. This fails the justified test.

The evidence is not sound because it is not effective. By giving broad support in principle, the clause blurs decision making and risks conflict with other policies, creating uncertainty for communities and applicants. That is not an effective basis for managing development.

The evidence is not sound because it risks inconsistency with national policy. The National Planning Policy Framework NPPF expects local plans to provide a clear, locally led strategy, not to hand open ended weight to external plans that have not been through the same examination and democratic process.

W3 5 Development will only be permitted where it would not result in increased pollution of surface or groundwater

This part of the policy says development will only be allowed if it does not increase pollution of surface water or groundwater. Where there is a risk, applicants must show how they will mitigate it, including reference to Groundwater Source Protection Zones where relevant.

What is good

It begins with a strong statement that development must not increase pollution. That is very important for the River Eden, local streams, and groundwater around Edenbridge.

It specifically mentions Groundwater Source Protection Zones, which reflects good practice.

What is vague or risky

The phrase 'where a risk is identified' largely leaves it to the applicant to decide whether there is a risk. There is no clear requirement for site specific water quality assessment in sensitive locations such as Edenbridge.

The wording that 'appropriate measures can be implemented' is vague. It does not require those measures to be secured by condition or legal agreement or to be shown as effective over the long term.

There is no explicit recognition of cumulative impacts, which are important where several sites may feed into the same river or drainage network, as is the case for parts of Edenbridge.

What to Change

We want a stronger requirement for assessment, mitigation and secure delivery that deals properly with cumulative effects.

Suggested wording for W3 5 is:

'Development will only be permitted where it is demonstrated, through proportionate assessment, that it would not result in increased pollution of surface or groundwater sources, either individually or cumulatively. Where a risk is identified, it must be shown that effective mitigation measures can and will be implemented and secured for the lifetime of the development. Where relevant, this assessment must include reference to Groundwater Source Protection Zones as defined by the Environment Agency.'

Requested Change W3 5

- We ask that the Council require proportionate water quality assessments for development in areas draining to the River Eden and its tributaries, including Edenbridge.
- We ask that the Council strengthen the policy so that mitigation measures must be secured and effective for the lifetime of the development, not just identified in principle.
- We ask that the Council include explicit reference to cumulative impacts on water quality where multiple developments discharge to the same watercourses or sewer network.

Regulation 19 soundness and legal points W3 5

The evidence is not sound because it is not effective. Leaving the identification of risk largely to applicants, without clear assessment requirements, risks inconsistent practice and failure to control pollution in sensitive catchments such as the River Eden. This fails the effective test.

The evidence is not sound because it is not justified. Cumulative water quality pressures in parts of the district are already known, yet the policy does not explicitly address cumulative impacts or the long term securing of mitigation. That is a weakness in the justification.

The evidence is not sound because it risks inconsistency with national policy. The National Planning Policy Framework NPPF requires new development to avoid contributing to unacceptable levels of water pollution and to protect and enhance water environments, especially in sensitive catchments. The current wording is not strong enough to guarantee that outcome.

W3 6 Development that would maintain or improve the physical state, biodiversity and natural function of surface and groundwater sources

This part of the policy says the Council will support development that maintains or improves the physical condition, biodiversity and natural functioning of surface and groundwater sources.

What is good

It recognises that water environments are not just pipes and channels but habitats and natural systems.

It supports improvements, which can help deliver better treatment of the River Eden, its floodplain, and local streams around Edenbridge.

What is vague or risky

The phrase ‘maintain or improve’ can be too weak where water bodies are already in poor condition. Simply maintaining a poor baseline is not acceptable.

The wording that such development ‘will be supported in principle’ is loose and does not require schemes to deliver measurable enhancements.

There is no clear link to wider biodiversity net gain duties or river restoration objectives, which are important for the Eden catchment.

What to Change

We want to move from general support to a clear expectation of enhancement where water bodies are below an acceptable standard.

Suggested wording for W3 6 is:

‘Development that maintains and, where water bodies are below good ecological status or are otherwise degraded, measurably improves the physical state, biodiversity and natural function of surface and groundwater sources will be supported, subject to compliance with other relevant policies within this Local Plan.’

Requested Change W3 6

- We ask that the Council require measurable enhancement of water environments where they are already in poor condition, rather than accepting maintenance of a degraded state.
- We ask that the Council link this policy explicitly to biodiversity net gain and to any river restoration objectives for the Eden catchment.
- We ask that the Council remove the phrase 'in principle' and require clear, evidenced benefits to the physical state, biodiversity, and natural function of water bodies.

Regulation 19 soundness and legal points W3 6

The evidence is not sound because it is not effective. The policy does not secure concrete outcomes or measurable improvements where these are needed, so it may fail to deliver real environmental gains over the plan period. This fails the positive preparation and effectiveness tests.

The evidence is not sound because it is not justified. Evidence on existing water body condition, for example Water Framework Directive status, supports a stronger requirement for enhancement than the current wording of 'maintain or improve' without any measurable test.

The evidence is not sound because it may not be fully consistent with national policy. The National Planning Policy Framework NPPF directs plans to protect and enhance the natural environment and to improve biodiversity. Allowing maintenance of sub-standard water environments without requiring improvement does not fully meet that aim.

Edenbridge Impact

As drafted, W3 is broadly positive but too loose, and it will only deliver real benefits for Edenbridge if it is tightened to require evidence based capacity upgrades, firm water efficiency and pollution controls, and specific safeguards for the River Eden and its catchment, applied consistently with other settlements.

NEDRA
Together, we can.

NEDRA (New Edenbridge District Residents' Association)

Chapter 5 Response - NEDRA Disagree

Policy DE1

DE1(1) Opening sentence and purpose

DE1(1) says that any new development must be presented to a Community Review Panel at an early stage in the pre application process. In plain language, it aims to make design review and community input happen before a planning application is submitted, through a standing panel of people who comment on design quality.

It is positive that design quality and community input are recognised as things that should happen early, not be bolted on at the end. That reflects the National Planning Policy Framework expectation that good design and effective community involvement should be built into the planning process, not treated as an afterthought.

If the Community Review Panel is run fairly, it could give Edenbridge residents a chance to influence big schemes earlier, instead of everything being agreed between developers and officers before the community finds out.

However, DE1(1) currently says proposals will be required to be presented to the Panel at an early stage. Pre application discussions are voluntary in planning law. The Council cannot actually force an applicant to use pre application advice or a design panel. The wording therefore suggests a legal requirement that is not realistically enforceable. The Plan should set a strong expectation, not an absolute requirement that cannot be delivered in practice.

The phrase early stage is not defined. A developer could present a scheme when almost everything has already been decided and still claim that this counts as early. That undermines the point of involving the Community Review Panel while the scheme is genuinely still capable of change.

There is also no guarantee in DE1(1) that the Community Review Panel will be representative or that it will include people who understand Edenbridge. The risks for Edenbridge are:

- A district wide panel dominated by people who mainly know Sevenoaks or Swanley ends up deciding what is good design in Edenbridge without real local knowledge.
- There is no link to the Council's Statement of Community Involvement or to its equalities duties, so there is nothing on how the process will be transparent, inclusive, and balanced between different parts of the district.

What to Change for DE1(1)

We propose that DE1(1) is re worded so that it is lawful, clear about timing and requires local representation for schemes in Edenbridge. For example:

‘DE1(1) Proposals meeting the thresholds in this policy should normally be presented to the Community Review Panel at a formative stage before a planning application is submitted, in line with the Council’s Statement of Community Involvement. For proposals in Edenbridge, the Panel must include members with knowledge of Edenbridge and its local character.’

This keeps a strong expectation but does not pretend that the Council can compel use of the Panel. It also ties the process to the Statement of Community Involvement and secures Edenbridge representation where Edenbridge is affected.

Requested Change for DE1(1)

- We ask that the Council replace will be required with should normally in DE1(1), to avoid relying on unenforceable pre application requirements.
- We ask that the Council define early stage in DE1(1) as before a planning application is submitted and while the layout, massing and access are still capable of significant change.
- We ask that the Council add wording in DE1(1) so that, for proposals in Edenbridge, the Community Review Panel must include members with knowledge of Edenbridge and its local character.

DE1(1) Regulation 19 soundness and legal points

The evidence is not sound because DE1(1) relies on a compulsory pre application stage that the Council cannot enforce in law. This makes the policy ineffective and not realistically deliverable across the whole plan period, so it fails the effective test of soundness.

The evidence is not sound because DE1(1) treats pre application design review as an absolute requirement rather than a strong and proportionate expectation. The National Planning Policy Framework expects plan requirements to be realistic and deliverable, so this raises a consistent with national policy concern.

The evidence is not sound because DE1(1) does not explain how the Community Review Panel will reflect the different towns in the district. Without a requirement for Edenbridge representation on schemes in Edenbridge, the approach risks giving more weight to the norms and expectations of larger settlements and does not meet the justified test of soundness for different places in the settlement hierarchy.

DE1(2) Thresholds and criteria for referral

DE1(2) then lists criteria for when schemes go to the Community Review Panel. As drafted, these are:

- DE1(2)(a) Residential developments of more than one hundred new dwellings.
- DE1(2)(b) Non-residential developments of more than ten thousand square metres of gross floorspace, or mixed use developments of an equivalent size.
- DE1(2)(c) Smaller developments at the discretion of the Council where they would have significant impact, for example an increase in density or changes in character and scale from the surrounding local character.

These will normally be presented to the Panel.

The criteria in DE1(2)(a) and DE1(2)(b) capture the largest schemes, which are the ones capable of transforming Edenbridge and its surroundings, especially any strategic housing allocations.

DE1(2)(c) at least recognises that some smaller schemes can still have a significant impact on local character.

However, the headline thresholds in DE1(2)(a) and DE1(2)(b) are very high for a town the size of Edenbridge. Many schemes that would feel major locally, such as developments of thirty to eighty homes or a large single building in the town centre, would fall below those thresholds. The relative effect in a smaller settlement is greater, yet the policy treats all places the same.

The reference in DE1(2)(c) to smaller schemes being referred at the discretion of the Council is very open ended and opaque:

- There are no objective criteria and no link to town centres, conservation areas, key gateways, or settlement specific sensitivities.
- There is a real risk that contentious Edenbridge schemes will not be referred to the Community Review Panel at all, due to workload, politics, or simple oversight.

Phrases such as significant impact and changes in character and scale from the surrounding local character in DE1(2)(c) are vague and subjective. Almost any scheme could be argued either to meet them or not to meet them. That leaves too much room for inconsistent treatment between settlements.

DE1(2) does not recognise that a fifty home scheme in Edenbridge might have an impact equivalent to a one hundred home scheme in Sevenoaks, given differences in size, services and transport capacity.

What to Change for DE1(2)

We propose that DE1(2) is rewritten to introduce clear scaled thresholds, including specific triggers for Edenbridge, and that the purely discretionary wording is replaced with criteria that will be published and applied consistently. For example:

‘DE1(2) The Council will refer proposals to the Community Review Panel where they fall within any of the following categories:

DE1(2)(a) Residential developments of fifty or more dwellings in Edenbridge and one hundred or more dwellings elsewhere in the District.

DE1(2)(b) Non-residential developments of more than five thousand square metres of gross floorspace in Edenbridge and ten thousand square metres elsewhere in the District, or mixed use developments of an equivalent scale.

DE1(2)(c) Any development which, in the opinion of the Council having regard to published criteria, would result in a substantial increase in density, height or scale relative to the surrounding built form, or is located within a defined town centre, conservation area or other locally sensitive area.’

The key changes are lower thresholds for Edenbridge, a recognition of the greater relative impact in smaller centres, and a commitment to use published criteria instead of open ended discretion.

Requested Change for DE1(2)

- We ask that the Council amend DE1(2)(a) so that Community Review Panel thresholds for Edenbridge are lower, with residential schemes of fifty or more dwellings in Edenbridge and one hundred or more elsewhere in the district.
- We ask that the Council amend DE1(2)(b) so that non-residential schemes of five thousand square metres or more in Edenbridge and ten thousand square metres or more elsewhere must be referred to the Panel.
- We ask that the Council replace the broad wording in DE1(2)(c) with a commitment to use published criteria, including clear triggers for height, density and location in town centres or conservation areas, and that the wording recognises that the same number of homes or floorspace can have a greater relative impact in smaller settlements such as Edenbridge.

DE1(2) Regulation 19 soundness and legal points

The evidence is not sound because DE1(2) sets very high district wide thresholds without evidence that these are appropriate to the scale and role of smaller settlements such as Edenbridge. There is no sign that the Council has considered reasonable alternatives such as settlement specific thresholds, so the policy fails the justified test.

The evidence is not sound because DE1(2)(c) provides no objective criteria and relies on unfettered discretion. That creates a serious risk of inconsistent and opaque decision making between settlements, which in turn undermines effective implementation and fair treatment of Edenbridge compared with other centres. This goes to the effective test.

The evidence is not sound because the National Planning Policy Framework expects Local Plans to support well designed places, protect the vitality of town centres and reflect local circumstances. Uniform very high thresholds in DE1(2) that do not reflect the scale and sensitivity of smaller town centres such as Edenbridge do not properly reflect local circumstances and may undermine town centre vitality, so the policy is not fully consistent with national policy.

DE1(3) Community Review Panel report and response

DE1(3) says that the report from the Community Review Panel will be submitted with the application documents along with a statement demonstrating how the comments have been incorporated into the scheme.

This creates a transparent audit trail. Residents and councillors can see what the Community Review Panel said and how the applicant claims to have responded. It also nudges developers to take the Panel seriously instead of treating it as a tick box exercise.

However, the wording demonstrating how the comments have been incorporated into the scheme suggests that all comments should be taken on board. In practice some recommendations will conflict with viability, with other policies or with local preferences.

There is no requirement in DE1(3) for applicants to identify where the Community Review Panel's advice has not been followed and to explain why. For Edenbridge this matters because it is often where our local character and amenity concerns are downplayed that we most need clarity.

DE1(3) also says nothing about how much weight the Council will give to the Community Review Panel's views as a material consideration, or how those views will be balanced against local community representations from residents in Edenbridge.

What to Change for DE1(3)

We propose that DE1(3) is reworded to require a clear and public explanation of how the Panel's comments have influenced the scheme and where they have not been followed. For example:

'DE1(3) Where a proposal has been considered by the Community Review Panel, the Panel's report must be submitted with the planning application together with a Design and Access Statement addendum explaining how the comments have informed the design of the scheme, including where specific recommendations have not been followed and the reasons for this.'

This would give residents in Edenbridge and decision makers a clear narrative of what the Panel said, what the applicant did in response, and why.

Requested Change for DE1(3)

- We ask that the Council amend DE1(3) so that applicants are required to explain both where Community Review Panel comments have shaped the scheme and where they have not been followed, with clear reasons.
- We ask that the Council require this explanation to be contained in a public facing Design and Access Statement addendum, so residents in Edenbridge can easily understand how the design has evolved.
- We ask that the Council make clear in the supporting text that Community Review Panel comments will be treated as a material consideration and will be balanced transparently with local community representations.

DE1(3) Regulation 19 soundness and legal points

The evidence is not sound because DE1(3) does not require applicants to explain where Community Review Panel recommendations are not followed, which limits transparency and weakens the usefulness of the Panel process as a material consideration. This undermines effective implementation of the National Planning Policy Framework emphasis on openness, accountability and good design processes in decision making, so the policy is not fully effective or fully consistent with national policy.

The evidence is not sound because DE1(3) underplays the role of the Community Review Panel as a tool to improve design quality and community confidence. A stronger requirement for a reasoned response would better support high quality, locally distinct development in all settlements including Edenbridge, so the policy is not yet positively prepared.

DE1(4) Where applicants do not use pre application advice or the Community Review Panel

The final part of the policy says that, where applicants have not engaged with the pre application process and therefore applications have not been seen by the Community Review Panel, applicants will be expected to demonstrate that they have secured the views of the community and that these views have been incorporated into the scheme.

It is helpful that DE1(4) recognises that community views still matter even if the Council's pre application route and the Community Review Panel have not been used. This is important for

Edenbridge, where there is understandable scepticism about processes that happen behind closed doors.

It also sets an expectation that, if the Council's route is not followed, there should be some other form of engagement.

However, the phrase will be expected to demonstrate in DE1(4) is weak and vague. It does not explain how applicants must demonstrate this, nor what securing the views of the community actually means.

There is no standard for the quality or representativeness of engagement. A developer could, for example, run a small online only survey that hardly anyone in Edenbridge sees, then claim that they have secured community views.

The phrase and been incorporated into the scheme is grammatically unclear and again implies that all comments should be incorporated, which is unrealistic and gives no space for explaining disagreement.

There is no link in DE1(4) to the Council's Statement of Community Involvement or any minimum engagement methods, such as a public event in Edenbridge, accessible hours, or a published feedback report. That risks weaker engagement in smaller towns than in larger ones.

There is no clear consequence if the applicant does not do this well. A vague expectation without any link to the planning balance as a material consideration is easily ignored.

What to Change for DE1(4)

We propose that DE1(4) is rewritten to set a clear minimum standard for community engagement where the pre application route and Community Review Panel have not been used, and to tie this to decision making weight. For example:

'DE1(4) Where an applicant chooses not to engage with the pre application process and the Community Review Panel, they must submit a Community Involvement Statement demonstrating how they have engaged in a manner consistent with the Council's Statement of Community Involvement, including at least one public event held in the settlement affected (for proposals in Edenbridge, within Edenbridge itself), a summary of the feedback received, and an explanation of how this feedback has influenced the scheme and where it has not been followed. Failure to provide proportionate and inclusive engagement may be given negative weight in the planning balance.'

This would reassure Edenbridge residents that developers cannot simply bypass the Council's processes while offering only tokenistic engagement.

Requested Change for DE1(4)

- We ask that the Council replace the vague wording will be expected to demonstrate in DE1(4) with a clear requirement for a Community Involvement Statement that meets defined minimum standards.
- We ask that the Council require that, for proposals in Edenbridge, community engagement includes at least one public event held in Edenbridge at accessible times, with the feedback report published.

- We ask that the Council make clear in the supporting text that weak or tokenistic engagement will be given negative weight in the planning balance, in line with the National Planning Policy Framework emphasis on meaningful and inclusive engagement.

DE1(4) Regulation 19 soundness and legal points

The evidence is not sound because DE1(4) sets only a loose expectation for community engagement where the pre application process and Community Review Panel are not used, without any clear standard, method, or consequence. This makes it difficult to apply the policy consistently over the plan period and undermines the effective test of soundness.

The evidence is not sound because DE1(4) provides no assurance that communities in smaller settlements such as Edenbridge will receive the same standard of engagement as larger towns. This creates a real risk of inconsistent treatment across the district and so fails the justified test.

The evidence is not sound because the National Planning Policy Framework stresses effective, inclusive, and proportionate engagement in both plan making and decision taking. A vague and unenforceable expectation without reference to the Statement of Community Involvement and without minimum standards risks falling short of that requirement, so the policy is not fully consistent with national policy.

Edenbridge Impact

As drafted, DE1 might improve design quality in theory but it is too vague, too centralised, and too weak on thresholds, representation, and engagement standards, so Edenbridge risks seeing less consistent use of the Community Review Panel, weaker local representation, and looser engagement than the larger settlements in the district.

NEDRA (New Edenbridge District Residents' Association)

Chapter 5 Response - NEDRA Disagree

Policy DE2

DE2(1) – Opening sentence

What this clause does

DE2(1) says that new development must go through the Design Advisory Panel process. In practice, it introduces an extra design review step for schemes that meet the later criteria in DE2.

What is positive

It shows that the Council wants schemes to be looked at by design experts and that design quality matters. This is welcome, provided that the same approach genuinely applies to major schemes in Edenbridge and is not used more actively elsewhere.

What is vague or risky

The phrase 'New development will be required to engage with the Design Advisory Panel' sounds as if it applies to every proposal, but the later criteria only capture very large schemes. That contradiction makes the policy confusing for applicants, officers, and local residents.

The clause does not say when in the process the Design Advisory Panel should be involved. It is not clear whether this is at pre application, outline, reserved matters, or some other stage. That is weaker than the Community Review Panel policy, which is clearly described as an early stage process.

It is also not clear whether using the Design Advisory Panel is a requirement for validation or simply good practice. If it is not clearly tied to validation, it risks being treated as optional and will have limited weight in planning decisions.

There is no explanation of how this policy sits alongside DE1 on the Community Review Panel. Developers and the community will not know when a scheme in Edenbridge is meant to go to one panel, both or neither.

What to Change

We consider that DE2(1) should be rewritten so that it clearly ties the duty to the schemes listed in DE2(2) and clearly fixes the stage of engagement and its link to validation. For example:

'Major development which meets one or more of the criteria in DE2(2) must be presented to the Design Advisory Panel at an early pre application stage, and the Council will not normally validate a planning application for such development unless this has taken place.'

Requested Change

- We ask that the Council replaces 'New development will be required to engage…' with wording that clearly limits the duty to major schemes meeting DE2(2) and confirms that engagement must happen at an early pre application stage.
- We ask that the Council makes Design Advisory Panel engagement a validation requirement for qualifying schemes, so that the process has real weight in planning decisions for sites in Edenbridge.
- We ask that the Council adds a short cross reference in DE2 or its supporting text explaining how DE2 (Design Advisory Panel) sits alongside DE1 (Community Review Panel), so that applicants in Edenbridge understand which panel or panels will apply.

Regulation 19 soundness and legal points

- The policy is not sound because it is not effective or positively prepared. It uses the very broad term 'new development' but then narrows the scope in later clauses, so it is unclear which schemes are actually required to use the panel. Unclear policies are not effective in guiding decisions or in giving applicants and communities certainty.
- The policy is not sound because it is not properly justified. It does not explain why only the very largest schemes will in practice have to engage with the Design Advisory Panel, nor why engagement is not clearly tied to pre application or validation. Reasonable alternatives, such as a clearer and earlier requirement for all major development in town centres, do not appear to have been fully considered.
- The policy is not sound because it is not fully consistent with national policy. The National Planning Policy Framework expects plans to provide a clear framework for decision making and for design review processes to be used in a transparent and effective way. Vague wording about 'new development' without clear triggers or process is not consistent with that expectation.

DE2(2)(a) – 'Residential developments of more than 100 new dwellings'

What this clause does

DE2(2)(a) means that only residential schemes with more than 100 homes are automatically required to go to the Design Advisory Panel.

What is positive

It ensures that very large residential schemes are subject to expert design review. In Edenbridge, schemes at that scale would have major landscape, traffic, and town character impacts, so design scrutiny is very important.

The same 100 home threshold seems to apply across the district, which on the face of it appears even handed.

What is vague or risky

In a smaller town such as Edenbridge, residential schemes that are well below 100 homes can still have a major impact on the town centre, local roads, and local character. Those schemes

would escape automatic Design Advisory Panel review under this clause, even where the community can show significant impact.

Treating 100 homes as the same threshold for all settlements ignores the relative scale of different places. A scheme of 60 to 80 homes on the edge of Edenbridge could be more transformative than a scheme of 150 homes on the edge of a larger settlement such as Sevenoaks.

The threshold is not aligned with the usual national definition of major residential development, which is 10 or more homes. The policy could instead use the major development definition or set a lower trigger in sensitive locations such as smaller towns and conservation areas.

What to Change

We consider that DE2(2)(a) should lower the threshold and use the standard major development definition, with specific protection for sensitive areas. For example:

'Residential developments of 50 or more new dwellings, and all major residential developments of 10 or more dwellings within town centres or conservation areas, must be presented to the Design Advisory Panel.'

Requested Change

- We ask that the Council lowers the residential threshold to 50 dwellings and includes all major residential developments in town centres and conservation areas, so that proportionately large schemes in Edenbridge cannot avoid design review.
- We ask that the Council explicitly links the trigger to the national major development definition for housing, in order to improve clarity and consistency for applicants and communities.

Regulation 19 soundness and legal points

- The policy is not sound because it is not positively prepared or properly justified. It applies a single 100 dwelling threshold for all places, without presenting evidence that this is appropriate across different settlement sizes. Reasonable alternatives, such as lower thresholds in smaller towns or within town centres, do not appear to have been robustly tested.
- The policy is not sound because it is not effective. It will fail to bring clearly significant Edenbridge schemes, for example those of 50 to 90 dwellings, into the Design Advisory Panel process. That means it will not be effective in securing high quality design where impacts are greatest in a smaller town.
- The policy is not sound because it is not fully consistent with national policy. The National Planning Policy Framework encourages robust processes that drive high quality design in all areas, including smaller towns and centres. A threshold that excludes many obviously important Edenbridge schemes from any guaranteed design review does not sit well with that aim.

DE2(2)(b) – 'Non-residential developments of more than 10,000 sqm of floor space (gross) or mixed use developments of an equivalent size'

What this clause does

DE2(2)(b) means that only very large non-residential or mixed use schemes, with 10,000 square metres of floorspace or more, must go to the Design Advisory Panel.

What is positive

It ensures that truly huge commercial or mixed use developments, such as large retail or employment parks, are scrutinised by the Design Advisory Panel. That is sensible where schemes are district scale in impact.

What is vague or risky

A threshold of 10,000 square metres is extremely high. In Edenbridge town centre, schemes a tenth of that size could dominate the High Street, a key corner, or a gateway site. These smaller but still very significant schemes would avoid automatic Design Advisory Panel review.

The clause does not recognise that in smaller towns, scale is relative. A scheme of 1,500 to 2,000 square metres can have a major visual and traffic impact in Edenbridge, especially in the town centre or near heritage assets.

The wording 'mixed use developments of an equivalent size' is not clear. It does not explain equivalent to what, whether that is floorspace, height, number of units or some combination. That ambiguity is not helpful for decision making or at appeal.

What to Change

We consider that DE2(2)(b) should bring more realistic town centre and employment schemes into the Design Advisory Panel process for Edenbridge and should remove the vague 'equivalent size' phrase. For example:

'Non-residential developments creating 2,000 square metres or more of gross floorspace, and mixed use developments creating 1,000 square metres or more of gross non-residential floorspace or 20 or more dwellings, must be presented to the Design Advisory Panel.'

Requested Change

- We ask that the Council reduces the non-residential threshold to 2,000 square metres and introduces clear floorspace and dwelling based triggers for mixed use schemes, so that significant Edenbridge town centre and employment developments are properly reviewed.
- We ask that the Council deletes the vague wording 'equivalent size' and replaces it with clear, measurable thresholds that applicants, officers, and local residents can understand and apply consistently.

Regulation 19 soundness and legal points

- The policy is not sound because it is not positively prepared or justified. The 10,000 square metre thresholds for non-residential schemes is not supported by any obvious evidence for smaller towns and local centres, and it appears to ignore reasonable alternatives such as lower thresholds in sensitive locations.

- The policy is not sound because it is not effective. Most of the town centre and commercial schemes that will matter most in Edenbridge will fall below 10,000 square metres and so will never reach the Design Advisory Panel. This undermines the effectiveness of the panel in raising design quality where the community will feel it most.
- The policy is not sound because it is not fully consistent with national policy. The National Planning Policy Framework promotes high quality design and the vitality of town centres. By setting thresholds that exclude typical town centre redevelopment schemes in smaller settlements from independent design review, the policy does not give effect to that direction.

DE2(2)(c) – 'At the discretion of the Council, smaller developments which have significant impact on the surrounding area for example, increase in density and changes in character and scale from the surrounding local character'

What this clause does

DE2(2)(c) allows the Council to send smaller schemes to the Design Advisory Panel if it considers that they would have a big impact on their surroundings.

What is positive

The clause recognises that smaller scale proposals can still significantly affect density, character, and scale. This is particularly important in historic parts of Edenbridge and around the town centre.

It also gives the Council a mechanism to escalate problematic schemes so that they can be looked at by design experts, which is helpful if it is used equitably and transparently.

What is vague or risky

The phrase 'at the discretion of the Council' is very open ended. It allows inconsistent use of the Design Advisory Panel between different settlements or over time. That is not good for predictability or for equitable treatment of Edenbridge compared with larger towns.

The terms 'significant impact' and 'changes in character and scale from the surrounding local character' are very broad and subjective. Without clearer criteria, applicants and communities will struggle to understand when a scheme should go to the panel, and the policy will be harder to apply at appeal.

There is no role for local communities, such as Edenbridge Town Council or local residents' bodies, to request that a smaller but sensitive scheme is referred to the Design Advisory Panel. That risks Edenbridge missing out on design review even where there is strong evidence of local impact.

What to Change

We consider that DE2(2)(c) should move from pure discretion towards clearer triggers and should explicitly allow community bodies to make a substantiated referral request, especially in sensitive locations. For example:

'The Council will also refer to the Design Advisory Panel any smaller development which, in its view or following a substantiated request from the relevant town or parish council, would

materially change the established character, scale or density of its surroundings, including sites within or adjoining conservation areas, key town centre frontages or important views.'

Requested Change

- We ask that the Council replaces 'at the discretion of the Council' with a firmer duty that the Council will refer schemes which meet clear impact criteria to the Design Advisory Panel.
- We ask that the Council allows Edenbridge Town Council and local community bodies to request referral of smaller but sensitive schemes to the Design Advisory Panel, where they can show a material impact on character, scale, or density.
- We ask that the Council includes specific reference to conservation areas, town centres, and important views, so that sensitive locations in Edenbridge are not overlooked.

Regulation 19 soundness and legal points

- The policy is not sound because it is not effective. Leaving the use of the Design Advisory Panel entirely to 'the discretion of the Council' without criteria risks inconsistent and opaque decisions. That weakens public confidence in the process and undermines its practical value.
- The policy is not sound because it is not positively prepared or justified. It does not explain how 'significant impact' will be judged, or how consistency between different parts of the district will be secured. It does not explore clearer alternatives, such as defined criteria or community triggered referrals, which would be reasonable and proportionate.
- The policy is not sound because it is not fully consistent with national policy. The National Planning Policy Framework expects plan policies and decision making processes to be transparent, predictable and to support meaningful community engagement in design. An overly discretionary clause with no clear triggers does not meet that test.

DE2(3) – 'The report from the DAP will be submitted with the application documents along with a statement demonstrating how the comments have been incorporated into the scheme.'

What this clause does

DE2(3) requires the applicant, when submitting a planning application that has been to the Design Advisory Panel, to provide the panel's report and a short statement explaining how the comments have been incorporated into the design.

What is positive

It creates a clear audit trail. Officers, councillors, and residents can in principle see what the Design Advisory Panel said and how the design has changed in response.

It also sets an expectation that the panel's comments should be taken seriously and not simply ignored by applicants.

What is vague or risky

The wording only requires a statement 'demonstrating how the comments have been incorporated.' It does not require the applicant to explain where they have chosen not to follow the panel's advice and why. That weakens accountability.

There is no statement that failure to provide the report and the statement will affect validation or could be a reason for refusal. Without that, the requirement risks being treated as a tick box rather than a meaningful part of the decision making process.

The clause does not explicitly say that the Design Advisory Panel report and the statement must be public documents on the planning file. If they are not published, transparency for residents in Edenbridge will be reduced and it will be harder for the community to rely on the panel's assessment.

What to Change

We consider that DE2(3) should be strengthened so that it requires a proper Design Response Statement, links non-compliance to validation and confirms publication. For example:

'Planning applications subject to this policy must be accompanied by the Design Advisory Panel report and a Design Response Statement which clearly sets out how the Panel's comments have been incorporated into the scheme, or, where the Panel's advice has not been followed, provides a clear and reasoned justification. Failure to provide these documents will normally result in the application not being validated.'

Requested Change

- We ask that the Council requires a Design Response Statement which explains not only where Design Advisory Panel comments have been incorporated but also where they have not been followed, together with clear reasons.
- We ask that the Council makes submission of the Design Advisory Panel report and Design Response Statement a validation requirement for all applications within the scope of DE2.
- We ask that the Council confirms in the policy or supporting text that Design Advisory Panel reports and Design Response Statements will be published on the planning file, so residents in Edenbridge can see them and take them into account in their own representations.

Regulation 19 soundness and legal points

- The policy is not sound because it is not effective. Without linking the requirement to validation, or setting out any consequences of non-compliance, there is a real risk that the Design Advisory Panel process will be side lined in practice and will not properly secure high quality design.
- The policy is not sound because it is not positively prepared or fully justified. It does not require applicants to explain where they depart from panel advice, reducing transparency and accountability. A stronger and still proportionate approach, such as a formal design response statement, is a reasonable alternative which does not appear to have been clearly tested.

- The policy is not sound because it is not fully consistent with national policy. The National Planning Policy Framework encourages transparent and effective use of design review to improve schemes and expects that outcomes from panels have real influence on design and decisions. The current wording does not give the Design Advisory Panel findings sufficient formal weight.

Edenbridge Impact

As currently drafted, DE2 would mean that only the very largest Edenbridge schemes are guaranteed proper design review, while smaller but highly impactful town centre and edge of town developments are at real risk of slipping through the net or being treated inconsistently compared with schemes in larger settlements.

NEDRA (New Edenbridge District Residents' Association)

Chapter 5 Response - NEDRA Disagree

Policy DE3

DE3(1) says that new development must use its Design and Access Statement to show how it follows the National Design Guide's ten characteristics of well-designed places and how it fits local character, by considering a list of evidence and guidance.

For Edenbridge, this has the potential to be very helpful. It gives clear hooks to challenge poor design, because it anchors schemes to the National Design Guide and to local character work, rather than leaving design as a matter of opinion. It is also positive that the policy recognises Neighbourhood Plans, Village Design Guides and Conservation Area guidance, which is important for local input and heritage.

However, there are several problems. The wording reads as if every application must have a Design and Access Statement, which is not what national regulations require and is unlikely to be realistic or deliverable in practice. The phrase "meaningfully adhere" is vague and could be interpreted very differently by applicants and inspectors, which will weaken decision making rather than strengthening it. Requiring only that applicants "consider" documents is weak. A developer can say, "we considered it" and then do something completely different.

There is also a specific omission that matters for Edenbridge. The list of documents does not name the Edenbridge Character Area Assessment Supplementary Planning Document (SPD) or the Edenbridge Village Design Statement, even though both exist, are adopted and are already used in decisions. Leaving these out means the policy does not fully secure the locally specific tools that Edenbridge needs, especially as a growth location.

What to Change

For DE3(1) we think the policy needs to be tightened and clarified so it is both usable in practice and effective for Edenbridge.

We propose that DE3(1) is replaced with wording along the following lines:

"Where a Design and Access Statement is required by national regulations or the Council's local validation requirements, it must show how the proposal accords with the National Design Guide and its ten characteristics of well-designed places and responds positively to local character and distinctiveness, having regard to the relevant provisions of:
a. Sevenoaks District Character Study (DWCS)
b. Sevenoaks Landscape Character Assessment
c. Sevenoaks Historic Environment Review
d. The Kent Downs and the High Weald National Landscape (Area of Outstanding Natural Beauty) Management Plans, where applicable

e. Made Neighbourhood Plan policies, where applicable
f. Kent Design Guide
g. Village Design Statements, including the Edenbridge Village Design Statement where relevant
h. Adopted Character Area Assessments, including the Edenbridge Character Area Assessment SPD where relevant
i. Sevenoaks Conservation Area Design Guidance."

This keeps the intent of DE3(1) but links the Design and Access Statement requirement properly to national regulations and the local validation list, uses stronger wording than simply "considering", and explicitly secures existing Edenbridge specific design guidance.

Requested Change

- We ask that the Design and Access Statement requirement in DE3(1) is limited to cases where one is required by national regulations or the Council's local validation list.
- We ask that "meaningfully adhere" in DE3(1) is replaced with "accords with", so that the policy sets a clear and enforceable standard.
- We ask that the Edenbridge Character Area Assessment SPD and Edenbridge Village Design Statement are explicitly included in DE3(1) as documents to be used when assessing design and local character for Edenbridge schemes.

Regulation 19 soundness and legal points for DE3(1)

The evidence is not sound because DE3(1) reads as if all applications must include a Design and Access Statement, which is not consistent with national procedures and is unlikely to be deliverable over the plan period. This goes to the Effective and Consistent with national policy tests.

The evidence is not sound because vague wording such as "meaningfully adhere" and "considering" does not give the clear, testable design expectations that the National Planning Policy Framework now expects when design guides and codes are being used to shape decisions. This affects the Consistent with national policy test.

The evidence is not sound because DE3(1) fails to cross reference existing adopted Edenbridge design guidance, including the Edenbridge Character Area Assessment SPD and Edenbridge Village Design Statement, so the approach to design in a major growth town is not fully Positively prepared or Justified.

DE3(2) 3D digital model for schemes of 10 or more units

DE3(2) says that residential schemes of ten or more units must submit a 3D digital model of buildings and trees on the site, so that the model can be added to the Council's district wide 3D mapping tool.

For Edenbridge, this is a potentially powerful tool. 3D models can show the real visual and amenity impact on the town much more clearly than 2D plans, especially in the town centre. They can help residents and decision makers understand height, massing, overshadowing and tree loss in a way that is obvious and accessible.

There are, however, some clear weaknesses in the way DE3(2) is drafted. It only applies to schemes of "10 or more units". A large non-residential or mixed use Edenbridge town centre

scheme could therefore avoid the 3D requirement altogether, even though its impact on the townscape might be greater than a small housing scheme.

The clause also sets no standards for what the 3D model must include or in what format it should be provided. This leaves the door open to models that are so basic that they are of little practical use. Finally, DE3(2) is not clearly tied into the local validation requirements or to the principle of proportionality, which may make it difficult to insist on the information if applicants challenge the requirement.

What to Change

For DE3(2) we think the requirement should clearly cover all major development, not only residential schemes of a particular size, and it should be anchored in the local validation process, so it is transparent and proportionate.

We propose that DE3(2) is replaced with wording along the following lines:

"Major residential development of ten or more dwellings, and other major development, must submit a 3D digital model of the proposal and its immediate surroundings, including existing and proposed buildings, site levels, and trees, in a format and level of detail set out in the Council's local validation requirements, to enable inclusion in the District's 3D mapping tool. The Council will apply this requirement proportionately to the scale and nature of the development."

This ensures that the 3D tool is available for the sort of larger schemes that are likely to come forward in Edenbridge, and that the scope and format of the models are properly defined.

Requested Change

- We ask that the 3D modelling duty in DE3(2) is extended to all major development, not just residential schemes of ten or more units, so that large Edenbridge town centre and gateway schemes cannot avoid 3D scrutiny.
- We ask that the content and format of 3D models under DE3(2) are set out in the local validation list, so that the requirement is clear, usable, and proportionate for applicants and officers.
- We ask that DE3(2) explicitly requires inclusion of surrounding context, including levels, nearby buildings, and trees, so that the real visual and amenity impacts of proposals in Edenbridge can be properly understood.

Regulation 19 soundness and legal points for DE3(2)

The evidence is not sound because restricting the 3D requirement in DE3(2) to residential schemes of ten or more units is arbitrary and does not cover all major developments with significant design and townscape impacts, particularly in town centres. This affects the Justified and Effective soundness tests.

The evidence is not sound because DE3(2) introduces an information requirement without linking it clearly to the validation regime or explaining how proportionality will be secured. This is inconsistent with the National Planning Policy Framework expectation that information requirements should be kept to what is essential for decision taking and should be proportionate, so it fails the Consistent with national policy test.

Edenbridge Impact

If strengthened as we propose, DE3 would give Edenbridge specific and practical tools, including the Edenbridge Character Area Assessment SPD, the Edenbridge Village Design Statement and meaningful 3D modelling, to resist poor, out of character schemes and to secure design treatment that is on an equitable footing with other settlements.

NEDRA (New Edenbridge District Residents' Association)

Chapter 5 Response - NEDRA Disagree

Policy DE4

DE4(1) – Main sentence Design and Access Statement and 'Design in Sevenoaks'

This clause says that new development must use its Design and Access Statement to show it meets design standards that will sit in a separate 'Design in Sevenoaks' document instead of in the Local Plan itself.

We understand from the Council that 'Design in Sevenoaks' will be produced in the future. In other words, the key design document does not yet exist and cannot be reviewed as part of this Regulation 18 consultation. The Plan is therefore asking the public and the Inspector to sign up in principle to an unknown, future document that has not been drafted, consulted on, or examined.

What is good in DE4(1)

It clearly treats design quality as a material planning consideration and links it to written standards rather than vague ideas of what looks good.

Requiring this through a Design and Access Statement gives officers, Members and residents something structured to point to when we argue for better layouts and higher design quality in Edenbridge.

What is vague or risky in DE4(1)

The status of 'Design in Sevenoaks' is not explained. It is not clear whether it will be an adopted Supplementary Planning Document, a simple guidance note, or something else. If it is not part of the development plan or an adopted Supplementary Planning Document, its weight at appeal will be limited.

Because the document does not yet exist, it is not in the Local Plan evidence base at Regulation 18. Residents, developers, and the Inspector cannot see or comment on the detailed standards that will in practice control development across the district, including in Edenbridge. That is a serious transparency and soundness problem.

The title 'Design in Sevenoaks' reads as if it is focused on Sevenoaks town, with no guarantee that it will properly reflect the different character, needs, and issues of Edenbridge.

The wording reads as if every 'new development' needs a Design and Access Statement. That goes beyond what national regulations require and risks being unreasonable for small schemes.

Although the phrase 'will be required to demonstrate' sounds firm, if the underlying design document is an unseen, future guidance note, developers will be able to challenge its status and content.

What to change for DE4(1)

'Major development, and any other development where a Design and Access Statement is required under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (or any successor), must demonstrate through the Design and Access Statement how it complies with the adopted 'Design in Sevenoaks' Design Supplementary Planning Document and any relevant, adopted settlement specific design guidance and Neighbourhood Plan policies, including for Edenbridge. The 'Design in Sevenoaks' document must be prepared with community involvement, published as part of the Local Plan evidence base, and adopted as a Supplementary Planning Document following public consultation, before it is given weight in decision making.'

Requested Change for DE4(1)

- We ask that the Council confirm in the policy text that 'Design in Sevenoaks' will be an adopted Design Supplementary Planning Document, prepared with full public consultation and community involvement.
- We ask that the Council acknowledge that 'Design in Sevenoaks' does not yet exist at Regulation 18 stage and commit to publishing a full draft in the evidence base, for consultation, before Regulation 19 so that its content can be reviewed and commented on, including by Edenbridge residents.
- We ask that the Council limit the Design and Access Statement requirement to major development and those schemes where a Design and Access Statement is required by national regulations and require settlement specific design guidance to be considered for Edenbridge.

Soundness and legal points at Regulation 18 for DE4(1)

The evidence is not sound because it is not justified. The policy relies on a future 'Design in Sevenoaks' document that does not yet exist and is not in the Regulation 18 evidence base, so neither the public nor the Inspector can test whether its standards are proportionate or appropriate to different settlements, including Edenbridge.

The evidence is not sound because it is not effective. Key design requirements are pushed into a separate future document whose status is unclear, and which has not been examined, creating uncertainty in decision making.

The evidence is not sound because it is not positively prepared. It does not show how design guidance will be tailored to different types of places, such as market towns and villages, contrary to national policy which expects design guides and codes to reflect local character and the scale of change in each place.

The evidence is not sound because it is not consistent with national policy, including the National Planning Policy Framework, which expects design guides and codes to be prepared with communities, to be accessible at plan examination, and to carry formal status before they are used in decision making. Here the Council is relying on an unseen, future document.

There is also a clear procedural issue. At Regulation 18 the Council is signalling that compliance with a non-existent 'Design in Sevenoaks' document will be mandatory, but the public cannot see or comment on it. This undermines meaningful participation at this early stage.

DE4(2) – Public realm standards

This clause expects the design document and Design and Access Statements to address standards for streets, pavements, squares, and other public spaces.

What is good in DE4(2)

It recognises that public realm quality is a material planning consideration.

This is crucial for Edenbridge town centre, where the environment is currently dominated by traffic and narrow, uneven pavements. The clause offers a basis to argue for better pavements, crossings, trees, and public spaces in and around new developments in Edenbridge.

What is vague or risky in DE4(2)

The phrase 'Public Realm standards' is not defined. Without a clear benchmark or cross reference, developers can argue that very basic provision is sufficient.

There is no recognition that needs differ between settlements. Edenbridge's main road, narrow pavements and poor crossing points are not the same as conditions in Sevenoaks town, yet the policy reads as if one approach will serve all places.

What to change for DE4(2)

'Public realm design standards, including safe, attractive and inclusive streets, pavements and spaces that prioritise walking, wheeling and cycling, support access to local services, and respond to the specific character and movement patterns of each settlement, including Edenbridge town centre.'

Requested Change for DE4(2)

- We ask that the Council define public realm requirements clearly in adopted guidance, including expectations for pavements, crossings, street trees, and seating, so these can be used as firm decision making criteria.
- We ask that the Council recognise explicitly that public realm design must respond to the particular constraints and traffic conditions in Edenbridge, not just examples from Sevenoaks town.

Soundness and legal points at Regulation 18 for DE4(2)

The evidence is not sound because it is not effective. Referring to 'Public Realm standards' without definition or cross reference is too vague to guide consistent decisions.

The evidence is not sound because it is not justified. There is no evidence or explanation of how public realm needs in different settlements have shaped the standards, especially for Edenbridge's constrained town centre streets.

The evidence is not clearly consistent with national policy, which expects design policies to provide clear and unambiguous expectations for well-designed places, including high quality public realm, rather than relying on undefined standards.

DE4(3) – Accessibility including wheelchair users and visually impaired people

This clause is intended to ensure that the design document and Design and Access Statements cover accessibility, especially for wheelchair users and people who are visually impaired.

What is good in DE4(3)

It focuses on inclusive access, which is a key material planning issue and relates directly to the Public Sector Equality Duty.

Stronger wording here can support better outcomes for older and disabled residents in Edenbridge, who currently struggle with uneven pavements, level changes, and poorly designed crossings.

What is vague or risky in DE4(3)

The wording uses 'etc,' which is woolly and risks some needs being overlooked.

There is no reference to recognised inclusive design guidance or relevant Building Regulations standards, so the expected level of provision is unclear.

It is not explicit that accessibility must cover both the public realm and buildings, including homes and community facilities in Edenbridge.

What to change for DE4(3)

'Inclusive accessibility for all users, including but not limited to wheelchair users, people with visual or other sensory impairments, older people and children, demonstrating how schemes comply with up to date inclusive design guidance and relevant Building Regulations and accessible housing standards for both public spaces and buildings.'

Requested Change for DE4(3)

- We ask that the Council remove 'etc' and replace it with wording that clearly covers a wide range of users and references recognised inclusive design standards.
- We ask that the Council confirm that accessibility requirements apply to the whole development, including streets, public spaces, and buildings in Edenbridge.

Soundness and legal points at Regulation 18 for DE4(3)

The evidence is not sound because it is not effective. The loose wording, including 'etc,' makes it hard to know whether a scheme truly meets accessibility expectations.

The evidence is not clearly consistent with national policy and equalities duties, which expect planning to deliver inclusive, accessible environments and need clearer, more specific wording than is currently provided.

DE4(4) – Private amenity space

This clause expects Design and Access Statements to address private outdoor space for residents, such as gardens, balconies, and terraces.

What is good in DE4(4)

It recognises that private amenity space is a material consideration that directly affects residents' quality of life.

This is particularly important in Edenbridge for families and older people, where expectations for decent gardens are generally higher than in more urban locations.

What is vague or risky in DE4(4)

The policy does not set out any standards or benchmarks for size, usability, privacy, or orientation. Without these, it will be difficult to resist cramped or poor quality schemes in Edenbridge.

It is also unclear how expectations vary between town centre locations and edge of settlement sites.

What to change for DE4(4)

'Private amenity space that meets or exceeds the Council's adopted minimum quantitative and qualitative standards, including usable outdoor space for all new homes, with particular attention to the needs of family housing in settlements such as Edenbridge.'

Requested Change for DE4(4)

- We ask that the Council tie this requirement to clear, adopted minimum standards for the area, usability, and privacy of private amenity space, so that poor quality schemes in Edenbridge can be refused.
- We ask that the Council confirm that all new homes, including flats, must have access to usable private or semi-private outdoor space.

Soundness and legal points at Regulation 18 for DE4(4)

The evidence is not sound because it is not effective. Without measurable standards, the Council cannot consistently secure adequate private amenity space.

The evidence is not sound because it is not justified. No evidence is presented to show what level of private amenity is appropriate in different locations, or that reasonable alternatives have been considered, particularly for a town like Edenbridge.

DE4(5) – Parking strategies

This clause expects Design and Access Statements to explain how car parking is handled in the development.

What is good in DE4(5)

It recognises that parking quantity and layout are important material considerations, especially in Edenbridge where public transport is limited and car ownership is high.

It signals that parking must be treated as part of the design rather than an afterthought.

What is vague or risky in DE4(5)

The phrase 'parking strategies' is vague. It does not set out what level of provision is expected, how parking should be laid out, or how overspill onto surrounding streets will be avoided.

The wording does not acknowledge that settlements like Edenbridge, with lower public transport accessibility, reasonably need higher on-site parking levels than more central locations.

What to change for DE4(5)

‘Parking strategies that provide sufficient, safe and well-designed parking to reflect realistic local car ownership and public transport accessibility in each settlement, including Edenbridge, and that avoid harmful overspill parking on surrounding streets.’

Requested Change for DE4(5)

- We ask that the Council explicitly require parking provision to reflect realistic local car ownership and public transport levels, with Edenbridge recognised as a higher car ownership settlement.
- We ask that the Council add wording that schemes must be designed to avoid overspill parking onto existing residential streets in Edenbridge.

Soundness and legal points at Regulation 18 for DE4(5)

The evidence is not sound because it is not positively prepared for settlements such as Edenbridge, where under provision of parking already causes problems and is not addressed explicitly.

The evidence is not sound because it is not effective. The reference to ‘parking strategies’ without clear expectations will not prevent overspill and congestion.

The evidence is not sound because it is not justified. There is no evidence that different settlements’ parking and transport conditions have informed the policy approach.

DE4(6) – Open space hierarchy

This clause expects Design and Access Statements to address open space provision in line with a hierarchy of open space types and sizes.

What is good in DE4(6)

It recognises that open space should be planned rather than left as leftover land.

It provides a useful hook to argue for meaningful, usable open space in new Edenbridge developments.

What is vague or risky in DE4(6)

The ‘open space hierarchy’ is not explained or cross referenced here, so it is impossible from this policy alone to know what standard is being applied.

There is no safeguard to ensure that open space funded by development in Edenbridge is provided in or directly serving Edenbridge rather than elsewhere in the district.

What to change for DE4(6)

‘Provision of open space in line with the Council’s adopted open space standards and hierarchy, ensuring that new development delivers or contributes to accessible, good quality open space that directly serves the community affected by the development, including within Edenbridge.’

Requested Change for DE4(6)

- We ask that the Council define the 'open space hierarchy' clearly in the Plan or an adopted Supplementary Planning Document, and cross reference it here so applicants and residents can see what is required.
- We ask that the Council make clear that open space funded by development in Edenbridge should normally be provided in or directly serving Edenbridge.

Soundness and legal points at Regulation 18 for DE4(6)

The evidence is not sound because it is not effective. Referring to an undefined 'open space hierarchy' means applicants and decision makers do not know what they must provide.

The evidence is not sound because it is not justified. Without accessible explanation or evidence on the hierarchy, especially for Edenbridge's needs, there is no basis to show this approach is the right one.

DE4(7) – Bins and cycle storage

This clause expects Design and Access Statements to cover refuse storage and bicycle storage.

What is good in DE4(7)

It recognises that refuse and cycle storage are practical, day to day issues that clearly affect design quality.

In Edenbridge, poor bin storage can easily lead to cluttered pavements and a scruffy street scene.

What is vague or risky in DE4(7)

The clause does not say that storage should be screened, secure, weather protected, conveniently located, or meet any capacity standard.

Without stronger wording, token or badly located storage could still be approved, with bins left on pavements and bikes stored in living spaces.

What to change for DE4(7)

'Refuse and recycling storage and cycle storage that are secure, weather protected, conveniently located, of sufficient capacity for all occupiers, and fully integrated into the design and street scene to avoid visual clutter and obstruction of pavements.'

Requested Change for DE4(7)

- We ask that the Council require bin and cycle storage to be enclosed or screened, convenient and of adequate capacity, with detailed standards set out in adopted guidance.
- We ask that the Council emphasise that bin storage must not dominate street frontages or obstruct pavements, particularly in tighter streets in Edenbridge.

Soundness and legal points at Regulation 18 for DE4(7)

The evidence is not sound because it is not effective. Without clear expectations, the Council will struggle to resist visually harmful or inconvenient bin and cycle storage arrangements.

The evidence is not sound because it is not justified. The policy does not show that common problems experienced in places like Edenbridge, such as bins on pavements and cluttered frontages, have informed the standard.

DE4(8) – Affordable housing design standards

This clause expects Design and Access Statements to deal with the design standards applied to affordable housing.

What is good in DE4(8)

It recognises that the design of affordable homes is a material issue and that poor quality or visibly second class affordable housing is unacceptable.

It gives a basis for us to argue for tenure blind schemes in Edenbridge.

What is vague or risky in DE4(8)

The clause is too weak because it does not set out what standards are expected. There is no mention of tenure blind design, equal materials, equal access to open space and parking, or distribution across sites.

Without clearer wording, affordable housing in Edenbridge could still end up clustered in poorer locations with weaker design quality.

What to change for DE4(8)

'Affordable housing design standards, ensuring that affordable homes are tenure blind in appearance, built to the same external design, materials and internal space standards as market housing, have equal access to parking and amenity space, and are well integrated and distributed throughout the development.'

Requested Change for DE4(8)

- We ask that the Council explicitly require affordable housing to be tenure blind, with the same external quality and access to amenity space and parking as market housing.
- We ask that the Council require affordable homes to be integrated and distributed across sites in Edenbridge, not segregated into less attractive parts of schemes.

Soundness and legal points at Regulation 18 for DE4(8)

The evidence is not sound because it is not effective. It does not specify clear outcomes for the design and integration of affordable housing, so it will not reliably deliver mixed and inclusive communities.

The evidence is not clearly consistent with national policy, which expects planning to support mixed and balanced communities and high quality design for all tenures, and this needs explicit tenure blind and integration wording.

DE4(9) – Daylight and sunlight

This clause expects Design and Access Statements to consider daylight and sunlight as part of design.

What is good in DE4(9)

It recognises that daylight and sunlight levels are material considerations for residential amenity.

It can help protect both new residents and existing neighbours in Edenbridge from dark, cramped homes or over shading.

What is vague or risky in DE4(9)

The wording is very general. It does not state whether recognised technical guidance will be used or what level of light is acceptable.

It is not clear that impacts on existing neighbours' homes and gardens must be assessed, as well as conditions in the new development.

Without more detail, this risks becoming a simple tick box reference rather than a firm control.

What to change for DE4(9)

'Daylight and sunlight for both new and existing buildings and spaces, demonstrating compliance with up to date recognised daylight and sunlight guidance and showing that development will not cause unacceptable loss of light or overshadowing to neighbouring properties or public spaces.'

Requested Change for DE4(9)

- We ask that the Council require daylight and sunlight assessments to use recognised national guidance and to consider impacts on both new and existing properties.
- We ask that the Council make clear that unacceptable loss of light or overshadowing will be a reason for refusal, including for schemes in Edenbridge.

Soundness and legal points at Regulation 18 for DE4(9)

The evidence is not sound because it is not effective. Without reference to recognised guidance or thresholds, it will be difficult to apply this clause consistently and to defend decisions at appeal.

The evidence is not sound because it is not justified. There is no evidence that the Council has considered appropriate daylight and sunlight standards or how they should apply in different settlement contexts, including Edenbridge.

Regulation 18 soundness and legal points for DE4 as a whole

The evidence is not sound because DE4 as a whole relies heavily on a future 'Design in Sevenoaks' document that does not yet exist, whose content is unknown, and whose status is unclear. At Regulation 18, the Council is signalling that this unseen document will control how design is judged, but the public cannot see or comment on it, so the approach is neither justified nor effective.

The evidence is not sound because it is not justified. Across the different elements of DE4, there is repeated reliance on undefined terms such as 'Public Realm standards', 'open space hierarchy' and 'parking strategies' without accessible supporting evidence to explain how these have been shaped by the needs of different settlements, including Edenbridge.

The evidence is not sound because it is not effective. Moving key design expectations into an unpublished or undefined future document will make it hard to achieve consistent, high quality design outcomes and will weaken the Council's position at appeal.

The evidence is not sound because it is not positively prepared. The policy does not clearly show that it has been shaped around the different roles and characteristics of places like Edenbridge, despite national policy expectations that design guidance is tailored to local character and circumstances.

The evidence is not clearly consistent with national policy, including the National Planning Policy Framework, which expects design policies, guides, and codes to be clearly expressed, accessible at examination, prepared with communities and given formal status in plans or Supplementary Planning Documents, rather than being left as unseen future guidance.

There is a legal compliance and procedural risk. Significant elements of what will effectively be design policy are contained in a future document that has not been made available for public comment at Regulation 18, which undermines openness and meaningful participation at this stage.

Edenbridge impact

As drafted at Regulation 18, DE4 could support better design outcomes in Edenbridge, but because it leans on a non-existent 'Design in Sevenoaks' document and vague, undefined standards, it risks being applied in a Sevenoaks centred way that gives developers too much wriggle room and leaves Edenbridge without firm, locally tailored design protections.

NEDRA (New Edenbridge District Residents' Association)

Chapter 5 Response - NEDRA Disagree

Policy DE5

What is good

We welcome the recognition that design quality must be considered at the outline stage and not left to reserved matters. That is essential for a town like Edenbridge where the overall layout, movement routes and relationship to the existing town can be very sensitive.

We support the inclusion of the broad themes of buildings, public spaces, access, and landscape. These are all key ingredients of good design and are particularly important in Edenbridge where the town centre, station, schools, and floodplain all need to be thought about together.

If this policy were applied firmly and consistently, it could give the Council and local residents a clearer basis for challenging poor layouts and weak design on the largest sites, including any that come forward around Edenbridge.

What is vague or risky

The threshold of more than 100 dwellings is far too high. Many significant schemes in and around Edenbridge, including town centre and edge of centre sites, are likely to fall below 100 homes or to come forward as full or hybrid applications. Those schemes would completely escape this requirement. That leaves Edenbridge exposed to weaker design control than the largest strategic sites elsewhere in the District.

The term Mandatory Design Principles document is not defined anywhere. The policy does not explain its status, how detailed it must be, how it relates to the Design and Access Statement, or how its principles would be enforced at reserved matters stage. There is a real risk that developers simply provide a glossy but high level document that ticks a box without genuinely binding later applications.

The wording that the document commits to the design quality of the development is vague. It does not require proposals to comply with the National Design Guide, the National Model Design Code, local character studies, or any Edenbridge specific guidance. It says nothing about building heights, density, frontages, parking layout, climate resilience, or accessible design, all of which are clear material planning considerations for Edenbridge.

The bullet list of matters to be covered is broad and incomplete. For Edenbridge we would expect explicit principles on the relationship to the historic high street and conservation areas, flood resilient design and green and blue infrastructure, safe walking and cycling routes to the station, schools and town centre, and tenure blind affordable housing design and accessibility. None of this is clearly required, so key design issues for Edenbridge could be overlooked.

Because the policy only bites at outline stage, any developer who does not wish to prepare a proper Design Principles document can simply submit a full application instead. That undermines the effectiveness of the policy and creates an uneven playing field between different sites and settlements, including between Edenbridge and the very largest growth locations.

There is no explicit link to the Community Review Panel and Design Advisory Panel policies DE1 and DE2. That makes it much harder for residents to insist that the so called Mandatory Design Principles reflect what was actually discussed at those panels and with the local community.

What to change

We consider that the policy should apply to all major residential and mixed use schemes, including full and hybrid applications, with a lower threshold so that Edenbridge schemes are fully covered.

The policy should replace the current wording with clearer text along the following lines, under the same title:

'Applications for Outline Planning Permission and for full or hybrid Planning Permission for major residential or mixed use development, including all schemes of 50 or more dwellings, must include a Design Principles document that secures high quality design for the development and will be used to guide subsequent applications for reserved matters and conditions.'

The Design Principles document must:

- explain how the proposals accord with the National Design Guide, any applicable design codes, and relevant local character and design evidence
- include clear, site specific principles and parameter plans for:
- building types, materials, heights, and density
- the layout and design of streets, public spaces, and green and blue infrastructure
- movement and access for walking, wheeling, cycling, public transport and vehicles, including parking and servicing
- landscape and public realm, including biodiversity, trees, and flood resilient design
- demonstrate how the views of the Community Review Panel, Design Advisory Panel and local community have informed the principles
- where the site is in Edenbridge, show how the development will respect and enhance the character and setting of the town centre, conservation areas and surrounding landscape.

The policy should make clear that the Design Principles document will be treated as a key material consideration when determining reserved matters and any later applications, so that it has real weight and cannot simply be ignored.

Requested Changes

- We ask that the Council lowers the threshold so that all major development, including schemes of 50 or more dwellings and relevant mixed use town centre schemes, whether outline, full or hybrid, must provide a robust Design Principles document, not only outline schemes over 100 homes.

- We ask that the Council clearly defines the status, minimum content, and enforceability of the Design Principles document, including parameter plans for heights, density, street layout, parking, green and blue infrastructure and accessibility, and its relationship to the Design and Access Statement.
- We ask that the Council requires the Design Principles for sites in Edenbridge to show explicitly how they respond to Edenbridge town centre character, flood risk, movement patterns and the findings of the Community Review Panel and Design Advisory Panel.

Regulation 19 soundness and legal points

We recognise that we are currently at Regulation 18 stage, but we set out below the soundness and legal concerns that will arise at Regulation 19 if DE5 is not strengthened.

Positively prepared

The evidence is not sound because DE5 is not positively prepared for all parts of the District. By only applying to outline applications of more than 100 dwellings, it fails to secure early design quality on many major schemes, including likely Edenbridge sites, so it does not fully deliver the plan objectives on design or respond positively to local needs. This affects the positively prepared test.

Justified

The evidence is not sound because there is no clear evidence to justify the narrow threshold of more than 100 dwellings or the exclusion of full and hybrid applications. A lower and more inclusive threshold, applied to all major schemes, is an obvious reasonable alternative that has not been properly considered, contrary to the justified test.

The evidence is not sound because the policy does not explain why such a high level and undefined Mandatory Design Principles document is sufficient to manage design quality over the whole plan period, especially in sensitive locations like Edenbridge. Without a clear structure and content, there is no robust evidential basis for assuming it will work, so the policy is not justified.

Effective

The evidence is not sound because DE5 is unlikely to be effective. Developers can avoid the requirement entirely by choosing a full application, and even where it applies, the absence of a defined status or content for the Design Principles document means the Council will struggle to use it to secure or enforce good design at reserved matters. That fails the effective test.

The evidence is not sound because the policy is not clearly integrated with other design policies, including those on the Community Review Panel, Design Advisory Panel, and local character evidence. This lack of integration creates a risk of inconsistent implementation across the District and therefore undermines effectiveness.

Consistent with national policy including December 2024 National Planning Policy Framework

The evidence is not sound because DE5 does not fully reflect the National Planning Policy Framework requirement for clear, area based design expectations and robust design coding for significant development. By leaving the content and scope of the Design Principles document vague and limiting it to very large outline schemes, it risks failing to deliver the strong, design led approach to growth that national policy expects, so it is not consistent with national policy.

Legal compliance and plan wide consistency

The evidence is not sound because, as drafted, DE5 risks inconsistency within the plan. Other policies refer to strong design standards and community input, but DE5 does not clearly require the Design Principles document to reflect those standards or the output of the review panels. This inconsistency could lead to confusion and potential challenge at decision making stage, which raises legal compliance risks.

Edenbridge impact

As drafted, DE5 offers some protection on a small number of very large outline schemes but is too narrow and vague to secure reliable, high quality, locally responsive design for the major developments Edenbridge is likely to face, so Edenbridge risks receiving weaker outcomes than the biggest growth locations in the District.

NEDRA
Together, we can.

NEDRA (New Edenbridge District Residents' Association)

Chapter 5 Response - NEDRA Disagree

Policy DE6

Policy DE6 says that any planning application for more than 100 homes must include a Design Code that shows how the scheme will become a well-designed and sustainable place.

The Design Code is expected to follow the Government's National Model Design Code and to be prepared in partnership with Sevenoaks District Council, local communities, and other stakeholders. Applicants are told to submit a plan which explains how they will do this as part of the application process.

What we support

We support the use of Design Codes on larger schemes. Design Codes are a recognised planning tool that can fix important matters in more detail than a standard Design and Access Statement. This includes street layout, building heights, spacing between buildings, materials, green spaces and walking, and cycling routes. That is a clear material planning benefit where major growth is expected.

We welcome the reference to the National Model Design Code and national guidance. This helps to align the Local Plan with the December 2024 National Planning Policy Framework approach to delivering beautiful and sustainable places.

We also support the statement that Design Codes should be developed with Sevenoaks District Council **and the local community**. National policy expects Design Codes to be co designed and not simply written by developers and presented as a finished product. If applied properly, that could give communities in Edenbridge more say in how major sites are laid out and built.

What concerns us for Edenbridge

We are concerned that the threshold of more than 100 homes is too high and creates a serious risk for Edenbridge.

Many sites in and around Edenbridge that would have a major impact on local character, traffic, flooding, and infrastructure are likely to come in below 100 units, especially if they are split into separate applications or phases. These schemes would then avoid any requirement for a Design Code, while very large schemes in places like Sevenoaks and Swanley are subject to stronger design controls. That is an obvious planning risk for Edenbridge.

It is also unclear when the Design Code must be prepared and approved. The wording that it will be prepared as part of the application process is vague. It could mean that the Code is only written after outline permission is granted, when key parameters such as access points, density and building heights are already fixed. It could even be delayed to the reserved matters stage,

when it is too late to influence the big decisions. That undermines the purpose of a Design Code, which is to guide design early.

The phrase a well-designed sustainable place is very woolly. It is not clearly linked to any specific standards on climate resilience, biodiversity net gain, walking and cycling, or social and community infrastructure. Without clearer tests and metrics, it will be difficult for the Council or an inspector to judge whether a Design Code and the resulting development are acceptable.

The wording on partnership working with the local community is also too vague. There are no minimum expectations about who must be involved. For Edenbridge this should clearly include Edenbridge Town Council, local residents' groups and, where relevant, any Community Review Panel or design review process. The policy does not require early engagement at pre application stage, does not require publication of a draft Code, and does not require a statement showing how community comments have been considered. This makes it much harder for residents in Edenbridge to rely on the policy at appeal or to insist on meaningful involvement in practice.

The requirement that applicants submit a plan detailing how they will achieve this is also very loose. It is not clear whether this plan is a validation requirement, whether it must be followed once permission is granted, or how Sevenoaks District Council will secure it through planning conditions or legal agreements. That weakens the enforceability and effectiveness of the policy.

What we want changed in the policy wording

To make Policy DE6 effective for Edenbridge and consistent across the district, we think it should be rewritten to lower the threshold, fix the timing of Design Codes, and firm up the requirements on community involvement and enforcement.

We suggest the following alternative wording for DE6:

'All residential developments of 50 or more dwellings, or which form part of a wider site that will deliver 50 or more dwellings in total, must be accompanied by a site specific Design Code to secure a well-designed and sustainable place.

The Design Code must:

- be prepared at pre application or outline planning stage so that it can guide the layout and form of development
- have regard to the National Model Design Code and its accompanying guidance
- be developed in active partnership with Sevenoaks District Council, the relevant town or parish council and local community groups, including the Community Review Panel where applicable
- be subject to public consultation, with a statement explaining how community feedback has been considered.

Applications must include a Design Code Preparation and Engagement Statement which sets out the process followed, the timetable and how the approved Design Code will be secured through planning conditions or legal agreement and used to assess subsequent applications on the site.'

Requested Changes

- We ask that the Council lower the threshold so that all residential developments of 50 or more dwellings, including any phases of a larger site that will in total deliver 50 or more dwellings, are required to produce a Design Code.
- We ask that the Council require Design Codes to be prepared at pre application or outline stage so that they guide the main parameters of the scheme and are not left to the reserved matters stage or after permission is granted.
- We ask that the Council tighten the wording on community involvement by explicitly naming town and parish councils, local community groups in Edenbridge and elsewhere, and the Community Review Panel where relevant, and by requiring a published consultation statement on the draft Design Code.
- We ask that the Council confirm that the Design Code and the Design Code Preparation and Engagement Statement are validation requirements and that they will be secured and enforced through planning conditions or legal agreements.

Soundness and legal points

Positively prepared

The evidence is not sound because the high threshold of more than 100 dwellings fails to address the design impacts of smaller but still major schemes in Edenbridge and other settlements. This means the policy is not positively prepared in terms of ensuring high quality and sustainable design wherever significant growth is planned, which is what the soundness tests and the National Planning Policy Framework expect.

Justified

The evidence is not sound because there is no clear justification for choosing a threshold of more than 100 dwellings and no explanation of why lower thresholds, for example 50 dwellings or all major developments, were considered and rejected. Without that, the policy is not properly justified, does not show that reasonable alternatives have been assessed, and risks inconsistent design control between settlements such as Edenbridge and Sevenoaks.

Effective

The evidence is not sound because key parts of the policy are vague and difficult to enforce. Phrases such as part of the application process, well designed sustainable place and a plan detailing how they will achieve this are not tied to clear requirements on timing, status or how they will be secured through conditions or obligations. This makes it unlikely that Design Codes will always be produced early enough or followed in practice, so the policy is not effective or reliably deliverable over the plan period.

Consistent with national policy

The evidence is not sound because the policy does not clearly reflect national policy that Design Codes should be in place early, guide development on sites that will see significant change and be genuinely co designed with communities. The absence of firm requirements on early preparation, public consultation and formal adoption or conditioning of Design Codes weakens consistency with the National Planning Policy Framework approach to design quality and the use of the National Model Design Code.

Legal compliance and equalities

The evidence is not sound because the very high and unexplained threshold risks larger sites in Sevenoaks and Swanley being subject to robust Design Codes, while several mid-sized schemes in Edenbridge proceed without one. This creates avoidable inconsistency in design quality expectations across the district and raises equality concerns in how different communities benefit from nationally endorsed design tools, which may also have implications for legal compliance and the Public Sector Equality Duty.

Edenbridge impact

As drafted, DE6 allows substantial housing estates in and around Edenbridge to come forward with no Design Code at all, while larger schemes elsewhere benefit from stronger and more community shaped design controls.

NEDRA (New Edenbridge District Residents' Association)

Chapter 5 Response - NEDRA Disagree

Policy DE7

This policy says that any small rural development sites must follow some future and undefined 'emerging design guidance' when they are designed.

What is good

In principle, we welcome the intention that rural development should follow clear design guidance to protect rural character and landscape.

If the eventual guidance is strong and place specific, it could help keep rural development around Edenbridge in scale and in keeping with local character, which is a material planning consideration.

What is vague or risky

The phrase 'small scale rural development sites' is not defined. That creates a clear loophole.

- Developers and decision makers can argue about what 'small' means, for example 5 homes, 20 homes, 50 homes or a farmyard conversion.
- There is a real risk that larger rural schemes near Edenbridge will argue that they are not covered and therefore do not need to follow this guidance.

The reference to 'emerging design guidance' is very weak drafting.

- It is not named, not dated and may not even exist yet or be in the evidence base.
- Emerging guidance has limited planning weight compared with adopted Supplementary Planning Documents or clearly referenced documents.
- It gives the Council scope to rely on future, undefined guidance that the public cannot see or comment on at Regulation 19 stage, which is a risk to soundness and legal robustness.

There is no requirement that the guidance is:

- Adopted through proper consultation.
- Specific to different types of rural settlement, for example hamlets, villages, and the rural fringe of towns such as Edenbridge.
- Consistent with other policies, for example the design quality policies DE1 to DE6 and any site specific policies.

The policy is extremely thin. It does not say what the rural design aims are, for example respecting landscape, dark skies, rural lanes, farmsteads, and heritage. That means decisions could be inconsistent and open to challenge.

If the emerging guidance ends up being written with a Sevenoaks north of district focus, it may not reflect the rural landscapes and settlement pattern around Edenbridge.

What to change

We propose that the policy is rewritten in full as follows.

'Policy DE7 Design for Rural Development

Small scale rural development, including new homes, conversions and extensions in villages and the open countryside, must be designed to respect and enhance local rural character, landscape, heritage assets, and biodiversity.

Proposals will be required to demonstrate how they respond positively to the form, scale, layout and materials of the surrounding rural settlement or farmstead and avoid urbanising features such as over engineered highway layouts, excessive lighting and standardised house types that are out of keeping with the rural context and safeguard important views, rural lanes, trees, hedgerows and field patterns.

Development will be required to accord with the adopted Rural Design Supplementary Planning Document once in place. The Council will prepare this document in consultation with local communities, including rural settlements around Edenbridge.'

If the Council insists on using the original structure, then at the very least the word 'emerging' should be removed, 'small scale rural development' should be clearly defined, and the policy should refer to a clearly titled and adopted document rather than undefined guidance.

Requested Changes

- We ask that the Council delete the reference to 'emerging design guidance' and instead require compliance with a clearly titled, adopted Rural Design Supplementary Planning Document, subject to full public consultation.
- We ask that the Council define 'small scale rural development' in the policy or glossary, for example by number of homes and or floorspace, so it is clear which schemes are covered and to avoid loopholes.
- We ask that the Council add specific rural design criteria, including settlement pattern, landscape, dark skies, rural lanes, and traditional farmstead forms, and confirm that rural areas around Edenbridge will be explicitly addressed in the supporting guidance.

Regulation 19 soundness & legal points

<u>Positively prepared</u>

The evidence is not sound because the policy is not positively prepared. It does not set out a clear and proactive framework for achieving high quality rural design. It simply points to unspecified 'emerging design guidance' and leaves too much to future, undefined documents, which is not a positive strategy for rural places such as the Edenbridge hinterland.

The evidence is not sound because the policy fails to address the full range of rural design issues, including landscape, settlement pattern, rural lanes, lighting, and biodiversity. It cannot realistically meet local development needs while protecting rural character in rural areas around Edenbridge.

Justified evidence based and considering reasonable alternatives

The evidence is not sound because the policy is not justified. It relies on unnamed 'emerging design guidance' which is not clearly identified in the evidence base and has not been presented at this stage for examination or public scrutiny. Its content, coverage and quality cannot therefore be assessed.

The evidence is not sound because reasonable alternatives have not been explained, such as adopting a Rural Design Supplementary Planning Document or village specific guidance with full consultation. Those alternatives would be more robust and transparent ways to secure rural design quality, including around Edenbridge.

Effective deliverable over the plan period

The evidence is not sound because the policy is not effective. Without a clear definition of 'small scale rural development,' decision makers, applicants and communities cannot know when the policy applies. That will lead to inconsistent decisions and dispute at application and appeal stage, including for schemes around Edenbridge.

The evidence is not sound because tying implementation to 'emerging' guidance makes delivery uncertain. If that guidance is delayed, not adopted or weak, the policy will have almost no practical effect over the plan period up to 2042.

Consistent with national policy including the December 2024 National Planning Policy Framework

The evidence is not sound because the policy is not consistent with the National Planning Policy Framework, which expects policies to be clear, unambiguous, and supported by evidence. Relying on undefined 'emerging design guidance' fails this test and risks confusion and inconsistency in decision making.

The evidence is not sound because national policy on good design and design codes expects design expectations to be accessible, locally based and prepared with community engagement. The current wording gives no assurance that the rural design guidance will be prepared or adopted in this way, or that rural areas around Edenbridge will be properly covered.

Legal compliance and plan wide consistency

The evidence is not sound because the approach may be inconsistent with other design policies in the plan that refer to specific and identifiable guidance where documents are named. This creates uncertainty and potential legal risk in decision making.

The evidence is not sound because relying on future 'emerging' guidance that has not been through the same consultation, strategic environmental assessment and equalities assessment processes as the Local Plan risks undermining legal compliance and public participation requirements.

Edenbridge impact

As drafted, **this policy gives very weak protection for the rural setting around Edenbridge** because it relies on vague and future 'emerging' guidance and an undefined term 'small scale,' so rural development near Edenbridge could be handled inconsistently and less equitably than in places with stronger and clearer design standards.

NEDRA (New Edenbridge District Residents' Association)

Chapter 6 Response - NEDRA Disagree

<u>Policy HW1</u>

HW1(1)

What this clause means

This clause says the Council will support schemes that help people live healthier lives, feel included and build community, so long as they also meet other Local Plan policies.

What's good

It clearly states that healthy living and community cohesion are positives in planning terms.

This can help support health related projects in Edenbridge such as new health facilities, community hubs and play space.

What's vague or risky

The phrase 'will be supported' is very soft without any criteria, so it risks being treated as warm words rather than a real decision making test.

There is no reference to targeting areas with the worst health outcomes or poorest access to facilities, which may well include parts of Edenbridge when compared with better served Sevenoaks town.

The phrase 'other relevant policies' is a catch all that can be used to discount schemes on other grounds, so the health benefit could be easily overridden.

What to change

We want firmer and more spatially targeted wording, for example:

'Proposals which demonstrably support healthy living opportunities, promote social inclusion and improve community cohesion, particularly in areas with identified health inequalities such as Edenbridge, will be given significant weight in decision making, where they are in accordance with other relevant policies.'

Requested Changes

- We ask that the Council require proposals to demonstrate how they support healthy living, social inclusion, and community cohesion, not just state it.
- We ask that the Council explicitly recognise areas with identified health inequalities, including Edenbridge, so those schemes carry additional weight.

- We ask that the policy state that such benefits will be given significant weight in decision making.

Regulation 19 soundness & legal points

The evidence is not sound because the clause is not positively prepared. It does not actively direct improved health outcomes to places with existing deficits such as Edenbridge but simply supports good things in general.

The evidence is not sound because the clause is not effective. Without a requirement to demonstrate health benefits, and without giving them clear weight in decisions, it is unlikely to deliver measurable health improvements over the plan period.

The evidence is not sound because the clause is not clearly consistent with national policy on creating healthy, inclusive, and safe places, which expects clear decision making hooks rather than aspirational wording with no test.

HW1(2)(a)

What this clause means

This clause says new development should be within about a fifteen minute, safe, well-lit walk, described as 1.2 kilometres of services and facilities if that can be achieved.

What's good

It sets a measurable standard for walkable access.

That standard could be useful in planning decisions and could highlight where Edenbridge allocations are too remote from the town centre, station, GP practice, and schools.

What's vague or risky

The phrase 'where possible' is a loophole. Almost any out of centre or edge of settlement site around Edenbridge could be justified as an exception, especially given the limited pavements, lighting and crossings on many approaches to the town.

The words 'safe, well lit, and accessible' are not defined and there is no requirement to improve these aspects if they do not currently exist, for example where pavements are missing on country lanes into Edenbridge.

There is no link to evidence on existing travel patterns and health inequalities. In practice, remoter sites could still be allocated and then passed as 'not possible' to meet the 1.2 kilometre standard.

What to change

We want wording that closes the loophole and requires mitigation, for example:

'Be located within a safe, well-lit, and accessible walking distance, normally 1.2km or less, of day to day services and facilities. Where this cannot be achieved, applicants must demonstrate why and provide measures to improve safe walking and wheeling routes and public transport access to key facilities, with particular regard to settlements with existing access deficits such as Edenbridge.'

Requested Changes

- We ask that the Council replace 'where possible' with a 'normally 1.2km or less' test and a clear requirement to justify any departure.
- We ask that the Council require applicants to deliver improvements to walking, wheeling, and lighting where current routes are unsafe, especially on main approaches into Edenbridge.
- We ask that the Council explicitly recognise Edenbridge as a settlement where existing access deficits must be addressed when applying this clause.

Regulation 19 soundness & legal points

The evidence is not sound because the clause is not effective. The phrase 'where possible' makes the 1.2 kilometre standard too easy to sidestep so it will not reliably shape site choices or layouts.

The evidence is not sound because the clause is not justified. It introduces a numeric standard but does not explain how departures will be handled or secured, or how this interacts with edge of settlement allocations.

The evidence is not sound because it is not fully consistent with national policy on promoting walking and cycling, which expects strong, deliverable standards for active travel rather than aspirational wording that can be waived without mitigation.

HW1(2)(b)

What this clause means

This clause says new development should improve active travel, including walking, wheeling, and cycling, and should provide safe cycle and pedestrian routes in line with the transport policies.

What's good

It links health directly to active travel and to the transport policies, which is welcome.

It acknowledges the need for safe pedestrian and cycle routes, which is particularly important in Edenbridge where some key links are currently poor or missing.

What's vague or risky

The phrase 'create opportunities' is very weak. Developers can argue that simply being near an existing road creates an opportunity without delivering any new route or safe crossing.

There is no requirement to connect to specific destinations such as the town centre, schools, stations, and health facilities, which are critical in Edenbridge.

The phrase 'to including' is grammatically wrong and suggests the wording has not been carefully drafted.

What to change

We want clearer, firmer wording, for example:

'Deliver and connect safe, direct, and overlooked walking, wheeling, and cycling routes to key local destinations, including town and local centres, schools, health facilities, and public transport hubs, in line with Policies T1 and T2. In Edenbridge, development must demonstrate how it improves connections to the town centre, railway stations, and schools.'

Requested Changes

- We ask that the Council replace 'create opportunities for' with a firm requirement to deliver and connect safe walking and cycling routes to key destinations.
- We ask that the Council correct the drafting and link the clause clearly to specific destinations, not just abstract 'routes'.
- We ask that the Council include specific wording that development in Edenbridge must improve active travel connections to the town centre, stations, and schools.

Regulation 19 soundness & legal points

The evidence is not sound because the clause is not effective. The words 'create opportunities' do not secure any actual infrastructure, which makes the clause weak in development management.

The evidence is not sound because the clause is not clearly justified. It does not explain what level of active travel improvement is expected from different scales of development, or in places with existing deficits such as Edenbridge.

The evidence is not sound because it risks being inconsistent with national policy, which expects plans to prioritise active travel through clear, deliverable requirements rather than aspirational language.

HW1(2)(c)

What this clause means

This clause says new development should reduce threats and improve public safety, which in practice should mean reducing crime and the fear of crime and making places feel safer.

What's good

It recognises public safety as a planning consideration, which supports better lighting, overlooking and street design in Edenbridge.

What's vague or risky

The word 'threats' is undefined. It is not clear whether it covers crime, traffic danger, flooding, or other risks.

There is no reference to recognised approaches such as Secured by Design or the Police Designing Out Crime Officer, which are normal tools in planning decisions.

What to change

We want clearer wording, for example:

'Be designed to minimise crime and the fear of crime, road danger and other safety risks, and to improve public safety, including through good natural surveillance, appropriate lighting and early engagement with the Police Designing Out Crime Officer.'

Requested Changes

- We ask that the Council clarify that 'threats' includes crime and road danger, not just vague risks.
- We ask that the Council refer explicitly to natural surveillance, lighting, and Designing Out Crime principles to make the clause usable in decisions.

Regulation 19 soundness & legal points

The evidence is not sound because the clause is not clearly effective. The undefined term 'threats' is too vague to guide consistent decisions.

The evidence is not sound because the clause is not clearly consistent with national policy, which refers specifically to crime, fear of crime and safety and expects clear criteria for decision making.

HW1(2)(d)

What this clause means

This clause says new development should help people's mental health and reduce loneliness and isolation, ideally by including green areas and community spaces that support social activities and social prescribing by health services.

What's good

It openly recognises mental health, loneliness, and social prescribing in planning, which are important issues in Edenbridge with an ageing population and limited community space in some neighbourhoods.

It points to green and community spaces as part of the solution.

What's vague or risky

The phrase 'it is encouraged' is very weak. Developers can simply ignore the suggestion, especially in higher value locations.

There is no size threshold for requiring green or community space and no standards for quality, accessibility, or management.

The clause does not ensure that larger schemes in Edenbridge will actually deliver the community hubs and spaces the town needs.

What to change

We want a firm requirement, for example:

'Be designed to improve mental health and reduce loneliness and isolation. Major developments must incorporate accessible, high quality green and community spaces suitable for social prescribing and interaction, with clear long term management arrangements. Particular priority will be given to providing such spaces in Edenbridge and other settlements where there is evidence of unmet need.'

Requested Changes

- We ask that the Council upgrade the wording from 'encouraged' to a requirement for major developments to provide meaningful green and community spaces.
- We ask that the Council require clear management arrangements, so these spaces remain usable over the long term.
- We ask that the Council explicitly prioritise Edenbridge and other areas of unmet need when applying this clause.

Regulation 19 soundness & legal points

The evidence is not sound because the clause is not effective. As drafted, the provision of spaces for social prescribing is optional so the policy is unlikely to deliver tangible improvements.

The evidence is not sound because the clause is not clearly positively prepared. It identifies serious issues such as mental health and loneliness but does not firmly require the physical spaces needed to address them, especially in more deprived or underserved settlements.

The evidence is not sound because it is only weakly consistent with national policy, which expects plans to support healthy, inclusive, and safe places through clear, deliverable requirements.

HW1(3)(a)

What this clause means

This clause says that any housing development of ten homes or more must submit a Health Impact Assessment.

What's good

It brings health thinking into all sizeable housing schemes, including those in Edenbridge.

It sets a clear numerical threshold.

What's vague or risky

A ten unit threshold is relatively low and may be disproportionate for very small schemes, leading to weak, box ticking Health Impact Assessments rather than robust assessments on the genuinely large, impactful sites.

There is no guidance on the scope or detail of the Health Impact Assessment for different scales of development.

Without clear guidance, some applicants, especially on larger Edenbridge sites, may submit minimal Health Impact Assessments that do not properly address local health infrastructure capacity.

What to change

We want more proportionate and targeted wording, for example:

'A Health Impact Assessment will be required for: (a) all major housing developments of 50 units or more, and smaller schemes of 10 to 49 units where located in areas with identified health inequalities or pressure on health infrastructure, including Edenbridge. The Council will publish guidance setting out the proportionate scope of Health Impact Assessments.'

Requested Changes

- We ask that the Council adjust the threshold so that full Health Impact Assessments are focused on larger schemes, with targeted requirements for smaller schemes in pressure areas such as Edenbridge.
- We ask that the Council commit to guidance on proportionate Health Impact Assessments, to avoid box ticking and ensure real health issues are addressed.

Regulation 19 soundness & legal points

The evidence is not sound because the clause is not clearly justified. No evidence is provided that a full Health Impact Assessment is proportionate for every ten unit scheme, and there is no explanation of why this threshold is chosen.

The evidence is not sound because the clause is not effective. Without proportionality and guidance, Health Impact Assessments risk becoming generic documents with limited influence on design.

HW1(3)(b) and (i to viii)

What this clause means

This part of the policy says that a wide range of non-residential developments must provide a Health Impact Assessment. It particularly covers education, health, leisure, and community uses, open space, betting shops, takeaways, restaurants, and any other uses that the Council considers could have a detrimental impact on physical or mental health.

What's good

It enables proper scrutiny of health impacts from takeaways, betting shops, and similar uses, which can help protect Edenbridge town centre from unhealthy clusters.

It ensures key community uses such as schools, health facilities and open space actually consider health outcomes in their design.

What's vague or risky

The catch all phrase 'any other uses that the Council considers could have a detrimental impact' is very subjective and open ended, which creates uncertainty for applicants.

Requiring Health Impact Assessments for all restaurants and all leisure or community uses might be disproportionate, especially for small scale proposals.

There is no floorspace or intensity threshold to distinguish minor proposals from genuinely significant ones.

Without clear criteria, decisions may be inconsistent between towns, for example stricter in Edenbridge and more relaxed elsewhere.

What to change

We want clear thresholds and criteria, for example:

'For non-residential developments, a Health Impact Assessment will be required for:
(i) education, health, leisure, community facilities and publicly accessible open space above a floorspace or site area threshold to be set out in guidance
(ii) betting shops, hot food takeaways and fast food outlets, and proposals that would result in an over concentration of these uses in any centre and
(iii) any other uses identified in published Council guidance as having the potential for significant adverse impacts on physical or mental health.'

Requested Changes

- We ask that the Council introduce clear size thresholds for non-residential uses so that Health Impact Assessments focus on significant schemes.
- We ask that the Council replace the open ended 'any other uses that the Council considers' approach with a list or criteria in published guidance to give certainty and consistency.
- We ask that the Council keep a strong Health Impact Assessment requirement for betting shops and hot food takeaways, especially in smaller centres such as Edenbridge.

Regulation 19 soundness & legal points

The evidence is not sound because the clause is not justified. It offers no evidence that all listed uses, regardless of scale, require a Health Impact Assessment, and does not explain how thresholds were chosen.

The evidence is not sound because the clause is not effective. An open ended catch all power and the lack of thresholds are likely to result in inconsistent and contested decision making.

The evidence is not sound because it may be inconsistent with national policy and legal principles of certainty, which expect policies to give a clear indication of how a decision maker should react to a development proposal.

HW1(4)

What this clause means

This clause says that if a scheme’s Health Impact Assessment identifies health, wellbeing or safety harms that cannot be avoided, the developer must build in measures to lessen those harms.

What's good

It recognises that mitigation of health harms is required, which is important where new development in Edenbridge may strain local health services, increase traffic danger, or reduce air quality.

What's vague or risky

There is no test for when impacts are too severe, so in theory a scheme with significant, unmitigated health harm could still be approved.

The word 'unavoidable' is undefined. Developers may argue that impacts are unavoidable because mitigation is costly rather than technically impossible.

There is no link to refusing development where significant residual harm remains.

What to change

We want wording that reflects a clear hierarchy and refusal where necessary, for example:

'Where negative impacts on health, wellbeing or safety are identified, applicants must first avoid and reduce these impacts through design, and only then mitigate any remaining impacts. Planning permission will be refused where significant adverse health, wellbeing or safety impacts would remain after mitigation.'

Requested Changes

- We ask that the Council adopt an approach which requires applicants to avoid and then reduce health impacts through design before moving to mitigation, rather than jumping straight to mitigation.
- We ask that the Council commit to refusing permission where significant adverse health, wellbeing or safety impacts remain after mitigation.
- We ask that the Council clarify that cost alone does not make an impact unavoidable.

Regulation 19 soundness & legal points

The evidence is not sound because the clause is not clearly effective. Without a refusal hook for significant residual harm, Health Impact Assessments and mitigation may not change outcomes.

The evidence is not sound because the clause is not clearly consistent with national policy, which expects plans to avoid and mitigate significant adverse impacts and to refuse development where these remain unacceptable.

HW1(5)

What this clause means

This clause says that the health policy should be read alongside other relevant Local Plan policies and Sport England's Active Design guidance, which provides advice for making places that support wellbeing.

What's good

It points decision makers and applicants towards a recognised national design guidance on active lifestyles.

What's vague or risky

Calling the preceding policy content 'aspirations' weakens it and risks suggesting it is optional.

It is unclear whether Active Design is simply signposted or effectively required, which may cause confusion in development management.

There is no requirement for applicants to show how they have applied the guidance, so it may be ignored in practice.

What to change

We want firmer wording, for example:

'The above requirements must be applied alongside other relevant policies in this Plan. Proposals must have regard to, and demonstrate how they have applied, Sport England's Active Design guidance, or any successor guidance, in creating places that support the wellbeing of people and communities.'

Requested Changes

- We ask that the Council replace the word 'aspirations' with 'requirements' so as not to undermine the policy.
- We ask that the Council require applicants to show how they have applied Sport England's Active Design guidance rather than simply signposting it.

Regulation 19 soundness & legal points

The evidence is not sound because the clause is not effective. Referring to 'aspirations' invites decision makers and applicants to treat the policy as optional.

The evidence is not sound because the clause is not clearly consistent with national policy on plan led decision making, which expects policies to provide a clear basis for granting or refusing permission rather than aspirational statements with unclear status.

As drafted, HW1 talks positively about health and wellbeing but is too soft and vague to guarantee that Edenbridge, with its existing health and access challenges, will actually receive the stronger active travel links, community spaces, and targeted health improvements it needs compared with better served settlements.

Edenbridge impact

Overall, HW1 is currently too weak to ensure that Edenbridge secures the improved health infrastructure, active travel links, and community spaces it needs compared with better served settlements.

NEDRA (New Edenbridge District Residents' Association)

Chapter 6 Response - NEDRA Disagree

Policy HW2

HW2(1)

What this clause does

This clause sets the overall aim that town centres and the wider district should be healthy, lively places for people to enjoy.

What is good

We welcome the focus on health and town centre vitality, both of which are clear planning aims and align with the National Planning Policy Framework (NPPF) focus on healthy and safe communities and strong, resilient centres.

What is vague or risky

The phrase 'healthy and vibrant places to enjoy' is very broad and subjective. Without linking this clearly to specific planning harms such as health impacts, amenity, safety and town centre function, decisions could be inconsistent between settlements, including Edenbridge.

What to change

We consider the clause should be rewritten as

'1. This Policy aims to ensure town centres and the wider district are healthy and vibrant places to enjoy, by managing the location and concentration of hot food takeaway, fast food and evening economy uses where there is evidence of adverse impacts on health, amenity, safety, or town centre vitality.'

Requested Changes

- We ask that the Council link the aim in HW2(1) directly to specific planning impacts such as health, amenity, safety, and town centre vitality so decisions are more objective and consistent across all towns, including Edenbridge.
- We ask that the supporting text explains how health and other evidence will be used at settlement level, not just at a district wide scale.

Regulation 19 soundness & legal points

The policy is not sound because HW2(1) is too general to be clearly justified or effective, as it does not spell out the specific planning harms the policy is addressing, contrary to the NPPF expectation that policies are proportionate and evidence based.

The policy is not sound because vague high level aims risk uneven application between different centres, including Edenbridge, undermining effectiveness and overall legal compliance on consistent decision making.

HW2(2)(a)

What this clause does

This clause says hot food takeaways and fast food outlets should be refused if they are within 1.2 kilometres walking distance of schools or other places where children gather unless they are inside a designated town or local centre.

What is good

We support recognition of the real public health issue of children having easy access to fast food near schools, which is a legitimate planning matter. We also note that there is some flexibility for town and local centres, which can help support town centre vitality.

What is vague or risky

In a compact town like Edenbridge, the primary school is very close to the town centre. A 1.2 kilometre radius would cover most of the town. Without more careful wording, this becomes a near blanket restriction on new hot food outlets across Edenbridge, which risks undermining town centre business and conflicts with NPPF objectives to support adaptable and thriving centres.

The exception for town centres and local centres is not clearly tied to safeguards such as hours or school routes, so the policy could still allow harmful clusters on school routes in Edenbridge.

The phrase 'places where children and young people congregate' is not defined, so it could be interpreted differently between settlements, creating inconsistency.

The test is distance based only and does not require evidence that a particular proposal would materially increase exposure of school age children to unhealthy food options.

What to change

We consider the clause should be rewritten as

'2(a). Should be refused where there is robust evidence that their location within 800 metres walking distance of a school or other defined children's facility would materially increase exposure of school age children to unhealthy food options, unless it is demonstrated that

- the proposal is within a designated town centre or local centre and
- opening hours, operation and design will prevent significant additional exposure of school age children during school and journey to school times.'

Requested Changes

- We ask that the Council replace the blanket 1.2 kilometre radius with a shorter, evidence based distance focused on realistic school catchments, for example 800 metres, and require proof that school age exposure would actually increase.

- We ask that 'places where children and young people congregate' is clearly defined in supporting text, so the policy is applied equitably and consistently between Edenbridge and other settlements.
- We ask that, given the very short distance between Edenbridge primary school and the town centre, the policy makes clear that in Edenbridge town centre, proposals that meet strict health, amenity, litter, and anti-social behaviour controls will generally be supported, so that public health is improved without strangling new food and evening economy businesses.

Regulation 19 soundness & legal points

The policy is not sound because the 1.2 kilometre threshold in HW2(2)(a) is arbitrary and not clearly justified by local evidence, particularly in compact settlements such as Edenbridge, contrary to the NPPF expectation that policies should be proportionate and based on local circumstances.

The policy is not sound because the undefined phrase 'places where children and young people congregate' is too vague to be effective or legally robust, leaving scope for inconsistent interpretation between settlements.

The policy is not sound because, in a town like Edenbridge where the primary school is close to the town centre, the clause could operate as a de facto ban on new hot food businesses over most of the town, undermining a positively prepared and effective strategy for supporting town centre vitality and adaptation, as required by the NPPF.

HW2(2)(b)

What this clause does

This clause says takeaways should be refused if there is evidence that a concentration of them is harming local health, causing pollution, or fuelling anti-social behaviour.

What is good

We support the focus on real, evidenced harms such as health impacts, pollution, and anti-social behaviour, all of which are clear material planning considerations. This approach could help Edenbridge if problems arise from a cluster of late night premises.

What is vague or risky

The word 'evidence' is not defined. It is unclear whether this means formal public health data, crime and nuisance records, or more general perception.

'Concentration' is not explained, so there is no clarity on how many or how dense is too many.

There is no requirement to use up to date local data at settlement level, so Edenbridge could be judged using generic district wide evidence that does not reflect local reality.

There is also a typo, as the clause refers to 'local heath' rather than 'local health'.

What to change

We consider the clause should be rewritten as

'2(b). Should be refused where up to date local evidence, including public health data and records of pollution, noise or anti-social behaviour, demonstrates that the existing number and density of such uses within the town centre or locality is causing significant harm to health, amenity, or safety, and that the proposal would materially worsen that harm.'

Requested Changes

- We ask that the Council define the sort of 'evidence' to be used, for example public health data and pollution and nuisance records and confirm that it will be collected and analysed at settlement level, so Edenbridge is judged on its own circumstances.
- We ask that 'local heath' be corrected to 'local health' and that the clause explicitly requires that a proposal would 'materially worsen' any identified harm.

Regulation 19 soundness & legal points

The policy is not sound because the undefined terms 'evidence' and 'concentration' in HW2(2)(b) are too vague to be effective, making it hard for applicants and communities to understand how the policy will be applied.

The policy is not sound because the lack of a commitment to use proportionate, settlement level data means the approach is not clearly justified by local evidence, which the NPPF expects when addressing public health and environmental impacts.

HW2(2)(c)

What this clause does

This clause says new takeaways should not create an overconcentration, and that permission will normally be refused if, at ward level, the number of takeaways per 100,000 population is at or above the United Kingdom national average.

What is good

We recognise that the clause attempts to introduce a quantitative test to stop overconcentration, which can help provide clarity and support health and amenity objectives.

What is vague or risky

Using the ward as the geography is blunt. Edenbridge town centre is only part of its ward, so a ward level figure may not reflect the actual concentration on the high street.

The national average per 100,000 population is not obviously linked to local circumstances in Sevenoaks district or Edenbridge, and it may be out of date or unstable over the plan period.

There is no specified data source, base year, or review mechanism, so the test may not be applied consistently or lawfully.

The clause can penalise some areas without any clear link to demonstrated local harm.

What to change

We consider the clause should be rewritten as

'2(c). Should not lead to an overconcentration of these uses within any one locality. Planning permission will not normally be granted where the proportion of hot food takeaway and fast food uses within the defined centre or frontage exceeds a locally evidenced threshold set out in the supporting text, and up to date monitoring shows that further permissions would cause or worsen significant harm to health, amenity, or town centre function.'

Requested Changes

- We ask that the Council replace the ward based national average test with locally evidenced thresholds for defined centres or frontages, with specific monitoring for Edenbridge.
- We ask that the plan or supporting text clearly set out how thresholds will be calculated, monitored, and updated during the plan period, so the test remains transparent and robust.

Regulation 19 soundness & legal points

The policy is not sound because the ward level national average benchmark in HW2(2)(c) is not clearly justified by local evidence and does not reflect the NPPF focus on local circumstances.

The policy is not sound because the absence of a clear data source, base date and update mechanism means the test cannot be reliably effective over the plan period and risks arbitrary outcomes between different wards and settlements, including Edenbridge.

HW2(2)(d)

What this clause does

This clause says new takeaways should provide a litter strategy for the surrounding area in order to reduce street rubbish.

What is good

We support the recognition that litter and street cleanliness are clear planning issues affecting visual amenity and the local environment, particularly in town centres and near schools. A requirement for a strategy creates a hook for conditions and enforcement, which could help around Edenbridge high street.

What is vague or risky

The phrase 'immediate vicinity' is not defined and might be read too narrowly, failing to cover the actual routes where litter from the use appears.

The term 'litter strategy' is not explained, so it risks becoming a light touch statement rather than a concrete, enforceable plan.

What to change

We consider the clause should be rewritten as

'2(d). Should include a robust, enforceable litter management plan covering the main routes and public spaces within an agreed distance of the premises, including provision and maintenance of bins, regular litter picking and clear responsibilities for monitoring and review, secured by planning condition.'

Requested Changes

- We ask that the Council replace 'litter strategy for the immediate vicinity' with a defined 'litter management plan' covering agreed routes and locations, including school routes where relevant, with clear, enforceable measures.
- We ask that the supporting text confirm that litter plans will be tailored to local circumstances in each town, including Edenbridge, and secured by condition.

Regulation 19 soundness & legal points

The policy is not sound because the vague wording in HW2(2)(d) is unlikely to be effective, as it does not specify the area to be covered or the measures needed for the strategy to work in practice.

The policy is not sound because without clearer, enforceable requirements, the policy is not fully consistent with national policy on planning conditions being necessary, precise, and enforceable.

HW2(3)(a)

What this clause does

This clause says evening economy proposals must be in line with the Council's Town Centre Strategy and any Neighbourhood Plan.

What is good

We agree it is sensible to tie evening uses into wider place based strategies so that evening activity supports, rather than undermines, the vision for each centre, including Edenbridge.

What is vague or risky

The clause does not say what happens if the Town Centre Strategy and a Neighbourhood Plan point in slightly different directions.

It also does not make clear that only adopted or made documents carry weight in decision making.

What to change

We consider the clause should be rewritten as

'3(a). Be consistent with the adopted Town Centre Strategy and, where in force, any made Neighbourhood Plan for the area, with any conflict resolved in favour of the most recently adopted development plan document.'

Requested Changes

- We ask that the Council clarify how conflicts between Town Centre Strategies and Neighbourhood Plans will be resolved, including for Edenbridge.
- We ask that the wording explicitly refer to adopted or made documents, to avoid confusion about the status of draft material.

Regulation 19 soundness & legal points

The policy is not sound because HW2(3)(a) does not explain how overlapping policy documents will be reconciled, which undermines effectiveness and clarity, contrary to NPPF guidance that policies should be clear and unambiguous.

HW2(3)(b) and HW2(3)(c)

What these clauses do

These clauses say evening economy proposals must fit with surrounding uses, protect the amenity of neighbours, especially residents, and avoid harming the continued operation of existing uses.

What is good

We strongly support protection of residential amenity and the functioning of existing businesses, which is crucial in a compact town like Edenbridge where homes sit close to pubs, restaurants, and takeaways. These are core planning considerations.

What is vague or risky

The phrase 'complement existing uses' is subjective and could be read to block beneficial new uses simply because they are different.

The terms 'significant adverse effect' and 'amenity' are not tied to specific impacts such as noise, hours, traffic, servicing, or anti-social behaviour.

What to change

We consider the clauses should be rewritten as

'3(b). Respect and, where possible, enhance the overall mix and character of existing uses in the surrounding area, while avoiding unacceptable conflicts in terms of noise, hours of operation, servicing, traffic, or anti-social behaviour.

3(c). Demonstrate, through proportionate assessment, that there would not be an unacceptable adverse effect on residential amenity or the continued operation of existing lawful uses, with appropriate mitigation secured where necessary.'

Requested Changes

- We ask that the Council replace the subjective 'complement existing uses' wording with a clearer focus on avoiding specific harms such as noise, hours, traffic, and anti-social behaviour in mixed areas like Edenbridge town centre.
- We ask that the policy require proportionate assessment of amenity effects where sensitive receptors, including residents in Edenbridge, are close by.

Regulation 19 soundness & legal points

The policy is not sound because the vague 'complement existing uses' test in HW2(3)(b) is not sufficiently clear to be effective, contrary to NPPF requirements for clear and unambiguous policies.

The policy is not sound because the amenity tests in HW2(3)(b) and HW2(3)(c) are not expressly linked to identifiable impact types, weakening the justified basis for refusal or conditions.

HW2(3)(d)

What this clause does

This clause says evening economy uses should encourage sustainable transport and avoid reliance on private cars and private hire vehicles.

What is good

We support the intention to encourage walking, cycling and public transport, which is consistent with national policy and can reduce noise, congestion, and parking stress in residential streets.

What is vague or risky

In a rural district, evening public transport is often poor or non-existent. A strict 'avoid reliance' test may be unrealistic and could wrongly block otherwise suitable evening uses in smaller centres like Edenbridge.

The clause does not require decision makers to consider actual local transport options or existing car parks.

What to change

We consider the clause should be rewritten as

'3(d). Promote access via sustainable modes of transport wherever practicable, and minimise the need for private vehicular trips, having regard to the availability of public transport, walking, and cycling routes, and existing parking provision in each settlement.'

Requested Changes

- We ask that the Council replace 'avoid reliance on private vehicular transport' with a requirement to 'minimise' private vehicle trips, so the policy reflects the limited evening public transport in Edenbridge while still pushing for more sustainable access.
- We ask that the policy require decision makers to take account of real world transport and parking conditions in each town, including Edenbridge.

Regulation 19 soundness & legal points

The policy is not sound because the absolute 'avoid reliance' wording in HW2(3)(d) is not effective or positively prepared in a district where evening public transport is limited and private vehicles will remain necessary for many trips.

The policy is not sound because it is not clearly justified by local transport evidence, as the NPPF expects.

HW2(3)(e)

What this clause does

This clause says evening only uses should think about having daytime or 'meanwhile' uses to keep spaces active in the day.

What is good

We support the aim of encouraging daytime activity to support town centre vitality and safety and to avoid dead frontages, which would be positive for Edenbridge high street.

What is vague or risky

The phrase 'consider the potential' is very weak and does not require any actual outcome.

There is no reference to viability or practicality for small businesses.

What to change

We consider the clause should be rewritten as

'3(e). Demonstrate that opportunities for compatible daytime or meanwhile uses to activate the premises have been explored, and, where viable and appropriate, secured as part of the proposal through layout, design or planning conditions.'

Requested Changes

- We ask that the Council strengthen this clause so applicants must show they have explored viable daytime or meanwhile uses to support town centre vitality, including in Edenbridge.
- We ask that viability and practicality are explicitly considered, so small local operators are not discouraged from bringing forward suitable evening economy uses.

Regulation 19 soundness & legal points

The policy is not sound because the weak 'consider the potential' wording in HW2(3)(e) is unlikely to be effective in actually delivering daytime activation of premises.

The policy is not sound because it does not clearly balance activation aims with business viability, so it is not obviously positively prepared for smaller, more fragile high streets like Edenbridge.

Edenbridge impact

As drafted, HW2 could, because of the 1.2 kilometre school buffer and vague tests on concentration and amenity, either over restrict new food and evening economy businesses in compact Edenbridge or allow harmful clusters, so we consider that clearer, evidence based wording is needed to protect children and residents while still allowing a healthy mix of small independent businesses in the town centre.

NEDRA (New Edenbridge District Residents' Association)

Chapter 6 Response

Policy AQ1 - NEDRA Disagree

AQ1(1)

This clause says that every new development should not make air quality worse overall and should ideally improve it, both for people living in the new homes and for existing neighbours and any other areas affected, for example along access roads.

What's good

It rightly recognises that air quality for existing communities matters, not just for people in the new development.

It gives the Council a clear basis to refuse schemes where air quality would worsen, which is a proper material planning consideration relating to health, amenity, and the human environment.

What's vague or risky

The phrase in AQ1(1) that refers to a "positive or neutral impact" is not defined. It is not clear what baseline is being used for comparison or how this will be measured, whether through modelling, monitoring or specific thresholds.

The reference to "other areas connected to the development" is very loose. It is uncertain whether this includes rat runs, diversion routes, town centres such as Edenbridge High Street, level crossings, and school routes. A developer could argue for a very narrow interpretation that misses real world impacts on Edenbridge.

The clause does not explicitly require assessment of cumulative impacts from multiple sites and committed schemes together. This is especially important for Edenbridge where several allocations are likely to feed into the same constrained roads and railway crossings.

What to change

We propose that the opening sentence of AQ1(1) is replaced with:

"New development must not lead to a deterioration in local air quality compared with the existing baseline, taking account of cumulative impacts from committed development, and must, where reasonable and proportionate, secure measurable improvements in air quality for new residents, the existing surrounding area and all transport corridors materially affected by the development."

Requested Changes

- We ask that the Council replace "positive or neutral impact" with a requirement that development "must not lead to a deterioration in local air quality compared with the existing baseline, taking account of cumulative impacts."
- We ask that the Council define "other areas connected to the development" to include all roads and routes where traffic from the scheme is forecast to increase, including Edenbridge town centre, level crossings, and school routes where relevant.
- We ask that the Council explicitly require cumulative assessment of air quality impacts for all allocations and committed sites using shared road corridors in Edenbridge and other settlements.

Regulation 19 soundness & legal points

The policy is not sound because, by using undefined phrases such as "positive or neutral impact" and "other areas connected," it does not provide an Effective or clearly Consistent with national policy decision making framework, as national policy expects plans to give clear guidance and to reduce pollution to protect health.

The policy is not sound because it does not explicitly require cumulative assessment of air quality impacts, so it is not Positively prepared or Justified in how it responds to known traffic growth and health risks in places like Edenbridge, contrary to the National Planning Policy Framework expectation that plans address environmental risks comprehensively.

AQ1(1)(a)

This clause says that when assessing environmental impacts, developers must look at both onsite air quality and offsite air quality, for example along the roads and routes that people will use as a result of the development.

What's good

It explicitly mentions both onsite and offsite impacts. This supports residents in arguing about knock on effects on Edenbridge town centre and local roads, not just conditions within the red line boundary.

What's vague or risky

The phrase "air quality issues" is vague. It should instead refer to recognised pollutants and standards, including legal limits and health based guidelines.

The clause does not spell out that traffic, heating systems, and construction emissions must be considered. This could allow very limited assessments that underplay the true impacts of development on places like Edenbridge.

What to change

We propose that AQ1(1)(a) is amended to read:

"Ensure that onsite and offsite air quality impacts, including those from traffic generated by the development, building energy systems and construction activities, are assessed against relevant statutory air quality objectives and health based standards when assessing the environmental impact of proposals;"

Requested Changes

- We ask that the Council replace "air quality issues" with a requirement to assess "air quality impacts…against relevant statutory air quality objectives and health based standards."
- We ask that the Council explicitly list traffic, energy systems, and construction as sources to be assessed for both onsite and offsite impacts.

Regulation 19 soundness & legal points

The policy is not sound because it relies on the vague term "air quality issues" without tying assessment to statutory objectives or recognised standards. This means the policy is not Effective and not clearly Consistent with national policy, which expects plans to prevent unacceptable risks from pollution using proportionate evidence.

AQ1(1)(b)

This clause says that if a development would harm air quality, it must include measures to reduce that harm to what the Council sees as an acceptable level.

What's good

It clearly says that mitigation is required where air quality would worsen. This is a strong hook to seek meaningful changes to schemes or financial contributions to mitigation.

What's vague or risky

"Adverse impact" is not defined. Any increase in harmful pollutants is adverse for health, but a developer might argue that small increases are not "adverse."

"Acceptable level" is also undefined. It is unclear who decides what is acceptable and by what standard. This is risky in already poor air quality areas, including congested corridors into and through Edenbridge, where small increases can still have significant health impacts.

What to change

We propose that AQ1(1)(b) is amended to read:

"Ensure that development which would increase concentrations or exposure to harmful air pollutants is required to incorporate measures to avoid or minimise that increase such that statutory air quality objectives are not exceeded and there is no material increase in exposure for existing or future residents, particularly children and other vulnerable groups;"

Requested Changes

- We ask that the Council delete "adverse impact" and "acceptable level" and instead require that developments "avoid or minimise increases in harmful pollutants so that statutory air quality objectives are not exceeded and there is no material increase in exposure."
- We ask that the Council include explicit protection for vulnerable groups, including children and older people, in judging whether air quality is acceptable.

Regulation 19 soundness & legal points

The policy is not sound because it hinges on undefined concepts of "adverse impact" and "acceptable level," so it does not give an Effective or Justified policy framework and risks inconsistent decision making across the district.

The policy is not sound because failing to tie acceptability to statutory air quality objectives and health outcomes is not clearly Consistent with national policy, which expects planning to prevent unacceptable risks from pollution and to support healthy places.

AQ1(1)(c)

This clause says that schemes must build in mitigation on and off site and, where the Council decides it is appropriate, pay money towards wider air quality projects, so that future air quality is no worse than if the scheme did not happen and ideally better.

What's good

It recognises that mitigation can be both local and strategic, including financial contributions. This is important for Edenbridge where a series of developments may need town wide measures.

It aims to avoid future air quality being worse than a situation without the development.

What's vague or risky

The phrase "if appropriate" is a weak caveat that developers can use to resist strategic contributions, especially in more politically sensitive areas.

There is no indication of how contributions will be calculated or prioritised, which weakens the Effective delivery of any strategic measures.

The phrase "sustained at a level that would be achieved without the development" assumes a clear baseline model, but the policy does not require such modelling or monitoring.

What to change

We propose that AQ1(1)(c) is amended to read:

"Ensure that suitable onsite and offsite mitigation measures are incorporated into the scheme, including proportionate financial contributions to clearly identified strategic air quality improvement measures, so that future air quality is demonstrably improved where existing standards are exceeded, and in all cases is no worse than the forecast 'without development' scenario;"

Requested Changes

- We ask that the Council delete "if appropriate" and instead require proportionate financial contributions to clearly identified strategic air quality measures where modelling shows the development contributes to air quality pressures.
- We ask that the Council require use of a transparent air quality and transport model, shared across all main allocations, to demonstrate that future air quality is no worse than the "without development" scenario and is improved where standards are already breached.

Regulation 19 soundness & legal points

The policy is not sound because the phrase "if appropriate" makes strategic mitigation optional and undermines the Effective delivery of air quality improvements over the plan period.

The policy is not sound because it seeks to sustain air quality at "a level that would be achieved without the development" without requiring robust, shared modelling or clear mechanisms for contributions, so it is not Justified by proportionate evidence and not Positively prepared in managing the environmental impacts of the plan's growth.

AQ1(1)(d)

This clause says that the location and design of new development should help improve air quality, and that schemes should follow the Council's Air Quality Action Plan and any later air quality strategies.

What's good

It links planning decisions to the Air Quality Action Plan, which is a main tool for addressing local air pollution problems.

What's vague or risky

The reference to "any further Air Quality strategies" is open ended. It could refer to documents adopted after the Local Plan, which will not have been examined for soundness.

If the Air Quality Action Plan or strategies are not clearly part of the Local Plan evidence base and available for inspection, there is a risk to legal compliance and the Justified test.

The clause does not say how design and location will actually "take account" of the need to improve air quality, for example by avoiding placing homes and schools next to busy roads or in street canyons with poor dispersion.

What to change

We propose that AQ1(1)(d) is amended to read:

"Require the design and location of new development to contribute to improved air quality, including by avoiding placing sensitive uses in areas of poor air quality where this cannot be effectively mitigated, and by complying with the District's Air Quality Action Plan and any air quality strategies identified in the Local Plan evidence base;"

Requested Changes

- We ask that the Council limit the reference to air quality strategies to those identified in the Local Plan evidence base, so that decision making is transparent and subject to examination.
- We ask that the Council explicitly require development to avoid placing sensitive uses, such as homes, schools, and care facilities, in locations with poor air quality where effective mitigation cannot be demonstrated.

Regulation 19 soundness & legal points

The policy is not sound because it relies on "any further Air Quality strategies" that are undefined and may be prepared after plan adoption, so it is not Justified by proportionate, examinable evidence and raises legal compliance risks around transparency.

The policy is not sound because it does not clearly set out how design and location must respond to poor air quality, which weakens its Effectiveness and its Consistency with national policy that expects planning to avoid unacceptable pollution and support healthy communities.

AQ1(2)(a)

This clause says that any housing development of ten or more homes must submit an Air Quality Impact Assessment.

What's good

It gives a clear trigger for requiring air quality assessment, which helps residents argue for proper modelling of larger Edenbridge sites.

What's vague or risky

The threshold may still miss the cumulative effect of multiple smaller sites, especially if there is salami slicing into schemes of fewer than ten units on linked roads.

It does not specify that the Air Quality Impact Assessment must consider cumulative impacts with other committed and proposed developments, which is crucial for Edenbridge's constrained road network and level crossings.

What to change

We propose that AQ1(2)(a) is amended to read:

"An Air Quality Impact Assessment (AQIA) will be required for: (i) all housing developments of 10 units or more; and (ii) any group of related developments which cumulatively would deliver 10 or more units and use the same main access routes; the AQIA must assess cumulative impacts with committed and proposed development using shared transport corridors."

Requested Changes

- We ask that the Council amend AQ1(2)(a) to require an Air Quality Impact Assessment for any group of related developments which cumulatively deliver ten or more homes using the same access routes, to prevent salami slicing.
- We ask that the Council explicitly require each Air Quality Impact Assessment to consider cumulative impacts with other committed and proposed developments using shared road networks, including those in and around Edenbridge.

Regulation 19 soundness & legal points

The policy is not sound because it does not address the cumulative impacts of multiple smaller developments on air quality, so it is not Positively prepared and not Justified in areas like Edenbridge where growth is dispersed across several sites using the same constrained roads.

AQ1(2)(b)

This clause says that, apart from minor works such as extensions or small internal alterations, any development within fifty metres of a main road or busy route must provide an Air Quality Impact Assessment.

What's good

It acknowledges that development near busy roads can worsen air quality or expose people to poor air, and it exempts small changes that clearly have no air quality impact, which is reasonable.

What's vague or risky

"Heavily trafficked route" is not defined. This could lead to inconsistent treatment between routes in different settlements. Busy roads through Edenbridge might be treated differently from similar roads in Sevenoaks or Swanley.

The phrase "within 50 metres" may be too tight a boundary in some locations. Air quality impacts and exposure can extend further, especially in street canyons in town centres.

It is not clear whether key roads through Edenbridge, including main A roads and town centre routes, qualify as part of the Strategic Road Network or as "heavily trafficked." Without clarity, Edenbridge could be under protected compared with other centres.

What to change

We propose that AQ1(2)(b) is amended to read:

"All residential and non-residential development proposals, except for minor proposals such as extensions, small scale internal alterations, or other works that do not materially affect site access, layout, or transport demand, within 100 metres of a Strategic Road Network road or other route with traffic flows above a defined threshold set out in the Local Plan evidence base (including identified main corridors through Edenbridge, Sevenoaks and Swanley town centres)."

Requested Changes

- We ask that the Council define "heavily trafficked route" using an objective traffic flow threshold in the evidence base and explicitly identify the main corridors through Edenbridge, Sevenoaks and Swanley to ensure equitable treatment across the district.
- We ask that the Council extend the distance threshold from fifty metres to at least one hundred metres, reflecting how far harmful pollutants can extend, especially in town centre street canyons.

Regulation 19 soundness & legal points

The policy is not sound because it uses undefined terms such as "heavily trafficked route" and an arbitrary fifty metre distance, leading to uncertainty and inconsistent decisions, so it is not Effective or Justified.

The policy is not sound because, without clear, objective criteria and identified routes, it risks unequal protection between settlements, conflicting with Equalities duties and with the

Consistent with national policy test, which expects plans to secure a high standard of health and environmental quality for all communities.

AQ1(3)

This clause says that if air quality impacts cannot be made acceptable with mitigation, the development must be refused.

What's good

It provides a strong refusal hook where air quality cannot be satisfactorily dealt with, which is crucial for protecting residents' health in Edenbridge and elsewhere.

It reinforces the important principle that mitigation has limits and that some locations or schemes will simply be unsuitable.

What's vague or risky

"Unacceptable impacts" is not defined. Without clear criteria linked to legal limits, health outcomes and vulnerable groups, different schemes may be treated differently in different places.

What to change

We propose that AQ1(3) is amended to read:

"Planning permission will be refused for schemes where mitigation cannot prevent exceedance of statutory air quality objectives or would result in a material increase in exposure of existing or future residents, particularly children and other vulnerable groups, to harmful levels of air pollution."

Requested Changes

- We ask that the Council define "unacceptable impacts" by reference to exceedance of statutory air quality objectives and material increases in exposure for existing and future residents, especially vulnerable groups.
- We ask that the Council retain and strengthen the firm wording that planning permission will be refused where these tests are not met.

Regulation 19 soundness & legal points

The policy is not sound because it does not define "unacceptable impacts," which weakens its Effectiveness and could lead to inconsistent decisions across the district.

The policy is not sound because, without explicit reference to statutory objectives and vulnerable groups, it is not clearly Consistent with national policy, which expects planning to protect health and reduce exposure to pollution, especially for those most at risk.

Edenbridge impact

As written, AQ1 contains useful tools but is too vague on definitions, cumulative impacts, and strategic routes, so Edenbridge risks both weaker protection from traffic related air pollution on its constrained road network and less certainty that new development elsewhere will fully mitigate the pollution it sends through the town.

NEDRA (New Edenbridge District Residents' Association)

Chapter 6 Response - NEDRA Disagree

<u>Policy HW3</u>

HW3(1)(a)

Explanation

HW3(1)(a) says that new development must give people living in it "adequate" protection from light, noise, smells, vibration, and other pollution.

What's good

It recognises that residential amenity, which is a material planning consideration, matters and that new homes must be decent to live in rather than blighted by nuisance.

What's vague or risky

"Adequate" and "unacceptable" are subjective. Without clear standards, for example World Health Organization noise guidelines, local Environmental Health thresholds or clear lighting and odour standards, developers can argue almost anything is "adequate."

The wording clearly mentions occupiers of the new development but does not clearly include neighbours, even though impact on neighbouring occupiers is a key planning test.

What to change

We propose that HW3(1)(a) is replaced with:

"Ensure that new development provides a high standard of residential amenity for existing and future occupiers, including of neighbouring properties, with regard to light, noise, odour, vibration and other pollution, measured against up-to-date Environmental Health standards (including World Health Organization noise guidance and any adopted local guidance)."

Requested Changes

- We ask that the Council replace the word "adequate" with "a high standard of residential amenity" and tie this to up to date Environmental Health standards.
- We ask that HW3(1)(a) explicitly refers to both occupiers of the new development and occupiers of neighbouring properties.
- We ask that the policy references recognised technical standards, for example World Health Organization noise guidance and local lighting and odour standards, so decisions are not left to developer spin.

Regulation 19 soundness and legal points

The evidence is not sound because, without objective standards, HW3(1)(a) is not effective; decision makers, applicants and residents cannot consistently judge what "adequate" or "unacceptable" mean in practice.

The evidence is not sound because HW3(1)(a) is not justified by evidence; there is no clear link to Environmental Health thresholds or other technical evidence that would support enforcement, so it does not meet the justified test.

The evidence is not sound because HW3(1)(a) risks being inconsistent with national policy in the National Planning Policy Framework, which expects robust, clear policies to prevent development resulting in unacceptable risks from pollution; vague wording undermines that requirement.

HW3(1)(b)

Explanation

HW3(1)(b) is trying to say that new development must protect the amenity of people in nearby properties and avoid locating new homes or other sensitive uses in places with excessive pollution.

What's good

It acknowledges that you should not put people in locations with "excessive" nuisance and that existing residents' amenity should be safeguarded. Both are material planning considerations and are important for Edenbridge, especially around busy roads and employment sites.

What's vague or risky

The sentence is confused. The phrase "does not contribute to and avoids areas where occupiers of the development would be subject to excessive…" mixes up two separate ideas, which are not adding to existing problem areas and not placing people in problem areas in the first place.

"Excessive" is undefined and there is no reference to cumulative impacts, for example extra traffic noise and fumes through Edenbridge High Street from strategic allocations elsewhere in the district.

Without explicit reference to sensitive uses such as homes, schools and health facilities, there is a risk of weaker protection for the places where amenity really matters.

What to change

We propose that HW3(1)(b) is replaced with:

"Safeguard the residential and environmental amenity of existing and future occupants of nearby properties and of sensitive uses (including homes, schools, and health facilities) by:

- not increasing existing areas of poor amenity through additional light, noise, odour, vibration, or other pollution, including cumulative traffic impacts; and

- not locating new sensitive uses in areas where occupiers would experience excessive levels of such pollution unless robust mitigation is secured and demonstrated to be effective over the lifetime of the development."

Requested Changes

- We ask that the Council rewrite HW3(1)(b), so it clearly separates not worsening existing problem areas from not putting new homes and schools into problem areas.
- We ask that the policy explicitly refers to sensitive uses such as homes, schools, and health facilities, which are particularly relevant in Edenbridge.
- We ask that the policy explicitly requires assessment of cumulative impacts, including additional traffic and servicing through existing town centres such as Edenbridge.

Regulation 19 soundness and legal points

The evidence is not sound because the current wording of HW3(1)(b) is not effective; its confused phrasing makes it hard to apply in decision making and easy for applicants to argue away impacts.

The evidence is not sound because HW3(1)(b) is not positively prepared; it does not clearly address cumulative pollution impacts from growth across the district on places like Edenbridge.

The evidence is not sound because HW3(1)(b) is not consistent with national policy; the National Planning Policy Framework expects plans to prevent new development being put at unacceptable risk from, or giving rise to, unacceptable levels of pollution, and that requires clear tests rather than vague terms like "excessive" without definition.

HW3(1)(c)

Explanation

HW3(1)(c) is trying to say that development should not go ahead where existing sources of pollution would cause unacceptable impacts that cannot be mitigated.

What's good

It recognises that sometimes existing pollution issues cannot be fixed and, in those cases, you should not put more people in harm's way. That is an important protection for places near noisy or polluting infrastructure.

What's vague or risky

The wording is muddled. The phrase "development would not result in unacceptable… levels from existing sources" is logically wrong, because existing sources cause the pollution, not the new development. This confusion could weaken protection in practice.

"Cannot be adequately mitigated" is not tied to any standard. There is no requirement to show that mitigation is effective over time or to avoid "mitigation by closed windows" solutions that are poor for health and wellbeing.

There is no explicit link to the Council's own evidence and mapping of noise, air quality, odour, or other constraints.

What to change

We propose that HW3(1)(c) is replaced with:

"Ensure that development is not located where existing sources of light, noise, odour, vibration or other pollution would expose occupiers to unacceptable levels of nuisance or health risk, unless it is clearly demonstrated, with robust evidence, that these impacts can be fully and sustainably mitigated without relying on occupiers keeping windows closed or otherwise materially reducing their reasonable use and enjoyment of their homes or outdoor spaces."

Requested Changes

- We ask that the Council correct HW3(1)(c), so it clearly refers to developments being exposed to pollution from existing sources rather than "resulting" in it.
- We ask that the policy requires robust, long term mitigation which does not depend on residents sacrificing normal use of their homes, for example constantly shut windows.
- We ask that the policy is tied to the Council's own evidence on pollution and nuisance so that sites in and around Edenbridge are assessed consistently with the rest of the district.

Regulation 19 soundness and legal points

The evidence is not sound because the current drafting of HW3(1)(c) is not effective; the logical error in the phrase "development would not result in… from existing sources" leaves room for argument and undermines enforcement.

The evidence is not sound because HW3(1)(c) is not justified; there is no clear link to the Council's own pollution, noise, and air quality evidence to support where development should or should not go.

The evidence is not sound because HW3(1)(c) risks being inconsistent with national policy in the National Planning Policy Framework, which expects planning policies to prevent new development being put at unacceptable risk from pollution and to secure a good standard of amenity; unclear wording makes that harder to deliver in practice.

HW3(1)(d)

Explanation

HW3(1)(d) says the Council can ask for a Noise Impact Assessment where it thinks one is needed.

What's good

It at least recognises that technical assessment is sometimes needed and that noise is a key issue.

What's vague or risky

It only mentions noise and does not mention lighting, odour, vibration, air quality, or combined assessments, which are often equally important and can be very relevant for Edenbridge, for example from industrial or transport sources.

The phrase “where the Council considers it necessary” is very open ended and offers no thresholds or triggers, for example type or scale of development, proximity to roads or rail or commercial uses. That could lead to inconsistent practice across settlements.

What to change

We propose that HW3(1)(d) is replaced with:

“Require applicants to submit proportionate technical assessments, including where appropriate a Noise Impact Assessment, Lighting Assessment, Odour Assessment, Vibration Assessment, and/or Air Quality Assessment, in accordance with published Council and Environmental Health guidance. The policy should set clear triggers for when such assessments are required, including proximity to major roads, railways, industrial or commercial uses, and locations identified as being at risk in the Council’s evidence base.”

If the triggers are set out in supporting text or a separate Supplementary Planning Document, the policy should still signpost this clearly.

Requested Changes

- We ask that the Council broadens HW3(1)(d) to cover lighting, odour, vibration, and air quality assessments, not just noise.
- We ask that clear triggers and thresholds are set in policy or referenced guidance so that residents in Edenbridge receive the same level of protection and assessment as those in other settlements.
- We ask that the policy requires all assessments to be proportionate but robust, following the Council’s Environmental Health and national best practice guidance.

Regulation 19 soundness and legal points

The evidence is not sound because HW3(1)(d) is not effective; leaving assessments to “where the Council considers it necessary” without triggers risks inconsistent and ad hoc decision making.

The evidence is not sound because HW3(1)(d) is not positively prepared; it does not clearly equip the Council to manage the full range of environmental nuisance and pollution that will arise from growth across the district.

The evidence is not sound because HW3(1)(d) is not fully consistent with national policy; the National Planning Policy Framework expects plans to be underpinned by adequate, proportionate evidence, and without clear requirements for technical assessments, the evidence base at application stage may be incomplete.

Edenbridge impact

As drafted, HW3 is too vague and technically weak, so it risks allowing more noise, light, and other pollution to be pushed onto Edenbridge residents and town centre routes compared with better protected or more rigorously assessed sites in other parts of the district.

NEDRA (New Edenbridge District Residents' Association)

Chapter 7 Response - NEDRA Disagree

Policy HEN1

Opening sentence

This opening sentence says that any planning application which affects heritage assets, including their setting, must conserve them and, where appropriate, enhance them, in a way that reflects their "significance," and that this applies across the whole district.

What's good

It follows the National Planning Policy Framework principle that decisions should be led by the "significance" of the heritage asset.

It covers both direct impact and impact on "setting," which is very important in places like Edenbridge High Street, the Conservation Area, and views to and from the surrounding countryside.

It applies to all heritage assets, so it should help ensure that Edenbridge's assets are not treated as second class compared with, for example, Sevenoaks town.

What's vague or risky

It does not explain how "conserve" and "enhance" will actually be judged in practice, or how this will be balanced against other Local Plan aims such as housing delivery and town centre regeneration. That leaves a lot of discretion.

It is silent on how harm to a designated heritage asset should be weighed against public benefits, which is a key requirement of the National Planning Policy Framework. That could lead to inconsistent decisions between settlements, including Edenbridge.

The phrase "positive management of development" sounds good but does not give clear, testable criteria for applicants or residents.

What to change

We consider that a short National Planning Policy Framework style balancing test and clarity on proportionality should be added, for example:

'Development proposals affecting heritage assets, including change within their setting, will be required to conserve them in a manner appropriate to their significance and, where opportunities arise, to enhance that significance. Any harm to the significance of a designated or non-designated heritage asset must be clearly identified, justified, and weighed against the public benefits of the proposal, having regard to the scale of harm and the importance of the

asset. The level of information required will be proportionate to the significance of the asset and the degree of change proposed.'

Designated heritage assets list

Our understanding of this part

This part lists the nationally designated heritage assets that the policy covers, including listed buildings, scheduled monuments, conservation areas and registered parks and gardens.

What's good

It clearly recognises conservation areas and listed buildings, which are very relevant to Edenbridge, including the High Street, church, and other key buildings.

It makes clear that the policy applies to a range of asset types, not just buildings.

What's vague or risky

It does not explicitly say that greater weight will be given to more important designations, such as listed buildings compared with a conservation area "positive contributor." That is implied by "significance" but is not clearly stated.

There is no explicit link to the statutory duties for listed buildings and conservation areas, which are legal requirements and not just policy choices.

What to change

We consider that the policy should make clear that designated assets carry great weight in decision making and that statutory duties apply, for example:

'Great weight will be given to the conservation of designated heritage assets, in line with statutory duties and national policy, recognising that the more important the asset, the greater the weight that should be given to its conservation.'

Non designated heritage assets list

Our understanding of this part

This part widens the policy to cover a long list of locally important but non designated heritage assets, including locally listed buildings, historic farmsteads, assets in the Kent Historic Environment Record, and other 'buildings, monuments, sites, places, areas, or landscapes' with heritage interest.

What's good

It allows local character, including Edenbridge's historic farms, outlying hamlets, and townscape, to be protected and not just nationally designated sites.

Referring to the Kent Historic Environment Record is positive, as it is an objective and mapped evidence source.

What's vague or risky

The phrase 'buildings, monuments, sites, places, areas or landscapes… meriting consideration' is extremely broad. Without clear criteria or a published, up to date Local List, almost anything

could be argued to be a non-designated heritage asset at application stage. That creates uncertainty and scope for inconsistent decisions.

Automatically treating 'assets identified in the Kent Historic Environment Record' as non-designated heritage assets could capture large areas and many undesignated features, increasing the evidence burden on small Edenbridge applications such as a householder extension or a small shop change of use.

There is no explicit statement that the weight given to harm to a non-designated heritage asset should be proportionate to its significance, as the National Planning Policy Framework requires.

What to change

We consider that the definition needs to be tightened and the approach made proportionate, for example:

'Non-designated heritage assets will include buildings, structures, sites, and places identified on the Council's published Local List, as making a positive contribution in an adopted Conservation Area Appraisal, or as non-designated heritage assets in the Kent Historic Environment Record. Proposals affecting non-designated heritage assets will be assessed having regard to the scale of any harm or loss and the significance of the asset, in line with national policy. The identification of new non-designated heritage assets at application stage must be supported by clear evidence and will be proportionate to the scale of the development.'

Final paragraph and list a to d policy and guidance to be used

Our understanding of this part

This part says that proposals should make a positive contribution to local character and distinctiveness, respond sensitively to the historic environment, and must take account of national policy and a long list of local policies, supplementary planning documents, and guidance, including the Kent Design Guide, Local List guidance, Conservation Area Appraisals, Neighbourhood Plans, and the Landscape Character Assessment.

What's good

It recognises that character and distinctiveness matter and that proposals should not just avoid harm but look for positive outcomes.

It anchors decisions in evidence documents such as Conservation Area Appraisals and the Sevenoaks Landscape Character Assessment, which is helpful if those documents are up to date and specific to Edenbridge.

It signals that Neighbourhood Plans and local lists will be relevant, giving communities some influence.

What's vague or risky

The list bundles together policies, supplementary planning documents, appraisals and 'any subsequent versions' without clarifying their status or weight. That risks shifting important policy burdens into documents that will not themselves be examined at Local Plan Examination.

There is no commitment that key Edenbridge evidence documents, such as the Conservation Area Appraisal and any town centre design guidance, will be up to date by the time major

allocations come forward. This is a real concern for equity between settlements, as decisions in Sevenoaks or other towns may rely on newer appraisals than Edenbridge has.

The phrases 'relevant research' and 'current best practice guidance' are open ended and could require applicants, including small Edenbridge schemes, to commission expensive assessments without clear thresholds.

The wording implies that all this material must be used 'as a minimum,' which may be disproportionate and could make smaller schemes less viable in historic parts of Edenbridge.

What to change

We consider that HEN1 should clarify status, proportionality, and the need for up to date Edenbridge documents, for example:

'Proposals for development should make a positive contribution to local character and distinctiveness and respond sensitively to change within the historic environment. In doing so, applicants must have regard to national planning policy, this Local Plan, and relevant adopted guidance, including Conservation Area Appraisals and Neighbourhood Plans. The Council will ensure that Conservation Area Appraisals and key historic environment guidance for each town, including Edenbridge, are kept up to date. The level of assessment and the range of documents to be considered will be proportionate to the scale and nature of the development and the significance of the heritage assets affected. Supplementary Planning Documents and guidance will be used to illustrate how Local Plan policies will be applied and will not introduce new policy requirements.'

Requested Changes HEN1

- We ask that the Council inserts clear wording in HEN1 to require any harm to the significance of heritage assets to be explicitly identified, justified and weighed against public benefits, in line with the National Planning Policy Framework, with the level of assessment proportionate to the scale of development.
- We ask that the Council tightens the definition of non-designated heritage assets so that they are identified through a published Local List, adopted Conservation Area Appraisals, or clearly evidenced Kent Historic Environment Record entries, rather than leaving the category open ended at application stage.
- We ask that the Council commits in HEN1 to keeping Conservation Area Appraisals and key historic environment guidance up to date for all main settlements, including Edenbridge, so that Edenbridge is treated equitably and consistently with places such as Sevenoaks town when decisions are made.
- We ask that the Council clarifies that Supplementary Planning Documents and other guidance referenced in HEN1 cannot introduce new policy burdens and will be applied in a way that is proportionate, especially for small scale development in historic parts of Edenbridge.

Regulation 19 soundness and arguments HEN1

The policy is not sound because it is not positively prepared or effective. It does not explain how harm to the significance of heritage assets will be weighed against public benefits, which is a core requirement of the December 2024 National Planning Policy Framework. Without a clear, plan led balancing framework, decisions will be inconsistent across the district and between settlements, including Edenbridge, which will undermine delivery of the plan's wider objectives.

The policy is not sound because it is not justified. Non designated heritage assets are defined so broadly and vaguely that almost any building, site or landscape could be captured at application stage, without a clear, evidence based Local List or up to date appraisals. That is not a proportionate, evidence led approach and does not show that reasonable alternatives, such as a firm Local List, have been considered.

The policy is not sound because it is not effective. It relies heavily on a long list of supplementary planning documents, appraisals and 'subsequent versions' without confirming that they will be in place and up to date for all settlements, including Edenbridge, over the plan period. This undermines certainty and deliverability, particularly for town centre regeneration and allocated sites where heritage will be a major consideration.

The policy is not sound because it is not fully consistent with national policy. The National Planning Policy Framework expects heritage policies to be clear, unambiguous, and proportionate, and to distinguish between the great weight given to designated assets and the balanced judgement required for non-designated assets. HEN1 does not clearly set out this distinction or the proportional approach, nor does it make clear that supplementary planning documents cannot create new policy burdens outside the Local Plan.

The policy is not sound because there is a risk to basic legal compliance and plan wide consistency. By giving open ended weight to 'current best practice guidance' and 'any subsequent versions' of supplementary planning documents, the policy could allow important policy tests to be shifted into documents that are not examined, which may conflict with the plan led system and with equal treatment of different parts of the district. Edenbridge residents cannot see, at Regulation 19 stage, the full set of requirements that will be applied to them.

Edenbridge Impact

As drafted, HEN1 could be used to defend Edenbridge's historic character, but the vague treatment of non-designated assets and heavy reliance on a patchwork of guidance risks inconsistent and potentially heavier requirements on Edenbridge schemes than in other settlements, unless the policy is tightened and the evidence base for Edenbridge is properly updated.

NEDRA (New Edenbridge District Residents' Association)

Chapter 7 Response - NEDRA Disagree

<u>Policy HEN2</u>

HEN2(a)

Our understanding of HEN2(a)

HEN2(a) says that where a proposal might affect any heritage asset, the application documents (Planning Statement, Design and Access Statement, Heritage Statement) must identify all the heritage assets, describe how important they are, and explain how their setting contributes to that significance.

What is good in HEN2(a)

HEN2(a) rightly puts the focus on significance and setting, which is exactly what the December 2024 National Planning Policy Framework expects for decision making on heritage.

In practice, this should help stop lazy applications in Edenbridge that ignore the conservation area, listed buildings or historic views until very late in the process.

What is vague or risky in HEN2(a)

HEN2(a) does not say that this requirement must be proportionate to the scale and likely impact of the development. In Edenbridge this could mean even minor household works near a heritage asset being hit with unnecessary, expensive reports.

HEN2(a) does not say clearly that the assessment must cover all relevant heritage assets, both designated and non-designated, and must use evidence such as the Kent Historic Environment Record and any conservation area appraisals.

The phrase 'will be expected to demonstrate' is slightly weak as a requirement. 'Will be required to demonstrate' is stronger and clearer for development management and would help ensure consistent treatment between different settlements.

What to change HEN2(a)

We propose that HEN2(a) is amended to say something like:

'Where heritage assets may be affected by a proposal, proportionate to the scale and likely level of harm, Planning Statements, Design and Access Statements and or Heritage Statements will be required to demonstrate:

a. An identification and assessment of all designated and non-designated heritage assets affected, using relevant evidence including the Historic Environment Record and conservation

area appraisals, including an assessment and description of their significance and the contribution of their setting;'

Requested Changes HEN2(a)

- We ask that the Council strengthens the wording from 'will be expected' to 'will be required' so HEN2(a) operates as a clear policy requirement.
- We ask that the Council adds that the level of assessment must be 'proportionate to the scale and likely level of harm' to avoid over burdening small schemes in Edenbridge.
- We ask that the Council explicitly requires the use of relevant evidence, including the Kent Historic Environment Record and any conservation area appraisals, and that both designated and non-designated heritage assets are covered.

Regulation 19 soundness and arguments HEN2(a)

The evidence is not sound because, without a clear proportionate test, HEN2(a) is not effective, as it may be applied in an overly rigid way to small Edenbridge schemes, causing delay and cost without improving heritage outcomes.

The evidence is not sound because HEN2(a) is not clearly justified by evidence about proportionality and local impacts. A blanket requirement may go beyond what is reasonable when compared with other reasonable alternatives, such as a proportionate threshold for statements.

The evidence is not sound because, without explicit reference to all heritage assets and to use of the Historic Environment Record, HEN2(a) risks not being consistent with national policy, which expects decision makers to identify the significance of both designated and non-designated heritage assets and to use appropriate evidence.

HEN2(b)

Our understanding of HEN2(b)

HEN2(b) says that applications must show how the heritage information in HEN2(a) has shaped the design, including how the scheme will sustain and enhance the historic environment and, where there is harm, how that harm is minimised and mitigated.

What is good in HEN2(b)

HEN2(b) links the assessment to actual design choices, not just paperwork. That is positive for Edenbridge, where we often see boilerplate heritage text and then a standard, out of place design.

The phrase 'sustain and enhance the historic environment' is broadly aligned with the National Planning Policy Framework aim to conserve heritage assets in a manner appropriate to their significance.

What is vague or risky in HEN2(b)

The phrase 'minimise and mitigate harm' could, if read alone, be used to justify avoidable harm as long as some mitigation is offered, for example a token landscape strip.

HEN2(b) does not refer to the National Planning Policy Framework tests for substantial and less than substantial harm, or the requirement for 'clear and convincing justification' for any harm to significance. That risks decisions drifting away from national policy.

'Enhance the historic environment' is positive but vague. Without examples such as repairing fabric, reinstating historic features, or improving public realm in conservation areas, it is hard for residents in Edenbridge to argue for real benefits rather than cosmetic tweaks.

What to change HEN2(b)

We propose that HEN2(b) is refined to say something like:

'b. How this information has been used to inform proposals that conserve heritage assets in a manner appropriate to their significance, seek opportunities to enhance their significance and setting, and, where harm cannot reasonably be avoided, minimise and clearly justify that harm in accordance with the National Planning Policy Framework, including appropriate on site and off site mitigation;'

Requested Changes HEN2(b)

- We ask that the Council makes clear that harm to heritage significance must first be avoided where reasonably possible, and only then minimised and mitigated, in line with the National Planning Policy Framework tests.
- We ask that the Council expressly requires 'clear and convincing justification' for any harm to the significance of a heritage asset, reflecting national policy.
- We ask that the Council explains that 'enhancement' should include tangible measures such as repair of historic fabric, reinstatement of lost features, or public realm improvements in Edenbridge's historic areas.

Regulation 19 soundness and arguments HEN2(b)

The evidence is not sound because, without explicit reference to avoiding harm and to the National Planning Policy Framework tests for substantial and less than substantial harm, HEN2(b) is not consistent with national policy and could allow decision making that gives insufficient weight to the conservation of heritage assets.

The evidence is not sound because HEN2(b) is not fully positively prepared. It does not clearly seek opportunities for enhancement, just a general statement, missing a chance to secure real heritage betterment in places like Edenbridge town centre.

The evidence is not sound because, in the absence of clear wording on justification, HEN2(b) may not be effective at resisting cumulative small harms to Edenbridge's heritage assets, which is an important material consideration.

HEN2(c)

Our understanding of HEN2(c)

HEN2(c) says that new development must respond positively to local historic character and must conserve, and where appropriate enhance, the significance of heritage assets.

What is good in HEN2(c)

HEN2(c) ties design to local historic character, which is important for Edenbridge so that new schemes respect the conservation area, older streets, and the rural setting.

HEN2(c) repeats that conserving significance is essential, which echoes the National Planning Policy Framework requirement to give great weight to the conservation of heritage assets.

What is vague or risky in HEN2(c)

The phrase 'responds positively to local historic character' is very vague. A developer could argue that almost anything is 'positive' without a clear benchmark.

The phrase 'where appropriate enhances' gives no guidance on when enhancement is expected. In larger schemes in or near historic parts of Edenbridge, this could let applicants progress neutral schemes where enhancement should be required.

There is no explicit link to any design codes, conservation area appraisals, or character assessments, so decision makers may struggle to insist that schemes in Edenbridge genuinely fit local character.

It is not clear how HEN2(c) interacts with other design policies, and weak cross referencing can cause inconsistency across the plan.

What to change HEN2(c)

We propose that HEN2(c) is tightened to say something like:

'c. That new development is of a high design quality which clearly responds to and reinforces local historic character, including any relevant conservation area appraisals and design codes, and conserves the significance of heritage assets and their setting, securing enhancement of significance and the wider historic environment where opportunities exist, particularly in and around conservation areas and historic town centres.'

Requested Changes HEN2(c)

- We ask that the Council defines 'responds positively to local historic character' by requiring development to 'reinforce' that character and to refer explicitly to conservation area appraisals and any design codes for Edenbridge.
- We ask that the Council requires enhancement 'where opportunities exist,' especially in and around conservation areas and historic town centres, rather than only 'where appropriate.'
- We ask that the Council confirms how HEN2 will work together with other design policies so that historic character in Edenbridge is consistently protected and enhanced.

Regulation 19 soundness and arguments HEN2(c)

The evidence is not sound because the phrase 'responds positively to local historic character' is too vague to be effective, leaving too much room for subjective interpretation and inconsistent decisions between settlements.

The evidence is not sound because, without clear linkage to existing or future design codes and conservation area appraisals, HEN2(c) is not fully justified or effective, as it fails to use available evidence to shape and control design in sensitive places like Edenbridge.

The evidence is not sound because by only seeking enhancement 'where appropriate,' and not 'where opportunities exist,' HEN2(c) is not sufficiently positively prepared or consistent with national policy, which seeks not just to conserve but also, where possible, to enhance the historic environment.

Edenbridge Impact

As drafted, HEN2 broadly supports protection of heritage across the district, but its vague and unqualified wording risks uneven application and weaker protection for Edenbridge's historic areas compared with better documented or more assertively defended settlements.

NEDRA (New Edenbridge District Residents' Association)

Chapter 7 Response - NEDRA Disagree

Policy HEN3

We set out below our response to the key paragraphs of HEN3 as they affect Edenbridge. We are particularly concerned that if the policy is left vague, real archaeological artefacts and remains in places like Edenbridge could exist on a site and never be properly looked at before development goes ahead.

Paragraph: 'Where an application is located within an Archaeological Notification Areas…'

Summary of the clause

This paragraph is about what happens if a planning application is in an Archaeological Notification Area or in a place where archaeology is suspected. The Council is saying it might ask for an archaeological assessment to understand the impact of the proposal on any buried remains.

What is good

It accepts that archaeology matters and should be understood before decisions are made.

It links the requirement to places with a known or suspected archaeological issue, not every site everywhere. That is a sensible starting point.

What is vague or risky

The phrase 'may be required' is very woolly. Applicants and case officers will not know clearly when an assessment is needed. That invites inconsistent treatment between towns and between similar sites and can create extra cost and delay for one site while another is waved through.

'Archaeological Notification Areas or suspected area of archaeological importance' is not defined here. For Edenbridge, this could mean surprise requests on small brownfield or infill plots if an officer simply 'suspects' archaeology, without any clear map or evidence.

There is no explicit link to proportionality. The National Planning Policy Framework 2024 expects evidence to be proportionate to the significance of the heritage asset and the scale of the development. As drafted, the same level of assessment could be demanded for a small domestic extension as for a major scheme.

There is no reference to the Kent Historic Environment Record or to any published map. Edenbridge residents and small builders cannot easily know in advance whether their site is caught.

Most importantly, the wording is so loose that there is a real risk that a site in Edenbridge could contain genuine archaeological artefacts or remains and the Council chooses not to ask for an assessment at all. We would be far more worried about that outcome than about having a clear, up front requirement on sites that are properly identified.

What to change

We consider the paragraph should be replaced with clearer, mapped, and proportionate triggers as follows:

'Where an application site falls within a defined Archaeological Notification Area, or other area identified on the Policies Map or in the Kent Historic Environment Record as having archaeological potential, and the development has the potential to affect archaeological assets, an archaeological assessment, proportionate to the scale of development and significance of the potential asset, will be required to understand the potential impact on archaeological remains.'

This wording gives certainty, reflects proportionality, and greatly reduces the risk that real archaeology in Edenbridge is simply not looked at.

Requested Changes

- We ask that the Council replaces 'may be required' with clear, proportionate triggers so that applicants know when an archaeological assessment is needed and so that sites with genuine archaeological interest are not overlooked.
- We ask that the Council defines 'Archaeological Notification Areas' and other areas of archaeological potential on the Policies Map and by reference to the Kent Historic Environment Record, so Edenbridge residents can check in advance whether they are affected.
- We ask that the Council adds explicit wording that assessments must be proportionate to the scale and nature of development, so small Edenbridge schemes are not overburdened, while ensuring that sites with real archaeological remains are properly investigated.

Regulation 19 soundness and legal points

The evidence is not sound because the policy is not effective. The wording 'may be required' and the undefined 'suspected area' leave too much discretion and risk inconsistent decision making between different settlements, including different treatment of similar sites in Edenbridge compared with elsewhere, and the real possibility that archaeological remains on some sites are never investigated at all.

The evidence is not sound because the policy is not justified. There is no clear evidence or mapping referenced to show where these areas are or why they have been identified, so applicants cannot understand or challenge the designations, and the Council cannot show that the duty to protect the historic environment has been properly thought through.

The evidence is not sound because the policy is not consistent with national policy in the National Planning Policy Framework 2024, which expects information requirements for heritage to be proportionate to the development and to the significance of the heritage asset. The policy as written does not include any proportionality safeguard.

Paragraph: 'Preservation in situ will be expected unless clear justification is provided…'

Summary of the clause

This paragraph says the starting point is to leave archaeological remains where they are, untouched. If the applicant can clearly justify a different approach, then proper recording, analysis and archiving will be expected instead.

What is good

It correctly places preservation in situ first, which aligns with national heritage principles.

It requires professional work, such as recording, assessment, analysis, reporting and archiving, when remains are affected.

What is vague or risky

'Clear justification' is not explained. It is not clear whether this means financial viability, design constraints, public benefits or simply that preservation is technically awkward. That lack of clarity leaves room for significant harm to archaeology to be justified on relatively weak grounds.

The paragraph blurs the line between mitigation and decision making. Recording remains after they are destroyed should not be treated as enough to justify the harm and grant permission. National policy is clear that harm must be weighed against public benefits, not offset by 'better recording.'

There is no explicit reference to weighing harm against public benefits, as required in the National Planning Policy Framework. This makes the policy weaker and potentially inconsistent with national policy.

For Edenbridge, there is no reassurance that major growth locations elsewhere will be held to the same preservation standards as constrained town centre or riverside sites in the town, where archaeology is more likely. Our concern is that important remains in Edenbridge might be dismissed too readily as long as a record is taken, rather than kept on the site.

What to change

We consider that the paragraph should be reframed so that preservation in situ is clearly the normal outcome and any departure is tied to public benefits, not just a vague 'clear justification':

'Preservation in situ of archaeological remains will be the starting point and will normally be required. Where applicants consider that preservation in situ is not achievable, they must demonstrate, through a clear and proportionate justification, that any harm to archaeological assets is minimised and that the remaining harm is outweighed by the public benefits of the proposal. In such cases, recording of remains, assessment, analysis, reporting and deposition of the archive will be secured by planning condition or obligation but will not in itself be treated as justification for causing harm.'

Requested Changes

- We ask that the Council makes clear that preservation in situ is the normal expected outcome, and that any departure from this must be judged against public benefits and not simply against a general 'clear justification.'
- We ask that the Council states that archaeological recording is mitigation to be secured by planning condition or obligation and cannot by itself justify harm to significant remains.
- We ask that the Council confirms that this preservation approach applies equally to large greenfield allocations and strategic sites elsewhere in the district, and not just to smaller and more constrained Edenbridge sites, so that important remains in the town are not more vulnerable to loss.

Regulation 19 soundness and legal points

The evidence is not sound because the policy is not consistent with national policy. It does not explicitly require that harm to heritage significance, including archaeology, is weighed against public benefits as set out in the National Planning Policy Framework, and it risks treating recording as a trade-off for destruction.

The evidence is not sound because the policy is not effective. Without a clear decision making framework for what 'clear justification' means, the policy will be applied inconsistently and will be difficult for officers, applicants, and Inspectors to use, increasing the risk that genuine archaeological remains in places like Edenbridge are not properly safeguarded.

Paragraph: 'Whenever practicable, opportunities should be taken for the enhancement and interpretation of archaeological remains.'

Summary of the clause

This paragraph tells developers that where possible they should improve and explain archaeological remains, for example by on site displays, interpretation boards or design that showcases the archaeology.

What is good

It encourages public benefit from archaeology rather than just technical reports that sit on a file.

It can support place making in town centres such as Edenbridge where local history and stories are an important part of identity.

What is vague or risky

'Whenever practicable' is very vague. There is no test for what counts as practicable, so this wording is likely to be set aside on viability or convenience grounds.

'Enhancement and interpretation' is not linked to the scale of development or to specific mechanisms such as conditions or obligations. It reads more as an aspiration than as a policy that can actually secure measures.

There is no assurance that Edenbridge, with its own archaeological interest, will see equal investment in interpretation compared with more high profile sites in other towns.

If interpretation is treated as a loose afterthought, there is also a risk that opportunities to investigate and explain real archaeological finds in Edenbridge will be missed. Once a site has been developed without proper interpretation or public access to the information, those chances are gone for good.

What to change

We consider this paragraph should set a clear expectation that proportionate interpretation will be secured where feasible, and that benefits should flow to the settlement where the archaeology is found:

'For development affecting archaeological assets, opportunities for on site or off site enhancement and public interpretation of the archaeology, proportionate to the scale of development, will be secured where feasible through planning conditions or obligations. Priority should be given to measures that support local identity and public understanding in the settlement where the archaeology is found.'

Requested Changes

- We ask that the Council replaces 'whenever practicable' with a clear expectation that proportionate interpretation measures will be secured where feasible, using planning conditions or obligations.
- We ask that the Council requires interpretation to be linked to the settlement where the archaeology is found, so that Edenbridge directly benefits from archaeological work in the town, and so that important finds are investigated and explained rather than quietly buried in technical files.
- We ask that the Council includes the phrase 'proportionate to the scale of development' so that very small schemes are not unreasonably burdened while still securing public benefit from larger developments.

Regulation 19 soundness and legal points

The evidence is not sound because the policy is not effective. As drafted it is too vague to secure real enhancement or interpretation measures. There is no mechanism, such as conditions or obligations, and no proportionality framework.

The evidence is not sound because the policy is not positively prepared. It misses a clear and deliverable opportunity to secure public benefits from archaeology, especially in town centres such as Edenbridge where interpretation could support regeneration and tourism and ensure that any archaeological artefacts that are found are properly investigated and shared with the community.

Paragraph: 'Developers will be required to record any heritage assets to be lost…'

Summary of the clause

This paragraph deals with the situation where development will result in the loss of a heritage asset, including historic buildings or parts of them. It says the developer must document the asset properly, in a way that reflects how important it is and how big the impact will be and must make that information publicly available.

What is good

It applies not only to buried archaeology but also to historic buildings and features, which is important for a historic town such as Edenbridge.

It requires that the record is publicly accessible, rather than kept privately.

It recognises the need for proportionality, so that the level of recording matches the significance of the asset and the scale of impact.

What is vague or risky

The phrase 'heritage assets to be lost' risks accepting loss as a given, rather than requiring strong justification for the loss in the first place. This wording can look like permission to demolish provided that a record is taken.

There is no clear route for how records will be 'publicly accessible.' It is not clear whether this means online, in local archives, in a local museum or somewhere else. Without clarity, there is a risk that information is buried in a technical archive that the public never see.

The paragraph does not refer back to the decision making framework in HEN1 or in national policy to confirm that recording is mitigation, not justification for harm.

For Edenbridge, where many smaller historic buildings are not formally listed, this could become a tick box exercise at the point of demolition, instead of encouraging sympathetic conversion or reuse as a first option. The danger is that buildings and sites with real heritage interest are lost first and only analysed afterwards, which is exactly the outcome that most worries residents.

What to change

We consider that the paragraph should be clearly tied to exceptional situations where loss has already been justified in line with HEN1 and the National Planning Policy Framework, and that it should spell out where records go and when recording happens:

'Where, having applied Policy HEN1 and national policy, the loss in whole or in part of a heritage asset is exceptionally agreed, developers will be required to secure a level of recording proportionate to the asset's significance and the scale of impact. The resulting reports and archives shall be deposited in the Kent Historic Environment Record and, where appropriate, made publicly accessible through local archives, museums, or digital platforms. For historic buildings, recording shall be secured prior to any alteration or demolition that would result in loss of features.'

Requested Changes

- We ask that the Council makes clear that recording only follows exceptional agreement to loss and does not, in itself, justify demolition or harmful alteration.
- We ask that the Council specifies how information will be made publicly accessible, including through the Kent Historic Environment Record and local archives, so that Edenbridge residents can easily access it.
- We ask that the Council adds a cross reference to HEN1 and national policy so that the need to avoid or minimise harm is considered before recording is relied on, and so that

sites and buildings in Edenbridge with real heritage and archaeological interest are properly investigated before they are lost.

Regulation 19 soundness and legal points

The evidence is not sound because the policy is not consistent with national policy. By focusing on recording 'heritage assets to be lost' without clearly stating that harm must first be justified in line with the National Planning Policy Framework, it risks treating recording as a trade-off for loss rather than as mitigation.

The evidence is not sound because the policy is not effective. 'Publicly accessible' is undefined, so there is no clear mechanism to ensure that records from Edenbridge sites are actually available to the public and to local groups.

The evidence is not sound because the policy is not positively prepared. It does not encourage the retention and reuse of historic buildings as the first preference, which is especially important in existing centres such as Edenbridge where once a building or site with archaeological interest has gone, any artefacts or evidence that were not properly investigated beforehand are lost forever.

Edenbridge impact

As drafted, HEN3 protects archaeology in principle but is vague and discretionary enough that real archaeological artefacts and remains in Edenbridge could be missed or only considered after decisions have been made, leaving smaller, constrained sites in the town facing unpredictable costs and risks while larger allocations elsewhere may negotiate away preservation more easily, leading to uneven protection and public benefit across the district.

NEDRA
Together, we can.

NEDRA (New Edenbridge District Residents' Association)

Chapter 7 Response - NEDRA Disagree

<u>Policy HEN4</u>

First paragraph: 'Development affecting Locally Listed Buildings and Assets should have regard…'

Explain the clause

This part says that when a planning application affects a Locally Listed Building or other locally listed asset, the applicant should think about how their proposal affects the asset's importance and setting and show that the value of the building has shaped the design.

What is good

It is positive that the policy recognises Locally Listed assets (non-designated heritage assets) as something that must be considered in planning decisions. This matters in Edenbridge, where many important buildings are not nationally listed but still form a key part of the town's character.

It is also helpful that the wording expects design to be led by the significance of the asset, rather than heritage being an afterthought bolted on to a scheme.

What is vague or risky

We are concerned that the phrase 'should have regard to' is weak in planning terms. A developer can say they have 'had regard' to an asset even if the proposal still causes clear harm, which leaves Edenbridge's locally important buildings exposed.

The clause does not say what evidence is required from applicants. There is no clear requirement, for example, for a proportionate Heritage Statement. Without that, it will be harder for residents and the Council to challenge poor submissions or demonstrate that an asset's significance and setting have been properly understood.

There is also no explicit link back to the quality and coverage of the Local List itself. For a town like Edenbridge, where many important buildings are not nationally listed, it is vital that the Local List is robust and that this policy clearly bites wherever a locally listed asset is affected.

What to change

We want this part of HEN4 to move from a soft expectation to a clear requirement, and to spell out what evidence applicants must provide.

Suggested replacement wording for the first paragraph:

‘Development affecting a Locally Listed Building or other locally listed heritage asset must conserve and, where possible, enhance the asset’s significance and setting. Planning applications must be accompanied by a proportionate Heritage Statement that identifies the asset, explains its significance and setting, and demonstrates clearly how its conservation has informed the design of the proposed development.’

Requested Changes

- We ask that the Council replace ‘should have regard to’ with a clear requirement that development ‘must conserve and, where possible, enhance’ the significance and setting of Locally Listed assets.
- We ask that the Council require a proportionate Heritage Statement for any proposal affecting a Locally Listed Building or asset, so applicants have to evidence how the asset has informed the design.
- We ask that the Council make explicit that these requirements apply equally in all settlements, including Edenbridge, where many important buildings are not nationally listed.

Regulation 19 soundness & legal points

The evidence is not sound because the policy is not effective. The phrase ‘should have regard to’ is too weak and vague to provide a clear decision making test, which will make it harder to secure consistent decisions over the plan period, including in Edenbridge.

The evidence is not sound because the policy is not positively prepared or justified. It does not specify what information applicants must provide, which is likely to lead to inadequate evidence and prevent robust protection of locally important assets, particularly in places like Edenbridge where the Local List carries much of the weight.

The evidence is not sound because the policy is not fully consistent with national policy in the National Planning Policy Framework, which expects clear, unambiguous policies and proportionate assessment of heritage significance. The current wording lacks this clarity and requirement for assessment.

Second paragraph: ‘Proposals will be supported for developments that secure the preservation…’

Explain the clause

This part says that the Council will support developments that keep, and where appropriate improve, Locally Listed Buildings and assets and their settings, and that the level of protection given should match how important each asset is.

What is good

It is helpful that the policy gives a positive steer. If a proposal preserves or enhances locally listed heritage, it should have policy support. That is important in Edenbridge, where active reuse of older buildings can help the town centre stay attractive and viable.

We also welcome the recognition that the response should be proportionate to the significance of the asset. That is a sensible and realistic approach.

What is vague or risky

The phrase 'in a manner appropriate to their significance' is not defined. Without further clarity, this could be used to argue that quite a lot of harm is 'appropriate' to secure a scheme, particularly where the Council is under pressure to deliver development.

There is no explanation of how 'preservation' and 'enhancement' will be judged in practice, so applicants may simply assert these outcomes without robust evidence, leading to debate at application and appeal stage with limited policy hooks.

The clause does not explicitly refer to making a balanced judgement for non-designated heritage assets, as required by the National Planning Policy Framework and as reflected elsewhere in the plan, for example in HEN1. This risks inconsistency with national policy and within the Local Plan itself.

What to change

We would like this paragraph to require clear demonstration of preservation or enhancement and to align explicitly with the national approach to non-designated heritage assets.

Suggested replacement wording for the second paragraph:

'Proposals will be supported where they clearly preserve or enhance the significance and setting of Locally Listed Buildings and other locally listed heritage assets. In assessing proposals affecting such non designated heritage assets, the Council will make a balanced judgement having regard to the scale of any harm or loss and the significance of the asset, giving great weight to proposals that secure their long term, viable use.'

Requested Changes

- We ask that the Council make it clear that preservation and enhancement must be clearly demonstrated, not just stated in supporting documents, so decisions are robust and transparent.
- We ask that the Council insert explicit wording about making a 'balanced judgement having regard to the scale of harm and significance,' to align the policy with the National Planning Policy Framework approach to non-designated heritage assets.
- We ask that the Council state that great weight will be given to proposals that secure a long term viable use for Locally Listed assets, supporting active reuse in town centres such as Edenbridge.

Regulation 19 soundness & legal points

The evidence is not sound because the policy is not consistent with national policy. National policy expects a balanced judgement for non-designated heritage assets, but the current wording is silent on this, which risks inconsistent and challengeable decision making.

The evidence is not sound because the policy is not effective. Terms such as 'appropriate to their significance' are not explained, which will make the policy hard to apply consistently across different settlements, including Edenbridge.

The evidence is not sound because the policy is not justified. The lack of a clear decision framework for weighing harm against significance suggests that reasonable alternatives, such as spelling out the balanced judgement test, have not been properly considered.

Third paragraph: 'Schemes that show a positive commitment…' and 'Development that would result in the loss of, or demonstrably harm…'

Explain the clause

This part says that schemes which keep the locally listed asset in active use on the site will be encouraged. It then says that development which would remove or seriously harm a Locally Listed Building or asset, or its setting, will be resisted unless there are other public benefits that clearly outweigh the loss or harm.

What is good

We welcome the explicit support for retention and active reuse. This is especially relevant to town centre buildings in Edenbridge, where keeping heritage in productive use supports vitality as well as character.

We also welcome the intention to resist loss or significant harm, and the recognition that any such harm must be weighed against public benefits. That creates a starting point which should, in principle, help to prevent unnecessary demolition.

What is vague or risky

Saying that good schemes 'will be encouraged' is weak and gives no clear basis for refusing proposals that sideline, mothball or carve up the asset in ways that undermine its significance.

The phrase 'will be resisted' is also not a clear decision making test in itself. Planning policies usually need firm wording about when planning permission will or will not be granted, otherwise refusal reasons can be harder to defend.

The public benefits test is not defined or anchored in any clear criteria. In particular:

- The policy does not require the applicant to show that all reasonable options for retention or less harmful schemes have been explored.
- There is no explicit requirement for viability or marketing evidence before loss is accepted.

For non-designated heritage assets, the National Planning Policy Framework expects a balanced judgement having regard to the scale of harm and the significance of the asset. This policy jumps straight to a public benefits outweighing test closer to that used for designated assets, without spelling out how the balanced judgement is to be made. That could be seen as inconsistent and may be difficult to apply.

Without clearer tests and evidence requirements, there is a real risk that broad 'public benefits' such as general housing numbers will be used to justify the loss of locally listed buildings in Edenbridge, especially on larger town centre and edge of town sites.

What to change

We want this part of HEN4 to give strong, practical support to retaining Locally Listed assets in active use and to set out a clear, testable framework for any proposal that would cause harm or loss.

Suggested replacement wording for the third paragraph:

'Proposals that retain the Locally Listed Building or other locally listed heritage asset in an active, viable use as an integral part of the site will be strongly supported. Planning permission will only be granted for development that would result in the loss of, or harm to, the significance or setting of a Locally Listed Building or other locally listed heritage asset where:

- it has been demonstrated, through proportionate evidence, that there are no reasonable, less harmful alternatives or viable options for retaining the asset in a suitable use.
- a balanced judgement has been made having regard to the scale of harm or loss and the significance of the asset; and
- the public benefits of the proposal are clearly and convincingly demonstrated to outweigh the harm or loss, and appropriate recording and interpretation of the asset are secured.'

Requested Changes

- We ask that the Council replace 'will be encouraged' with a strong commitment that proposals which retain Locally Listed assets in active, viable use 'will be strongly supported.'

- We ask that the Council replace 'will be resisted, unless…' with a clear decision test that 'planning permission will only be granted where…' and set out criteria covering alternatives, viability, balanced judgement, and public benefits.

- We ask that the Council require applicants seeking loss or significant harm to a Locally Listed asset to provide proportionate evidence, including viability and alternatives assessments, so that important buildings in Edenbridge cannot be lost without proper testing.

Regulation 19 soundness & legal points

The evidence is not sound because the policy is not effective. Phrases such as 'will be encouraged' and 'will be resisted' are not framed as clear tests for granting or refusing permission, which will undermine consistent decision making and make appeals harder to defend.

The evidence is not sound because the policy is not fully consistent with national policy. For non-designated heritage assets, the National Planning Policy Framework expects a balanced judgement having regard to the scale of harm and the significance of the asset. The policy does not set out this balanced approach or explain how it sits alongside the public benefits test.

The evidence is not sound because the policy is not justified. It introduces a strong public benefits test but does not require applicants to show that reasonable alternatives or less harmful schemes have been explored, meaning reasonable alternatives have not been secured in the policy wording.

The evidence is not sound because it may not be positively prepared in respect of Edenbridge. Without requirements for evidence on options and viability, the policy may fail to secure the long term reuse of Locally Listed assets in smaller settlements, exposing them to avoidable loss over the plan period.

Edenbridge Impact

As drafted, HEN4 recognises the importance of locally listed heritage but is too soft and vague to reliably stop developers in Edenbridge using broad 'public benefits' arguments to justify harming or demolishing valued local buildings, especially on larger town centre and edge of town sites, compared with better protected areas elsewhere.

NEDRA (New Edenbridge District Residents' Association)

Chapter 7 Response - NEDRA Disagree

Policy HEN5

We want to be very clear that we are not relaxed about harm to heritage assets, but we are equally worried about historic buildings being left under used, decaying or slipping into long term disrepair because policy is too rigid to allow sensible, well designed change.

Sentence: "Development should secure the conservation and continued beneficial use of heritage assets through their retention and sensitive adaptation which will avoid harm to their significance."

This sentence is saying that development affecting historic buildings and places should keep them in use, keep them conserved and adapt them sensitively so that what makes them important is not harmed.

What is good

It links continued use with conservation, which is essential for keeping historic buildings in Edenbridge town centre occupied and cared for.

It recognises sensitive adaptation, which is important for climate change works to older buildings.

What is vague or risky

The phrase "which will avoid harm" is absolute. The National Planning Policy Framework, NPPF, says decision makers must give great weight to conservation but also allows some harm where it is clearly justified and outweighed by public benefits, including climate change mitigation and adaptation.

If applied literally, this wording could be used to resist even minor, well designed energy efficiency works in Edenbridge's older buildings, because almost any intervention can be said to have some effect. That in turn risks creating a perverse outcome where buildings cannot be adapted to remain viable and slowly fall into vacancy, decay, and disrepair, which is a much greater harm to significance in the long term.

What to change

"Development should secure the conservation and continued beneficial use of heritage assets through their retention and sensitive adaptation. Proposals should be heritage led and designed to avoid harm to their significance so far as possible. Where any harm to significance remains, it must be clearly identified, demonstrated to be the minimum necessary to secure the heritage asset's long term, beneficial and viable use, and weighed against the public benefits of the proposal, in line with the National Planning Policy Framework, giving great weight to the

conservation of the heritage asset. In considering harm, the Council should have regard to the risk that failing to secure a viable use may lead to vacancy, decay, or disrepair, which can itself cause serious harm to significance over time."

Requested Changes

- We ask that the Council insert a clear presumption that proposals must be heritage led and designed to avoid harm so far as possible.
- We ask that the Council add explicit wording that any remaining harm must be the minimum necessary to secure a long term, beneficial and viable use.
- We ask that the Council require decision makers to consider the risk that refusing reasonable, well designed change can itself lead to vacancy, decay or disrepair and so greater harm to significance in the long term.

Regulation 19 soundness and arguments

The policy is not sound because, as drafted, it uses an absolute "avoid harm" approach without setting out the NPPF requirement to weigh any heritage harm against public benefits, while giving great weight to conservation and recognising the need to keep heritage assets in viable use. This fails the consistent with national policy test.

The policy is not sound because it ignores the real world risk that overly rigid wording will discourage the sensitive adaptation needed to keep historic buildings in viable use, leading to vacancy and decay, so it is not positively prepared or effective for the plan period.

Sentence: "The conversion and change of use of heritage assets should conserve the significance of heritage assets and without significant alteration or change to character and appearance, or loss of historic fabric."

This sentence is trying to say that when a historic building is converted or its use changes, what makes it important should be conserved and there should not be major changes to how it looks or to its original materials.

What is good

It supports conversion and change of use in principle, which Edenbridge needs to keep older buildings in viable use.

It focuses on conserving significance, which is the key heritage test in national policy.

What is vague or risky

The wording is grammatically clumsy and could be read as almost banning any significant alteration or loss of historic fabric, even where this would secure a long term beneficial use or deliver strong public benefits.

It does not reflect the NPPF position that some harm can be accepted if justified and outweighed by public benefits, having given great weight to conservation.

For a smaller town like Edenbridge, too rigid a line on alteration could make viable conversions unachievable. In practice that can leave buildings empty or under used, with gradual decay, water ingress and disrepair doing far more damage to significance than a small, justified alteration would have done.

What to change

"The conversion and change of use of heritage assets should conserve their significance. Any alterations to their character, appearance or historic fabric should be limited to the minimum necessary to secure a long term, viable and beneficial use and should be clearly justified. In assessing what is the minimum necessary, the Council will have regard to the risk that failing to enable an appropriate use may result in vacancy, decay or disrepair, and so greater harm to significance over time. Where such alterations would result in harm to significance, this harm must be clearly identified and shown to be outweighed by the public benefits of the proposal, in line with the National Planning Policy Framework, having given great weight to the asset's conservation."

Requested Changes

- We ask that the Council replace the current sentence with wording that allows only the minimum necessary alterations to secure a long term, viable and beneficial use, while still conserving significance.
- We ask that the Council include a clear reference to the risk that blocking reasonable change may leave buildings vacant or decaying, which is itself harmful to significance.
- We ask that the Council require any harm to significance to be clearly identified, justified, and shown to be outweighed by public benefits in line with the NPPF.

Regulation 19 soundness and arguments

The policy is not sound because it sets an almost absolute bar on significant alteration or loss of historic fabric without acknowledging that national policy allows justified harm where public benefits outweigh it, having given great weight to conservation. This fails the consistent with national policy test.

The policy is not sound because it does not recognise that securing a viable use is a key part of conservation and that long term vacancy and decay are serious harms. The lack of this balance means the policy is not justified or effective for smaller centres such as Edenbridge.

Sentence: "Development for the change of use or conversion of a heritage asset should demonstrate that the proposed use is considered to be compatible with the fabric, interior and setting of the building, taking into account the optimum viable use that is likely to conserve, or where clearly justified, cause the least harm to, the significance of the asset."

This sentence says that when you change the use of a heritage building, you must show the new use fits with the building's physical form and surroundings and that you have thought about the optimum viable use, meaning the realistic use that best conserves the building or causes the least harm to its significance.

What is good

Bringing in optimum viable use aligns with the NPPF and encourages keeping heritage buildings in productive use.

It acknowledges that sometimes, even with care, some harm may arise but should be the least possible.

What is vague or risky

The phrase “considered to be compatible” is unclear. It does not say by whom or on what criteria, which can create uncertainty and inconsistent decisions.

There is no statement that expectations for evidence should be proportionate, which could burden small Edenbridge schemes, for example upper floor conversions above shops, with unnecessarily heavy assessments.

Optimum viable use is not tied clearly to the character and role of the settlement and to the need to avoid vacancy and disrepair, which could lead to pressure for more intensive uses that may harm local character or, conversely, refusal of modest change that would actually save a vulnerable building.

What to change

“Development for the change of use or conversion of a heritage asset should demonstrate, in a proportionate way, that the proposed use is compatible with the fabric, interior and setting of the building and with the character and function of the settlement. Proposals should explain how the chosen use represents an optimum viable use that is likely to conserve the asset’s significance, or, where some harm to significance is clearly justified, cause the least harm consistent with securing a long term, sustainable and beneficial use. In judging optimum viable use, the Council should have regard to the risk that failing to secure a realistic use may lead to vacancy, decay or disrepair and therefore greater harm to significance. The assessment of optimum viable use should be proportionate to the scale and nature of the proposal and should follow the approach to heritage decision making in the National Planning Policy Framework.”

Requested Changes

- We ask that the Council require the demonstration of compatibility and optimum viable use to be proportionate to the scale and nature of the proposal, to avoid over burdening small schemes in Edenbridge.
- We ask that the Council make clear that optimum viable use must be realistic, compatible with the character and function of the settlement and aimed at avoiding vacancy, decay, and disrepair.
- We ask that the Council explicitly link the assessment of optimum viable use to the heritage decision making approach in the NPPF.

Regulation 19 soundness and arguments

The policy is not sound because it requires applicants to demonstrate compatibility and optimum viable use without any reference to proportionality or to the need to avoid vacancy and decay, contrary to the NPPF expectation that information requirements are proportionate and that heritage policies support viable uses. This undermines the justified and effective tests, especially for small Edenbridge schemes.

The policy is not sound because, without a clear link to settlement character and the need to prevent long term disrepair, the optimum viable use test could be applied in a way that either pushes inappropriate uses or blocks reasonable ones, failing the positively prepared test.

Sentence: "Applications to improve the energy efficiency of historic buildings and mitigate and adapt to climate change will only be supported where they consider a whole building approach, informed by an understanding of the building and how it performs; understanding the building's significance; prioritising interventions that are proportionate, effective and sustainable; and avoiding and minimising harm and the risk of maladaptation."

This sentence says that energy efficiency and climate adaptation works to historic buildings must take a whole building view, understand the building and its significance, choose proportionate, effective, and sustainable interventions, and avoid harm and unintended negative effects.

What is good

It clearly recognises the need to improve energy efficiency and respond to climate change in historic buildings, which is important in Edenbridge's older housing and town centre stock.

It promotes proportionate and sustainable interventions and warns against maladaptation, such as changes that trap moisture and cause long term damage.

What is vague or risky

The wording "will only be supported" is very rigid and tied to an undefined whole building approach. It could be taken to mean that even simple climate friendly works, such as draught proofing, loft insulation or secondary glazing, must be backed by full whole building assessments, which is unrealistic for ordinary Edenbridge households and small businesses.

There is no indication that the level of assessment should be proportionate to the scale of the proposal. That risks deterring owners from doing the very energy efficiency works that are needed to keep historic buildings comfortable and affordable to occupy, which in turn can increase vacancy and disrepair.

Whole building approach is not explained in a way that reassures residents that low impact, incremental works will still be supported.

What to change

"Applications to improve the energy efficiency of historic buildings and to mitigate and adapt to climate change will be supported where they follow a proportionate whole building approach, appropriate to the scale and nature of the proposal. This should include an understanding of how the building performs, an understanding of the building's significance, and the prioritising of interventions that are proportionate, effective, and sustainable and that avoid and minimise harm to significance and the risk of maladaptation. In considering such proposals, the Council should recognise that enabling sensitive, small scale energy efficiency improvements is often essential to keeping heritage assets occupied and maintained and so avoiding vacancy, decay, and disrepair. In applying this policy, the Council will have regard to the National Planning Policy Framework expectation that information requirements are proportionate and that planning supports the transition to a low carbon future."

Requested Changes

- We ask that the Council replace "will only be supported" with positive wording that supports applications which follow a proportionate whole building approach.

- We ask that the Council make clear that the level of assessment and the whole building approach must be appropriate to the scale and nature of the proposal, so everyday energy efficiency works in Edenbridge are not blocked by disproportionate demands.
- We ask that the Council explicitly recognise that sensitive energy efficiency works can be essential to keeping heritage buildings occupied and maintained and so avoiding vacancy, decay, and disrepair.

Regulation 19 soundness and arguments

The policy is not sound because the current wording tied to an undefined whole building approach risks preventing straightforward climate friendly measures unless applicants commission detailed assessments, which is not proportionate and may deter owners from maintaining and upgrading historic buildings. This conflicts with the consistent with national policy test.

The policy is not sound because it does not acknowledge the link between supporting proportionate energy efficiency measures and avoiding vacancy and disrepair in heritage buildings, so it is not positively prepared or effective, particularly for Edenbridge.

Sentence: "Proposals will need to demonstrate that they are sensitively designed to avoid harm to the significance of heritage assets and their setting, having regard to other less harmful options that would achieve a similar result. Consideration should be given to the reversibility of any proposals, although reversibility alone will not justify alterations that harm significance."

This sentence says proposals must show they are sensitively designed so they do not harm the heritage asset or its setting, should look at whether less harmful options exist and should consider whether changes can be reversed later, but reversibility is not enough on its own to justify harmful works.

What is good

It promotes sensitive design and pushes applicants to think about less harmful ways to get the same outcome, which is good for Edenbridge's historic streets.

It rightly warns that reversibility does not automatically make harmful alterations acceptable.

What is vague or risky

Again, "avoid harm" is stated as an absolute, not as "avoid or minimise harm" followed by the NPPF compliant balance of harm and public benefits.

The phrase "having regard to other less harmful options" could be read as needing exhaustive option testing even for minor schemes, which would be disproportionate for small householder and shopfront works in Edenbridge.

There is no explicit acknowledgement that, in some cases, a small, well justified change that keeps a building in active use may cause less harm overall than leaving it under used or unmaintained and sliding into disrepair.

What to change

“Proposals should demonstrate that they are sensitively designed to avoid harm to the significance of heritage assets and their setting so far as possible and, where any harm remains, to minimise that harm. Where proportionate to the scale and nature of the proposal, applicants should explain what reasonable, less harmful options have been considered and why these are not being pursued. In judging acceptability, the Council should consider whether allowing a small, well justified change would secure the long term, active use and maintenance of the asset and so avoid greater harm from vacancy, decay, or disrepair. Consideration should be given to the reversibility of proposals, although reversibility alone will not justify alterations that would otherwise result in unacceptable harm to significance. Any residual harm to significance must be clearly identified and weighed against the public benefits of the proposal in accordance with the National Planning Policy Framework, giving great weight to the conservation of the heritage asset.”

Requested Changes

- We ask that the Council change “avoid harm” to “avoid harm so far as possible and, where any harm remains, minimise that harm,” to reflect a very strong presumption against harm while still allowing the NPPF balance.
- We ask that the Council qualify the requirement to consider less harmful options, so it only applies where proportionate to the scale and nature of the proposal.
- We ask that the Council add wording that explicitly recognises the need to secure long term active use and maintenance and avoid vacancy, decay or disrepair when judging whether a small, well justified change is acceptable.

Regulation 19 soundness and arguments

The policy is not sound because, as drafted, it requires absolute avoidance of harm without acknowledging the NPPF requirement to balance any heritage harm against public benefits, while giving great weight to conservation. This fails the consistent with national policy test.

The policy is not sound because, without a proportionality clause and without any reference to the need to avoid vacancy, decay, and disrepair, it risks disproportionate evidence burdens and decisions that leave buildings stuck in limbo rather than in active, maintained use. This undermines the justified and effective tests.

Edenbridge impact

As drafted, HEN5 reads as rigidly anti harm without recognising that refusing modest, well designed change can itself push historic buildings in Edenbridge toward vacancy, decay, and disrepair, whereas with our proposed wording it would strongly protect heritage significance while clearly supporting the sensitive adaptations and viable uses needed to keep Edenbridge’s historic buildings alive and cared for over the plan period.

NEDRA (New Edenbridge District Residents' Association)

Chapter 7 Response - NEDRA Disagree

Policy HEN6

HEN6 Shopfronts

This response relates to HEN6, which sets the approach to historic and new shopfronts, including in Edenbridge High Street and any conservation areas. Our concern is to protect historic shopfronts from harm while also keeping them in active use and good repair, so they do not drift into decline.

First paragraph 'Historic shopfronts should be retained and restored...'

This paragraph says that historic shopfronts which are considered important and which help the look of the building or street should be kept and restored.

What is good

It recognises that historic shopfronts have value in their own right and as part of the wider street scene.

It ties decisions to historic or architectural merit and contribution to character and visual amenity. These are standard planning tests, and they can help protect Edenbridge High Street and any conservation areas.

It encourages restoration, which can support active commercial use and avoid decay if it is done properly.

What is vague or risky

The phrase historic shopfronts should be retained and restored is weak wording. It does not say that harmful changes or loss will be refused, so a developer could still argue for removal if they present it as regeneration.

There is no clear test for when loss of a historic shopfront could ever be acceptable, for example wholly exceptional circumstances, clear evidence of structural failure, or showing that every reasonable option for retention has been explored.

The phrase where they are of historic or architectural merit and contribute is open to argument. Without clear criteria, different case officers could treat similar shopfronts in Edenbridge and Sevenoaks in very different ways.

It talks about retention and restoration but does not clearly say that the design and materials of any repair must be traditional or otherwise appropriate. Poorly designed or cheap repairs could still erode character even if the basic structure is retained.

There is no explicit recognition that securing viable, active uses and regular maintenance is vital to avoid heritage assets falling into long term disrepair.

What to change

Historic shopfronts that are of historic or architectural interest and that contribute to the character or visual amenity of a building or area will be retained.

Proposals affecting such shopfronts will only be permitted where they preserve or enhance their significance, including through high quality repair, sensitive adaptation or restoration using appropriate traditional materials and detailing, and where a viable use and ongoing maintenance can be secured so that the shopfront does not fall into neglect.

The substantial or total loss of a historic shopfront will only be supported in wholly exceptional circumstances, where it is demonstrated through robust evidence that retention is not reasonably practicable, that all reasonable options for repair or sympathetic adaptation have been explored, and that the public benefits of the proposal clearly outweigh the harm.

Requested Changes

- We ask that the Council replace the wording historic shopfronts should be retained and restored with a firmer requirement that such shopfronts will be retained, and that any substantial or total loss will only be supported in wholly exceptional circumstances.
- We ask that the Council require repairs, restorations, and adaptations to use appropriate traditional materials and detailing that preserve or enhance the shopfront's significance, and to demonstrate how the proposal will support a viable use and proper maintenance.
- We ask that the Council include clear criteria so that similar historic shopfronts in Edenbridge and other centres are assessed consistently on their historic or architectural merit and contribution to character and visual amenity.

Regulation 19 soundness & legal points

The evidence is not sound because the clause uses weak language such as should and does not give great weight to the conservation of heritage assets while supporting their viable use, so it is not positively prepared or fully consistent with national policy expectations.

The evidence is not sound because it does not explain why historic shopfronts are not given clearer protection, despite their recognised importance across the district, so the approach is not fully justified.

The evidence is not sound because vague wording about what should happen will lead to inconsistent decisions between settlements and over time, so the policy is not as effective as it needs to be for the whole plan period.

Second paragraph 'Opportunities should be taken for the enhancement of unsympathetic shopfronts within conservation areas.'

This paragraph says that in conservation areas, if there is a chance to improve unattractive or out of keeping shopfronts, that opportunity should be taken.

What is good

It recognises that some shopfronts actively harm the character of conservation areas and should be improved.

It gives a hook to insist on better design where a poor shopfront is being changed or replaced in places like Edenbridge conservation area.

It implicitly supports gradual improvement rather than leaving harmful shopfronts in place indefinitely.

What is vague or risky

The wording opportunities should be taken is very weak. It does not say that proposals must actually improve a poor shopfront when they are brought forward.

The term unsympathetic is subjective and undefined. Developers could argue that a modern, internally lit fascia is sympathetic even when residents and conservation officers think it is not.

The clause is limited to conservation areas. Edenbridge also has locally important streets or non-designated heritage areas with poor shopfronts where enhancement is just as important.

It does not explicitly say that the overall effect of the proposal must be an enhancement to the character and appearance of the conservation area, which is the usual policy test.

There is no clear encouragement for owners and occupiers to work with the Council on phased or modest enhancements that are realistic in commercial terms, which would help avoid shopfronts remaining harmful because improvement feels unaffordable.

What to change

Within conservation areas, proposals involving the replacement or alteration of poor quality, out of keeping or otherwise harmful shopfronts must deliver a clear enhancement to the character and appearance of the conservation area, assessed as a whole.

In Edenbridge and other district centres, particular priority will be given to the enhancement of shopfronts that currently detract from the significance or setting of heritage assets or the wider townscape.

The Council will support incremental and viable improvements, including through advice and any funding or partnership opportunities, so that harmful shopfronts can be upgraded over time rather than remaining in place.

Requested Changes

- We ask that the Council replace opportunities should be taken with a clear requirement that proposals must deliver an overall enhancement where poor or out of keeping shopfronts are being altered or replaced.
- We ask that the Council replace the vague term unsympathetic with clearer wording such as poor quality, out of keeping or harmful shopfronts and require a demonstrable enhancement to the character and appearance of the conservation area.
- We ask that the Council extend the focus on enhancement to other historic streets and centres such as Edenbridge High Street, and expressly support realistic, phased improvements so that shopfronts can be upgraded without harming viability.

Regulation 19 soundness & legal points

The evidence is not sound because the phrase opportunities should be taken is too soft to secure actual improvement and will lead to piecemeal decisions where harmful shopfronts remain, so the policy is not fully effective.

The evidence is not sound because it does not clearly require development to preserve or enhance the character and appearance of conservation areas and other historic streets, which is a core requirement of national policy, so it is not fully consistent with the National Planning Policy Framework.

The evidence is not sound because it does not direct enhancement efforts towards all historic centres, including smaller centres such as Edenbridge, so it is not positively prepared in terms of equitable treatment between settlements.

Third paragraph 'Applications for new shopfronts, or alteration to existing shopfronts and other forms of advertisement affecting heritage assets...'

This paragraph says that new or altered shopfronts and adverts affecting heritage assets will be supported if their design, position, materials, colours, proportions, and lighting respond positively to the existing building and its surroundings.

What is good

It covers both shopfronts and adverts, including lighting. This is important for managing illuminated signs and clutter in Edenbridge.

It requires attention to a good range of design elements. Design, detailing, materials, colour, proportion, and illumination are all relevant to heritage and townscape.

It seeks a positive response to the host building and surroundings, which gives a basis to refuse discordant designs.

It creates an opportunity to balance active commercial use, brand needs and the special interest of historic buildings and streets.

What is vague or risky

The phrase respond positively is vague and open to interpretation. It could be argued that a bold, branded design responds positively simply by being modern, even if it harms the character of a historic street.

The sentence is very long and repetitive, and it mixes replacement of historic shopfronts with enhancement of unsympathetic ones. This makes it hard to apply in decision making.

It only explicitly mentions heritage assets, which may leave out shopfronts in non-designated but historic parts of Edenbridge that still need careful design control.

It does not clearly state that proposals which fail these tests will be refused, or that internally illuminated and overly bright signs will normally be unacceptable on historic buildings or in conservation areas.

Advertisement consent and planning permission have different legal regimes, so the policy needs to be clear enough to guide both without creating confusion.

What to change

Applications for new shopfronts, alterations to existing shopfronts and advertisements affecting heritage assets, conservation areas or other historic streetscapes will only be supported where the design, detailing, positioning, materials, colour, scale and proportion are of high quality, are sympathetic to and do not dominate the host building and its surroundings, and any proposed illumination is discreet, of an appropriate level and type, and does not harm the character or significance of the building, conservation area or wider historic environment.

The replacement of historic shopfronts will only be permitted where their significance would be preserved or enhanced and where viable, active use and ongoing maintenance can reasonably be secured. Proposals to replace poor quality or harmful shopfronts must result in an overall enhancement to the character and appearance of the building and the street.

Requested Changes

- We ask that the Council replace respond positively with clearer tests that shopfronts and adverts must be high quality, sympathetic and must not dominate or harm the host building or street.
- We ask that the Council explicitly control illumination by requiring discreet, appropriate lighting and resisting overly bright or internally illuminated signs on or near heritage assets, including in Edenbridge.
- We ask that the Council split and simplify the drafting so that replacement of historic shopfronts and enhancement of harmful shopfronts are dealt with clearly and separately, making it easier to refuse poor schemes while still allowing sensitive, viable investment in town centre premises.

Regulation 19 soundness & legal points

The evidence is not sound because vague phrases such as respond positively and the convoluted drafting make it difficult to apply consistently. This creates uncertainty for developers and residents and risks uneven outcomes between different centres, so the policy is not fully effective.

The evidence is not sound because it does not clearly require that development conserve or enhance heritage significance and that design is sympathetic to local character, as national policy expects, so it is not fully consistent with the National Planning Policy Framework.

The evidence is not sound because it does not clearly address known harms from standardised, branded, internally illuminated shopfronts and signage in historic areas. Given evidence of this issue in many town centres, including smaller centres such as Edenbridge, the policy should be more explicit about controlling such impacts and supporting sensitive, viable alternatives.

Edenbridge Impact

As drafted, HEN6 pays lip service to protecting and improving historic shopfronts but is too weak and vague to reliably stop poor, standardised or overly lit shopfronts in Edenbridge or to secure active, well maintained uses, so Edenbridge's historic streets risk being treated less robustly and less consistently than the highest profile centres in the district.

NEDRA
Together, we can.

NEDRA (New Edenbridge District Residents' Association)

Chapter 8 Response - NEDRA Disagree

Policy NE1

NE1 opening sentence

The policy says that in the countryside outside the National Landscapes, the Council wants the landscape character to be conserved and, where possible, enhanced. This includes the countryside around Edenbridge, which sits outside the National Landscape boundary.

What is good

It recognises that countryside outside the National Landscapes still has landscape value and should be conserved, not treated as spare land. That is important for the farmland, river corridors, and open countryside around Edenbridge.

What is vague or risky

The phrase 'outside of the National Landscapes' risks creating a two tier system, where National Landscape areas get strong, clear protection elsewhere in the plan, while places like Edenbridge's countryside rely on this weaker, more general line.

'Should be conserved and, where possible, enhanced' reads as an aspiration rather than a firm decision making test. A developer can argue that substantial new housing in open countryside somehow "enhances" the landscape with tree planting or open space, even where it clearly changes its rural character.

There is no clear hook to refuse schemes that would cause significant harm to landscape character, either on their own or when added to other development around Edenbridge.

What to change

We want this part of NE1 to give clear protection to the landscape around settlements outside the National Landscapes, including Edenbridge, and to include a firm refusal basis where significant harm would result.

Suggested replacement wording:

'The landscape character of the District's countryside, including the countryside around Edenbridge and other settlements outside the National Landscapes, will be conserved and, where opportunities arise, enhanced. Development that would result in significant harm, individually or cumulatively, to the key characteristics, key sensitivities or valued attributes of the landscape will not be permitted.'

Requested Changes

- We ask that the Council replace 'should be conserved and, where possible, enhanced' with a clear commitment that landscape character 'will be conserved and, where opportunities arise, enhanced.'
- We ask that the Council explicitly recognise that countryside around non National Landscape settlements such as Edenbridge is included and should not be treated as having lesser value.
- We ask that the Council add a firm refusal test for development that would cause significant residual harm to landscape character, including cumulative effects.

Regulation 19 soundness and arguments

The evidence is not sound because the policy is not positively prepared or effective: it does not give a clear basis to refuse development that significantly harms landscape character outside the National Landscapes, leaving Edenbridge's countryside exposed to incremental loss and urbanisation.

The evidence is not sound because the policy is not consistent with national policy: the National Planning Policy Framework expects plans to conserve and enhance valued landscapes, not simply express a preference to conserve landscape "where possible" without a clear decision making test for refusing harmful schemes.

NE1(1)

'A clear understanding of which landscape character area they are in'

This clause requires applicants to identify which defined landscape character area their site falls within.

What is good

The clause anchors decisions in the Sevenoaks Landscape Character Assessment and avoids generic, "anywhere will do" assessments. This is helpful for Edenbridge because it ties applications to specific descriptions of local countryside.

What is vague or risky

The phrase 'a clear understanding' is not defined. A developer could submit a very thin statement, or copy text from the assessment, and still claim they have complied.

There is no requirement that the assessment be proportionate to the scale and sensitivity of the proposal, or that it is prepared by someone competent in landscape assessment.

There is no explicit reference to local Edenbridge specific landscape work, such as Neighbourhood Plan evidence or any local assessments, even though these are clearly material to judging impact around the town.

What to change

We want the policy to require a proper, site specific assessment and to make clear that more detailed local evidence for places like Edenbridge must be used.

Suggested replacement wording:

‘A proportionate, site specific assessment that identifies which landscape character area or areas the site falls within, based on the Sevenoaks Landscape Character Assessment 2017 and any more detailed local landscape assessments, and demonstrates a clear understanding of their key characteristics, sensitivities and valued attributes.’

Requested Changes

- We ask that the Council require a proportionate, site specific assessment rather than just a generic “understanding.”
- We ask that the Council explicitly refer to using any more detailed local landscape assessments, including those prepared for Edenbridge.

Regulation 19 soundness and arguments

The evidence is not sound because the policy is not effective: asking only for a ‘clear understanding’ with no standard or proportionality test invites low quality, generic assessments that do not properly inform decisions on development around Edenbridge.

The evidence is not sound because the policy is not fully justified: it fails to commit to using available local landscape evidence, including Edenbridge specific material, contrary to the National Planning Policy Framework expectation that plans are based on appropriate and up to date evidence.

NE1(2)

‘How they will contribute to the vision for the landscape character area’

This clause asks applicants to explain how their development helps deliver the vision for that particular landscape character area.

What is good

It tries to link proposals to a positive, long term landscape vision, not just minimising harm. That can support genuine enhancements such as better hedgerows, new woodland, or improvements to river corridors around Edenbridge.

What is vague or risky

The phrase ‘contribute to the vision’ is very loose. A large housing scheme could claim to “contribute” by adding planting or open space, even where it clearly undermines the character area and its vision.

There is no requirement that the overall effect be neutral or positive for the landscape, or that proposals must not conflict with that vision.

The clause does not say that the Council will refuse proposals which plainly conflict with the relevant vision, which leaves a significant gap in protection for the countryside around Edenbridge.

What to change

We want the policy to start from conserving and where appropriate enhancing the landscape character, and to require consistency with the adopted vision.

Suggested replacement wording:

‘How the proposal will conserve and, where appropriate, enhance the landscape character area, and how it is consistent with, and does not undermine, the adopted vision for that landscape character area.’

Requested Changes

- We ask that the Council tighten the wording so that development must be consistent with, and must not undermine, the adopted landscape vision, rather than just “contribute” to it.
- We ask that the Council make clear that conserving and, where appropriate, enhancing the character area is the starting point for all proposals.

Regulation 19 soundness and arguments

The evidence is not sound because the policy is not effective: without a requirement for developments to be consistent with and not undermine the landscape vision, decision makers have a weak basis to resist harmful schemes around Edenbridge.

The evidence is not sound because the policy is not consistent with national policy: the National Planning Policy Framework expects plans to secure real conservation and enhancement of landscape, not to allow developments that conflict with a landscape vision to be justified as “contributing” in a minor way.

NE1(3)(a) to (c)

‘Whether any of the following will be affected and if so, which ones and how:
a. key characteristics of the landscape character area
b. key sensitivities or valued attributes
c. any conflict with any of the landscape guidance’

This clause requires applicants to say if their scheme affects the key features of the landscape, its sensitive or valued aspects, and whether it conflicts with any landscape guidance.

What is good

It explicitly refers to ‘key sensitivities or valued attributes,’ which is strong language and important for valued countryside around Edenbridge.

It acknowledges that conflict with landscape guidance is an issue that must be addressed rather than ignored.

What is vague or risky

The clause only requires applicants to say whether there is an effect or a conflict. It does not ask them to assess how great that impact is, or what should happen if there is serious harm or direct conflict.

There is no requirement to consider cumulative impacts with other developments around Edenbridge, even though cumulative change is often what erodes landscape character.

The phrase ‘any conflict with any of the landscape guidance’ is underpowered: it does not say that conflict with guidance is unacceptable or must be avoided, only that it must be identified.

What to change

We want the policy to require a proper assessment of the degree of impact, including cumulative effects, and to ensure that conflicts with guidance are clearly identified and taken seriously.

Suggested replacement wording:

'Whether, and to what extent, the proposal would affect:
a. the key characteristics of the landscape character area
b. its key sensitivities and valued attributes
c. compliance with the relevant landscape guidance, including any local guidance
and to identify any conflicts, including cumulative effects with other committed or proposed development.'

Requested Changes

- We ask that the Council require assessment of the degree of impact, including cumulative impacts, not just a simple yes or no statement.
- We ask that the Council require explicit identification of conflicts with relevant landscape guidance, including any Edenbridge specific guidance.

Regulation 19 soundness and arguments

The evidence is not sound because the policy is not justified or effective: it does not require consideration of cumulative impacts, despite the National Planning Policy Framework being clear that plans should address cumulative effects on the environment, which is particularly relevant for repeated housing schemes around Edenbridge.

The evidence is not sound because the policy is not consistent with national policy: simply identifying conflict with guidance, without a clear consequence, does not provide the robust protection for valued landscapes that national policy anticipates.

NE1(4)

'How any identified harm to key characteristics, key sensitivities or valued attributes or conflicts with the landscape guidance would be adequately mitigated.'

This clause asks applicants to explain what mitigation they will put in place to deal with any harm or conflicts identified.

What is good

It acknowledges that harm to landscape is a real planning issue that needs addressing.

It links harm to key characteristics, sensitivities, and valued attributes, which is directly relevant to how the countryside around Edenbridge is treated.

What is vague or risky

The clause assumes harm can and will be 'adequately mitigated.' Some harms, such as large scale urbanisation of open countryside, cannot genuinely be mitigated.

It does not set out the clear sequence of avoiding harm first, then minimising it, and only then looking at mitigation or compensation. It jumps straight to mitigation.

It does not say that, where significant harm remains after mitigation, planning permission should be refused.

The phrase 'adequately mitigated' is not defined, which risks token measures such as a narrow landscape buffer being treated as enough in the face of major harm around Edenbridge.

What to change

We want the policy to follow the well-established avoid, minimise, mitigate, compensate hierarchy and to make it clear that, where significant residual harm remains, permission will be refused.

Suggested replacement wording:

'How the proposal has first avoided, then minimised, and only then mitigated any identified harm to key characteristics, key sensitivities or valued attributes, or any conflicts with the landscape guidance, and how any mitigation or compensation will be secured, delivered, and maintained for the lifetime of the development. Where, having followed this approach, significant residual harm would remain, planning permission will be refused.'

Requested Changes

- We ask that the Council embed the clear avoid, minimise, mitigate, compensate hierarchy, rather than going straight to mitigation.
- We ask that the Council commit that where significant residual harm to landscape character remains, permission will be refused, especially in the countryside around Edenbridge.
- We ask that the Council require mitigation and compensation measures to be secured, delivered and maintained for the lifetime of the development.

Regulation 19 soundness and arguments

The evidence is not sound because the policy is not positively prepared or effective: by assuming harm can be 'adequately mitigated' and not providing a refusal test where significant residual harm remains, it fails to provide an effective framework to protect countryside around non National Landscape settlements like Edenbridge.

The evidence is not sound because the policy is not consistent with national policy: the National Planning Policy Framework expects plans to avoid significant adverse impacts on the natural environment, not simply to mitigate them where possible without any clear threshold for refusal.

The evidence is not sound because the policy is not fully justified: it does not adopt the well-established harm hierarchy used in environmental and landscape policy, and no evidence is provided that a weaker approach is appropriate for Sevenoaks District or for the landscape setting of Edenbridge.

Edenbridge impact

As drafted, NE1 gives some recognition to the landscape around Edenbridge but relies on weak mitigation language and lacks clear refusal tests, so Edenbridge's countryside remains more vulnerable to large, character changing development than the strongly protected National Landscapes and the settlements within them.

NEDRA
Together, we can.

NEDRA (New Edenbridge District Residents' Association)

Chapter 8 Response - NEDRA Disagree

Policy BW1

For Edenbridge this policy is crucial. It is the main tool for protecting the River Eden and its floodplain, existing green spaces, trees, and hedgerows, and for ensuring that any new development contributes positively to climate resilience, biodiversity, and local access to nature rather than treating edge of town land as spare development space.

What's good

The policy confirms that blue green infrastructure is a network made up of many different features, not just a few large, designated sites. This helps us argue that the rivers, floodplains, paths, and open spaces in and around Edenbridge are part of a strategic network and not expendable land.

The supporting text adopts the National Planning Policy Framework definition of green infrastructure as a network of multi-functional green and blue spaces and other natural features, urban and rural, delivering benefits for nature, climate, communities, and prosperity.

The list in the supporting text recognises everyday features such as local wildlife sites, river corridors, public rights of way, cycle routes, amenity and natural greenspace, allotments, community gardens, cemeteries, and churchyards as part of the network. Many of these are present in and around Edenbridge, particularly along the River Eden and its floodplain and around existing open spaces and routes.

The policy and supporting text acknowledge that the blue green infrastructure network is essential for climate change mitigation and adaptation, for biodiversity net gain and for tackling health and social inequalities. This is especially relevant in Edenbridge given flood risk and existing shortfalls in high quality accessible natural space.

The policy expects planning applications to identify existing blue green infrastructure on site and in close proximity, and to retain, protect, restore, and enhance it, while maximising opportunities for new provision. This points in the right direction and gives a basis for challenging poor schemes.

There is recognition that development should think about local character and locally identified need, and should respond to evidence such as landscape character assessments, conservation area appraisals, open space studies and the forthcoming Kent and Medway Local Nature Recovery Strategy. This gives a route to insist that Edenbridge specific evidence is properly used.

What's vague or risky

The description of the District's blue green infrastructure network relies only on supporting text. It is not firmly tied to the Policies Map and the underlying evidence base. This creates a risk that the extent and importance of the network around a smaller town like Edenbridge can be downplayed if the mapping is incomplete or if decision makers focus on the text rather than the mapped network.

The wording does not clearly state that the network includes blue green infrastructure within and around every settlement, including edge of town Grey Belt land. This leaves room for land around Edenbridge to be treated as less important once Green Belt boundaries are softened.

Phrases such as proposals which protect, retain, restore, and enhance the blue green infrastructure network will be supported and development proposals will be supported where the BGI has been fully considered are soft. They do not require all development to protect and enhance the network. They simply say such proposals will be supported if they are brought forward, with no strong refusal hook where the network is harmed, severed, or ignored.

The requirement to identify existing blue green infrastructure as a baseline is limited to major development. That ignores the cumulative impact of smaller schemes, which are common in Edenbridge, on hedgerows, ditches, gardens, trees and local routes, and it does not set a clear standard for how far off site to look or how to use the Council's own mapping and ecological evidence.

The list of blue green infrastructure features in the policy text is messy and appears to contain a formatting error around street furniture and utility structures. It is not clearly grouped by type, and it does not explicitly mention river corridors as strategic features, even though they are described in the supporting text and are fundamental to Edenbridge.

Where sites already contain blue green infrastructure, the wording says development will be expected to retain, protect, where necessary restore and enhance it. This is weaker than a clear requirement. Where necessary restore is subjective and there is no test for refusing removal or degradation of existing features, particularly on Grey Belt land around Edenbridge.

River restoration is only given as an example where a site includes a river. There is no expectation that sites along the River Eden or other watercourses will actively pursue river restoration and naturalisation wherever practicable.

The phrase all development proposals are expected to maximise opportunities for the provision of new or additional BGI is vague and unmeasurable. Developers can easily argue that there were few opportunities. There is no link to local deficits in access to nature, open space, or climate resilient green infrastructure that the evidence identifies.

The clause on development being supported where blue green infrastructure has been fully considered uses soft language and includes the phrase where possible on new connections, which offers an easy way out. It also refers only loosely to appropriate and applicable strategies and evidence, without naming the key documents that should be used such as BGI mapping, open space assessments, and the Local Nature Recovery Strategy.

Multi-functional blue green infrastructure is encouraged rather than required. The policy does not clearly say that infrastructure should, wherever practicable, deliver benefits for biodiversity,

climate resilience including flood risk management and people's health and wellbeing, all of which are central issues for Edenbridge.

Long term maintenance and management are only expected. The phrase for the life of the development is not defined and there is no requirement to secure management, responsibilities and funding through planning conditions or legal agreements. There is a clear risk of SuDS and open spaces on new Edenbridge estates falling into neglect.

The closing clause supports schemes and projects which would enhance the blue green infrastructure network, but it does not say how these will be prioritised, funded, or delivered, and it does not acknowledge that some areas are clearly more deficient, which is the case for parts of Edenbridge.

There is no explicit requirement to show, for Grey Belt releases around Edenbridge, how existing blue green infrastructure on and near the sites has been identified and designed into the master planning in line with the supporting text. Simply labelling land as Grey Belt and treating it as easy housing land, without a proper blue green infrastructure led approach, would contradict the Council's own text and climate commitments.

What to change

We consider that Policy BW1 needs to be strengthened, clarified and explicitly linked to the Policies Map and evidence base so that it genuinely protects and enhances blue green infrastructure in and around Edenbridge and other settlements. In particular we suggest the following revised and additional wording.

The description of the network should be tightened so that it is clearly mapped and includes all settlements:

"The District's blue green infrastructure (BGI) network, as identified on the Policies Map and in the BGI evidence base, comprises a wide range of elements described in the supporting text, including green and blue spaces and other natural features within and around each settlement, including Edenbridge."

The core duty on development should move from support to a clear requirement, with a refusal hook for harmful proposals:

"Development proposals must protect and retain the blue green infrastructure network and, where feasible, restore and enhance it. Proposals that would result in the loss, degradation, or severance of the BGI network will not be permitted unless it is robustly demonstrated that the public benefits clearly outweigh the harm and that full mitigation and compensation are secured."

The baseline requirement should apply to all development likely to affect the network, not just major schemes, and must use the Council's evidence:

"Proposals for major development, and other development likely to have a significant effect on the BGI network, must be accompanied by a BGI appraisal which identifies, as a baseline, existing BGI features and their condition on site and in the surrounding area, and explains how they connect with the wider BGI network using the Council's BGI mapping and other relevant evidence."

The list of blue green infrastructure features should be corrected, properly grouped, and explicitly include river corridors:

“Blue green infrastructure features include, but are not limited to:

- open and green spaces (including parks and burial grounds)
- private domestic gardens, orchards, allotments and community gardens
- trees, woodlands, hedges and hedgerows, including street trees
- rivers, streams, ditches and other watercourses, and associated river corridors
- sustainable drainage and water management features (such as rainwater harvesting, green and blue roofs, rain gardens, swales, biofiltration strips, ponds and detention basins, and other vegetated sustainable drainage systems)
- green corridors and traffic free routes
- features integrated into the built environment and public realm (such as green walls, planters, and appropriate street furniture)
- features for species (such as bird boxes and nests, swift bricks and hedgehog routes).”

Where development sites already contain blue green infrastructure, retention and protection should be the default, with strong tests for any loss:

“Development proposals on sites containing existing blue green infrastructure must retain and protect those features. Where features are degraded, proposals must secure their restoration and enhancement unless it is clearly demonstrated that this is not feasible and that any loss is fully mitigated and compensated within the local BGI network.”

River restoration should be a clear expectation on sites that include watercourses:

“Where a site includes a river or other watercourse, development proposals must, wherever practicable, incorporate river restoration and naturalisation measures as part of the protection and enhancement of the blue green infrastructure network.”

All development should be required to provide new or enhanced blue green infrastructure proportionate to its scale and impact, with a clear link to local deficits:

“All development proposals must provide new or enhanced blue green infrastructure proportionate to their scale and impact, with priority given to addressing identified local deficits in access to nature, open space and climate resilient green infrastructure.”

Consideration of the network, local need and connections should be mandatory, and linked clearly to named strategies and evidence:

“Development proposals must demonstrate, through their supporting documentation, that blue green infrastructure has been fully considered from the outset, that they take account of the existing BGI network and local needs, and that they deliver new or improved connections to the network unless it is clearly demonstrated that such connections are not feasible. Proposals must have regard to, and be consistent with, relevant adopted strategies and evidence, including the BGI strategy and mapping, open space assessments and the Kent and Medway Local Nature Recovery Strategy.”

Multi functionality should be required wherever practicable and its main functions clearly identified:

“Blue green infrastructure must, wherever practicable, be designed to be multi-functional, delivering clear benefits for biodiversity, climate resilience including flood risk management and people’s health and wellbeing. Supporting documentation must set out the specific functions to be delivered and how these will be secured over the life of the development.”

Long term management and funding should be a firm requirement, secured through the planning process:

“Proposals must include robust arrangements for the long term management and funding of blue green infrastructure, secured through planning conditions and or legal agreements, for at least the duration of the planning permission and any associated use of the site. Management responsibilities, funding mechanisms, and monitoring arrangements must be clearly identified.”

Enhancement schemes and projects should be clearly prioritised and funded, especially in areas of deficiency such as Edenbridge:

“Schemes and projects, including those brought forward by the Council, communities and developers, which would enhance the blue green infrastructure network, particularly in areas of identified deficiency such as Edenbridge, will be supported and, where appropriate, prioritised for delivery and funding, including through planning obligations and other relevant mechanisms.”

For any Grey Belt releases around Edenbridge the policy and supporting text should explicitly require transparent demonstration of how existing blue green infrastructure on and near the sites has been identified, designed around, and enhanced in line with the BGI mapping, the Climate Change Strategy and the Kent and Medway Local Nature Recovery Strategy.

Requested Changes

- We ask that the Council explicitly link the blue green infrastructure network to the Policies Map and to the BGI evidence base, confirming in the policy wording that it includes land within and around all settlements, including Grey Belt land at Edenbridge.
- We ask that the Council replace soft phrases such as proposals will be supported and will be expected with firm requirements that development must protect, retain, restore, and enhance the blue green infrastructure network, with clear refusal tests where proposals would result in loss, degradation, or severance of the network.
- We ask that the Council extend the baseline requirement to any development likely to have a significant effect on the blue green infrastructure network and require a specific BGI appraisal using the Council’s own mapping and ecological evidence so that decisions in Edenbridge and elsewhere are based on consistent and transparent information.
- We ask that the Council correct and regroup the list of blue green infrastructure features, explicitly including river corridors, and clearly recognising features that are common in Edenbridge such as private gardens, orchards, allotments, local wildlife sites, public rights of way and floodplain open spaces.
- We ask that the Council make retention, restoration, and enhancement of existing blue green infrastructure the default position, only permitting loss where it is clearly demonstrated to be unavoidable and fully mitigated and compensated within the local network.

- We ask that the Council require river restoration and naturalisation measures wherever practicable on sites including the River Eden or other watercourses, rather than presenting this only as an example.
- We ask that the Council replace maximise opportunities with a clear requirement that all development must provide new or enhanced blue green infrastructure proportionate to its scale and impact, with priority given to addressing evidenced local deficits in Edenbridge and other settlements.
- We ask that the Council require schemes to demonstrate how they have taken full account of the existing network, local need, and new connections, and to have clear regard to named strategies and evidence, including the BGI strategy and mapping, open space assessments and the Kent and Medway Local Nature Recovery Strategy.
- We ask that the Council require multi-functional blue green infrastructure wherever practicable, delivering benefits for biodiversity, climate resilience including flood risk, health, and wellbeing, and that these functions are clearly identified and secured.
- We ask that the Council make long term management and funding arrangements for blue green infrastructure a firm requirement, secured through conditions and or legal agreements, with clear responsibilities, funding mechanisms, and monitoring.
- We ask that the Council identify areas of blue green infrastructure deficiency and explicitly prioritise enhancement schemes and projects in places such as Edenbridge for delivery and funding, including through planning obligations and other mechanisms.
- We ask that the Council commit that any Grey Belt releases around Edenbridge will only proceed where it has been transparently demonstrated how the sites contribute to the mapped blue green infrastructure network, how they address local needs for nature, flood resilience, and open space, and how they will deliver the priorities and measures in the wider evidence base.

Regulation 19 soundness & legal points

The evidence is not sound because the policy is not justified. It does not firmly anchor the blue green infrastructure network in mapped evidence linked to the Policies Map, which risks underrepresenting smaller settlements such as Edenbridge and is inconsistent with the need for a clear, evidence led spatial strategy.

The evidence is not sound because the policy is not fully effective. Soft wording such as will be supported and will be expected leaves too much discretion and does not provide clear refusal hooks where development would harm, sever or fail to enhance the network, making it difficult to apply consistently in decision making and on appeal.

The evidence is not sound because the policy is not positively prepared. It misses clear opportunities to require river restoration, multi-functional blue green infrastructure, and proportionate new provision from all relevant development, including cumulative smaller schemes that are particularly significant in Edenbridge.

The evidence is not sound because it is not fully justified in its treatment of Grey Belt land. The supporting text confirms that land around Edenbridge forms part of the blue green infrastructure network, yet there is no transparent demonstration that potential Grey Belt allocations have been selected, and master planned in line with the BGI mapping, the Climate Change Strategy and the forthcoming Kent and Medway Local Nature Recovery Strategy.

The evidence is not sound because it is not fully effective in targeting need. There is no clear approach to identifying areas of blue green infrastructure deficiency or to prioritising enhancement projects and funding in those areas, even though the supporting text emphasises the role of the network in tackling health and social inequalities, which is directly relevant to Edenbridge.

The evidence is not sound because it is not fully consistent with national policy in the December 2024 National Planning Policy Framework, which expects plans to plan positively for networks of multi-functional green and blue infrastructure, to manage cumulative and strategic impacts, to secure biodiversity net gain and climate resilience, and to ensure that policies are clearly informed by proportionate evidence and local character. The current drafting does not yet meet that standard, particularly when set against the importance of the River Eden corridor and related assets in Edenbridge.

The evidence may raise legal compliance risks around equalities and consistency across the plan if blue green infrastructure policies are not applied consistently between larger and smaller settlements, and if Grey Belt releases around Edenbridge are not shown to have been assessed on the same strategic blue green infrastructure basis as sites elsewhere.

Edenbridge impact

Unless Policy BW1 and its supporting text are strengthened in the ways set out above, there is a serious risk that Edenbridge's river corridor, floodplains, rights of way and local green network will be treated as expendable development land rather than as a vital part of the District's blue green infrastructure network, so they will not be protected, restored and enhanced as firmly or consistently as similar assets elsewhere.

NEDRA (New Edenbridge District Residents' Association)

Chapter 8 Response - NEDRA Disagree

Policy BW2

Policy BW2 sets out how biodiversity should be protected and enhanced through development across the district, including Edenbridge. We respond to each part of the policy in turn, following its structure and internal numbering so the Council can see exactly where changes are needed.

Opening sentence: 'The biodiversity of the District will be protected and enhanced.'

What this part does

This is a broad statement that wildlife and habitats across the district should be protected and improved.

What is good

It sets a clear positive direction which fits with the National Planning Policy Framework, which expects plans to protect and enhance biodiversity.

It applies to the whole district, so in principle it covers Edenbridge in the same way as the rest of Sevenoaks.

What is vague or risky

It is only a high level aspiration. On its own it does not give officers or inspectors a clear test when they are deciding planning applications.

It does not say that development will only be supported if it protects and enhances biodiversity, so it is weaker than it should be for development management.

What to change

Replace the opening sentence with a clear decision test, for example:

'Development proposals will only be supported where they can demonstrate that they will protect and, wherever possible, enhance the biodiversity of the District.'

Requested Changes

We ask that the Council change the opening sentence so it clearly states that development will only be supported where it protects and, where possible, enhances biodiversity.

Regulation 19 soundness & legal points

The evidence is not sound because this part of BW2 is not effective. As drafted it is just an aspiration and does not provide a clear decision making hook, so it does not give a robust basis

for refusing harmful schemes. This weakens the Effective test and consistency with national policy which expects clear, usable policies for decision taking.

‘Proposals should demonstrate how they have: 1–4’ (mitigation hierarchy, habitats, networks, species)

What this part does

This section says that planning proposals should demonstrate how they have:

1. Applied the mitigation hierarchy and minimised their impact on biodiversity
2. Conserved, restored and or enhanced priority habitats, where applicable
3. Conserved, restored and or enhanced ecological networks, where applicable
4. Protected and supported the recovery of priority and threatened species, including measures such as swift bricks and wildlife friendly boundaries

What is good

It refers directly to the mitigation hierarchy, which is central to good biodiversity practice and is required by national policy.

It gives a clear list covering priority habitats, ecological networks and priority or threatened species, which is helpful for decision makers.

The examples, such as swift bricks and wildlife permeable boundaries, are practical and well suited to the small and medium sized schemes that are common around Edenbridge.

What is vague or risky

The wording ‘proposals should demonstrate’ is weaker than ‘must demonstrate’ and makes this sound optional.

Repeated use of ‘where applicable’ creates an easy way for applicants to claim that important issues do not apply without having to prove that.

The phrase ‘minimised their impact on biodiversity’ is too soft. The mitigation hierarchy expects avoiding harm first, then minimising, then mitigating, with compensation only as a last resort.

There is no clear requirement that these matters be evidenced through proportionate ecological information, for example an ecological report and a Biodiversity Net Gain assessment. That risks uneven practice between applications and between different parts of the district.

What to change

Replace this whole section with:

‘Proposals must demonstrate, through proportionate ecological information, that they have:

- Applied the mitigation hierarchy, giving clear priority to avoiding harm to biodiversity before minimising, mitigating and, as a last resort, compensating for any residual impacts

- Conserved, restored and or enhanced any priority habitats present on or functionally linked to the site
- Conserved, restored and or enhanced ecological networks, where these would be affected by the proposal
- Protected and supported the recovery of priority and threatened species, including through appropriate ecological features such as integrated bird and bat bricks and wildlife permeable boundaries.'

Requested Changes

- We ask that the Council replace 'should demonstrate' with 'must demonstrate' and explicitly require proportionate ecological information to evidence compliance.
- We ask that the Council strengthen the wording on the mitigation hierarchy so that avoiding harm comes first, rather than just minimising impacts.
- We ask that the Council remove or tightly qualify 'where applicable' so that any aspect not addressed has to be clearly justified by the applicant.

Regulation 19 soundness & legal points

The evidence is not sound because this part of BW2 is not effective. The use of 'should' and 'where applicable' creates loopholes that will make it harder for the Council to resist harmful proposals over the plan period.

The evidence is not sound because it is not fully consistent with national policy. National policy expects clear requirements to follow the mitigation hierarchy and to protect and enhance habitats and species. This wording does not secure avoidance of harm as the first step.

'Proposals should have regard to and be informed by the most up to date strategies, including the Kent and Medway Local Nature Recovery Strategy, once published.'

What this part does

This sentence says that planning proposals should have regard to and be informed by the most up to date strategies, including the Kent and Medway Local Nature Recovery Strategy once it is in place.

What is good

It links the Local Plan to the Local Nature Recovery Strategy, which is now a key part of the national approach to biodiversity.

It allows decisions to use the latest strategies, so new evidence can be considered as it emerges.

What is vague or risky

'Have regard to' is weak. It is often interpreted as meaning that a document is simply noted rather than followed.

There is no clear requirement for schemes to align with and help deliver the priorities in the Local Nature Recovery Strategy. That is the whole point of having a statutory strategy.

We also understand that the River Eden and its tributaries appear to have been omitted from the draft Local Nature Recovery Strategy mapping based on the consultation outcomes report. We have already queried this. That raises a risk that the wider Eden valley and Edenbridge area could be overlooked in strategic biodiversity planning if the policy only asks applicants to 'have regard' to the strategy.

What to change

Change this sentence to:

'Proposals must be informed by, and demonstrate how they help to deliver, the most up to date relevant strategies for nature recovery, including the Kent and Medway Local Nature Recovery Strategy once published.'

Requested Changes

- We ask that the Council replace 'have regard to' with a requirement for proposals to demonstrate how they help deliver the priorities of the Kent and Medway Local Nature Recovery Strategy and any other relevant nature recovery strategies.
- We ask that the Council confirm that the Eden valley, the River Eden, and its tributaries, and the surrounding Edenbridge area are properly reflected in the Local Nature Recovery Strategy so that this policy does not disadvantage Edenbridge.

Regulation 19 soundness & legal points

The evidence is not sound because this part of BW2 is not positively prepared. It does not fully use the statutory Local Nature Recovery Strategy to direct where and how development contributes to nature recovery.

The evidence is not sound because it is not fully consistent with national policy. National policy expects Local Nature Recovery Strategies to guide strategic biodiversity outcomes and for plans and decisions to support their delivery, not simply to have regard to them.

'Once published, proposals should demonstrate: 1–3' (Local Nature Recovery Strategy priorities and mapped areas)

What this part does

Once the Local Nature Recovery Strategy exists, this section requires proposals to demonstrate:

1. How they align with the Local Nature Recovery Strategy priorities for nature recovery
2. Where the site is in an area identified as one that could become of particular importance for biodiversity, how and which of the mapped potential measures have been incorporated
3. For sites outside those areas, how and which wider measures have been included

What is good

It recognises both sites inside and outside the areas identified by the Local Nature Recovery Strategy as being of particular importance for biodiversity.

It encourages the use of mapped opportunities in the Local Nature Recovery Strategy, which is useful in practice.

If the Eden valley and Edenbridge area are properly reflected in the Local Nature Recovery Strategy, this could help steer better biodiversity outcomes locally.

What is vague or risky

Once again 'should demonstrate' is weak wording for a statutory strategy.

The phrase 'could become of particular importance for biodiversity' is quite loose and could give applicants room to argue that mapped measures are optional.

There is no clear link between failing to respond to Local Nature Recovery Strategy priorities and the risk of refusal. As a result, alignment could slip into something that is nice to have rather than a real policy requirement.

What to change

Replace this section with:

'Once the Kent and Medway Local Nature Recovery Strategy is published, proposals must:

- Demonstrate how they align with and help deliver its priorities for nature recovery
- Where the site lies within an area identified as one that could become of particular importance for biodiversity, identify which of the mapped potential measures have been incorporated and why
- Where the site lies outside such areas, identify appropriate wider measures that will contribute to the Strategy's objectives at a local or landscape scale.'

Requested Changes

We ask that the Council change 'should demonstrate' to 'must demonstrate' and require proposals to show clearly how they help deliver Local Nature Recovery Strategy priorities, not just how they align in general terms.

We ask that the Council make clear that failure to respond positively to Local Nature Recovery Strategy priorities and mapped measures can weigh strongly against granting permission.

Regulation 19 soundness & legal points

The evidence is not sound because this part of BW2 is not effective. Without a requirement to comply with Local Nature Recovery Strategy priorities there is no clear basis to secure or refuse development on nature recovery grounds.

The evidence is not sound because it is not fully consistent with national policy, which expects Local Nature Recovery Strategies to be embedded in plan making and decision taking rather than treated as optional guidance.

‘Proposals which result in the loss or damage to irreplaceable habitats (which include Ancient Woodland and Ancient and Veteran Trees) will be refused unless there are wholly exceptional reasons and a suitable mitigation strategy exists.’

What this part does

This sentence says that proposals which result in the loss or damage of irreplaceable habitats, including ancient woodland and ancient and veteran trees, will be refused unless there are wholly exceptional reasons and a suitable mitigation strategy.

What is good

It correctly identifies irreplaceable habitats and clearly signals that they should be protected.

The reference to ‘wholly exceptional reasons’ reflects the strong wording in national policy.

This is particularly important for Edenbridge where ancient woodland and veteran trees form part of our local landscape and character.

What is vague or risky

For irreplaceable habitats, true mitigation is usually impossible. Compensation or off site measures cannot replace what is lost.

The phrase ‘a suitable mitigation strategy exists’ is risky, as it could be used to justify loss of irreplaceable habitats that should simply be refused.

This sentence does not clearly state that the protection covers both direct and indirect harm, for example through changes in drainage, pollution, or lighting effects from neighbouring development.

What to change

Replace the final sentence with wording that follows national policy more closely:

‘Proposals which would result in the loss or deterioration of irreplaceable habitats, including Ancient Woodland and Ancient and Veteran Trees, will be refused other than in wholly exceptional circumstances. In such cases, substantial public benefits must be clearly demonstrated, and any unavoidable residual impacts must be compensated for through a strategy agreed with the Council and relevant statutory bodies.’

Requested Changes

- We ask that the Council remove the suggestion that a mitigation strategy can make up for the loss of irreplaceable habitats and instead follow national wording that such loss will be refused other than in wholly exceptional circumstances, with compensation for unavoidable residual impacts only.
- We ask that the Council confirm that both direct and indirect harm to irreplaceable habitats are covered by this protection.

Regulation 19 soundness & legal points

The evidence is not sound because this part of BW2 is not fully consistent with national policy. Referring to a ‘suitable mitigation strategy’ implies that loss of irreplaceable habitats can be

mitigated, whereas national policy treats such loss as unacceptable other than in wholly exceptional circumstances.

The evidence is not sound because it is not effective. Without clear coverage of both direct and indirect impacts, harmful development could still slip through, undermining long term protection.

Biodiversity Net Gain: exempt developments

What this part does

A later part of BW2 explains that proposals for new development which are exempt under the Biodiversity Net Gain regulations are encouraged to provide biodiversity enhancements.

What is good

It recognises that even exempt schemes can and should make a positive contribution to biodiversity.

This is particularly relevant in Edenbridge, where many planning applications are small scale and may fall under exemptions.

What is vague or risky

Because enhancements are only 'encouraged,' they remain voluntary. There is no clear policy basis to insist on measures where exempt schemes would still chip away at local biodiversity.

There is no guidance on what enhancements are expected, or how they should be judged, so practice is likely to vary widely.

What to change

Change the wording so that exempt schemes are still expected to contribute, in a proportionate way:

'Proposals for new development that are exempt from the statutory biodiversity net gain requirement must, where proportionate, incorporate on site measures to enhance biodiversity and should demonstrate these in the planning application.'

Requested Changes

- We ask that the Council require proportionate on site biodiversity enhancements on exempt schemes, instead of merely encouraging them.

Regulation 19 soundness & legal points

The evidence is not sound because this part of BW2 is not positively prepared. It does not address the cumulative impact of multiple exempt developments, which is a particular risk for smaller settlements such as Edenbridge.

The evidence is not sound because it is not effective. Without a clear requirement on exempt schemes, the Council will struggle to manage cumulative biodiversity loss over the plan period.

Biodiversity Net Gain: 'All proposals… must provide biodiversity net gain in accordance with the statutory requirement of 10%.'

What this part does

This requires all qualifying developments to provide Biodiversity Net Gain in line with the statutory ten per cent requirement.

What is good

It aligns the Local Plan with the national Biodiversity Net Gain regime and confirms the ten per cent requirement.

It applies across the district so, in principle, Edenbridge is treated the same as other settlements.

What is vague or risky

It does not say how long the Biodiversity Net Gain must be secured for, or how it will be maintained and monitored.

The ten per cent figure could be misunderstood as both a floor and a ceiling, rather than a minimum.

What to change

Change this part to:

'All qualifying development proposals must deliver a minimum of ten per cent biodiversity net gain, calculated using the statutory biodiversity metric, and must secure the created or enhanced habitats for at least thirty years through planning obligations or conservation covenants.'

Requested Changes

- We ask that the Council make clear that ten per cent is a minimum, not a cap, and that Biodiversity Net Gain must be secured for at least thirty years using appropriate legal mechanisms.

Regulation 19 soundness & legal points

The evidence is not sound because this part of BW2 is not fully justified or effective. It does not specify the duration or legal means for securing Biodiversity Net Gain, which are essential elements of the national regime.

Biodiversity Net Gain information: 'Planning applications… are encouraged to include additional information…'

What this part does

This section encourages applicants to submit additional information, beyond basic validation requirements, to show how Biodiversity Net Gain will be achieved and how the mitigation hierarchy has been applied.

What is good

It recognises that national minimum validation requirements may not provide enough information for good decision making.

It highlights the need to show how the mitigation hierarchy has been followed.

What is vague or risky

Because the information is only 'encouraged,' crucial ecological and Biodiversity Net Gain details can still be omitted.

Officers may feel they have limited grounds to insist on proper information before determining applications.

This invites inconsistent practice between applications and between settlements.

What to change

Strengthen this part so that necessary information is clearly required:

'Planning applications that are subject to the biodiversity net gain requirement must include sufficient information to demonstrate how the biodiversity net gain objective will be achieved and how the biodiversity mitigation hierarchy has been applied, in line with the Council's validation requirements and any relevant guidance.'

Requested Changes

- We ask that the Council require, rather than simply encourage, submission of information necessary to show how Biodiversity Net Gain and the mitigation hierarchy will be delivered, and that this is reflected in local validation requirements.

Regulation 19 soundness & legal points

The evidence is not sound because this part of BW2 is not effective. Treating essential information as voluntary risks incomplete submissions and weaker decisions.

The evidence is not sound because it is not fully justified. There is no clear reason to leave crucial Biodiversity Net Gain and mitigation information as optional.

On site Biodiversity Net Gain: 'Biodiversity net gain should be provided on the application site, wherever possible…'

What this part does

This section says that Biodiversity Net Gain should be provided on the application site wherever possible, and that in doing so applicants should have regard to the Local Nature Recovery Strategy and any National Landscape management plan.

What is good

It clearly favours on site delivery, which is important so that communities like Edenbridge, who experience the effects of development, also see the benefits.

It links on site measures to the Local Nature Recovery Strategy and National Landscape plans.

What is vague or risky

The phrase ‘wherever possible’ is very open and could be used to argue that on site delivery is not possible whenever it is less convenient or more costly.

There is no explicit requirement to prioritise on site delivery before looking at off-site units or statutory credits.

What to change

Revise this part to give a clear on site first principle:

‘Biodiversity net gain should be delivered on the application site as the first preference, unless it can be robustly demonstrated that on site provision is not feasible or would deliver significantly poorer outcomes for biodiversity, having regard to the Local Nature Recovery Strategy and, where relevant, the applicable National Landscape management plan.’

Requested Changes

- We ask that the Council make clear that on site Biodiversity Net Gain is the first preference, and that moving to off-site provision requires robust ecological justification, not simply convenience or cost.

Regulation 19 soundness & legal points

The evidence is not sound because this part of BW2 is not effective or positively prepared. Without a clear on site first test, there is a real risk that most Biodiversity Net Gain is pushed away from development sites, undermining local nature recovery in places like Edenbridge.

Off-site Biodiversity Net Gain hierarchy and justification

What this part does

BW2 then sets a hierarchy for off-site Biodiversity Net Gain units. These should be delivered first within Sevenoaks District, then within the same national character area in neighbouring authorities, and then further afield within that character area. It also says that applicants must explain why they cannot deliver all or some Biodiversity Net Gain on site and how they have followed this hierarchy.

What is good

It provides a clear spatial sequence, which is helpful in principle and aligns with the national framework.

Starting with provision within Sevenoaks District is positive as it keeps benefits closer to where impacts arise.

It requires some level of justification for off-site provision.

What is vague or risky

There is no requirement to prefer off site Biodiversity Net Gain locations that are in or near the community affected by the development within the district, for example in or near Edenbridge where a scheme is in Edenbridge.

The justification wording is light and does not set out criteria for what counts as 'not possible' to deliver Biodiversity Net Gain on site.

There is no clear safeguard against Biodiversity Net Gain being concentrated in more affluent or less developed parts of the district, leaving Edenbridge with the impacts but few local gains.

What to change

Refine this section as follows:

'Where, in exceptional circumstances, biodiversity net gain cannot be fully delivered on site, off site provision should follow this hierarchy:

- First, provision within Sevenoaks District, with a preference for locations that are functionally related to, or in reasonable proximity to, the development site and the communities affected by it
- Second, where this is not possible, provision within the same national character area in an adjoining local planning authority area
- Third, where this is not possible, provision within the same national character area beyond adjoining local planning authority areas

Proposals must clearly demonstrate, with evidence, why it is not possible or appropriate to provide all or part of the biodiversity net gain on site and how the above hierarchy has been followed.'

Requested Changes

- We ask that the Council strengthen the off-site hierarchy to make clear that, within the district, off site Biodiversity Net Gain should where possible be delivered in or near the community affected by the development, including Edenbridge.
- We ask that the Council tighten the justification requirement so that moving to off-site provision must be supported by clear evidence, not simply general statements about practicality.

Regulation 19 soundness & legal points

The evidence is not sound because this part of BW2 is not positively prepared. It does not ensure that communities bearing the impacts of development, such as Edenbridge, also share the benefits of associated Biodiversity Net Gain.

The evidence is not sound because it is not effective. Without clear criteria and a proximity preference, off site Biodiversity Net Gain may cluster in limited areas, undermining district wide nature recovery.

Off-site Biodiversity Net Gain within Sevenoaks District and areas of conservation value

What this part does

Another section states that off-site provision within Sevenoaks District should be delivered within, or provide connections between, areas of noted conservation value such as designated sites, Local Wildlife Sites and priority habitats, and that it should follow interim guidance and then the Local Nature Recovery Strategy.

What is good

It focuses off site Biodiversity Net Gain on strategic sites and corridors, which is efficient for nature recovery.

It recognises the role of non-statutory designations such as Local Wildlife Sites, several of which are relevant around Edenbridge.

It links interim guidance with the future Local Nature Recovery Strategy to give continuity.

What is vague or risky

Because it says off site provision 'should' be delivered in this way, the requirement is weaker than it needs to be.

There is no clear safeguard to avoid moving Biodiversity Net Gain away from local networks in places like Edenbridge and concentrating it in already strong areas.

It is not clear how any conflict between interim guidance and the final Local Nature Recovery Strategy will be handled.

What to change

Strengthen the wording to:

'Off site biodiversity net gain within Sevenoaks District must, wherever practicable, be delivered within, or create or strengthen connections between, areas of recognised conservation value such as designated sites, priority habitats, Local Wildlife Sites, Nature Reserves and irreplaceable habitats, having regard to the Interim Strategic Significance guidance and, once available, the Kent and Medway Local Nature Recovery Strategy.'

Requested Changes

- We ask that the Council turn this into a clear requirement so that off-site Biodiversity Net Gain within the district contributes to recognised areas and networks of conservation value.

Regulation 19 soundness & legal points

The evidence is not sound because this part of BW2 is not effective. The use of 'should' instead of a stronger requirement, risks off site Biodiversity Net Gain being delivered in locations that are suboptimal for nature recovery.

Funding mechanisms for long term management and monitoring

What this part does

The final part of BW2 states that an appropriate funding mechanism may need to be secured to cover long term monitoring and that the Council's monitoring costs may need to be funded.

What is good

It recognises that long term management and monitoring of Biodiversity Net Gain will cost money.

It acknowledges that the Council has a role in monitoring.

What is vague or risky

The wording ‘may need to be secured’ is too weak. Long term funding is not optional if Biodiversity Net Gain is to be delivered and maintained for thirty years or more.

There is no detail about how this funding will be secured, for example through planning obligations or conservation covenants.

There is a risk that the Council ends up with unfunded monitoring duties, which will limit its ability to enforce Biodiversity Net Gain provisions, including in Edenbridge.

What to change

Replace this part with:

‘Appropriate funding mechanisms must be secured to cover the costs of establishing, managing and monitoring biodiversity net gain habitats for the required period, including, where applicable, funding for the Council’s reasonable costs of long term monitoring and enforcement.’

Requested Changes

- We ask that the Council require, rather than simply suggest, that funding for long term management and monitoring of Biodiversity Net Gain, including the Council’s monitoring costs, is secured through legal mechanisms.

Regulation 19 soundness & legal points

The evidence is not sound because this part of BW2 is not effective. Without a firm requirement for funding mechanisms, long term delivery and monitoring of Biodiversity Net Gain may not be achievable over the plan period.

The evidence is not sound because it is not justified. The need for long term funding flows directly from national Biodiversity Net Gain policy and good ecological practice and therefore should be secured, not left as a possibility.

Edenbridge impact

Taken together, BW2 points in the right direction but is too weak in key places, so there is a real risk that Edenbridge will experience significant development and biodiversity loss locally while much of the Biodiversity Net Gain and nature recovery benefit is delivered somewhere else in the district or beyond.

NEDRA (New Edenbridge District Residents' Association)

Chapter 9 Response - NEDRA Disagree

Policy IN1

IN1(1)

This clause states that all new development must be served and supported by on site and off site infrastructure and services, with the Infrastructure Delivery Plan and infrastructure provider evidence as the main reference points. In principle this should mean that development in Edenbridge does not proceed unless the necessary infrastructure is in place.

An important concern is that the policy is still tied to an old Infrastructure Delivery Plan. For 2025 the only published update is a short statement that infrastructure will be addressed on a site by site basis. That is not a proper, up to date, settlement level infrastructure plan that looks at the cumulative effect of the level of development now proposed for Edenbridge.

What is good

It is welcome that development is explicitly linked to infrastructure. This should ensure that new housing or other growth in Edenbridge is only permitted where it is supported by suitable services and facilities.

Referring directly to the Infrastructure Delivery Plan should, in principle, help move away from ad hoc decisions and towards a planned approach to what infrastructure is needed and where.

What is vague or risky

The word "appropriate" is very unclear. It gives no indication of how much infrastructure or what standard is expected. In Edenbridge, where services are already under pressure, this creates a real risk of under provision.

The clause only mentions the Infrastructure Delivery Plan and infrastructure providers. It does not require use of settlement specific evidence, such as GP waiting times, primary and secondary school capacity, or other local data for Edenbridge.

There is no requirement for the timing of infrastructure. The wording does not say that infrastructure must be in place ahead of, or in step with, occupation of new homes. This is a particular concern in Edenbridge where infrastructure has often lagged behind growth.

Infrastructure providers can be cautious and slow to acknowledge local pressure. Giving their view such weight, without a stronger test in the policy, risks leaving towns such as Edenbridge exposed to continuing strain on services.

Most seriously, the policy is being applied alongside an out of date Infrastructure Delivery Plan, and a 2025 position that infrastructure will be handled site by site. That does not amount to a

proper plan for the cumulative effect of multiple housing and employment sites on Edenbridge over the life of the Local Plan.

What to change

IN1(1) should include a clear duty to provide timely and adequate infrastructure, linked to local need, phasing and cumulative impacts, and should be tied to an up to date, comprehensive Infrastructure Delivery Plan that looks across the whole plan period.

Suggested wording:

"All new development must be served and supported by timely, adequate, and appropriate on and off site infrastructure and services. Proposals must demonstrate, with reference to an up to date Infrastructure Delivery Plan (IDP), infrastructure provider evidence and relevant settlement level assessments, that the type, scale and timing of infrastructure are sufficient to meet the needs arising from the development and any cumulative impacts in the local area, and that critical infrastructure will be delivered in step with, and where necessary prior to, occupation."

Requested Changes IN1(1)

- We ask that the Council replace "appropriate" with a requirement for "timely, adequate and appropriate" infrastructure, including explicit reference to cumulative impacts.
- We ask that the Council commit to updating the Infrastructure Delivery Plan so that it clearly covers the whole plan period, and identifies cumulative infrastructure needs for each settlement, including Edenbridge, rather than relying on a site by site approach.
- We ask that the Council require proposals to use settlement level evidence, so that specific pressure points in Edenbridge, including school and primary care provision, are properly assessed, and that critical infrastructure must be delivered in step with, or where necessary before, occupation.

Regulation 19 soundness and legal points IN1(1)

The evidence is not sound because the policy is not positively prepared. It does not clearly require infrastructure to be delivered in step with growth, and it relies on an out of date Infrastructure Delivery Plan and a site by site statement for 2025, so housing could be built in Edenbridge without the services and facilities needed to support it.

The evidence is not sound because the policy is not effective. Without clear tests on timing and adequacy, and without an up to date Infrastructure Delivery Plan that looks at cumulative needs across the plan period, decision makers and inspectors cannot apply it consistently.

The evidence is not sound because the policy is not justified. Relying on an old Infrastructure Delivery Plan and infrastructure providers, without up to date, settlement based evidence of pressure, does not demonstrate that reasonable alternatives such as a refreshed, cumulative Infrastructure Delivery Plan for Edenbridge and other settlements have been considered.

The evidence is not sound because the policy is not fully consistent with national policy, which expects plans to be deliverable, supported by necessary infrastructure, based on current evidence, and expressed in clear and enforceable wording, not vague terms such as "appropriate."

IN1(2)

This part requires applicants to consider the capacity of existing infrastructure, contribute to necessary new or improved infrastructure, and retain land for essential services and Green and Blue Infrastructure. In practice it governs who pays for new infrastructure and how land is safeguarded for schools, health facilities, community uses, flood defences and similar needs.

What is good

It is positive that development is required to pay for, or contribute to, the infrastructure it makes necessary. This provides a policy basis for requiring new homes and other growth in Edenbridge to fund real improvements, rather than adding further strain to already stretched services.

The reference to retaining land for educational, community, health, waste, flood defence and Green and Blue Infrastructure is welcome and supports the case for safeguarding land in Edenbridge for the facilities the town actually needs.

What is vague or risky

Requiring applicants to "take into account the capacity" of infrastructure is weak wording. A developer can claim to have taken capacity into account yet still put forward a scheme that overloads GP services, schools, or the local network in Edenbridge.

"Contribute significantly" is not defined. It does not require schemes to fully mitigate their impacts or meet the full reasonable cost of the infrastructure they make necessary. This risks contributions falling short, with the shortfall felt most sharply in places such as Edenbridge.

The clause does not explicitly address cumulative impacts. Several developments in and around Edenbridge could each claim their individual impact is small, while the combined effect on roads, schools and health services is severe.

There is no explicit recognition of cross boundary impacts, even though Edenbridge residents use facilities in neighbouring authorities.

Important forms of infrastructure, including digital infrastructure, active travel routes and town centre public realm, are not mentioned, despite being critical for a town the size and role of Edenbridge.

Applied alongside an old Infrastructure Delivery Plan and a 2025 statement that infrastructure will be handled on a site by site basis, there is no clear route to planning and funding the full package of infrastructure that the cumulative growth proposed for Edenbridge will require.

What to change

IN1(2) should set a stronger requirement for robust assessment and full mitigation, including a broader and clearer list of infrastructure types, and should be explicitly linked to an updated Infrastructure Delivery Plan that assesses cumulative needs for each settlement.

Suggested wording:

"Development proposals must demonstrate, through proportionate evidence, that

- the capacity of existing infrastructure, including the cumulative impacts of other committed and proposed development identified in an up to date Infrastructure Delivery Plan, has been robustly assessed, and

- they will fully mitigate the infrastructure needs arising from the development, either by providing infrastructure directly or by making financial contributions that meet the full, reasonable cost of provision.

This includes, where necessary, the safeguarding and provision of land for essential educational, community, health, movement including active travel and public transport, digital, waste, flood defence and Green and Blue Infrastructure, having particular regard to the needs of the settlement in which the development is located and to any cross boundary impacts."

Requested Changes IN1(2)

- We ask that the Council replace "take into account the capacity" with a requirement to "demonstrate, through evidence, that infrastructure capacity and cumulative impacts have been robustly assessed and fully mitigated," drawing on an up to date Infrastructure Delivery Plan.
- We ask that the Council replace "contribute significantly" with wording that requires development to meet the full reasonable cost of the infrastructure needs it generates.
- We ask that the Council extend the list of infrastructure types to include digital infrastructure, active travel, public transport, and town centre public realm, and make clear that safeguarding should reflect the specific needs of each settlement, including Edenbridge and its planned level of growth.

Regulation 19 soundness and legal points IN1(2)

The evidence is not sound because the policy is not effective. Wording such as "take into account" and "contribute significantly" is too weak and subjective to be applied consistently or enforced at appeal, particularly in the absence of a current, cumulative Infrastructure Delivery Plan.

The evidence is not sound because the policy is not positively prepared. Without a requirement to fully mitigate the infrastructure needs arising from development, and without an up to date plan for cumulative infrastructure in Edenbridge and other settlements, there is a real risk that the plan will deliver growth without adequate services.

The evidence is not sound because the policy is not justified. There is no evidence that partial mitigation through "significant" contributions will be sufficient to support the scale and distribution of development in the plan, nor that cumulative impacts will be properly addressed, especially given the site by site approach signalled for 2025.

The evidence is not sound because the policy is not fully consistent with national policy, which expects development to be supported by necessary infrastructure and for plans to provide a clear, evidence based framework for developer contributions, including cumulative and cross boundary impacts.

IN1(3)

This clause allows a reduction in infrastructure contributions where a scheme claims it is not viable to pay in full, subject to conditions such as an independently checked viability appraisal, infrastructure provider advice, maximised obligations, clawback, and an overall planning judgement.

What is good

It is positive that an independently verified viability appraisal is required, rather than simply accepting the developer's own figures without scrutiny.

The reference to clawback is helpful in principle, as it allows the Council to secure additional contributions if a development proves more profitable than originally assumed.

Requiring input from infrastructure providers on the impact of any reduction in contributions is also helpful, provided it is combined with strong policy tests.

What is vague or risky

The current wording establishes a clear route for developers to argue down infrastructure and affordable housing on viability grounds, especially in lower value locations such as Edenbridge.

There is no requirement for the viability appraisal to be transparent and publicly available. This undermines community confidence and makes it harder for residents to understand why contributions are being reduced.

The test that "the benefits of the development outweigh the lack of full mitigation" is loose and subjective. It could be used to justify major under provision of infrastructure in Edenbridge while pointing to benefits that are mainly felt elsewhere.

There is no presumption that large or strategic sites allocated in the plan must deliver their infrastructure in full, with viability dealt with mainly at plan making stage as national policy expects.

The clause does not require explicit consideration of how reduced contributions affect different settlements, for example the relative impact on Edenbridge compared with Sevenoaks.

When read together with an out of date Infrastructure Delivery Plan and a site by site approach to infrastructure in 2025, the flexibility offered by IN1(3) makes it even less likely that the cumulative infrastructure needed for Edenbridge will be secured in full.

What to change

A viability safety valve may be needed, but it should be genuinely exceptional, transparent, and subject to a high bar, especially for strategic growth. It should also sit within a framework where the Infrastructure Delivery Plan has already tested the viability of allocated sites.

Suggested wording:

"Where an applicant contends that the infrastructure contributions required to mitigate the impact of development cannot be delivered in full, this will only be accepted in exceptional circumstances. In such cases

- a viability appraisal must be prepared in accordance with national guidance, be subject to independent review commissioned by the Council, and be published in full except for genuinely confidential information,
- the relevant infrastructure provider or providers must advise the Council on the impact of any reduced contribution on existing and planned infrastructure and service provision in the affected settlement,

- the value of planning obligations must be demonstrably maximised, having regard to viability and to the priorities set out in this policy,
- where appropriate, a clawback mechanism must be incorporated into a legal agreement, and
- the Council must be satisfied that, having regard to the distribution of impacts and benefits across the District, and in particular on the settlement hosting the development, the proposal remains acceptable in planning terms and does not result in unacceptable residual harm due to under provision of infrastructure.

For allocated strategic sites, the Council will expect full delivery of required infrastructure, with viability considered primarily at plan making stage and reflected in an up to date Infrastructure Delivery Plan."

Requested Changes IN1(3)

- We ask that the Council limit the use of viability based reductions to "exceptional circumstances" and make clear that allocated strategic sites are expected to deliver their full infrastructure, based on viability work done at plan making stage.
- We ask that the Council require viability appraisals to be published, subject to limited confidentiality, to ensure transparency for communities such as Edenbridge.
- We ask that the Council add wording requiring the Council to consider the distribution of impacts and benefits across settlements, and to refuse schemes that would leave unacceptable residual harm due to under provision of infrastructure, especially in towns that are taking significant growth such as Edenbridge.

Regulation 19 soundness and legal points IN1(3)

The evidence is not sound because the policy is not consistent with national policy, which expects viability to be addressed at plan making so that sites are deliverable without routine post permission negotiation, whereas this wording normalises viability based reductions.

The evidence is not sound because the policy is not positively prepared. By allowing development to proceed without full mitigation where "benefits" are judged to outweigh shortfalls, and in the context of an out of date Infrastructure Delivery Plan and site by site approach, it does not secure the infrastructure needed to support the planned level of growth, especially in settlements such as Edenbridge.

The evidence is not sound because the policy is not effective. Without transparency on viability, an updated Infrastructure Delivery Plan and a high bar for exceptions, the Council will struggle to resist under mitigated schemes at appeal.

The evidence is not sound because the policy is not justified. There is no evidence that relying on flexible viability negotiations will deliver the identified infrastructure in the Infrastructure Delivery Plan, or that alternative approaches, such as stricter viability expectations on allocations, were properly considered.

IN1(4)

This clause sets a hierarchy for how contributions are prioritised where viability is said to limit what can be delivered. The order given is affordable housing first, then education, then health, then transport.

What is good

It is welcome that education and health are explicitly prioritised. This is important for Edenbridge, where school places and GP capacity are already tight.

Having a stated order of priorities is preferable to leaving such decisions entirely to case by case negotiation.

What is vague or risky

Flood defences, Green and Blue Infrastructure and essential community facilities do not appear in this priority list, even though IN1(2) describes these as "essential". For Edenbridge, which has known flood risk, this is a serious omission.

Green and Blue Infrastructure is central to climate change adaptation, biodiversity, and public health. National policy treats this as integral to sustainable development, not as an optional extra that can be dropped when viability is tight.

The hierarchy risks being used to justify sacrificing local environmental, flood and community infrastructure in places such as Edenbridge in order to protect affordable housing numbers on paper, even where the resulting development is not genuinely sustainable.

The clause does not state that legally required infrastructure, such as flood risk measures and biodiversity duties, cannot be traded off on viability grounds.

"Prioritised in the order listed" is very rigid wording. There is no further test to show that the remaining mix of mitigation is still acceptable in local terms.

In the absence of an up to date Infrastructure Delivery Plan that shows the combined infrastructure needs for Edenbridge, this hierarchy risks being applied in an unbalanced way, so that some essential items for the town never materialise.

What to change

The policy should make clear that certain types of infrastructure are not negotiable and should expand the priority list so that it covers all essential elements, within a framework that is informed by an up to date Infrastructure Delivery Plan.

Suggested wording:

"Where robust evidence demonstrates that viability constraints would otherwise prevent development from coming forward, the Council will, in exceptional circumstances, prioritise contributions towards the following types of infrastructure, while ensuring that all legally required infrastructure, including flood risk management and biodiversity related measures, is secured

a. Affordable housing

b. Education

c. Health

d. Transport, including active travel and public transport

e. Essential flood risk management and Green and Blue Infrastructure directly required to make the development acceptable in planning terms

f. Essential community facilities serving the settlement in which the development is located.

Any such prioritisation must not result in development that would have an unacceptable residual impact on the host settlement or conflict with other policies of this Plan."

Requested Changes IN1(4)

- We ask that the Council add essential flood risk management and Green and Blue Infrastructure to the priority list and make clear that legally required infrastructure cannot be traded away on viability grounds.
- We ask that the Council explicitly include essential community facilities and active travel and public transport within the prioritised infrastructure types, informed by an up to date Infrastructure Delivery Plan for each settlement.
- We ask that the Council require a test that any prioritisation must not leave unacceptable residual impacts on the host settlement, including Edenbridge, and that this is assessed in light of cumulative development.

Regulation 19 soundness and legal points IN1(4)

The evidence is not sound because the policy is not consistent with national policy, which treats flood risk management, climate change adaptation and biodiversity as core requirements, not optional items that can be dropped when viability is tight.

The evidence is not sound because the policy is not positively prepared. In a town such as Edenbridge, with known flood and infrastructure constraints and planned growth, leaving flood and Green and Blue Infrastructure outside the priority list undermines the ability of the plan to deliver sustainable development.

The evidence is not sound because the policy is not effective. The rigid hierarchy, without safeguards and without an up to date Infrastructure Delivery Plan, makes it difficult for the Council to ensure that the overall package of mitigation is acceptable in each settlement.

The evidence is not sound because the policy is not justified. There is no clear evidence that this specific hierarchy, excluding flood risk and environmental infrastructure, is the most appropriate strategy when considered against reasonable alternatives.

Final paragraph of IN1

The final paragraph states that the Council will work with infrastructure providers, stakeholders, and neighbouring authorities to ensure that necessary physical, social and environmental infrastructure is provided so that residents of all ages enjoy a good quality of life.

What is good

It is positive that neighbouring authorities are expressly mentioned. This matters for Edenbridge because many residents rely on facilities outside the District boundary.

The paragraph recognises physical, social, and environmental infrastructure together. This supports the view that Edenbridge should receive a balanced package of measures, not only roads and schools.

What is vague or risky

As drafted, the paragraph is largely aspirational and does not provide a clear decision making test or delivery mechanism. On its own it does not secure any specific outcome for Edenbridge.

There is no commitment to keep the Infrastructure Delivery Plan up to date or to review it as major sites come forward, including those affecting Edenbridge. Instead, the latest position is a 2025 statement that infrastructure will be considered on a site by site basis, which is not a suitable mechanism for planning the cumulative infrastructure needs of a town that is expected to take significant growth.

The wording does not refer to prioritising infrastructure investment in the settlements that accommodate growth, which is both an equity issue and an effectiveness issue.

What to change

This paragraph should be clearly tied to delivery, regular updates to the Infrastructure Delivery Plan and a settlement focus, so that the cumulative impact of development on Edenbridge is properly planned for.

Suggested wording:

“The Council will work proactively with partners, including infrastructure and service providers, neighbouring authorities, and local communities, to plan, phase and secure the physical, social, and environmental infrastructure needed to support development. The Infrastructure Delivery Plan will be kept up to date and will identify the specific and cumulative infrastructure required for each main settlement, with a particular focus on directing investment to those settlements, such as Edenbridge, that are accommodating significant growth, in order to ensure a high quality of life for residents and communities of all ages.”

Requested Changes final paragraph

- We ask that the Council commit to keeping the Infrastructure Delivery Plan up to date and settlement specific, so that Edenbridge’s cumulative infrastructure needs over the whole plan period are clearly identified and costed, rather than relying on a site by site statement.
- We ask that the Council add wording that prioritises directing infrastructure investment to the settlements accommodating growth, including Edenbridge, informed by the updated Infrastructure Delivery Plan.
- We ask that the Council commit to working with local communities as well as infrastructure providers and neighbouring authorities when planning and phasing infrastructure.

Regulation 19 soundness and legal points final paragraph

The evidence is not sound because the policy is not clearly effective. Without a commitment to keeping the Infrastructure Delivery Plan up to date, cumulative and settlement specific, there is no reliable mechanism to ensure that infrastructure is actually delivered where and when it is needed, especially in Edenbridge.

The evidence is not sound because the policy is not fully positively prepared. It does not show how infrastructure will be phased and targeted in the places that take growth, including

Edenbridge, and relies instead on a site by site approach that does not address cumulative effects.

The evidence is not sound because the policy is not fully consistent with national policy, which expects a clear and deliverable strategy for infrastructure delivery to support the plan's spatial strategy, based on current evidence, rather than relying on aspirational statements and outdated infrastructure planning.

Edenbridge Impact

As drafted and underpinned by an out of date Infrastructure Delivery Plan and a site by site approach for 2025, IN1 is too weak, non-specific, and untargeted, so Edenbridge risks taking substantial new growth without a properly planned, fully funded and timely package of infrastructure to address the cumulative impacts on the town.

NEDRA (New Edenbridge District Residents' Association)

Chapter 9 Response - NEDRA Disagree

Policy OS1

OS1(1) says that formally designated open spaces, shown on the Council's "interactive map", must be kept as open space unless the strict tests in the National Planning Policy Framework (NPPF) for building on open space are met. In practice, this is meant to be the main policy hook for protecting key parks, recreation grounds and similar spaces in places including Edenbridge.

What is positive

It ties any loss of designated open space directly to national policy, which is supposed to be a high bar.

In principle that should help to protect the main parks, recreation grounds, and other designated open spaces in Edenbridge.

What is vague or risky

The reference to an "interactive map" is vague in policy terms. It should be clear that these spaces are identified on the adopted Policies Map, not just on a changeable online tool.

"Current use and type of open space" is not defined. Without clear wording, developers could argue for "reconfiguration" or "intensification" that in reality reduces usable, accessible open space.

The policy only refers to "tests set out in national policy" and does not require a local open space assessment to show there is genuinely a surplus or that equivalent replacement is secured in Edenbridge, where open space is already under pressure.

There is no explicit "no net loss" test for quantity, quality, and accessibility. This leaves a risk that Edenbridge could lose usable green space gradually, while still claiming compliance.

What we want changed

We want OS1(1) to give clear plan-led protection to designated open spaces serving Edenbridge, using the adopted Policies Map and a "no net loss" test in quantity, quality, and accessibility.

Proposed replacement wording

"The District's designated open spaces, as identified on the Policies Map, will be safeguarded for their existing open space and recreation functions. Planning permission that would result in the loss, reduction in size, or material worsening in quality or accessibility of these open spaces will only be granted where the applicant demonstrates that the tests in national policy for

development on open space are met, and that there will be no net loss in the quantity, quality and accessibility of open space serving the local community, including Edenbridge."

Requested Changes – OS1(1)

- We ask that the Council replaces "interactive map" with a clear reference to the adopted Policies Map and firmly safeguards the designated open spaces.
- We ask that the Council adds a "no net loss in quantity, quality and accessibility" requirement for all designated open spaces, including those serving Edenbridge.
- We ask that the Council requires applicants to provide a local open space assessment to show how the NPPF tests are satisfied for any proposed loss in Edenbridge.

Regulation 19 soundness and legal points – OS1(1)

The evidence is not sound because the policy is not positively prepared: without a clear "no net loss" requirement and a requirement for local assessment, it does not robustly plan to meet open space and recreation needs in Edenbridge over the plan period.

The evidence is not sound because the policy is not justified: it relies on a generic reference to "tests set out in national policy" without explaining how local evidence on open space, including any deficits in Edenbridge, will be applied to those tests.

The evidence is not sound because the policy is not effective: referring to an "interactive map" rather than the adopted Policies Map creates ambiguity over which spaces are protected, which undermines implementation and monitoring.

The evidence is not sound because the policy is not clearly consistent with national policy: the National Planning Policy Framework expects strong protection for existing open space used by local communities, and this wording would allow incremental loss and downgrading of quality and accessibility in places such as Edenbridge.

OS1(2)

What OS1(2) does

OS1(2) says that other open spaces which the community values, either because people use them or because they contribute to local character, should also be kept. It also says that Local Green Spaces, which are a national designation, are expected to be identified through Neighbourhood Plans.

What is positive

It recognises that non designated spaces such as small greens, informal play areas, verges, and gaps still matter and should be retained if they are valued by the community.

It acknowledges the Local Green Space designation, which can, in principle, provide strong protection similar to Green Belt where it is properly justified.

What is vague or risky

"Open spaces of value to the local community" is not defined. There is no clarity on who decides what is "of value," what evidence is needed, or when this is assessed. That vagueness makes it easier for a developer to argue that a site is not of value once a proposal is on the table.

“Will also be retained” sounds strong but there is no clear test for when loss might be allowed, so decision makers may treat this as too woolly to carry weight at appeal.

Expecting Local Green Spaces to be designated only “through the Neighbourhood Plan process” disadvantages communities without an active Neighbourhood Plan, or where the area does not match the town. Edenbridge risks losing out compared with smaller or wealthier parishes that have the capacity to prepare Neighbourhood Plans.

There is no requirement to identify or map these “other open spaces of value,” so they may only be recognised case by case. That is risky in a town like Edenbridge which is facing significant growth and development pressure.

What we want changed

We want OS1(2) to define clearly what “open spaces of value to the local community” means, to require evidence and local engagement before loss, to include a proper test for loss or harm, and to provide a Local Plan route for designating Local Green Space where there is no Neighbourhood Plan.

Proposed replacement wording

“Other open spaces that make a demonstrable contribution to local community use, health and wellbeing, townscape, or landscape character, including informal recreation areas, amenity greens, incidental spaces and small greens, will be safeguarded from development. Development resulting in the loss or material harm to such open spaces will only be permitted where it has been clearly demonstrated, through local engagement and an open space assessment, that the space is not of community or character value, or that an alternative open space of at least equivalent quantity, quality and accessibility will be provided in a suitable location serving the same community, including within Edenbridge.

The Council will support the designation of Local Green Spaces in Neighbourhood Plans and, where a Neighbourhood Plan is not in preparation, will consider designating Local Green Spaces through the Local Plan where there is clear community evidence.”

Requested Changes – OS1(2)

- We ask that the Council defines “open spaces of value to the local community” and requires evidence, including local engagement, before any such space in Edenbridge can be lost.
- We ask that the Council introduces a clear test for the loss of these spaces, including equivalent replacement in quantity, quality, and accessibility for the same community.
- We ask that the Council adds a route for Local Green Space designation via the Local Plan where there is no Neighbourhood Plan, so Edenbridge is not left at a disadvantage compared with smaller parishes.

Regulation 19 soundness and legal points – OS1(2)

The evidence is not sound because the policy is not justified: it uses undefined terms such as “of value to the local community” with no criteria, which is not a robust or evidence based way of protecting non designated open space in a high growth town like Edenbridge.

The evidence is not sound because the policy is not effective: without mapped or clearly defined “other open spaces of value,” development management will be inconsistent and difficult to defend at appeal.

The evidence is not sound because the policy is not positively prepared: relying only on Neighbourhood Plans to designate Local Green Space ignores reasonable alternatives such as Local Plan led designation, and risks under protecting open space in places where capacity to produce a Neighbourhood Plan may be lower, including Edenbridge.

The evidence is not sound because the policy is not fully consistent with national policy: the National Planning Policy Framework expects plans to shape healthy, inclusive communities and to protect open spaces which are demonstrably special to local people. The current wording does not ensure that such spaces in Edenbridge are identified and protected in a plan led way.

OS1(3)

What OS1(3) does

OS1(3) says that major developments must include good quality open space, including natural or “wild” greenspace. If there is already enough open space nearby, the developer might instead improve existing open space, for example through better access or more biodiversity, following the Open Space Study. Any new or improved open space must have arrangements in place for long term maintenance and management.

What is positive

It requires major development to consider open space provision from the outset, not as an afterthought.

It explicitly mentions natural and wild greenspace and biodiversity, which is important in a flood prone, river side town such as Edenbridge.

It recognises that in some cases improving existing spaces can be better than creating scattered, small pockets of greenspace that are not very usable.

It requires long term maintenance and management, which is essential to avoid neglected and unsafe spaces.

What is vague or risky

“Major development” is not restated, so residents need reassurance that all large schemes in Edenbridge will genuinely be captured.

“Where an adequate quantity of open space exists in the local area” is not defined. There is no reference to type, quality, deficit or surplus, or accessibility standards from the Open Space Study. Developers could argue that there is “enough” space across the district and avoid providing on site open space in Edenbridge.

“Consideration may be given to improving the quality of the existing open space” could be read as allowing off site works instead of on site provision even where local need clearly justifies on site open space for new residents.

There is no clear link to the Infrastructure Delivery Plan or to planning obligations, so the mechanism to secure off-site improvements and long term management in Edenbridge is not clearly set out.

The clause does not prioritise on site provision in a town centre like Edenbridge which already lacks accessible, well overlooked open space close to new flats and higher density housing.

What we want changed

We want OS1(3) to make usable, multifunctional on site open space the starting point for major development, to tie "adequate quantity" directly to the Open Space Study standards at settlement level, and to set out clearly how planning obligations and management arrangements will work for schemes serving Edenbridge.

Proposed replacement wording

"Major development will be required to provide high quality, usable and multifunctional open space on site, including natural or wild greenspace and children's and young people's play space where appropriate, in line with the standards and recommendations in the Open Space Study and Infrastructure Delivery Plan.

Only where it is clearly demonstrated that on site provision is not feasible or would be of poor quality, and that there is no identified local deficit in the relevant type of open space serving the development, including in Edenbridge, will financial contributions or works be accepted to secure qualitative and quantitative improvements to existing open spaces which are at least as accessible to future occupiers as on site provision would have been.

All new or improved open space must include secured arrangements for its long term maintenance and management, through planning conditions or legal agreements."

Requested Changes – OS1(3)

- We ask that the Council makes on site, usable and multifunctional open space the default requirement for major development in Edenbridge, with off-site improvements treated as an exception backed by clear evidence.
- We ask that the Council ties "adequate quantity of open space" explicitly to the Open Space Study standards for quantity, quality, and accessibility at settlement level, including Edenbridge.
- We ask that the Council adds a clear link to planning conditions and legal agreements to secure both funding and long term management of new or improved open spaces serving Edenbridge residents.

Regulation 19 soundness and legal points – OS1(3)

The evidence is not sound because the policy is not effective: without a clear preference for on-site provision and clear tests for when off-site improvements are acceptable, it will be hard to secure the right type and amount of open space in high growth locations such as Edenbridge.

The evidence is not sound because the policy is not justified: the wording does not clearly reflect the evidence in the Open Space Study or the Infrastructure Delivery Plan about existing deficits and future needs in Edenbridge and other settlements.

The evidence is not sound because the policy is not positively prepared: it does not ensure that new development in Edenbridge will deliver the open space necessary to support health, wellbeing, and climate resilience over the plan period.

The evidence is not sound because the policy is not fully consistent with national policy: the National Planning Policy Framework expects plans to support healthy, safe communities, access to high quality open space and nature recovery. As worded, major development in Edenbridge could continue to rely on existing, already pressured open spaces instead of delivering new, well located provision.

Edenbridge impact

As drafted, OS1 would allow gradual loss and under provision of open space in Edenbridge compared with less pressured settlements, because it is vague about what is “of value”, weak on “no net loss”, and too relaxed about letting major schemes avoid providing on site green space.

NEDRA (New Edenbridge District Residents' Association)

Chapter 9 Response - NEDRA Disagree

Policy OS2

OS2(1)

What this clause does

This clause requires all major housing schemes of 10 or more homes to provide children's and young people's play space, using at least the Fields in Trust standards in the table, which cover informal play, LAPs, LEAPs, and NEAPs depending on scheme size. Developers can reduce this where they "clearly demonstrate" that the standards are not feasible or viable and the Council agrees.

What is good

It anchors play provision to a recognised national standard, Fields in Trust, which is positive and gives a clear starting point.

It applies to all major residential developments, so the bigger Edenbridge sites should not be able to ignore play space.

The explicit exclusion of older persons' accommodation avoids unnecessary or unused play areas where schemes are genuinely for older people.

What is vague or risky

The phrase "as a minimum" is immediately weakened by the wording "unless it can be clearly demonstrated that this is not feasible or viable." This creates a wide viability loophole that developers can use to negotiate downplay space, especially on constrained sites in Edenbridge.

There is no requirement for any independent viability check or clear evidence standard. The reference to agreement with the Council risks inconsistent deals between different places, which could leave Edenbridge worse off.

The use of "major residential development" alongside the table is confusing. The table starts at 10 homes, but the policy does not say how schemes below 10 homes will be treated in relation to play, even though the cumulative effect of smaller schemes is very important in Edenbridge.

"Older persons accommodation" is not defined. Developers could try to badge mixed or "age friendly" schemes as older persons' schemes to avoid play requirements.

There is no clear requirement that play should be delivered on site where possible for larger schemes, or that any off site provision must be within safe walking distance of the homes.

What to change for OS2(1) suggested wording

All residential development of 10 or more homes, excluding schemes which are solely for specialist older persons' accommodation, must provide onsite children's and young people's play space in accordance with, as a minimum, the Fields in Trust standards set out in Table OS2, including informal play space and the relevant levels of equipped provision. Any departure from these minimum standards will only be permitted where it is robustly demonstrated, through an independently assessed viability appraisal and site based constraints assessment agreed by the Council, that full compliance is not feasible, and where equivalent provision in terms of quantity, quality and accessibility is secured within a safe walking distance of the development.

Requested Changes for OS2(1)

- We ask that the Council remove the general "not feasible or viable" caveat and instead require robust, independently tested evidence before any reduction in Fields in Trust standards is allowed.
- We ask that the Council apply the Fields in Trust standards explicitly to all schemes of 10 or more homes and set out how cumulative smaller schemes in Edenbridge will contribute to play provision.
- We ask that the Council define older persons' accommodation and require that any off site provision be located within a clearly defined safe walking distance of the development.

Regulation 19 soundness and legal points for OS2(1)

The evidence is not sound because the policy is not effective. The broad viability get out, "not feasible or viable," without any requirement for independent testing or clear evidence, is likely to result in inconsistent decision making and under provision of play facilities, especially on constrained sites in Edenbridge. This means the policy may not be delivered over the plan period, which fails the effectiveness test.

The evidence is not sound because the policy is not justified. It introduces a general viability caveat that risks undermining the use of the Fields in Trust standards, without clear evidence that such wide flexibility is needed across the district. More proportionate alternatives, such as independent viability review and only limited departures, have not been explored, so the policy is not the most appropriate strategy.

The evidence is not sound because the policy is not consistent with national policy. The National Planning Policy Framework expects plans to support strong place making and healthy communities, including adequate open space and facilities for children. A blanket viability escape which weakens minimum standards undermines those objectives.

The evidence is not sound because it raises legal compliance and equality concerns. By allowing negotiated reductions without clear criteria, the Council could unintentionally disadvantage children and young people in less affluent or more constrained places such as Edenbridge compared with better resourced settlements, which may conflict with the public sector equality duty.

OS2(2)

What this clause does

This clause says that all new play spaces must be "high quality," have several attractive and engaging pieces of equipment including natural play features, be accessible and inclusive including for children with special educational needs and disabilities, and be suitable for the location and the local community.

What is good

It explicitly mentions accessibility and inclusivity, including for children with special educational needs and disabilities. This is very positive and particularly important for Edenbridge.

It recognises natural play, which can sit well alongside biodiversity and landscape policies.

It looks beyond a token swing or slide and seeks genuinely usable spaces.

What is vague or risky

Terms such as "high quality," "attractive," "engaging" and "appropriate to the location" are subjective. Developers could interpret these in a very basic way, especially where budgets are tight.

There is no reference to any design guidance, play value assessment, minimum equipment mix, safety standards, or inclusive design benchmarks to guide officers or applicants.

There is no clear requirement for early delivery or ongoing maintenance standards beyond the general maintenance expectations in OS1. This leaves Edenbridge at risk of poorly maintained or late delivered play areas on larger schemes.

"Accessible and inclusive to all users" is positive, but it is not tied to specific outcomes such as step free access, sensory play, fencing in busy traffic environments or safe routes from new homes.

What to change for OS2(2) suggested wording

All new children's and young people's play space must be designed and delivered in accordance with Council approved play and accessibility design guidance and relevant national standards. Provision must demonstrate high play value, including a variety of age appropriate and natural play features, be step free and inclusive for children with special educational needs and disabilities, provide safe and overlooked routes and access, and be clearly related to the needs and characteristics of the local community it serves.

Requested Changes for OS2(2)

- We ask that the Council link "high quality" play space to specific local or national design guidance and standards, including inclusive design principles, so expectations are clear for Edenbridge schemes.
- We ask that the Council require step free, safely accessible play spaces with safe walking and cycling routes from new homes, including for children with special educational needs and disabilities.
- We ask that the Council require early delivery and long term management arrangements for play space to be secured through planning conditions or legal agreements.

Regulation 19 soundness and legal points for OS2(2)

The evidence is not sound because the policy is not effective. Without links to specific standards or guidance, terms such as “high quality” and “attractive and engaging equipment” are too subjective to secure consistently good outcomes across the plan period, particularly in places like Edenbridge where past provision has been limited.

The evidence is not sound because the policy is not justified. The Council appears to rely on vague wording instead of evidence based design standards or guidance for inclusive play. More precise approaches are available and commonly used in other authorities, so the current approach is not clearly the most appropriate.

The evidence is not sound because the policy is not fully consistent with national policy. The National Planning Policy Framework expects local plans to provide clear, criteria based policies to achieve well designed places and inclusive, accessible development. The current drafting does not give sufficient clarity for applicants or decision makers.

OS2(3)

What this clause does

This clause explains that for minor developments, instead of providing new play space on site, the Council may accept improvements or expansion of existing local play facilities, where this better meets local needs, judged on a case by case basis.

What is good

In principle, improving existing play areas can be better than creating many small, isolated facilities, especially where Edenbridge already has play sites that need upgrading.

It recognises that responding to local need is important, not just ticking a box with onsite provision.

What is vague or risky

“Local area” is not defined. Improvements could be counted towards provision some distance away, potentially in another settlement, which would not help children in the affected part of Edenbridge.

Limiting this flexibility to “minor developments only” conflicts with OS2(1) and the Fields in Trust table, which starts at 10 homes. There is ambiguity about how offsite improvements are handled for larger schemes in Edenbridge.

The phrase “may be secured… rather than new provision” risks being used simply to avoid delivering on site play where it is actually needed, especially for cumulative minor schemes in Edenbridge.

There is no requirement to show that existing facilities have capacity, are within a safe walking distance, or will reach the Fields in Trust standard after improvements.

“Case by case basis” with no clear criteria invites inconsistent decisions between settlements.

What to change for OS2(3) suggested wording

Where robustly evidenced to better meet local need, contributions from residential development may be directed to the qualitative improvement and, where necessary, expansion of existing children's and young people's play facilities within a safe walking distance of the development, provided that the resulting overall quantity and accessibility of provision meets or exceeds the Fields in Trust standards for that part of the settlement. The Council will set out criteria for assessing such off site provision, including maximum walking distances, capacity, safety, and accessibility requirements, in a supplementary planning document.

Requested Changes for OS2(3)

- We ask that the Council define "local area" by clear walking distance catchments and require that any offsite improvements funded by Edenbridge development are delivered within Edenbridge and genuinely serve the new homes.
- We ask that the Council remove ambiguity about "minor developments only" and clearly explain how both cumulative minor schemes and major schemes in Edenbridge can contribute to improving existing play where this is better than small on site pockets.
- We ask that the Council commit to a supplementary planning document setting out the detailed criteria for when offsite improvements are acceptable and how they will still deliver Fields in Trust standards at settlement level.

Regulation 19 soundness and legal points for OS2(3)

The evidence is not sound because the policy is not effective. Undefined terms such as "local area" and "case by case basis" mean decision makers and developers lack clear criteria, which will undermine consistent delivery of play provision over the plan period and risks gaps in Edenbridge.

The evidence is not sound because the policy is not justified. The restriction to "minor developments only" is not explained or evidenced and appears inconsistent with the rest of the policy and with the Fields in Trust table. Reasonable alternatives, such as applying clear criteria to all scales of development, have not been considered.

The evidence is not sound because the policy is not consistent with national policy. National policy seeks clear and predictable policies to support healthy communities and adequate open space. An open ended "case by case" approach leaves too much to negotiation and undermines certainty for residents and developers.

The evidence is not sound because the policy raises legal compliance and equality concerns. If offsite improvements funded by Edenbridge development can be directed to other locations without clear criteria, children, and young people in Edenbridge may receive a poorer level of provision than those in other settlements, contrary to the intent of the plan and the public sector equality duty.

Edenbridge impact

As drafted, OS2 is likely to leave Edenbridge with under sized, negotiable, or remote play provision because the viability caveats, vague quality standards and unclear rules for offsite improvements make it easier for developers to deliver less for children here than in better resourced parts of the district.

NEDRA (New Edenbridge District Residents' Association)

Chapter 9 Response - NEDRA Disagree

Policy ED1

We understand ED1 as the Council's general, district wide policy on making sure there are enough school and education places across Sevenoaks district. It covers primary, secondary, special educational needs, early years, and adult education.

ED1 says that developments which are described as "relevant" should help fund education provision through developer contributions such as Section 106 planning obligations and the Community Infrastructure Levy, and in some cases by setting aside land.

It also says the Council will work with Kent County Council as the Local Education Authority to decide where new provision is needed, particularly secondary school places.

For Edenbridge, this policy sits on top of some very specific and important existing commitments and pressures which ED1 does not spell out, including:

- a legal agreement that land in Edenbridge is already secured and held for a potential school until 31 December 2040
- clear capacity pressures at primary level, with only one primary school in Edenbridge at present and that school already close to full
- Kent County Council's indication that a secondary school in Edenbridge would only likely happen with around 2,400 new homes in the town
- the draft Local Plan now showing about 2,801 homes in Edenbridge when extant permissions and allocations are added together.

ED1 is written for the whole district, which is reasonable as a starting point, but it does not say how existing education commitments and obvious capacity issues in places like Edenbridge will be safeguarded and used to support the growth that the plan itself is directing to those places.

What is good

We welcome that ED1:

- clearly recognises education facilities, including special educational needs, early years, and adult education, as essential infrastructure that must keep pace with new development
- expects development to contribute via Section 106 and the Community Infrastructure Levy, rather than assuming already stretched schools can simply absorb unlimited additional pupils

- acknowledges the role of Kent County Council in planning new education provision across the district.

These are useful basics, and they support the principle that substantial growth in Edenbridge should be accompanied by proper, locally accessible education provision, including both primary and secondary.

What is vague or risky

For Edenbridge, we see several important gaps and risks in how ED1 is currently worded.

No clear expectation that existing education commitments will be honoured and used

Because ED1 is written at a high level, it does not explicitly address what should happen where there are already legal agreements or land reservations for education uses. That includes the situation in Edenbridge, where land is already secured for a potential school until 31 December 2040.

Without a clear statement in ED1 that existing education commitments must be protected and used to support planned growth, there is a risk that:

- these commitments are treated as background rather than as part of the Local Plan strategy
- future applications or variations could weaken or remove them without any obvious conflict with policy
- the district wide policy is applied in a way that does not secure education infrastructure where the existing commitments and housing growth actually coincide.

For a town like Edenbridge, taking a large share of the district's housing growth and already holding land for a potential school, this is a serious omission.

No link between growth, primary school capacity, and local provision

ED1 refers to "sufficient school places" but does not engage with existing deficits or tight capacity in specific locations. In Edenbridge:

- there is only one primary school at present
- that school is already close to full
- there is no clear, firm plan in the evidence base for new primary provision or a primary expansion strategy to match the scale of growth proposed.

ED1 does not require the plan or decision makers to deal with this existing shortfall at primary level, nor does it set an expectation that new development at Edenbridge will contribute to an additional or expanded primary school in the town. The risk is that Edenbridge takes significant housing, while primary aged children are pushed to travel further afield or squeezed into already stretched provision.

No firm link between Edenbridge housing numbers and a local secondary solution

The Council and Kent County Council know that a secondary school in Edenbridge is considered viable at around 2,400 homes, and the plan now proposes approximately 2,801 homes in Edenbridge.

Yet ED1 does not say that the plan's strategy is to use this level of growth, plus the existing school land commitment, to secure secondary provision serving Edenbridge. Instead, it simply refers to working with Kent County Council and making "provision" for school places. This makes it too easy for secondary provision to be directed elsewhere while Edenbridge takes the growth and the travel burden.

No phasing or "in step with growth" requirement

The wording that "provision will be made for sufficient school places" is soft and open ended. It does not say that:

- education provision must be in place when or before new homes are occupied
- planning permission can be refused where school capacity and funding are not properly secured up front.

In a place like Edenbridge, where large developments are proposed, this is a real risk. There is nothing in ED1 to prevent thousands of new homes being approved while primary and secondary solutions are left to be resolved later, or in other settlements.

"All relevant development" is undefined

The phrase "all relevant development" is not defined. Without a clear threshold or test:

- developers can argue that their scheme is not "relevant" or that its education impact is minor
- cumulative impacts in places like Edenbridge are easily downplayed, because each individual scheme claims its own contribution is small.

The result is a policy that is too easy to dilute in practice, despite the very large total impact on education infrastructure when all Edenbridge sites are taken together.

Weak and generic commitment to working with Kent County Council

The promise to "continually work in conjunction with Kent County Council" is vague. It does not say that:

- Kent County Council's capacity forecasts and viability evidence will be used to secure local provision where growth is concentrated
- existing commitments, such as the Edenbridge school land, will be actively used and defended in partnership with Kent County Council.

Without this, ED1 risks becoming a generic statement of good intent, rather than a firm, deliverable strategy for places like Edenbridge with real, immediate education pressures.

What to change

We think ED1 should remain a district wide policy but with much clearer expectations about:

- using the Infrastructure Delivery Plan and Kent County Council's evidence in decision making
- addressing existing deficits in places like Edenbridge, especially at primary level

- honouring and using existing legal commitments for education land, such as the Edenbridge school site held until 31 December 2040
- ensuring that new schools and expanded facilities are delivered in step with growth, not after the event.

We therefore suggest the following replacement wording for ED1.

ED1 Education

The Council will ensure that sufficient, accessible education provision is delivered in step with planned growth across the District, including primary, secondary, special educational needs, early years, and adult education.

Planning permission for development that generates a need for additional education provision will only be granted where:

ED1(1) Having regard to the Infrastructure Delivery Plan and the advice of Kent County Council as Local Education Authority, there is sufficient existing capacity in schools that are reasonably accessible to the development, including at primary level, or

ED1(2) Secured and deliverable provision is made for additional capacity, including where necessary the safeguarding and timely delivery of land for new or expanded education facilities, and appropriate financial contributions through Section 106 planning obligations and or the Community Infrastructure Levy.

ED1(3) In planning for education provision, the Council will work proactively with Kent County Council and other providers to address both existing deficiencies and new demands arising from development, including pressure on Edenbridge's existing primary school. New and expanded schools will be located so as to serve those settlements where planned growth and current travel patterns show the greatest need, including Edenbridge.

ED1(4) Where existing planning permissions, legal agreements or other commitments secure land for education purposes, the Council will treat that land as safeguarded for education use for the duration of the commitment. The Council will work with Kent County Council and the relevant landowners or developers to bring such sites forward where they can support the delivery of education provision needed to serve planned growth, including the school land already secured in Edenbridge until 31 December 2040.

ED1(5) In settlements where the Local Plan identifies significant housing growth, including Edenbridge, the Council will work with Kent County Council to prepare and maintain clear strategies for primary and secondary provision, setting out how and when additional capacity will be provided to ensure that pupils can access education as locally as possible.

This revised wording keeps ED1 as a district wide policy but:

- makes clear that existing education commitments, such as the Edenbridge school land, are to be honoured and actively used
- recognises the importance of primary as well as secondary provision in growth locations
- requires education provision to be secured up front and delivered in step with development

- explicitly acknowledges Edenbridge as a settlement where planned growth and current travel patterns mean that local primary and secondary solutions must be part of the strategy.

Requested Changes

- We ask that the Council amends ED1 so that decisions on education provision must be based on the Infrastructure Delivery Plan and the advice of Kent County Council, and so that planning permission is only granted where school capacity, including primary provision, is demonstrably sufficient or properly secured in advance.
- We ask that the Council adds to ED1 a clear requirement that existing education commitments and land reservations, such as the Edenbridge school site secured until 31 December 2040, are treated as safeguarded and proactively used to support the education needs arising from planned growth.
- We ask that the Council strengthens ED1 to recognise that settlements taking significant housing growth, including Edenbridge with its single almost full primary school, must have clear, deliverable strategies for both primary and secondary provision so that pupils can access education locally rather than being forced to travel to other settlements.

Regulation 19 soundness and legal points

Positively prepared

The evidence is not sound because ED1, as drafted, is not positively prepared. It does not clearly set out how existing education commitments and obvious capacity pressures in places like Edenbridge will be used to support the substantial growth the plan proposes there, especially at primary level. A positively prepared plan should show how the district will deliver local school places where growth is concentrated, not simply state in generic terms that "provision will be made."

Justified

The evidence is not sound because ED1 is not properly justified by the available evidence. There is a reasonable and clearly preferable alternative, which is to require that existing education land commitments are safeguarded and used to support planned growth, and to set out specific strategies for primary and secondary provision in major growth locations such as Edenbridge. ED1 does not explain why this alternative has not been followed, given the known position of one almost full primary school and secured school land in Edenbridge.

Effective

The evidence is not sound because ED1 is not effective. Without firm requirements to deliver education provision in step with growth and to honour existing commitments, there is a real risk that large developments in Edenbridge will be approved while primary and secondary solutions are delayed, relocated, or weakened. That would leave Edenbridge with thousands of new homes, one already stretched primary school and no guaranteed local secondary solution, so the plan would fail to deliver essential social infrastructure over the plan period.

Consistent with national policy

The evidence is not sound because ED1 is not fully consistent with the National Planning Policy Framework, December 2024, which expects plans to plan positively for local services such as schools and to ensure that necessary infrastructure is delivered in a coordinated way alongside development. By not clearly requiring the use and protection of existing education commitments, and by not setting out how primary and secondary provision will be secured in places like Edenbridge that take major growth, ED1 falls short of that requirement.

Equalities and plan wide consistency

The evidence is not sound because ED1 raises equalities and internal consistency concerns. If Edenbridge takes a large amount of new housing without a clear policy route to increased local primary and secondary capacity, more children will be forced to travel further and at greater cost than in settlements where schools are closer to new development. This will particularly disadvantage households without access to a car and some disabled pupils, which conflicts with the Council's equalities duties and with other parts of the plan that seek to promote sustainable and accessible development.

Edenbridge Impact

As drafted, ED1 leaves Edenbridge with rapidly increasing housing numbers, a single almost full primary school and existing school land commitments in the town that are not clearly secured or used in policy, so there is a real risk that both primary and secondary education investment is directed elsewhere while Edenbridge carries the growth.

NEDRA (New Edenbridge District Residents' Association)

Chapter 9 Response - NEDRA Disagree

Policy SL1

Opening paragraph

What this part does

We consider that the opening frames sport and leisure mainly as an economic driver and visitor attraction and sets an ambition for a "world class cluster" of facilities in the north of the District. This immediately positions the north as the strategic focus for major sports investment, with places such as Edenbridge implicitly in a secondary tier, even though Edenbridge is treated as a "top tier" location when it comes to accommodating large amounts of new development.

What's good

It recognises that sport and leisure are important, which supports arguments for investment.

It gives a useful hook to argue that sport and leisure are strategic infrastructure that should be planned and funded properly, not treated as optional extras.

What's vague or risky

The specific focus on a "world class cluster" in the north announces a spatial bias: the high profile, high investment facilities are directed to the north, with no balancing reference to investment in other settlements such as Edenbridge.

The emphasis is on the economy and tourism, rather than on residents' day to day health, equality of access or the need to upgrade failing facilities in places like Edenbridge, including Edenbridge Leisure Centre and the disused all weather pitch.

There is no reference to addressing areas with existing deficiencies or poor quality facilities, which is exactly where Edenbridge sits. This is particularly concerning given that the same plan treats Edenbridge as a "top tier" growth town for major housing and other development but then effectively downgrades it to a second tier when setting out the strategic focus for sport and leisure.

What to change

The opening should be tightened so that the priority is clearly meeting residents' health, wellbeing, and access needs across all settlements, and so that the plan cannot treat Edenbridge as "top tier" for growth while treating it as second tier for sport and leisure.

Suggested replacement wording

"The Council recognises the important role that high quality sport and leisure facilities play in supporting the health and wellbeing of all residents, as well as contributing to the District's economy and attracting visitors. The Local Plan will seek to improve and modernise sport and leisure provision in all parts of the District, with particular focus on addressing identified deficiencies, including in settlements such as Edenbridge which are identified as higher tier locations for growth. Any ambition to create a cluster of higher order sporting facilities in the north of the District must not prejudice investment in and delivery of modern, accessible facilities in other settlements, including Edenbridge."

Requested Changes

- We ask that the Council rewrites the opening to put residents' health and day to day access first and the visitor economy second.
- We ask that the opening explicitly commits to improving and modernising facilities in all settlements, including Edenbridge, where existing facilities are decaying.
- We ask that the opening acknowledges that if Edenbridge is treated as a "top tier" location for major development, it must not then be treated as a second tier settlement for sport and leisure.

Regulation 19 soundness & legal points

The evidence is not sound because it is not positively prepared: it frames sport and leisure mainly as an economic and visitor asset and does not clearly commit to meeting locally identified needs and deficiencies across the whole District, including in a growth town such as Edenbridge.

The evidence is not sound because it is not justified: prioritising a "world class cluster" in the north is a spatial choice that has not been shown to be the only reasonable approach, and it is inconsistent with the decision to place large growth burdens on Edenbridge without a matching strategic focus on facilities.

The evidence is not sound because it is not consistent with national policy, including the National Planning Policy Framework (NPPF), which expects Local Plans to support healthy, inclusive, and safe places and to plan positively for community facilities such as sports venues in a way that serves all communities, not just one part of the District.

SL1(1): new large scale sporting facilities in the north

What this part does

We understand SL1(1) to say that the Council will support new large scale sporting facilities "in the north of the District" where they meet certain criteria on need, sustainable location, jobs, health benefits, and consistency with other policies.

What's good

The requirement for an "identified need" at least nods towards evidence.

The links to sustainable transport, health and economic benefits provide standard policy hooks that can be used to resist poorly located or speculative schemes.

What's vague or risky

The clause is spatially one sided: "large scale" sports investment is explicitly channelled to the north only. Edenbridge is left outside this strategic framework, even though the same plan treats Edenbridge as a "top tier" settlement for major new housing and other development. That creates a clear imbalance between growth and infrastructure.

"Identified need" is not defined. It is unclear whose need is being considered, at what catchment scale and on what evidence. There is a real risk that northern facilities are justified by District wide "need" while local deficiencies in Edenbridge are ignored.

There is no requirement to show that such proposals will not undermine investment or viability of much needed upgrades elsewhere, including Edenbridge Leisure Centre or bringing the all-weather pitch back into use.

"Large scale" is undefined. This could be stretched to cover a wide range of commercial leisure in the north while Edenbridge struggles even to maintain basic facilities.

What to change

The criteria should be kept but the explicit spatial bias to the north should be removed so that large scale investment can also be directed to other suitable locations, including Edenbridge where evidence shows clear need and where the plan proposes "top tier" growth.

Suggested replacement wording

"1. Proposals for new large scale sporting facilities will be supported where:
a. They meet an identified need supported by up to date evidence, including the Playing Pitch and Outdoor Sports Strategy and local assessments of need;
b. They are sustainably located with good transport links and access for the communities they serve, including higher tier settlements such as Edenbridge;
c. They create new local employment and skills opportunities and contribute to the local economy;
d. They make a valuable contribution to the health and wellbeing of the local community;
e. They are in accordance with other relevant Local Plan policies; and
f. They do not prejudice the delivery, renewal or upgrading of existing sport and leisure facilities in other settlements, including Edenbridge, where deficiencies or quality issues have been identified."

Requested Changes

- We ask that the Council deletes the reference to "in the north of the District" from the policy text so that large scale sporting investment can, where justified by evidence, also come to places such as Edenbridge.
- We ask that the policy requires evidence of need from up to date District wide and local assessments, including for Edenbridge, not just broad District figures.
- We ask that the policy includes a specific safeguard that new facilities must not prejudice renewal and modernisation of existing facilities in settlements with identified deficiencies, including Edenbridge, especially where those settlements are treated as "top tier" locations for major growth.

Regulation 19 soundness & legal points

The evidence is not sound because it is not positively prepared: channelling "large scale" sporting facilities only to the north fails to plan positively for the needs of communities in the south and west of the District, including Edenbridge, where existing provision is decaying despite being a main growth location.

The evidence is not sound because it is not justified: there is no clear evidence that concentrating strategic facilities only in the north is the only reasonable option; a reasonable alternative would be a more balanced pattern of strategic and local investment, including modernising facilities in towns such as Edenbridge.

The evidence is not sound because it is not effective: by over focusing on one area it risks leaving other settlements, including a "top tier" growth town like Edenbridge, with out of date facilities over the plan period, undermining health, and participation outcomes.

The evidence is not sound because it is not consistent with national policy, including the NPPF, which expects planning to promote healthy, inclusive communities and access to high quality sports facilities for all parts of the area, not just one geographically favoured cluster.

SL1(2): retaining and re-providing existing sport and leisure

What this part does

We understand SL1(2) to say that existing sport and leisure facilities will be retained unless the tests in national policy are met, and that any reprovision must take account of local needs and quality improvements, with a list of facility types that are covered.

What's good

The default position is retention, which is helpful in resisting closure or redevelopment of existing facilities.

The link between reprovision and "local needs and quality improvements" gives Edenbridge residents a basis to argue that worn out facilities should be replaced with better ones, not simply lost.

The explicit coverage of indoor facilities, pitches, multi-use games areas and school sites is very relevant to Edenbridge.

What's vague or risky

The clause simply refers to "tests set out in national policy" without requiring up to date, transparent settlement level assessments of need, usage, and quality. This is crucial in a town like Edenbridge where an all-weather pitch has been allowed to decay and the leisure centre is ageing.

It does not require that any reprovision is at least equivalent in quantity, quality, accessibility, and timing, which is the usual standard when applying national policy tests.

It does not explicitly state that facilities currently out of use, but reasonably capable of being brought back into use, are covered. There is a risk the Council or a developer argues that such facilities are "surplus" because they have been allowed to run down.

Given the plan's intention to direct major development to Edenbridge as a "top tier" settlement, the absence of clear, robust protections for existing facilities in the town is a particular concern.

What to change

The policy should strengthen the tests, explicitly cover disused facilities that could be brought back into use, and be framed so that growth towns like Edenbridge cannot lose out.

Suggested replacement wording

"2. Existing sport and leisure provision within the District, including facilities that are temporarily closed or currently out of use but capable of being brought back into use, will be retained unless it can be demonstrated, through robust and up to date assessments of need, quality, and accessibility, that the tests set out in national policy are met. Any reprovision of sport and leisure facilities must, as a minimum, be at least equivalent in quantity, quality, accessibility, and timing, and must take account of local needs and quality improvements identified in the Playing Pitch and Outdoor Sports Strategy and other relevant evidence, with particular regard to higher tier settlements such as Edenbridge that are expected to accommodate significant growth."

Requested Changes

- We ask that the policy explicitly includes facilities that are disused or currently closed (such as the Edenbridge all weather pitch) where they are capable of being brought back into use.
- We ask that any loss or reprovision is required to be at least equivalent in quantity, quality, accessibility, and timing, backed by up to date local evidence.
- We ask that the policy explicitly recognises that higher tier growth settlements such as Edenbridge must not experience a net loss in sport and leisure provision over the plan period.

Regulation 19 soundness & legal points

The evidence is not sound because it is not effective: without clear requirements for equivalence in quantity, quality, accessibility and timing, reprovision could leave settlements such as Edenbridge worse off in practice while still being expected to take significant new development.

The evidence is not sound because it is not fully justified: reliance on a bare reference to "tests set out in national policy" without spelling out the requirement for local, up to date assessments and equivalence risks inconsistent application and undermines the evidence based approach expected by national policy and the NPPF.

The evidence is not sound because it is not clearly consistent with national policy, which expects existing open space, sports and recreational buildings and land to be protected unless robust assessments show they are surplus and any loss is replaced by equivalent or better provision.

SL1(3): priority for alternative uses on sports and leisure sites

What this part does

We understand SL1(3) to introduce a hierarchy for redevelopment of sports and leisure sites so that other sport and leisure uses should come first, then other non-residential employment uses, and only then residential uses.

What's good

This provides a hierarchy that should make it harder to jump straight to housing on sports and leisure land, which is helpful protection for sites in Edenbridge.

Placing employment uses ahead of residential could help prevent some "easy" housing redevelopments that reduce facilities and jobs in the town.

What's vague or risky

The word "prioritise" is vague. It is not clear whether an applicant simply needs to say they have "considered" alternatives or must actually demonstrate that they are not viable or deliverable.

There is no requirement to test these options with the local community or through transparent viability work.

It is not clearly linked back to the retention and reprovision tests in SL1(2). It should be explicit that the hierarchy does not override those national policy tests.

In a town like Edenbridge, already earmarked for substantial new housing as a "top tier" settlement, there is a real risk that pressure for more residential land will steadily erode sport and leisure sites unless this part of the policy is tightened.

What to change

The hierarchy should be made binding and explicitly linked to robust evidence and community engagement, so that sport and leisure land in growth towns such as Edenbridge is genuinely protected.

Suggested replacement wording

"3. Any redevelopment of sports and leisure provision will only be permitted where it has been robustly demonstrated that:
a. There is no reasonable prospect of continued or alternative sport and leisure use on the site, having regard to Clause 2; and
b. There is no realistic, deliverable non-residential employment generating use for the site;
and where the tests in national policy relating to the loss of sports and leisure facilities are met. Proposals must be supported by proportionate evidence of marketing, viability, and community engagement."

Requested Changes

- We ask that the word "prioritise" is replaced with a clear, evidence based test requiring applicants to prove there is no reasonable prospect of continued or alternative sports or leisure use.

- We ask that the policy requires marketing and viability evidence, plus community engagement, before sports and leisure sites can move down the hierarchy, with particular care in growth settlements such as Edenbridge.
- We ask that the policy explicitly cross refers to SL1(2) so the national policy tests and reprovision requirements always apply.

Regulation 19 soundness & legal points

The evidence is not sound because it is not effective: the current wording around "prioritise" is too weak and open to interpretation, so it may not actually prevent the loss of sports and leisure sites in places such as Edenbridge where housing pressure is high.

The evidence is not sound because it is not fully justified: there is no clear explanation of how the hierarchy will be applied or what evidence will be required, which undermines consistent decision making.

The evidence is not sound because it is not clearly consistent with national policy, including the NPPF, which expects robust assessments and clear tests to be applied before losing sports and leisure facilities.

SL1(4): expanding and improving existing provision and playing pitches

What this part does

We understand SL1(4) to support proposals to expand and improve existing sport and leisure provision, including playing pitches, indoor sports, and informal sports areas, and to set standards for new pitches on surfacing, competition use and pitch size.

What's good

There is clear support for improving existing facilities, which is a strong hook for Edenbridge to push for upgrades to the failing leisure centre and the all-weather pitch.

The references to the Playing Pitch and Outdoor Sports Strategy and Football Association guidance provide a technical standard and evidence base.

The phrase "facilities and access for all" is useful in arguing for inclusive, affordable community provision in Edenbridge.

What's vague or risky

The caveat "unless not technically feasible" is a potential loophole. Without a requirement for independent evidence, it could be used to justify cheaper, substandard pitches.

Although the clause is District wide, it does not commit to prioritising settlements with outdated or decaying facilities, such as Edenbridge, where the need is greatest and where the plan intends to place substantial new growth.

"Informal sports areas" and "access for all" are not linked to any concrete requirements on affordability, for example pay and play access, or on inclusive design.

What to change

The supportive tone should be kept, but the feasibility caveat should be tightened, and the policy should explicitly prioritise improvements in settlements with identified deficiencies, including Edenbridge as a growth town with ageing facilities.

Suggested replacement wording

"4. Proposals to expand and improve the quantity and quality of the District's existing sport and leisure provision, including playing pitches, indoor sports provision, and informal sports areas, to provide inclusive facilities and access for all, will be supported, with priority given to settlements where deficiencies and quality issues have been identified and where significant growth is planned, such as Edenbridge. New playing pitches must be appropriately surfaced and capable of competition use, unless it is robustly demonstrated by an independent specialist that this is not technically feasible. Pitch sizes must be informed by the Playing Pitch and Outdoor Sports Strategy and constructed to Football Association recommended pitch size guidance."

Requested Changes

- We ask that the policy explicitly prioritises improvements in settlements with identified deficiencies and ageing facilities, including Edenbridge, particularly where they are expected to accommodate significant new development.
- We ask that the "unless not technically feasible" caveat is tightened so any departure from competition standard pitches requires independent specialist evidence.
- We ask that "access for all" is explicitly framed as inclusive and affordable community access, not just theoretical access.

Regulation 19 soundness & legal points

The evidence is not sound because it is not fully positively prepared: it does not commit to tackling known deficiencies in specific settlements, such as decaying facilities in Edenbridge, over the plan period, despite those same settlements being targeted for major growth.

The evidence is not sound because it is not fully effective: vague feasibility caveats could result in substandard pitches and missed opportunities to improve participation and health outcomes.

The evidence is not sound because it is not clearly consistent with national policy, including the NPPF, which expects plans to promote healthy and inclusive communities by planning positively for high quality sports facilities in areas where need is greatest.

SL1(5): "pay and play" and community access

What this part does

We understand SL1(5) to say that the Council will support proposals to increase "pay and play" provision and community access to sports and leisure facilities.

What's good

The explicit support for "pay and play" is welcome, as affordable casual use is vital for Edenbridge residents who cannot commit to expensive memberships.

It provides a clear hook to argue that any upgrades in Edenbridge should increase, not reduce, casual community access.

What's vague or risky

The clause only supports increases; it says nothing about resisting the loss of "pay and play" or community access where operators wish to move towards more exclusive, membership only models.

"Community access" is undefined. It could be interpreted as very limited, expensive, or only at unsociable hours, which would not meet local needs in Edenbridge.

There is no link to specific expectations in major developments or in school facilities, which matters in growth locations like Edenbridge where new development could and should secure better access.

What to change

The policy should add explicit protection against the loss of pay and play and community access, and clarify what meaningful "community access" means, particularly in towns that are taking substantial new development such as Edenbridge.

Suggested replacement wording

"5. Proposals to increase the quantity and affordability of 'pay and play' provision and to secure meaningful community access to sport and leisure facilities, including at evenings and weekends, will be supported. Proposals that would lead to the loss or significant reduction of existing 'pay and play' opportunities or community access will be resisted unless equivalent or better provision is secured locally, with particular regard to higher tier growth settlements such as Edenbridge."

Requested Changes

- We ask that the policy not only supports increases in 'pay and play' but also clearly resists any loss or reduction of existing affordable casual access.
- We ask that "community access" is defined to include reasonable hours, pricing and booking arrangements, so it is meaningful for Edenbridge residents.
- We ask that the policy makes clear that in higher tier growth settlements such as Edenbridge, new development will be expected to secure improved pay and play and community access.

Regulation 19 soundness & legal points

The evidence is not sound because it is not effective: without protecting existing 'pay and play' and community access, it may allow a drift towards more exclusive, membership only provision even while "supporting" increases in theory.

The evidence is not sound because it is not fully positively prepared: it does not secure affordable access over the plan period, which is central to delivering health and wellbeing objectives, especially in towns such as Edenbridge that are expected to accommodate significant growth.

The evidence is not sound because it is not clearly consistent with national policy, which emphasises inclusive access to facilities and reducing health inequalities.

SL1(6): educational establishments and community use

What this part does

We understand SL1(6) to require new educational establishments to include facilities for community use, subject to formal community use agreements.

What's good

There is strong support for dual use of school facilities, which is very helpful for Edenbridge if any new school or major expansion comes forward.

The requirement for "formal community use agreements" is a positive mechanism that planning Inspectors tend to support.

What's vague or risky

The requirement only applies to "new educational establishments" and does not cover major extensions, rebuilds or refurbishments of existing schools, which could be significant for Edenbridge.

It does not specify how community use agreements will be secured, for example by planning condition or legal obligation, or what they should cover, such as hours, pricing, and duration.

There is no commitment to maintaining community access over the long term; agreements can sometimes lapse quietly.

In a town like Edenbridge, expected to accommodate substantial new housing, schools and education related facilities will be central to sport and leisure provision, so this gap is important.

What to change

The scope should be broadened and the securing mechanism and minimum expectations made clearer, with a particular focus on higher tier growth settlements such as Edenbridge.

Suggested replacement wording

"6. New educational establishments, and major extensions or redevelopments of existing educational establishments, must include facilities for community use and be subject to formal, long term community use agreements secured by planning condition or obligation. Community use agreements must set out, as a minimum, hours of use, pricing, management arrangements, and the duration of community access, with particular emphasis on higher tier settlements such as Edenbridge where new development is planned."

Requested Changes

- We ask that the clause is extended to cover major extensions and redevelopments of existing schools, not just entirely new establishments.
- We ask that the policy states that community use agreements will be secured by condition or legal obligation and will be long term.
- We ask that the policy requires minimum standards for hours, pricing and management to ensure community access is real and enduring, especially in Edenbridge where new development will increase demand.

Regulation 19 soundness & legal points

The evidence is not sound because it is not effective: limiting the requirement to entirely new schools would miss major opportunities to improve community sports access through extensions and rebuilds, including in Edenbridge.

The evidence is not sound because it is not fully justified: it does not explain why major redevelopments of existing schools should be exempt from providing community use when they often involve significant sports facilities.

The evidence is not sound because it is not clearly consistent with national policy, including the NPPF, which encourages making the most effective use of public facilities to support communities' health and wellbeing.

SL1(7): ancillary development

What this part does

We understand SL1(7) to say that development which supports open space, sport or leisure facilities will be supported where it is ancillary to the main use and complies with other Local Plan policies.

What's good

This can help unlock small supporting developments, such as changing rooms, cafés, or modest parking improvements, which might make facilities more viable in Edenbridge.

The cross reference to other policies should help to prevent inappropriate development on sports land.

What's vague or risky

The term "ancillary" is not defined. There is a risk of gradual "mission creep" where larger commercial uses are justified as "supporting" sports or leisure, potentially harming local character or undermining community access.

There is no requirement that such development must enhance, rather than harm, the quality, accessibility, or community value of the facility.

In a growth town such as Edenbridge, there will be commercial interest in attaching additional uses to sports and leisure sites; without clear safeguards, this could dilute the sport and community function.

What to change

"Ancillary" should be clarified, and the policy should require a clear benefit to the sports or leisure function, particularly in settlements like Edenbridge where facilities already need upgrading.

Suggested replacement wording

"7. Development that directly supports and enhances open space, sport or leisure facilities will be supported where it is clearly ancillary to the overall use of the site, is proportionate in scale and intensity, and results in no loss of, and preferably improvements to, the quality,

accessibility, or community value of the facility. All such development must be in accordance with other relevant Local Plan policies."

Requested Changes

- We ask that "ancillary" is clarified to mean clearly secondary and proportionate in scale and intensity to the main sport or leisure use.
- We ask that the policy requires ancillary development to demonstrably enhance, or at least not harm, the quality, accessibility, and community value of the facility.
- We ask that any examples in the supporting text focus on modest, genuinely supportive uses rather than large commercial add ons, especially in higher tier growth settlements such as Edenbridge.

Regulation 19 soundness & legal points

The evidence is not sound because it is not effective: without a clear definition of "ancillary" and a requirement to enhance facilities, it could enable inappropriate development that undermines sports and open space uses.

The evidence is not sound because it is not fully justified: it does not explain how "supporting" development will be controlled to avoid harm to local character and community access, including in smaller towns such as Edenbridge.

The evidence is not sound because it could be applied in a way that is not consistent with national policy on protecting open space and ensuring community facilities are retained and enhanced.

Edenbridge Impact

As drafted, SL1 treats Edenbridge as a "top tier" location for large scale development but a second tier location for strategic sport and leisure investment, so unless amended it risks leaving Edenbridge with ageing and substandard facilities while expecting the town to absorb substantial growth.

NEDRA (New Edenbridge District Residents' Association)

Chapter 9 Response - NEDRA Disagree

Policy COM1

COM1(1)

We understand COM1(1) to say that the Council will resist losing local services and facilities that meet local needs, unless an applicant can show either that there is an equivalent replacement, the service is no longer needed or viable, or there are strong operational reasons to close or move it and the community value has been considered.

What is good

This starting point of resisting loss is helpful for protecting Edenbridge's already limited facilities.

We welcome the explicit recognition of local need, which is particularly important in a town that already has to travel for many services.

We also welcome the requirement for some justification where a facility is proposed to be closed or moved.

What is vague or risky

We are concerned that the phrase 'to the satisfaction of the Council' is very unclear. It does not tell applicants or communities what evidence is required, which weakens protection for places like Edenbridge.

The reference to 'equivalent replacement facilities that are equally accessible' could easily be misused. For Edenbridge residents, a facility in Sevenoaks or Swanley would not be equally accessible in practice, especially for people without access to a car.

There is no firm requirement for a defined marketing period, an independent viability test or any involvement of the local community or Town Council when an applicant claims a facility is 'no longer needed or financially viable'.

The phrase 'taken into account' in relation to operational reasons is a very weak test. It does not require decision makers to give appropriate weight to the wider community importance of the facility.

There is no explicit recognition that rural towns such as Edenbridge cannot realistically share many facilities with the north of the district. Travel time and travel cost are material planning considerations that need to be recognised in the policy wording.

What to change

We consider that COM1(1) should be reworded along the following lines so that it provides clear and effective protection for community facilities in towns like Edenbridge:

"Proposals that would result in the loss of local services and facilities that serve a local need will be refused unless it is demonstrated, through proportionate and independently verified evidence, that:

a. Equivalent replacement facilities of the same or improved quality, capacity, and affordability, which are at least as accessible in terms of travel time, cost, and public transport to the population they serve, will be provided and are secured by planning obligation or condition; or

b. Following a robust and transparent assessment of need and a minimum 12 month active marketing period at a realistic value, agreed with the Council, the continued operation of the service or facility is no longer needed or financially viable, having considered realistic options for community ownership, multi-use, or public subsidy; or

c. There are clear operational reasons for closing or relocating the service or facility, and it is demonstrated that no reasonable alternative solution exists and that the wider importance of the service or facility to the community, including for harder to reach settlements such as Edenbridge, has been fully assessed and given substantial weight."

We also note the reference in the supporting text to the Community Right to Bid and Assets of Community Value under the Localism Act 2011, which give communities powers to help them buy local facilities that are threatened with closure. This reinforces the need for explicit reference to community ownership and similar options within the policy test, rather than leaving this to background text.

Requested Changes – COM1(1)

- Replace the current 'resisted' and 'to the satisfaction of the Council' approach with a clear presumption of refusal and specific evidence requirements, including independent viability review and active marketing.
- Define 'equivalent replacement' to include quality, capacity, affordability, and realistic access by public transport, walking and cycling, so that community facilities in Edenbridge cannot be treated as replaced by facilities in distant northern settlements.
- Build in a minimum twelve month marketing period and explicit consideration of community ownership, multi-use, or public subsidy options before any loss of community facilities is allowed.
- Bring the Community Right to Bid and Assets of Community Value directly into the policy wording so that applicants must show they have considered these routes with the local community.

Regulation 19 soundness and legal points – COM1(1)

The evidence is not sound because COM1(1) is not effective. Phrases such as 'to the satisfaction of the Council' and 'taken into account' do not create clear, measurable tests for decision makers or applicants, which risks inconsistent decisions over the plan period, including in Edenbridge.

The evidence is not sound because COM1(1) is not positively prepared for rural communities. Without a clear test that any 'equivalent replacement' must be at least as accessible in practice, the policy allows net loss of services in places such as Edenbridge on the basis of facilities many miles away, contrary to the National Planning Policy Framework expectation that plans support strong, healthy communities and good access to services.

The evidence is not sound because COM1(1) is not clearly consistent with national policy. The National Planning Policy Framework expects plans to guard against the unnecessary loss of valued facilities and to plan positively for their provision. Allowing loss on the basis of vague satisfaction tests and untested claims of non-viability falls short of that requirement.

COM1(2)

We understand COM1(2) to say that when school or community buildings become empty and are no longer required for education or community use, priority should be given to reusing them to meet some other local community need.

What is good

We support the recognition that redundant school or community buildings should first be considered for other community needs, rather than turned straight into housing or commercial development.

We welcome the link to identified local need, which could help Edenbridge argue for better community facilities if suitable buildings become vacant.

What is vague or risky

The policy does not explain who decides that there is 'no requirement' for alternative educational or community use, or how that decision will be made and evidenced. This is a significant gap, especially where local communities and education providers may have differing views.

The phrase 'priority will be given' is weak and does not create a clear presumption in favour of community reuse. There is a risk that this can easily be overridden by pressure for standard housing or other higher value uses, particularly in lower value towns such as Edenbridge.

The reference to 'identified local need' is not tied to any clear evidence base, such as the Infrastructure Delivery Plan, Playing Pitch Strategy, Town Council evidence or neighbourhood plans. This means that local evidence in Edenbridge could be dismissed as 'unidentified' even where there is a clear and documented need.

There is no requirement to consider future growth and needs when judging that there is 'no requirement', despite planned housing growth in settlements such as Edenbridge that will increase demand for community and education facilities over the plan period.

What to change

We consider that COM1(2) should be strengthened as follows:

"Where school and community buildings become vacant or redundant, the Council will work with relevant education bodies, Town and Parish Councils and local communities to first test and document whether there is an existing or future requirement for educational or community use, having regard to planned growth.

Where this assessment demonstrates there is no reasonable prospect of such use, the reuse of the buildings or site for community facilities that address identified local needs, as set out in the Infrastructure Delivery Plan, neighbourhood plans or other up to date evidence, will be strongly supported and given priority over non community uses."

Requested Changes – COM1(2)

- Require a transparent assessment, involving Kent County Council, the Town Council, and local communities, before concluding that there is 'no requirement' for further educational or community use.
- Upgrade 'priority will be given' to a clear presumption that reuse for community facilities will be strongly supported and preferred over non community uses wherever any local need exists.
- Explicitly recognise planned housing growth, including in Edenbridge, when assessing future community needs and the potential for ongoing educational or community use.

Regulation 19 soundness and legal points – COM1(2)

The evidence is not sound because COM1(2) is not justified. There is no clear evidence based process for deciding when there is 'no requirement' for education or community use, which leaves decisions open to ad hoc judgement and challenge.

The evidence is not sound because COM1(2) is not effective. The phrase 'priority will be given' is too weak to secure consistent reuse of assets for community benefit across the plan period, especially in lower value areas such as Edenbridge where the default may otherwise be standard housing.

The evidence is not sound because COM1(2) risks inconsistency with national policy, which expects local plans to plan positively for community facilities and to consider future needs. The absence of any requirement to consider future growth and evolving community needs falls short of that.

COM1(3)

We understand COM1(3) to deal with proposals to change a community site to another, non-community, use. It states that such proposals will only be considered if there is no community need that could be met on the site, or, if there is a need, that community facilities to meet that need are included as part of a wider mixed use scheme.

What is good

We welcome the recognition that where a community need exists, it should be addressed on the site, either fully or as part of a mixed use development.

We also welcome the principle that applicants should consider continued community use before moving to non-community uses.

What is vague or risky

The phrase 'will only be considered' is unclear. It is not obvious whether this means that such proposals will be refused unless tests are met, or simply that officers will look at them. For a town like Edenbridge, this needs to be a firm refusal test, not a general statement.

Again, the approach implies a 'to the satisfaction of the Council' test without setting clear evidence requirements. This leaves too much discretion and makes it harder for communities to understand and challenge decisions.

The wording around 'no identified community need' depends heavily on what the Council has chosen to identify. There is a real risk that local evidence from Edenbridge residents or the Town Council could be ignored if it is not captured in a formal study.

Allowing community provision to be 'incorporated into a wider mixed use scheme' without specifying any minimum level, quality or security creates the risk that a token meeting room in a large housing scheme could be passed off as sufficient community provision.

What to change

We consider that COM1(3) should be tightened in the following way:

"Proposals for the change of use, or redevelopment of existing or former community sites for non-community uses, will be refused unless it is demonstrated, through proportionate evidence and local engagement, that:

there is no existing or future community need that can reasonably be met on the site, having regard to the Infrastructure Delivery Plan, neighbourhood plans, Town, and Parish Council evidence and other up to date local assessments; or

where a community need exists, the proposal forms part of a wider mixed use scheme that delivers suitable, accessible and secured community facilities on the site of a scale and quality proportionate to the identified need, secured by planning obligation."

Requested Changes – COM1(3)

- Replace 'will only be considered' with a clear refusal test so that non community uses are not permitted where current or future community needs can reasonably be met on the site.
- Require community needs assessments to draw on the Infrastructure Delivery Plan, neighbourhood plans and Town and Parish Council evidence, so that local evidence from Edenbridge carries proper weight.
- Set a clear expectation that any mixed use redevelopment must provide meaningful, secured community space of appropriate scale and quality, not token provision.

Regulation 19 soundness and legal points – COM1(3)

The evidence is not sound because COM1(3) is not effective. Without a firm refusal test and defined evidence sources, decision makers will apply inconsistent thresholds for the loss of community sites, which undermines protection in settlements such as Edenbridge.

The evidence is not sound because COM1(3) is not positively prepared. It does not clearly prioritise safeguarding and expanding community facilities on existing sites, which is essential to support planned housing growth and wider social objectives.

The evidence is not sound because COM1(3) is not clearly consistent with national policy, which expects plans to guard against the unnecessary loss of valued community facilities and to plan positively for their provision, rather than simply considering proposals for loss.

COM1(4)

We understand COM1(4) to say that new local services and facilities will be supported where a need has been identified, they are well designed and well located, and they comply with other Local Plan policies.

What is good

We welcome the stated support in principle for new community facilities, which Edenbridge needs given existing deficits in leisure, youth, and health provision.

The link to design and location is also helpful, as it can help ensure that new facilities are accessible and fit well within neighbourhoods.

What is vague or risky

Once again, the phrase 'where a need has been identified' is not tied to any specific evidence base, and there is no recognition that local communities and Town Councils can play a direct role in identifying needs.

There is no positive steer towards providing facilities in the most accessible locations for the rural south of the district, including Edenbridge, where existing provision is limited and travel choices are constrained.

There is no reference to co located or multi use facilities, which are often the only viable model for delivering facilities in smaller towns such as Edenbridge.

What to change

We consider that COM1(4) should be amended as follows:

"Proposals for new or expanded local services and community facilities, including co located and multi-use facilities, will be supported in principle where they:

respond to an identified current or future local need, as evidenced in the Infrastructure Delivery Plan, neighbourhood plans, Town, and Parish Council evidence or other up to date local assessments.

are of high quality, inclusive design and located to be readily accessible by walking, cycling and public transport to the communities they serve, including residents of rural towns such as Edenbridge; and

are in accordance with other relevant Local Plan policies."

Requested Changes – COM1(4)

- Give clear positive support in the policy for new and expanded community facilities, including co located hubs, especially in growth locations such as Edenbridge.
- Explicitly recognise Town and Parish Council evidence and neighbourhood plans as valid ways of identifying community needs.
- Add an explicit accessibility test that covers walking, cycling and public transport, so that new facilities are located where Edenbridge residents can realistically reach and use them.

Regulation 19 soundness and legal points – COM1(4)

The evidence is not sound because COM1(4) is not clearly positively prepared. Although it says proposals 'will be supported', it does not set out a clear positive strategy for delivering community facilities in line with planned growth, particularly in the south of the district.

The evidence is not sound because COM1(4) is not fully justified. It does not tie 'identified need' back to the Council's own evidence base, such as the Infrastructure Delivery Plan, or to local evidence from communities, making it unclear how decisions will be taken.

The evidence is not sound because COM1(4) is not clearly consistent with national policy, which expects plans to provide robust and inclusive frameworks for delivering community facilities that support health, wellbeing, and social cohesion.

Edenbridge Impact

As drafted, COM1 appears protective but is too vague and discretionary, so without the tighter wording above it risks allowing further loss and continued under provision of community facilities in Edenbridge while better connected northern settlements continue to attract most investment.

NEDRA (New Edenbridge District Residents' Association)

Chapter 9 Response - NEDRA Disagree

Policy COM2

COM2 allocates land for community uses, including at least one mixed use site where some community provision is expected alongside other uses. In the current draft, that mixed use site is shown with very little detail and key elements are marked as 'TBC', so there is no clear picture of what is actually being allocated, when it will come forward or what community benefits Edenbridge can expect.

What is good

We support the principle of allocating land specifically for community uses and mixed use schemes that can deliver community facilities alongside other development. In principle this could help address long standing gaps in provision for towns such as Edenbridge, provided that the allocations are clear, deliverable and tied to real needs.

What is vague or risky

Our concern is that the mixed use allocation is presented with almost no detail and with important aspects still marked as 'TBC'. That leaves the scale, type and timing of community use uncertain.

Without clear information on the intended mix of uses, floorspace, phasing, access, delivery mechanisms and safeguards for community elements, there is a real risk that the housing or commercial parts of the mixed use allocation will dominate, and the community component will be watered down or lost altogether at application stage.

The lack of detail also makes it difficult for residents in Edenbridge and elsewhere to understand what is being proposed, to judge whether the allocation will meet identified community needs, or to suggest reasonable alternatives.

For a plan running to 2042, allocations that are effectively blank with 'TBC' detail are not a sound basis for planning community infrastructure, particularly in the rural south where existing provision is already stretched.

What to change

We consider that COM2 should be strengthened so that any mixed use allocation for community use is clearly defined and deliverable. At a minimum, the policy text or site schedule should:

- Set out the intended mix of uses on the site, including a clear minimum quantum and type of community floorspace.

- Specify broad phasing so that community facilities are delivered in step with or in advance of associated housing or commercial development, rather than left to the end.
- Identify access, indicative layout principles and any key design or location requirements that are necessary to make the community use attractive and genuinely usable by residents, including those in Edenbridge if relevant.
- Make clear how the community use will be secured, for example through planning obligations and conditions, and how its long term use will be safeguarded.

If the necessary evidence to fill in these elements is not yet available, the allocation should not proceed on a 'TBC' basis, and the Council should either complete the evidence and update the policy or reconsider whether this is an appropriate allocation within the plan period.

Requested Changes – COM2

- Replace the current 'TBC' presentation of the mixed use community allocation with clear information on the intended mix of uses, minimum community floorspace, phasing and delivery safeguards, so that residents can understand what is being proposed.
- Include in COM2 a requirement that any mixed use allocation delivers its community facilities as an integral and early part of the scheme, with the community elements secured through planning obligations and protected for long term community use.
- If the Council cannot yet specify these details for the mixed use site, commit to updating COM2 once the evidence is in place, rather than relying on a vague allocation that cannot be shown to meet identified needs in places such as Edenbridge.

Regulation 19 soundness and legal points – COM2

The evidence is not sound because COM2 is not justified where allocations are effectively incomplete and marked as 'TBC'. Without clear evidence on the intended uses, quantum and delivery of the mixed use allocation, the policy cannot be said to be based on proportionate evidence.

The evidence is not sound because COM2 is not effective. An allocation that lacks detail on the scale, timing and securing of community facilities is unlikely to be delivered in the way communities expect, which undermines its ability to support community infrastructure over the plan period, including in the rural south.

The evidence is not sound because COM2 is not clearly consistent with national policy. The National Planning Policy Framework expects local plans to be clear and unambiguous and to provide a positive strategy for the provision of community facilities. An allocation that leaves key details to be determined later under a 'TBC' label does not meet that standard.

Edenbridge Impact

Leaving COM2's mixed use community allocation with such limited and uncertain detail risks that any benefits bypass or are diluted for Edenbridge, while more clearly defined and better evidenced allocations elsewhere in the district are more likely to attract real community investment.

- NEDRA Disagree

NEDRA (New Edenbridge District Residents' Association)

Chapter 9 Response - NEDRA Disagree

Policy UD1

UD1(1) – What this clause does

UD1(1) says that planning applications must show there is enough capacity in existing utilities infrastructure, such as water, wastewater, and electricity, for any new development, and that applicants should speak to utilities companies and carry out assessments where needed.

UD1(1) – What is helpful

We welcome the recognition that infrastructure capacity is a real and fixed constraint and that developers are expected to check with utilities providers rather than simply asserting that services will cope. This is especially important in Edenbridge, where residents already experience the system as stretched.

UD1(1) – What is vague or risky for Edenbridge

The phrase 'sufficient capacity' is vague and could be interpreted very loosely in practice.

There is no clear requirement for formal written evidence from utilities providers, particularly for major development which would have the greatest impact on a town like Edenbridge.

The clause does not say what happens where capacity is not sufficient or cannot reasonably be upgraded in time. There is no explicit link to refusing permission in such circumstances.

There is no reference to cumulative impacts, for example several Edenbridge schemes together overloading the network.

UD1(1) – What needs to change

UD1(1) needs to be tightened so that major developments must provide written evidence from utilities providers, must consider cumulative impacts, and so that it is clear planning permission will be refused if capacity and necessary upgrades are not secured and deliverable in time.

Suggested replacement wording for UD1(1):

'Major development proposals must be accompanied by proportionate evidence, including written confirmation from the relevant utilities providers, to demonstrate that there is, or will be, sufficient capacity within the utilities infrastructure to meet the needs of the development, considering cumulative impacts with other committed development. Where adequate capacity does not exist, planning permission will only be granted where the necessary upgrades are clearly identified, are funded, and are capable of being delivered in step with the development.'

UD1(1) – Requested Changes

- We ask that the Council require written confirmation from the relevant utilities providers for all major developments, including the cumulative impact of other schemes, as part of UD1(1).
- We ask that the Council state in UD1(1) that planning permission will not be granted where necessary utilities upgrades are not identified, funded and deliverable in step with the development.

UD1(1) – Regulation 19 soundness & legal points

The policy is not sound because it is not effective. Without a requirement for formal evidence and funded upgrades, there is no clear mechanism to ensure utilities capacity will actually be provided before or alongside development, contrary to the National Planning Policy Framework (NPPF) expectation that plans are deliverable and infrastructure led.

The policy is not sound because it is not positively prepared. It does not adequately address known infrastructure constraints in settlements such as Edenbridge, where utilities networks are already stretched, and it does not secure the infrastructure needed to support the plan strategy.

The policy is not sound because it is not justified. The absence of a requirement for utilities providers' written confirmation and for cumulative impact assessment is not supported by evidence, and reasonable, more robust alternatives such as those we propose have not been properly considered.

UD1(2) – What this clause does

UD1(2) says the Council must be satisfied that developers and utilities providers have worked together to provide the right utilities infrastructure at the right time.

UD1(2) – What is helpful

We support the recognition that timing matters. Infrastructure needs to be in place when it is actually needed, not years after problems have started to appear on the ground.

UD1(2) – What is vague or risky for Edenbridge

The phrase 'the Council will need to be satisfied' is subjective and offers no objective test for what being 'satisfied' means.

The expressions 'appropriate provision' and 'at the right time' are woolly, with no clear trigger points, such as before first occupation or before certain dwelling numbers are reached.

There is no requirement for a clear delivery plan or mechanism, for example a phasing plan, Section 106 agreement or planning condition.

Without clear wording, there is a real risk that infrastructure in more pressured places such as Edenbridge is allowed to catch up later rather than being in place when new development is occupied.

UD1(2) – What needs to change

This clause should be tied firmly to written evidence and delivery mechanisms, with explicit reference to securing provision through conditions and legal agreements and to delivery in step with occupation.

Suggested replacement wording for UD1(2):

'Planning permission will only be granted where the Council is satisfied, on the basis of written evidence from the relevant utilities providers and an agreed delivery and phasing plan, that the required utilities infrastructure, including any off site works, will be provided and secured through planning conditions and or legal agreements to be delivered in step with the commencement and occupation of each phase of the development.'

UD1(2) – Requested Changes

- We ask that the Council replace the subjective wording 'will need to be satisfied' with a clear test based on written evidence from utilities providers and an agreed delivery and phasing plan, as set out in our suggested wording.
- We ask that the Council require utilities infrastructure to be secured through conditions and or legal agreements and to be delivered in step with the commencement and occupation of each phase.

UD1(2) – Regulation 19 soundness & legal points

The policy is not sound because it is not effective. Without a requirement for an agreed delivery and phasing plan, backed by planning conditions and legal agreements, there is no robust mechanism to ensure utilities are provided at the right time, contrary to NPPF expectations on infrastructure delivery and enforceable planning conditions.

The policy is not sound because it is not consistent with national policy. The NPPF expects plans to ensure that necessary infrastructure is deliverable alongside development, but UD1(2) uses subjective tests such as 'satisfied' and 'appropriate' that are not clearly enforceable.

The policy is not sound because it is not positively prepared for infrastructure constrained settlements such as Edenbridge, where the timing of upgrades is critical to avoid harm to existing residents.

UD1(3) – What this clause does

UD1(3) says large developments might need to be phased so that there is enough capacity and so that upgrades can take place at the right time.

UD1(3) – What is helpful

We support the acknowledgement that big schemes may need to be phased to avoid overwhelming existing networks and to allow necessary upgrades to be completed in a manageable way.

UD1(3) – What is vague or risky for Edenbridge

The wording 'may need to be phased' is weak and leaves phasing to negotiation instead of making it a firm requirement where capacity is an issue.

‘Large scale developments’ is not defined and could be argued to exclude schemes that are still very significant for Edenbridge even if they are only just above the major development threshold.

There is no explicit link between phasing, and the completion of specific infrastructure works or occupancy triggers.

UD1(3) – What needs to change

Phasing should be a clear requirement where capacity is constrained, using the recognised term ‘major development’ so there is no wriggle room.

Suggested replacement wording for UD1(3):

‘Major development will be required to be appropriately phased where there is limited utilities capacity or where upgrades are necessary, so that each phase of development is aligned with the completion of the relevant infrastructure works. Phasing and associated infrastructure triggers will be secured through planning conditions and or legal agreements.’

UD1(3) – Requested Changes

- We ask that the Council replace ‘may need to be phased’ with a clear requirement that major development is phased where capacity is constrained or upgrades are needed.
- We ask that the Council define the scope of this clause by referring to ‘major development’ and require phasing and infrastructure triggers to be secured by conditions and or legal agreements.

UD1(3) – Regulation 19 soundness & legal points

The policy is not sound because it is not effective. The discretionary ‘may need to be phased’ wording does not give the Council a firm basis to insist on phasing where utilities capacity is constrained, so the policy may fail to prevent harm to existing communities and is not reliably deliverable.

The policy is not sound because it is not consistent with national policy. The NPPF expects plans to manage the timing and phasing of development in step with infrastructure, but the current wording does not secure this in a clear or enforceable way.

The policy is not sound because it is not justified. The plan evidence on infrastructure capacity should logically lead to a firmer requirement for phasing of major developments, particularly in settlements such as Edenbridge where networks are known to be fragile.

UD1(4) – What this clause does

UD1(4) says that, via planning conditions, any needed water or wastewater upgrades must be in place before the development is occupied, to avoid problems such as sewer flooding, pollution or low or no water pressure.

UD1(4) – What is helpful

We strongly support the clear ‘before occupation’ trigger for water and wastewater upgrades.

We also welcome the explicit reference to real world impacts such as sewer flooding and pollution, which are issues Edenbridge residents are particularly worried about.

UD1(4) – What is vague or risky for Edenbridge

The clause only addresses 'water or wastewater upgrades' and does not explicitly cover other critical utilities, even though the policy is about utilities in general.

The wording 'any necessary' could be argued down by developers. It would be more robust to tie necessity to the evidence from statutory undertakers and to clear impacts.

The clause is not explicit that partial or phased occupation is also controlled. A developer could attempt to occupy early phases before the full upgrade is in place.

UD1(4) – What needs to change

The strong 'before occupation' approach should be kept but tightened so that it clearly applies to all relevant phases and is grounded in the statutory undertakers' advice.

Suggested replacement wording for UD1(4):

'Planning conditions and or legal agreements will be used to ensure that all water and wastewater network reinforcement and upgrades identified by the relevant statutory undertaker as necessary to serve the development are completed and operational before the occupation of any part of the development, or the relevant phase, in order to avoid adverse impacts such as sewer flooding, pollution or low or no water pressure.'

UD1(4) – Requested Changes

- We ask that the Council strengthen UD1(4) to require completion of all water and wastewater upgrades identified by the statutory undertaker as necessary, before the occupation of any part or phase of the development.
- We ask that the Council include reference to legal agreements alongside planning conditions, so that offsite water and wastewater works can be properly secured.

UD1(4) – Regulation 19 soundness & legal points

The policy is not sound because it is not fully effective. Without explicit reference to phased occupation and to upgrades identified by statutory undertakers, the clause could be interpreted narrowly and fail to prevent sewer flooding and pollution in constrained settlements such as Edenbridge.

The policy is not sound because it is not fully consistent with national policy. The NPPF expects planning to prevent new and existing development from contributing to or being put at unacceptable risk from pollution and water related impacts, which requires clear and enforceable preoccupation conditions tied to utilities providers' advice.

UD1(5) – What this clause does

UD1(5) supports expanding and improving digital infrastructure, such as broadband and mobile coverage, across the district. It expects new developments to help improve digital infrastructure, particularly in areas with poor coverage, and encourages early engagement with providers.

UD1(5) – What is helpful

We welcome explicit support for gigabit capable broadband and better mobile connectivity, which Edenbridge needs.

We also welcome the reference to gaps in connectivity and underserved areas, which should include rural towns and villages such as Edenbridge, not just higher growth parts of the district.

Encouraging early engagement with infrastructure providers is sensible so that digital provision is designed in from the start.

UD1(5) – What is vague or risky for Edenbridge

The clause does not make clear how 'underserved areas' will be identified and prioritised, or how the Council will ensure that places like Edenbridge are not left behind in favour of more profitable locations.

Expecting 'all new development' to demonstrate how it contributes to digital improvements may be disproportionate for very small schemes and may create unnecessary viability issues.

The phrase 'supported in principle' for digital infrastructure schemes could be read as overriding other plan policies on landscape, heritage, or residential amenity.

There is no clear requirement for evidence such as coverage maps or provider letters to show how a proposal addresses local digital deficits.

UD1(5) – What needs to change

The wording should be clearer that priority will be given to areas with identified gaps, with reference to the evidence base. It should also confirm that the level of contribution will be proportionate to the scale of development, and that support for digital infrastructure remains subject to other policies.

Suggested replacement wording for UD1(5):

'The expansion and improvement of digital infrastructure across the District is supported, in line with the latest Building Regulations, including the provision of gigabit capable broadband and enhanced mobile connectivity. All new development proposals will be expected to demonstrate, in a manner proportionate to their scale and nature, how they provide high quality digital connectivity for future occupiers and, where relevant, contribute to addressing identified gaps in connectivity in the local area, with particular priority given to underserved settlements and rural communities. Proposals that facilitate the expansion of broadband networks, mobile coverage and future proofed digital systems will be supported, subject to compliance with other policies in this Plan, including those relating to landscape, heritage and residential amenity. Developers are strongly encouraged to engage early with infrastructure providers and to submit supporting evidence, such as coverage information or confirmation from providers, to ensure the timely and effective installation of digital services as part of the development process.'

UD1(5) – Requested Changes

- We ask that the Council explicitly prioritise underserved settlements and rural communities, including towns such as Edenbridge, in UD1(5) when addressing gaps in digital connectivity.

- We ask that the Council make clear that expectations for improving digital infrastructure are proportionate to the scale and nature of the development.
- We ask that the Council add that support for digital infrastructure is subject to other plan policies on landscape, heritage, and residential amenity, to avoid unintended conflicts.

UD1(5) – Regulation 19 soundness & legal points

The policy is not sound because it is not clearly positively prepared for digital infrastructure in underserved settlements. It refers to 'underserved areas' but does not set out how these will be identified or prioritised, which risks continued underinvestment in places such as Edenbridge.

The policy is not sound because it is not fully justified. There is no clear link to evidence on digital coverage, and no explanation of how the plan will address known deficits in specific settlements. More targeted wording would better reflect the evidence base.

The policy is not sound because it is not fully effective. Without proportionality and explicit cross reference to other plan policies, the clause may be difficult to apply consistently, creating uncertainty for applicants and local communities.

The policy is not sound because it is not fully consistent with national policy. The NPPF supports high quality communications infrastructure but also requires planning to protect important landscapes, heritage, and amenity. The current 'supported in principle' wording is not clearly balanced against these objectives.

Edenbridge Impact:

As drafted, UD1 uses the right language on utilities and digital infrastructure but is too soft and vague on evidence, timing, phasing, and prioritisation, which risks Edenbridge taking new development on already stretched networks without guaranteed, timely upgrades while more favoured parts of the district secure the real infrastructure improvements.

NEDRA (New Edenbridge District Residents' Association)

Chapter 10 Response - NEDRA Disagree

<u>Policy T1</u>

Policy T1 Sustainable Movement Network

We set out below our comments on Policy T1 as it affects Edenbridge, considering the loss of Kent County Council (KCC) funding for the volunteer hospital driving service, the reliance on a one off member grant and the likelihood that KCC will cease to exist in a local government reorganisation.

T1 opening text "Partnership working is integral…"

What this part of T1 does

The plan says transport will be delivered through "partnership working" with KCC, National Highways, transport providers, and developers, with movement provision "proportionate" to the size and location of development.

What's good

It accepts that transport has to be considered alongside growth.

It acknowledges that several organisations are involved, not just the District Council.

What's vague or risky

It leans very heavily on "partnership working" with KCC at exactly the time when KCC has cut funding for the Edenbridge volunteer hospital driving service and when KCC itself may disappear in reorganisation. That is not a reliable delivery mechanism for the whole plan period.

The phrase about "a range of movement… in a manner proportionate to the scale of development and the site's location" is vague enough to excuse low provision for outlying Edenbridge sites, on the basis that they are "rural," so car dependence is acceptable.

There is no mention of securing access to essential services such as hospitals, despite Edenbridge having no direct hospital buses and now no secure public funding for the volunteer car scheme.

Requested Changes

- We ask that the Council replace the current "partnership working" emphasis with wording that makes clear transport provision will be secured through planning conditions, obligations and legal agreements with the local highways and transport authority or its successor bodies, so that provision is deliverable even if KCC is abolished.

- We ask that the Council add explicit wording that residents in all main settlements, including Edenbridge, must have safe, convenient access to town centres, healthcare, and education, and that transport provision must be clearly justified, funded and deliverable regardless of future local government reorganisation.
- We ask that the Council add hospital access as a specific transport objective, recognising the current absence of hospital bus services from Edenbridge and the insecurity of voluntary provision.

Regulation 19 soundness & legal points

The evidence is not sound because it is not effective. It depends on partnership with bodies whose funding decisions have already undermined key services, such as the Edenbridge hospital volunteer transport, and whose future structure is uncertain, with no back up mechanism through planning conditions or obligations.

The evidence is not sound because it is not positively prepared. It does not ensure that essential access to healthcare and other key services is secured through robust planning tools; it simply assumes that KCC and other partners will deliver, contrary to recent experience in Edenbridge.

The evidence is not fully consistent with national policy because the December 2024 National Planning Policy Framework expects plans to set out clear and deliverable infrastructure to support development, not rely solely on process based "partnership working".

T1(1) "Promote and support improvements… which increase safety, improve air quality and encourage… sustainable modes"

What this part of T1 does

The Council says it will back transport changes that improve safety, air quality, and sustainable travel.

What's good

Safety and air quality are the right aims.

Referring to "sustainable modes" is consistent with national policy.

What's vague or risky

"Promote and support" has no teeth and does not require developers to deliver or fund anything.

There is no recognition that cuts to KCC funded services, such as the Edenbridge hospital volunteer driving scheme, have actively reduced safe and sustainable options, especially for older residents.

There is nothing about resisting schemes that would worsen safety or air quality.

Requested Changes

- We ask that the Council replace "promote and support" with a requirement that development must deliver and, where necessary, fund transport measures which increase safety, improve air quality, and encourage the use of sustainable modes.

- We ask that the Council give explicit priority to settlements with poor existing public transport and healthcare access, such as Edenbridge, where the loss of KCC funding has already undermined safe and sustainable access to hospitals and other services.
- We ask that the Council add wording that development which would worsen safety or air quality will not be permitted unless robust mitigation is secured.

Regulation 19 soundness & legal points

The evidence is not sound because it is not effective. Without a requirement on development, the policy cannot reliably secure mitigation or improvements through conditions and Section 106 agreements.

The evidence is not sound because it is not positively prepared. It ignores the recent loss of KCC funded voluntary hospital transport in Edenbridge and fails to show how these gaps will be addressed for an ageing population.

The evidence is not fully consistent with national policy because the NPPF expects plans to actively manage patterns of growth and mitigate significant transport impacts, not merely "support" improvements.

T1(2) "Support the improvement of public transport services… around and out of the District"

What this part of T1 does

The Council will back better public transport for trips within the district and to other places.

What's good

It recognises that public transport matters for both local and longer journeys.

It includes trips beyond the district boundary, which are essential for Edenbridge residents travelling to hospitals and jobs elsewhere.

What's vague or risky

Edenbridge has no direct hospital buses and its volunteer hospital driving service has lost KCC funding and is now reliant on a one off member grant. In that context, "support the improvement" is extremely weak. Residents need guaranteed access to hospitals, not warm words.

There is no mechanism to link new development in Edenbridge to improved public transport, including hospital access, or to replacing insecure voluntary provision.

The policy assumes that KCC and operators will expand services when recent evidence points in the opposite direction.

Requested Changes

- We ask that the Council require, rather than simply "support," measurable improvements to public transport services and infrastructure to be secured through planning obligations and agreements with the local transport authority or its successor bodies and operators.

- We ask that the Council include specific wording that in Edenbridge, where there are no direct hospital buses and voluntary provision is insecure, major development will only be permitted where it contributes to improved access to healthcare and other key services.
- We ask that the Council set out how these commitments will be maintained if KCC is replaced or reorganised.

Regulation 19 soundness & legal points

The evidence is not sound because it is not positively prepared. It ignores known deficits in hospital access from Edenbridge and the fragility of voluntary schemes yet proposes growth without securing replacements.

The evidence is not sound because it is not justified. Evidence of cuts to services shows that relying on general "support" from external bodies is unrealistic. The policy does not consider the reasonable alternative of tying specific public transport improvements directly to development.

The evidence is not sound because it is not effective. It provides no mechanism to deliver the services it describes.

T1(3) "Engage with bordering local authorities… for cross-boundary trips"

What this part of T1 does

Sevenoaks District Council will talk to neighbouring authorities about improving cross boundary trips.

What's good

Cross boundary work is essential, especially for trips from Edenbridge to hospitals and specialist services outside the district.

What's vague or risky

"Engage" is weaker than "support" and could be satisfied by meetings that change nothing.

The clause does not acknowledge that some of the most urgent cross boundary trips for Edenbridge residents are to hospitals, at a time when KCC funding for voluntary hospital transport has been cut.

There is no clarity on how responsibilities will be handled if KCC is abolished and transport functions move to new bodies.

Requested Changes

- We ask that the Council commit to working with neighbouring planning authorities and the local transport authority or its successor bodies to identify, prioritise and secure cross boundary transport improvements, including safe and affordable access from Edenbridge to hospitals and higher order centres.
- We ask that the Council state that planning obligations and infrastructure funding will be used to help deliver agreed cross boundary schemes, so this is more than informal engagement.

- We ask that the Council update the wording so that cross boundary arrangements remain robust if KCC is replaced or restructured.

Regulation 19 soundness & legal points

The evidence is not sound because it is not effective. It does not commit to securing or funding specific cross boundary improvements, particularly for hospital access from Edenbridge.

The evidence is not sound because it is not positively prepared. It fails to show how the plan will address known cross boundary healthcare access issues for growing communities such as Edenbridge.

There is a potential legal compliance issue if the duty to cooperate or its successor mechanisms are not supported by sufficiently clear cross boundary transport commitments while significant growth is directed to places like Edenbridge.

T1(4) "Encourage partnership working between strategic site developers…"

What this part of T1 does

The Council wants developers of large nearby sites to work together on transport provision.

What's good

Joint working can pool contributions and deliver better services and infrastructure than isolated sites acting alone.

What's vague or risky

"Encourage" does not require anything and can simply be ignored.

The wording appears to focus on strategic sites in the north of the district and does not clearly cover Edenbridge sites which together will have serious cumulative transport impacts.

With KCC under financial and structural pressure, leaving coordination to goodwill between developers and a fragile highways authority is a high risk approach.

Requested Changes

- We ask that the Council require coordinated transport strategies and pooled contributions where multiple development sites, including those at and around Edenbridge, share transport corridors or town centre catchments.
- We ask that pooled arrangements explicitly cover public transport, hospital access and active travel networks, secured through legal agreements.
- We ask that the Council name Edenbridge as one of the locations where cumulative transport impacts must be addressed through a coordinated approach.

Regulation 19 soundness & legal points

The evidence is not sound because it is not effective. Leaving cumulative transport planning to voluntary "partnership working" between developers, in a context of strained public sector capacity, is unlikely to deliver necessary outcomes for Edenbridge.

The evidence is not fully consistent with national policy because the NPPF expects plans to ensure that cumulative transport impacts are mitigated and that development is supported by necessary infrastructure, not left to ad hoc cooperation.

T1(5) "Create and strengthen interchanges between different modes… to improve access and support first and last mile journeys"

What this part of T1 does

This is about making it easier to switch between train, bus, walking and cycling, especially at the start and end of journeys.

What's good

Better interchanges can help people who cannot drive, including many older residents in Edenbridge.

Recognising "first and last mile" barriers is important.

What's vague or risky

Edenbridge is not mentioned at all, even though it has two stations, weak bus links, and no hospital buses. There is a clear risk that investment will focus on Sevenoaks and Swanley.

There is no explicit link to replacing or supplementing cut voluntary hospital transport with joined up public transport and interchange facilities.

Requested Changes

- We ask that the Council commit to creating and strengthening interchanges between rail, bus, walking and cycling in all main settlements, including at Edenbridge Town and Edenbridge stations.
- We ask that the Council give particular attention to routes to healthcare facilities, not just commuting, when planning and funding interchanges.
- We ask that the Council state that interchange schemes will be prioritised where they can help address the loss of KCC funded hospital transport in places like Edenbridge.

Regulation 19 soundness & legal points

The evidence is not sound because it is not justified. Evidence shows weaker public transport and hospital access in Edenbridge, yet the policy does not direct interchange investment there.

The evidence is not sound because it is not effective. It offers no assurance that interchanges will be delivered where they are most needed, particularly in light of cuts to voluntary hospital transport.

T1(6) "Locate new development near public transport infrastructure, services and facilities…"

What this part of T1 does

New development should be near public transport to support "sustainable places."

What's good

In principle this is strongly positive and aligns with the NPPF requirement to focus significant development on locations that are or can be made sustainable.

What's vague or risky

In practice, several proposed sites around Edenbridge are remote from good public transport and there is no hospital bus service. The clause is being undermined by the site choices in Edenbridge.

There is no requirement for those out of centre sites to fund new or improved public transport into Edenbridge town centre and to hospitals, or to reduce reliance on an insecure volunteer car scheme.

For an ageing population with long wet seasons, "near" must mean realistic, safe walking distances on usable routes. The policy does not define this.

Requested Changes

- We ask that the Council require that new development be focused in locations with good existing public transport or where binding commitments are secured to provide new or improved services, including frequent links to town centres and hospitals.
- We ask that the Council include wording that in Edenbridge, sites not within an easy, safe walking distance of stations or high frequency bus routes will only be permitted where they deliver such improvements and do not increase dependence on fragile voluntary transport schemes.
- We ask that the Council define "near" in walking terms, including safe, lit and all weather routes suitable for older residents.

Regulation 19 soundness & legal points

The evidence is not sound because it is not justified or effective when read alongside allocations that are clearly not well served by public transport in Edenbridge. The policy wording is contradicted by the site choices.

The evidence is not sound because it is not positively prepared. It does not set out how out of centre growth in Edenbridge will be made genuinely sustainable or how the lack of hospital buses and insecure voluntary provision will be addressed.

The evidence is not fully consistent with national policy because the NPPF expects plans to actively manage patterns of growth so that walking, cycling, and public transport are the first choice, not an afterthought.

T1(7) "Enhance Sevenoaks Railway Station's potential… create a transport hub…"

What this part of T1 does

This focuses specifically on Sevenoaks station, aiming to improve the environment and make it a transport hub.

What's good

Upgrading a major rail hub is legitimate and can support sustainable travel at that location.

What's vague or risky

The policy names only Sevenoaks station and makes no similar commitment for Edenbridge Town or Edenbridge stations, despite Edenbridge accommodating significant growth and having weaker services and no hospital buses.

This risks concentrating scarce investment in Sevenoaks and widening existing inequalities between the north and the south of the district.

In a context of local government reorganisation, committing to a single hub may lock in inequalities that are harder to fix later.

Requested Changes

- We ask that the Council enhance the district's main railway stations, including Sevenoaks, Swanley and Edenbridge (Edenbridge Town and Edenbridge stations), improving their environments, public realm, and accessibility by active and public transport.
- We ask that the Council state that station investment will be distributed equitably between the main settlements, including Edenbridge, and will be used to support access to services, including healthcare, for all communities.
- We ask that the Council link station hub improvements to wider transport objectives for Edenbridge, including better interchange with any future hospital accessible services.

Regulation 19 soundness & legal points

The evidence is not sound because it is not positively prepared for the whole district. It focuses named investment on Sevenoaks and ignores other main settlements such as Edenbridge, despite clear evidence of need.

The evidence is not sound because it is not justified. The evidence base on growth and need does not support naming only Sevenoaks while ignoring Edenbridge's weaker rail services and poorer connectivity.

The evidence may not be fully consistent with national policy because the NPPF expects plans to support a pattern of development that reduces the need to travel and supports sustainable transport opportunities for all communities, not just the best connected ones.

T1(8) "Support the improvement of the public electric vehicle-charging network…"

What this part of T1 does

The Council will back more public electric vehicle (EV) charging in key locations.

What's good

EV infrastructure is necessary to decarbonise transport.

"Accessible and strategic locations" is a reasonable principle.

What's vague or risky

There is no indication that smaller towns like Edenbridge will get an equitable share of chargers, or that they will be placed to support the town centre and surrounding rural communities.

There is no link to requirements on new development to deliver EV infrastructure, particularly on large, car dependent sites.

Requested Changes

- We ask that the Council require major development and town centre car parks in all main settlements, including Edenbridge, to provide public EV charging in accessible and strategic locations that support residents and visitors.
- We ask that the Council explicitly recognise Edenbridge as a location where public EV charging should be improved to reflect its role as a service centre for rural communities.
- We ask that the Council state that EV infrastructure must be in place early in the life of new developments, not left to later phases.

Regulation 19 soundness & legal points

The evidence is not sound because it is not effective. Without clear requirements on development, EV infrastructure may lag behind growth, especially in smaller towns.

The evidence is not clearly positively prepared because it does not explain how EV infrastructure will be rolled out across the district, including in Edenbridge, in line with climate and air quality objectives in national policy.

T1(9) "Support the incorporation, enhancement and creation of walking, wheeling and cycling routes…"

What this part of T1 does

New developments should "support" new and improved walking, wheeling, and cycling routes linked into the wider network.

What's good

There is a strong emphasis on active travel and connectivity, which is positive and aligns with the NPPF.

"Wheeling" is inclusive of mobility scooters and similar aids.

What's vague or risky

"Support" is weak and does not create a clear obligation on developers.

There is no reference to the quality of routes, including surfacing, lighting, and gradients, which is crucial in a town with an ageing population and long wet seasons.

In Edenbridge, there is a real risk that paper "routes" are shown on plans but are not attractive or safe enough for real year round use, particularly for older residents.

Requested Changes

- We ask that the Council require new development to incorporate, enhance and create high quality, all weather walking, wheeling, and cycling routes that are safe, well-lit, and directly connected to the wider transport network and town centres.
- We ask that the Council explicitly state that route design must take account of the needs of older and disabled residents in Edenbridge and other settlements.

- We ask that the Council acknowledge that active travel will sit alongside, not replace, realistic public transport options, especially for hospital trips.

Regulation 19 soundness & legal points

The evidence is not sound because it is not effective. Without clear requirements for quality, lighting and surfacing, routes may not be usable year round, particularly in wet months.

The evidence is not fully consistent with national policy because the NPPF expects planning to address the needs of disabled and older people and to promote walking and cycling through high quality infrastructure.

T1(10) "Place accessible, secure and weatherproof cycling parking facilities…"

What this part of T1 does

This is about providing decent cycle parking at interchanges, workplaces, and shopping areas.

What's good

The focus on accessible, secure, and weather protected cycle parking is positive and practical.

Including employment and retail areas helps support everyday cycling.

What's vague or risky

Again, this reads more like guidance than a policy hook.

Edenbridge town centre is not mentioned, so there is a risk that cycle parking upgrades focus on Sevenoaks and Swanley alone.

There is no mention of design that works for older and less confident cyclists.

Requested Changes

- We ask that the Council require development at transport interchanges, employment areas, and retail centres, including Edenbridge town centre, to provide accessible, secure, and weather protected cycle parking in visible and convenient locations.
- We ask that the Council clarify that cycle parking must be designed to be safe and easy to use for older and less confident riders.
- We ask that the Council identify Edenbridge town centre as a priority location for improved public cycle parking.

Regulation 19 soundness & legal points

The evidence is not sound because it is not effective. Without clear, mandatory requirements, cycle parking may be under provided or poorly located.

The approach needs stronger wording to be positively prepared and deliverable, even though it is broadly aligned with the NPPF.

T1(11) "Support the implementation of identified routes in the Local Cycling and Walking Infrastructure Plans"

What this part of T1 does

This backs delivery of routes identified in the Local Cycling and Walking Infrastructure Plans (LCWIPs).

What's good

Tying the Local Plan to LCWIPs can be positive if those plans are robust and fairly prepared.

What's vague or risky

Edenbridge's LCWIP content appears to still be in production and therefore there has been limited inequitable engagement compared with other areas. **Using that document without scrutiny risks locking in weaker or incomplete proposals for Edenbridge**.

LCWIPs are closely linked to KCC, which has already cut transport related funding for Edenbridge and may soon be abolished or restructured. The policy does not explain how LCWIP priorities will be kept up to date or fairly applied through those changes.

Requested Changes

- We ask that the Council commit to implementing and, where necessary, reviewing and updating LCWIPs in genuine partnership with local communities in each main settlement, including Edenbridge.
- We ask that the Council require the Edenbridge LCWIP to be reviewed and strengthened with proper local engagement before it is used as the main basis for route delivery.
- We ask that the Council state that updated LCWIPs must reflect current governance arrangements, available funding, and the needs of older and disabled residents, with priority for routes to town centres, schools, health facilities, and public transport.

Regulation 19 soundness & legal points

The evidence is not sound because it is not justified. It relies on LCWIPs whose robustness and consultation quality may vary, and in Edenbridge's case appear weak and rushed.

The evidence is not sound because it is not effective. It does not allow for governance changes, such as the potential abolition or restructuring of KCC, and changing funding realities, which could otherwise leave Edenbridge with an inferior network.

There may be legal compliance risks if LCWIPs used to shape infrastructure have not been prepared with appropriate consultation, including equalities considerations for older and disabled residents.

T1(12) "Enhance existing cycling and walking routes, including PRoW… upgrading footpaths to bridleway to allow lawful use by cyclists"

What this part of T1 does

This aims to upgrade and improve existing paths, including public rights of way, and where appropriate change footpaths to bridleways so cyclists can use them.

What's good

Improving existing routes is positive.

It acknowledges public rights of way as part of the active travel network.

What's vague or risky

Upgrading to bridleway can be controversial and may conflict with existing users, biodiversity, or narrow rural paths. The policy only says "where appropriate" without any criteria.

There is no reference to surfacing, lighting, or year round usability, which is a real issue for older Edenbridge residents in wet months.

There is no indication that town connections, such as safe links between out of town sites and Edenbridge town centre and services, will be prioritised.

Requested Changes

- We ask that the Council prioritise safe, all weather connections between neighbourhoods and Edenbridge town centre, schools, health facilities, and stations when enhancing existing routes, including public rights of way.
- We ask that the Council state that any change of status, such as from footpath to bridleway, will only be supported where it maintains or enhances safety, accessibility and environmental quality for all users and has clear local support.
- We ask that the Council recognise that active travel improvements should complement, not substitute for, realistic public transport to hospitals and key services.

Regulation 19 soundness & legal points

The evidence is not sound because it is not effective. Without clear priorities and criteria, enhancements may not address the everyday needs of Edenbridge residents or may create conflict on narrow rural paths.

The evidence is not fully consistent with national policy because the NPPF expects the planning system to protect and enhance public rights of way while promoting safe and suitable access for all users.

T1(13) "Integrate new pedestrian and cycle routes with the PRoW and wider active travel network"

What this part of T1 does

New routes should connect into the existing public rights of way and active travel network.

What's good

Integration is important so routes actually go somewhere useful.

It can help connect new sites to the existing fabric of Edenbridge.

What's vague or risky

The clause does not specify that routes must link directly to destinations that matter, such as town centres, schools, health facilities, and stations, rather than just connecting path to path.

Without standards on directness and safety, there is a risk of convoluted, unlit routes that look good on plans but are not used by older or less confident residents.

Requested Changes

- We ask that the Council require new pedestrian and cycle routes to integrate with the public rights of way and wider active travel network and provide direct, safe, and attractive links to key destinations, including Edenbridge town centre, schools, health facilities, and public transport nodes.
- We ask that the Council specify that routes must be safe, convenient, and attractive enough to be genuinely usable year round by older and less confident users.
- We ask that the Council treat effectiveness in day to day use as the test of a successful integrated network.

Regulation 19 soundness & legal points

The evidence is not sound because it is not effective. Without a focus on direct, safe links to real destinations, the network may not change travel behaviour in Edenbridge.

The evidence is not clearly positively prepared because it lacks outcome based measures for what integration is meant to achieve in practical terms.

T1(14) "Create new routes to fill existing gaps thereby enhancing PRoW network connectivity"

What this part of T1 does

This supports creating new paths to plug gaps in the network.

What's good

Filling gaps in the network is sensible and can reduce barriers to walking and cycling.

What's vague or risky

It talks about connectivity in the abstract and does not focus on gaps that matter most for everyday trips, such as between new Edenbridge sites and the town centre, or between neighbourhoods and health facilities and stations.

There is no mention of prioritisation based on need, settlement role, or existing deficiencies, so Edenbridge's gaps may again fall behind those nearer Sevenoaks.

It does not recognise that the loss of KCC funded hospital transport makes local walking and cycling links to services even more important.

Requested Changes

- We ask that the Council explicitly prioritise new routes that connect new and existing neighbourhoods in Edenbridge to the town centre, schools, health facilities, and public transport.
- We ask that the Council base the identification of "gaps" on evidence of need and disadvantage, including the loss of KCC funded hospital transport and the higher reliance of older residents on local services.
- We ask that the Council state that under served settlements such as Edenbridge will be given priority when deciding where limited funding for gap filling is directed.

Regulation 19 soundness & legal points

The evidence is not sound because it is not justified. It does not use available evidence on where gaps have the most serious impacts, such as in Edenbridge where some sites are remote from the centre and hospital access is already weak.

The evidence is not sound because it is not effective. Without a clear basis for prioritising investment in gap filling where it will most reduce car dependence and support older residents, funding may be spent on lower impact schemes elsewhere.

Regulation 19 soundness & legal points for T1 overall

The evidence is not sound because Policy T1 is not positively prepared for Edenbridge. It directs significant growth to the town while relying on vague "support," "encourage" and "engage" wording and on partnership with a financially stretched and possibly disappearing KCC, rather than on binding commitments through planning obligations, especially for hospital access and public transport.

The evidence is not sound because T1 is not justified. The evidence base shows weaker public transport, no hospital buses, cuts to KCC funded voluntary hospital transport and poorer active travel provision in Edenbridge compared with better served northern towns, yet T1 focuses named investment on Sevenoaks station and fails to respond with clear, Edenbridge specific measures.

The evidence is not sound because it is not effective. Without clear obligations, defined priorities and mechanisms that will survive local government reorganisation, T1 is unlikely to deliver the sustainable movement network that the Local Plan relies on, particularly for older residents in Edenbridge.

The evidence is not fully consistent with national policy because the December 2024 National Planning Policy Framework expects plans to set out specific, deliverable transport measures to support development, reduce car dependence and address the needs of different groups, including older and disabled people, across all communities, not just the best connected ones.

Edenbridge impact

As drafted, T1 would allow Edenbridge to take substantial growth while remaining poorly served by public transport and hospital access, reliant on insecure voluntary schemes and car dependent edge of town sites, with most transport investment and attention continuing to flow to Sevenoaks and the better connected northern settlements.

NEDRA (New Edenbridge District Residents' Association)

Chapter 10 Response - NEDRA Disagree

Policy T2

T2(1) – Development Design and Transport Integration

What the policy says

T2(1) says that major development must consider wider transport impacts and "contribute" to wider transport needs, having regard to the Infrastructure Delivery Plan (IDP), Local Transport Plan and Local Cycling and Walking Infrastructure Plans (LCWIPs), and contribute to delivery "where needed and viable".

What is positive

It recognises that major schemes affect the wider network, not just site access.

It at least points to other documents that are supposed to coordinate infrastructure and growth.

Main concerns

The Infrastructure Delivery Plan is weak, uncosted and relies on "just-in-time" upgrades and developer funding. There is no robust, costed programme showing how the Uckfield Line and the local highway network will cope with 6,357 new dwellings, let alone a clear rail strategy for Edenbridge.

"Must consider the impact" is too weak. Developers only have to look at the issue, not fix it.

The wording "where needed and viable" is a major loophole. Developers can simply argue that serious rail or bus improvements are not "viable" within their scheme, so nothing is delivered and Edenbridge residents absorb the harm.

There is no requirement for cumulative assessment of all developments using the Uckfield Line and local roads. Each scheme can be treated as a small, "acceptable" increment, while the combined impact is clearly not acceptable.

There is no fallback position. If the Uckfield Line and local roads cannot be mitigated to an acceptable level, the policy does not say that development will be refused or re-phased.

What we want changed

We propose that T2(1) is strengthened along the following lines:

"Major development proposals must demonstrate, through proportionate transport assessment, the impacts of the development on the local and wider transport network, including the cumulative effects of committed and proposed growth along the Uckfield rail

corridor and connecting highways. Where assessments identify that the rail or highway network would operate beyond a safe and reasonable level of capacity, planning permission will only be granted where specific, costed, and funded mitigation measures are identified, secured (for example through planning obligations) and phased with the development. Reliance on uncosted or unfunded items in the Infrastructure Delivery Plan, Local Transport Plan or Local Cycling and Walking Infrastructure Plans will not be sufficient to demonstrate deliverable mitigation."

Requested Changes – T2(1)

- We ask that the policy require cumulative assessment of all growth using the Uckfield Line and local roads, not scheme-by-scheme assessments that ignore the combined effect of 6,357 dwellings.
- We ask that the policy require specific, costed, and funded mitigation to be in place or guaranteed before major development is permitted and make clear that uncosted "just-in-time" schemes and vague reliance on developer funding in the Infrastructure Delivery Plan are not acceptable.
- We ask that the policy state that if the Uckfield Line or local highway network cannot be cost-effectively mitigated to an acceptable level, further major development dependent on those networks, including at Edenbridge, will not be permitted or must be re-phased.

Regulation 19 soundness – T2(1)

Not justified: It relies on a weak, uncosted Infrastructure Delivery Plan and optimistic assumptions that developers will pay for strategic upgrades, instead of robust evidence that rail and road schemes are planned, funded and deliverable.

Not effective: Without costed, funded, and timed mitigation, a high-growth strategy on a constrained corridor is not realistically deliverable over the plan period.

Not positively prepared: It loads a very high share of growth onto the Uckfield corridor, especially Edenbridge, without a credible transport plan, so it does not meet needs in a sustainable way.

Not consistent with national policy: National policy expects plans to ensure that any significant impacts on the transport network can be mitigated to an acceptable degree and that infrastructure requirements are clear and deliverable. This wording falls short of that.

T2(2)(a) – Movement hierarchy

What the policy says

T2(2)(a) says that layouts must prioritise walking and wheeling, then cycling, then public and shared transport, with private cars last, unless "site-specific constraints" justify a different approach.

What is positive

The hierarchy is right in principle and fits national policy.

On paper it should help Edenbridge town centre, if there were good walking and cycling routes to it.

Main concerns

For large sites on the edge of Edenbridge, far from services, with poor buses, a constrained rail line and an ageing population, this hierarchy risks being a tick-box exercise. Paths can be drawn on a plan, but most people will still drive or cram onto already overloaded trains.

The exception "unless site-specific constraints clearly justify an alternative approach" is very broad and could be used to justify car-dominated layouts on sites that were never sustainable choices in transport terms.

It ignores the wet, dark months where long walking and cycling trips are unrealistic for many older or less mobile residents.

What we want changed

We propose that T2(2)(a) is tightened along the following lines:

"The movement hierarchy will apply to all development. Departure from this hierarchy will only be accepted in exceptional circumstances, where robust evidence demonstrates that no reasonable alternative layout or location within the settlement exists and where it would not result in greater reliance on private car travel or unsustainable pressure on constrained public transport corridors, including the Uckfield Line."

Requested Changes – T2(2)(a)

- We ask that the exception is tightened to "exceptional circumstances" with robust evidence, not simply "site-specific constraints."
- We ask that where a site's location means most trips will realistically be by car or overcrowded train, the Council treats that as evidence that the site is not a sustainable choice, rather than watering down the movement hierarchy.

Regulation 19 soundness – T2(2)(a)

Not justified and not positively prepared: Allowing broad exceptions undermines the claimed sustainable transport strategy and does not reflect the real constraints in Edenbridge.

Not consistent with national policy: National policy expects growth patterns and layouts to support sustainable modes, not to treat them as optional where sites are awkward.

T2(2)(b) – "Maximum flexibility" and inclusive access

What the policy says

T2(2)(b) says that schemes should give people maximum flexibility in travel choices, ensure inclusive access and support walking, wheeling, cycling and shared transport.

What is positive

It mentions inclusive access, which is important in Edenbridge with its older population and residents without cars.

Main concerns

"Maximum flexibility" is vague feel-good wording, with no numbers, no service levels and nothing that can be tested or enforced.

It ignores that Edenbridge has no direct buses to hospitals, shrinking bus provision and a single rail line at capacity. Telling residents they have "flexible choices" is not credible in that context.

It does not require developers to show how older and less mobile people will realistically get to essential services, especially hospital appointments, in bad weather and after Kent County Council's cuts to volunteer driving.

What we want changed

We propose that T2(2)(b) is made more specific along the following lines:

"Development must demonstrate how realistic, safe and affordable alternatives to private car use will be provided for new and existing residents, including secure, all-weather walking and wheeling and cycling routes to Edenbridge town centre, schools, health facilities and both rail stations, and public or shared transport services of a frequency and capacity that reflect the settlement's ageing population, poor bus provision and cumulative growth along the Uckfield Line."

Requested Changes – T2(2)(b)

- We ask that "maximum flexibility" is replaced with clear requirements for realistic, safe, and affordable alternatives to car use, evidenced in transport assessments and travel plans.
- We ask that inclusive access explicitly addresses older people and those without cars in Edenbridge, including access to hospitals where there is no direct bus and the volunteer driver scheme has lost Kent County Council funding.

Regulation 19 soundness – T2(2)(b)

Not effective: Without measurable expectations, the Council cannot know whether "flexible" modes have actually been provided or are working.

Not consistent with national policy: National policy expects transport considerations to be integral to design and to provide high-quality walking, cycling and public transport options. Vague flexibility does not achieve this.

T2(3)– (6) – Walking, wheeling, and cycling

What the policy says

T2(3) says development should link to the existing cycling and walking network.

T2(4) says major schemes should improve that network where feasible and proportionate.

T2(5) says major schemes should connect to Local Cycling and Walking Infrastructure Plan routes "where possible".

T2(6) says new routes must meet the latest government guidance.

What is positive

The clauses recognise the need to connect to existing networks, not just build internal paths.

Mentioning Local Cycling and Walking Infrastructure Plans and national guidance is the right direction.

Main concerns

There is no requirement for links to be safe, direct, lit, step-free and all-weather, which is crucial for older residents in a town with long, sometimes exposed routes and poor winter weather.

The phrases "should seek to improve," "where feasible and proportionate" and "where possible" are weak and invite developers to do the minimum.

The Local Cycling and Walking Infrastructure Plan work for Edenbridge came out very late and feels like an afterthought. The policy assumes a mature, robust plan that does not yet exist here.

Upgrades are limited to new routes provided "as part of the development." There is no clear requirement to assess and upgrade existing off-site routes that new residents will actually use.

None of this addresses the reality that for major peripheral sites, distances and weather may mean walking and cycling are unrealistic for many older people.

What we want changed

We propose that T2(3)– (6) is strengthened along the following lines:

"All residential and non-residential development must provide and, for major development, improve safe, direct, lit, step-free and all-weather walking, wheeling, and cycling routes between the site and key destinations including Edenbridge town centre, schools, health facilities and both rail stations. Major development must assess and, where necessary, upgrade existing off-site routes on which the development will rely so that they meet current government guidance. Connections to existing and proposed Local Cycling and Walking Infrastructure Plan routes in Edenbridge will be required, and the Council will work with the community to refine those routes where the Local Cycling and Walking Infrastructure Plan is incomplete or emerging."

Requested Changes – T2(3)– (6)

- We ask that the policy require safe, direct, lit, step-free and all-weather walking and wheeling and cycling links from Edenbridge's new allocations to the town centre, stations, schools, and health facilities, with off-site upgrades secured where needed.
- We ask that phrases such as "should seek to" and "where possible" are replaced with firm requirements for major developments to deliver specific improvements, based on Local Cycling and Walking Infrastructure Plan routes and local evidence, and that the Council acknowledge the late and incomplete plan work for Edenbridge.

Regulation 19 soundness – T2(3)– (6)

Not effective: Discretionary language means critical links may never be delivered, especially in a town that has already been overlooked in previous transport plans.

Not positively prepared: The plan fails to turn well-known issues, such as an ageing population, poor buses, and wet weather, into a clear, deliverable walking and cycling strategy for Edenbridge.

Not consistent with national policy: National policy expects safe and suitable access for all, and good design that gives priority to walking and cycling. This is not guaranteed here.

T2(7) – Shared and rental transport

What the policy says

T2(7) encourages major schemes, particularly in "more urban" locations, to consider car clubs, bike hire, e-bikes, and similar shared transport.

What is positive

Shared transport can reduce car ownership and help those who cannot afford a car.

Main concerns

Edenbridge may or may not be treated as "more urban." Developers could argue that this clause does not apply.

"Should consider providing" is very weak. There is no requirement to deliver or sustain a scheme.

There is no link to the loss of Kent County Council funding for the volunteer driver service, nor to the coming abolition of Kent County Council, which makes ad-hoc voluntary solutions even less certain.

There is no requirement for long-term funding. Experience shows many car clubs vanish once initial funding or developer interest runs out.

What we want changed

We propose that T2(7) is made more specific along the following lines:

"Major residential and mixed-use developments in Edenbridge and other settlements with significant planned growth will be required to provide or contribute to long-term, financially viable shared or rental transport schemes (such as car clubs and shared e-bikes), secured through planning obligations and integrated with rail and bus services and community transport, in order to offset the loss of traditional public and community transport support."

Requested Changes – T2(7)

- We ask that Edenbridge is explicitly named as a settlement where major growth must fund long-term shared and community transport, not just "consider" it.
- We ask that the policy require arrangements to secure the operation of any shared transport scheme for the long term, recognising the cut to Kent County Council's funding for the volunteer driver service and uncertainty after its abolition.

Regulation 19 soundness – T2(7)

Not effective: Voluntary, time-limited car clubs will not materially change travel patterns over the plan period, especially once large sites are occupied.

Not positively prepared: The policy misses an opportunity to create a credible shared and community transport offer in a town with high growth, poor buses, and an ageing population.

T2(8)(a)–(b) – Electric vehicle charging

What the policy says

T2(8) requires electric vehicle charging infrastructure and encourages higher provision than national standards, especially in communal parking and public destinations, with rapid chargers at places like supermarkets and leisure centres.

What is positive

Electric vehicle provision is sensible as part of decarbonisation.

Public rapid charging at Edenbridge destinations could be useful.

Main concerns

The clause over-focuses on electric vehicles as if they solved transport problems. Electric cars still take up road space and rely on the same congested routes and constrained rail connections for park-and-ride trips.

It ignores that many older residents or low-income households may not be able to switch quickly to electric vehicles, especially if they live in flats or have no driveway.

It does not require developers to show how extra parking and electric vehicle demand will affect already pressured local roads and the station approaches.

It does not link to utilities capacity or Policy UD1, even though electric vehicle charging is power-hungry and Edenbridge already has infrastructure issues.

What we want changed

We propose that T2(8) is amended along the following lines:

“Development must provide electric vehicle charging infrastructure in line with, and where justified above, national standards. In locations such as Edenbridge, where substantial additional car ownership will result from major allocations, transport assessments must demonstrate that electric vehicle provision, parking levels and associated traffic will not create unacceptable impacts on local roads or further increase reliance on the already constrained Uckfield Line. Provision must be coordinated with utilities providers to ensure electricity capacity is available before occupation.”

Requested Changes – T2(8)

- We ask that the policy recognise that electric vehicle infrastructure does not in itself resolve congestion or capacity issues on the Uckfield Line and local roads and require assessments of these wider impacts.
- We ask that electric vehicle charging provision is explicitly tied to evidence on electricity network capacity and Policy UD1, so residents are not left with under-powered or non-functional infrastructure in Edenbridge.

Regulation 19 soundness – T2(8)

Not effective: Focusing on electric vehicle hardware without assessing network and utilities impacts will not deliver a functional transport system.

Not consistent with national policy: National policy seeks to manage patterns of growth to reduce the need to travel and to avoid severe residual transport impacts. This electric vehicle-only emphasis sidesteps that.

Edenbridge impact

As drafted, T2 presents the Local Plan as “sustainable movement”, but by relying on a weak, uncosted infrastructure plan, “just-in-time” developer-funded upgrades and vague duties, it would allow around 2,801 new homes in Edenbridge, within a total of 6,357 along the already constrained Uckfield Line, to go ahead without guaranteed rail, bus, walking, cycling or community transport improvements, leaving Edenbridge residents worse off than better-served settlements.

NEDRA (New Edenbridge District Residents' Association)

Chapter 10 Response - NEDRA Disagree

Policy T3

T3(1) – Compliance with the transport hierarchy

Explain the clause

T3(1) requires new development to comply with the transport hierarchy in Policy T2. In theory that means walking, cycling and public transport are prioritised, and car parking can be reduced where alternatives exist.

What is good

We support the idea that parking should be considered in the wider transport context rather than in isolation. That reflects national policy that walking, cycling and public transport should be put first where this is realistic.

What is vague or risky

For Edenbridge this approach risks being purely theoretical. The actual situation in the town is:

- Limited and patchy bus services.
- A single rail line to London with capacity and cost issues.
- Many residents living too far from the stations for walking and cycling to be a reliable daily option, especially in poor weather.

If officers apply T3(1) to justify reduced parking in Edenbridge simply on the basis that the hierarchy exists on paper, without testing real alternatives, the likely result is more overspill parking on residential streets. This will be especially acute around the stations and on already constrained streets such as Hever Road.

What to change

The policy should state clearly that using the transport hierarchy must reflect real local transport conditions and must not create overspill parking or increased parking stress for existing residents.

Suggested wording

'Compliance with the transport hierarchy set out in Policy T2 (Sustainable Movement), having regard to the actual availability and quality of walking, cycling and public transport options in the settlement, and ensuring that reduced vehicle parking does not lead to harmful overspill into surrounding residential streets.'

Requested Changes

- We ask that the Council amends T3(1) so that the transport hierarchy is applied only 'having regard to actual local public transport, walking, and cycling conditions' in each settlement, including Edenbridge.
- We ask that the Council requires planning applications to demonstrate that any reduction in car parking will not create overspill parking stress on surrounding streets.

Regulation 19 soundness and legal points

The policy is not sound because, without an explicit link to real world public transport and walking and cycling quality in each settlement, T3(1) risks being applied in a theoretical way and is therefore not justified or effective, particularly in a town like Edenbridge where car use is structurally higher.

The policy is not sound because it does not clearly reflect national policy requirements that transport planning must take account of local circumstances and the actual choice of modes available. It is therefore not fully consistent with national policy.

T3(2) – "Appropriate" level of vehicle parking and Annex 1 as a starting point

Explain the clause

T3(2) states that developments should provide an 'appropriate' level of vehicle parking, informed by local data and proximity to public transport and services. Annex 1 sets out standards that act as a starting point for this assessment.

What is good

We welcome recognition that rigid, one size fits all parking standards are not ideal and that local data should inform decisions. In principle this could support more realistic parking provision in Edenbridge where car ownership is higher and alternatives are weaker.

What is vague or risky

The term 'appropriate' is extremely loose. In practice it could often be interpreted as 'less than the standard' whenever development is near a station or town centre, regardless of how people actually travel.

There is no explicit requirement to consider existing on street parking stress or the known pattern in Edenbridge of drivers avoiding charged station car parks and choosing to park in residential streets instead.

Experience shows that 'flexibility' is more often used to justify reductions in provision than to match or exceed standards where that is what local evidence supports. For Edenbridge this risks even greater spillover parking around the town centre and the stations, with residents then pressured into accepting permit schemes and restrictions, at their cost, to manage a problem created by under provision on new sites.

What to change

The policy should tie 'appropriate' to specific factors, including existing parking stress and known commuter behaviour, and should say that standards must not be reduced where this would worsen conditions for existing residents.

Suggested wording

‘An appropriate level of vehicle parking, informed by local data on car ownership, existing on street parking stress (including around railway stations where charges mean many drivers park on nearby streets), and proximity and quality of public transport infrastructure and services. The car parking standards set out in Annex 1 provide a starting point for determining parking levels for both residential and non-residential developments and should not be reduced where this would lead to increased parking stress or displacement into surrounding streets.’

Requested Changes

- We ask that the Council defines ‘appropriate’ parking by reference to local car ownership, existing parking stress, and known commuter parking patterns, including the impact of charged station car parks in Edenbridge.
- We ask that the Council requires applicants in Edenbridge to use up to date local parking and car ownership data, including evidence around both stations, when proposing any deviation from Annex 1 standards.

Regulation 19 soundness and legal points

The policy is not sound because ‘appropriate’ parking is undefined and there is no requirement to avoid displacement into surrounding streets. This will lead to inconsistent decision making and means the policy is not effective.

The policy is not sound because it relies on flexible standards without a clear evidence framework, so it is not sufficiently justified by proportionate local data as required by national policy.

T3(3) – Flexible and lower parking in “sustainable” locations, town centres, and transport hubs

Explain the clause

T3(3) expects developments in ‘sustainable locations’, particularly town centres and transport hubs, to adopt a flexible approach to parking. It states that lower levels of parking provision will be supported where appropriate.

What is good

We accept that in very well served locations, where high quality alternatives genuinely meet most travel needs, it can be reasonable to provide less car parking.

What is vague or risky

On paper, Edenbridge town centre and land near the two stations may be labelled as ‘sustainable’ or as ‘transport hubs.’ In reality:

- Bus services are limited and often not a realistic alternative to the car.
- Train capacity is constrained, and fares are high at peak times.
- Station car parks are charged, and many drivers already avoid them and use nearby residential streets.

- Several residential streets near the stations are already heavily parked and effectively operate as single lane routes.

If T3(3) is used to justify cutting parking in Edenbridge simply because there are two stations, without addressing the behaviour created by parking charges and limited alternatives, the inevitable result will be more overspill into surrounding residential roads. That in turn will generate pressure for residents' parking schemes and other controls, with no clear funding plan, leaving existing residents to pay for problems created by new development.

What to change

The policy should say clearly that lower parking levels are only acceptable where public transport is genuinely high quality and affordable, overspill can be avoided, and any parking management measures such as residents' permits are properly planned and funded from the development.

Suggested wording

'Developments in genuinely sustainable locations, particularly town centres or transport hubs with high quality, frequent and affordable public transport and comprehensive walking and cycling links, should demonstrate a flexible approach to parking provision. Lower levels of provision will only be supported where robust evidence shows that: (i) car ownership and parking demand will be significantly lower than average for the settlement, (ii) existing and forecast on street parking stress, including displacement from charged public and station car parks, will not be worsened, and (iii) a funded parking management strategy, agreed with the highway authority, is in place to prevent displacement into surrounding residential streets.'

Requested Changes

- We ask that the Council limits reduced parking in Edenbridge to situations where there is clear local evidence of lower car ownership and high public transport use, not just the existence of a train station.
- We ask that the Council requires any proposal with reduced parking near Edenbridge's stations or town centre to include a funded plan for managing on street parking impacts, including residents' parking schemes where needed, so the cost does not fall on existing residents.

Regulation 19 soundness and legal points

The policy is not sound because it assumes that town centres and 'transport hubs' are automatically suitable for lower parking without testing real conditions in each settlement. It is therefore not justified by proportionate evidence and may not be positively prepared for more car dependent towns such as Edenbridge.

The policy is not sound because it does not ensure that any reduction in parking is accompanied by realistic, funded parking management measures. It is therefore unlikely to be effective over the plan period in preventing serious overspill and congestion.

T3(4) – Parking Stress Surveys

Explain the clause

T3(4) requires Parking Stress Surveys for developments that are likely to generate additional parking demand that cannot be accommodated on site, in order to demonstrate there will be no negative impact on existing parking.

What is good

We welcome recognition that overspill parking is a real planning issue. Requiring some evidence rather than guesswork is particularly important for Edenbridge given existing commuter parking pressures.

What is vague or risky

The trigger phrase 'likely to generate additional parking demand that cannot be accommodated on site' is not defined. This means smaller but still harmful schemes may avoid the requirement entirely.

There is no standard method set out for these surveys, in terms of times of day, days of the week or the area to be covered. Surveys could therefore be carried out at unrepresentative times, such as outside weekday commuter peaks when many drivers are avoiding station car park charges.

There is also no clear requirement that, if stress is identified, the development must provide or fund specific mitigation such as residents' permit schemes, waiting restrictions or extra off street capacity.

For Edenbridge, the particular risk is that surveys are done over too small an area or at quiet times, under reporting the true position in streets where people park to avoid paying for the station car parks.

What to change

The policy should set clear triggers, an agreed methodology and a firm link between survey findings and funded mitigation measures.

Suggested wording

'Developments that are likely to generate additional parking demand that cannot be accommodated fully on site, including all major residential schemes and non-residential developments near railway stations or town centres, must submit a Parking Stress Survey prepared to an agreed Council methodology, covering peak periods (including weekday commuter peaks where nearby public or station car parks are charged) and an agreed buffer area around the site. Where existing or future parking stress above agreed thresholds is identified, proposals must include funded measures, secured by planning obligation or condition, to manage and mitigate this stress, such as residents' parking schemes, waiting restrictions or additional off street provision.'

Requested Changes

- We ask that the Council defines when a Parking Stress Survey is required, including for all major schemes in Edenbridge and all schemes within walking distance of the town's stations.
- We ask that the Council adopts and publishes a standard methodology for Parking Stress Surveys that includes weekday commuter periods and an appropriate radius around the site, especially near charged station car parks.
- We ask that the Council requires schemes to fund any residents' parking or other management measures needed where stress is identified, so costs are not passed on to existing residents.

Regulation 19 soundness and legal points

The policy is not sound because it relies on an undefined trigger and unspecified survey methods, so it is not effective in securing consistent, reliable evidence of parking impacts.

The policy is not sound because it fails to require mitigation where harm is identified, which means it does not provide an effective or positively prepared strategy for dealing with known overspill problems in places such as Edenbridge.

T3(5) – Natural surveillance

Explain the clause

T3(5) requires parking layouts to enable natural surveillance from active parts of buildings such as doors and windows, with the aim of improving safety.

What is good

We support the principle that parking areas and streets should be overlooked, as this can help residents feel safer and can deter crime and anti-social behaviour.

What is vague or risky

On tight Edenbridge sites, an over emphasis on visibility can lead to almost all parking being pushed into very prominent front of plot positions. That risks:

- Making parked cars visually dominant in the street.
- Reducing space for planting and front gardens.
- Failing to prevent informal on street parking if the layout is awkward or inconvenient.

What to change

The policy should state that safety and surveillance must be balanced against the need for a good quality street scene.

Suggested wording

'Vehicle parking designed to support public safety by enabling natural surveillance from active parts of the development, while also maintaining good quality streetscapes and avoiding parking layouts that dominate the public realm.'

Requested Changes

- We ask that the Council adds a requirement to balance natural surveillance with good quality streetscapes and non-dominant parking layouts, especially on compact Edenbridge sites.

Regulation 19 soundness and legal points

The policy is not sound because it only mentions surveillance and ignores the need to avoid over dominant parking in the street scene. It is therefore not fully consistent with national policy on well-designed places, which calls for attractive as well as safe streets.

T3(6) – Soft landscaping and screening

Explain the clause

T3(6) expects parking areas to be screened and softened with planting to improve their appearance.

What is good

We support the use of planting to improve the look of larger parking areas and to help with drainage and shade. This is relevant to larger Edenbridge car parks and to communal parking within new developments.

What is vague or risky

If screening is overdone, it can conflict with T3(5). Hiding parking behind dense planting can reduce natural surveillance and make users feel less safe.

What to change

The wording should make clear that landscaping must not undermine visibility and safety.

Suggested wording

'Sensitive screening and integration of soft landscaping, improving visual amenity in parking areas while maintaining natural surveillance and user safety.'

Requested Changes

- We ask that the Council clarifies that landscaping and screening should not undermine visibility and safety in parking areas.

Regulation 19 soundness and legal points

The policy is not sound because it does not address the potential conflict between screening and safety, which weakens its effectiveness in guiding balanced design decisions.

T3(7) – Parking not overly prominent

Explain the clause

T3(7) requires that parking should not dominate the street scene or public spaces.

What is good

We agree that parking should not visually overwhelm streets and spaces. This is important for keeping new development in Edenbridge in character and pleasant to live in.

What is vague or risky

The phrase 'not overly prominent' is subjective. It may lead designers to favour rear parking courts or remote parking areas to keep cars out of sight. These types of layouts are often insecure and unpopular. Residents then park on street as close to their homes as possible, which adds to congestion on already tight roads.

What to change

The policy should promote convenient, overlooked parking, and explicitly discourage remote rear parking courts.

Suggested wording

'Vehicle parking is not overly prominent in the public realm or street scene and is arranged as convenient, well overlooked spaces and, where appropriate, carefully designed on street bays, avoiding remote rear courtyards that discourage use.'

Requested Changes

- We ask that the Council discourages rear parking courts and supports convenient, overlooked parking arrangements that residents will actually use, in order to reduce unauthorised on street parking.

Regulation 19 soundness and legal points

The policy is not sound because it omits well evidenced problems associated with rear parking courts, so it is not fully justified or effective in delivering layouts that work in practice.

T3(8) – Permeable surfaces and surface water run off

Explain the clause

T3(8) requires permeable surfaces and similar treatments in parking areas to minimise surface water runoff.

What is good

We support this requirement. It contributes to sustainable drainage and helps to reduce flood risk, which is relevant across the district including Edenbridge.

What is vague or risky

Permeable surfaces only perform as intended if they are properly maintained. T3(8) is silent on how long term maintenance will be secured.

What to change

The policy should add a clear requirement for maintenance arrangements to be secured.

Suggested wording

‘Permeable surfaces and other treatments to minimise the negative effects of surface water runoff, with clear long term maintenance arrangements secured through planning conditions or legal agreements.’

Requested Changes

- We ask that the Council requires maintenance arrangements for permeable parking surfaces to be secured as part of any planning permission.

Regulation 19 soundness and legal points

The policy is not sound because it does not address how permeable surfaces will be maintained over the plan period, which weakens its effectiveness in managing flood and drainage risk.

T3(9) – EV charging in unallocated residential parking

Explain the clause

T3(9) states that where residential parking is unallocated, there must be enough space to accommodate electric vehicle charging points.

What is good

We support the principle of providing electric vehicle charging infrastructure. This aligns with climate change objectives and the move away from internal combustion engine vehicles.

What is vague or risky

The phrase ‘enough space’ is very weak. It appears only to require the physical possibility of fitting chargers, rather than the delivery of actual, working charging points. On tighter Edenbridge sites, retrofitting later will be more expensive and may never happen.

What to change

The policy should require the installation of real chargers from the outset, with some capacity for future expansion where justified.

Suggested wording

‘For residential developments with unallocated parking spaces, sufficient electric vehicle charging points and associated infrastructure must be provided from the outset, with capacity for future expansion where justified.’

Requested Changes

- We ask that the Council requires actual EV charging points, not just ‘space,’ in new Edenbridge schemes, with a clear minimum standard linked to the number of dwellings.

Regulation 19 soundness and legal points

The policy is not sound because it is worded too weakly and may not secure real EV infrastructure. This undermines its effectiveness in supporting climate objectives and reducing emissions from car use.

T3(10) – Non-residential parking, loading, and manoeuvring

Explain the clause

T3(10) requires non-residential developments to provide adequate on site space for parking, loading, and manoeuvring of delivery vehicles.

What is good

We support the intention to keep delivery vehicles within the site and off the public highway. This is critical for Edenbridge where some streets are already narrow and heavily parked.

What is vague or risky

The clause does not explicitly state that loading and servicing must not take place on constrained residential streets or main through routes. Those are precisely the locations where harm is most likely in Edenbridge.

What to change

The policy should make clear that servicing must not rely on narrow surrounding streets.

Suggested wording

'For non-residential developments, sufficient space within the site for parking, unloading, loading of goods and vehicle manoeuvring must be provided so that servicing does not rely on or obstruct surrounding residential streets or main through routes.'

Requested Changes

- We ask that the Council makes clear that servicing and loading must not depend on stopping in narrow Edenbridge streets where residents already struggle to pass and park.

Regulation 19 soundness and legal points

The policy is not sound because it does not explicitly prevent loading and servicing from spilling onto constrained residential streets, which risks undermining its effectiveness in managing localised congestion and safety.

T3(11) – Cycle parking and Kent County Council standards

Explain the clause

T3(11) requires cycle parking to be provided in line with Kent County Council Parking Standards 2025, or later versions, and encourages provision above those standards where possible.

What is good

We support the expectation of secure, accessible cycle parking, which is important for encouraging active travel.

What is vague or risky

Kent County Council is expected to change under local government reorganisation, and its parking standards may also change. If the county standards are weak or do not reflect demand in towns such as Edenbridge, T3(11) effectively locks the district into a low bar.

What to change

The wording should be future proofed and should allow local uplift where evidence shows higher provision is needed.

Suggested wording

'Provision of bicycle parking should be in accordance with the current Kent County Council (or successor body) Parking Standards 2025 (or any subsequent replacement) and any locally evidenced higher standard for town centres such as Edenbridge. Facilities must be accessible, secure, and weatherproof. Developments are encouraged to exceed these standards where feasible, in order to promote sustainable travel and accommodate future growth in cycling demand.'

Requested Changes

- We ask that the Council makes clear that, if county standards fall below local need, higher local standards can be applied in Edenbridge.

Regulation 19 soundness and legal points

The policy is not sound because it depends entirely on an external document that may not remain up to date or locally appropriate. This weakens its justification and effectiveness.

T3(12) – Residential parking standards (Use Class C3)

Explain the clause

T3(12) requires applicants to show how they meet the residential parking standards in Annex 1 for homes in Use Class C3. These standards are described as a starting point and may be flexibly applied in light of local circumstances and the settlement hierarchy.

What is good

We welcome a clear baseline and acknowledgement that different settlements may need different standards.

What is vague or risky

There is a risk that Edenbridge is grouped with settlements that have stronger public transport and lower car dependence, leading to base standards that are too low for local conditions.

The phrase 'flexibly applied' is again more likely in practice to be used to reduce provision than to increase it, even where local data shows higher car ownership and very limited alternatives to the car.

There is no explicit recognition that in towns such as Edenbridge, with tight roads and commuters avoiding charged station car parks, lower parking standards are likely to create serious overspill and conflict with existing residents.

What to change

The policy should make clear that flexibility can be used to increase, not only to reduce, parking provision, and that settlements with poorer public transport should not be penalised.

Suggested wording

‘Applicants are expected to demonstrate how their proposals align with the residential parking standards set out in Annex 1, which apply to development proposals falling under Use Class C3(a) (single household dwellings). These standards provide a starting point for determining parking provision and may be flexibly applied where justified by local circumstances, including higher car ownership, existing parking stress, limited public transport and behavioural evidence such as avoidance of charged public or station car parks. Flexibility must not be used to reduce provision in settlements where this would lead to overspill parking, increased parking stress, or disadvantage communities with fewer realistic alternatives to the private car.’

Requested Changes

- We ask that the Council confirms within T3(12) that flexibility can mean higher parking provision in Edenbridge where local car ownership, poor public transport and station parking behaviour justify it.
- We ask that the Council commits that flexibility will not be used to cut Edenbridge’s parking provision below what local evidence supports, including evidence of people avoiding charged station car parks.

Regulation 19 soundness and legal points

The policy is not sound because it allows standards to be flexibly applied without any clear safeguards for more car dependent settlements. It is therefore not positively prepared or effective in securing equitable treatment for Edenbridge compared with better served towns.

The policy is not sound because the settlement hierarchy and Annex 1 approach are not clearly linked to evidence on car ownership, public transport accessibility, and parking behaviour in each settlement, so they may not be justified by proportionate evidence as required by national policy.

T3(13) – Non-residential parking standards and Kent County Council standards

Explain the clause

T3(13) requires non-residential schemes to align with Kent County Council’s non-residential parking standards, as summarised in Annex 1, again as a flexible starting point.

What is good

We support having a structured framework for non-residential parking, recognising that different uses have different needs.

What is vague or risky

Once again, the policy relies on an external document that may not reflect Edenbridge’s conditions, particularly around the stations and town centre where many people already avoid paying for parking.

The reference to standards being ‘flexibly applied’ without guidance risks systematic under provision for shops, offices and community uses, on the assumption that users will pay to park in station or off streetcar parks. In Edenbridge, many will instead park for free on surrounding residential roads.

What to change

The policy should require local evidence and protect areas with existing stress, particularly where charged public parking is likely to push drivers into neighbouring streets.

Suggested wording

'Applicants are expected to demonstrate how their proposals align with Kent County Council's non-residential parking standards, as set out in Kent County Council Parking Standards 2025 (or any subsequent replacement), and the summary in Annex 1. These standards provide a starting point for determining parking provision and may be flexibly applied where justified by local parking surveys, patterns of use (including the impact of charged public and station car parks) and public transport accessibility, provided that such flexibility does not worsen existing parking stress or displace parking into surrounding streets.'

Requested Changes

- We ask that the Council requires any reduction below non-residential standards in Edenbridge town centre or near the stations to be supported by robust local parking surveys and clear mitigation, taking account of the fact that many people currently avoid paying to use station car parks.

Regulation 19 soundness and legal points

The policy is not sound because it allows departure from standards without defining the evidence required or setting safeguards for areas with existing parking pressures. It is therefore not effective in managing non-residential parking demand in places such as Edenbridge.

T3(14) – Departing from established standards

Explain the clause

T3(14) sets out circumstances in which the Council may depart from the usual parking standards. These include responding to local circumstances, helping heritage and conservation area buildings, supporting reuse of upper floors, taking existing provision into account, and supporting innovative parking design and measures such as car clubs or active travel incentives.

What is good

We recognise that strict standards are not always suitable, particularly for listed buildings, conservation areas, and town centre upper floors. We also welcome recognition that car clubs and active travel measures can alter parking needs.

What is vague or risky

As drafted, T3(14) reads mainly as a list of reasons to reduce parking provision, not to increase it where local conditions justify more.

The reference to 'local on street parking problems' does not state that the Council will avoid making these problems worse or require extra on site provision to relieve them.

Car clubs and active travel incentives are mentioned, but there is no requirement to secure funding, guarantee long term operation or address what happens if they fail. This leaves existing

residents to live with permanently under provided parking if the promised measures do not deliver.

In Edenbridge, where streets are already under pressure and where charged public and station parking pushes drivers into surrounding roads, this is a serious weakness. The policy creates tools to reduce parking on 'innovative' schemes with no guarantee that residents will not be left with lasting harm.

What to change

The policy should make clear that departures can increase parking where that would help to address local problems, and that any reduction must be backed by secured, funded, and monitored measures which genuinely change behaviour.

Suggested wording

'Notwithstanding the parking standards set out in Annex 1, the Council may depart from the established parking provision in order to:
a. respond to specific local circumstances including the development's accessibility to public transport, shops and services, highway safety concerns and local on street parking problems, increasing on site provision where necessary to avoid overspill or displacement (especially where nearby public or station car parks are charged)
b. ensure the successful restoration, refurbishment and re use of listed buildings or buildings affecting the character of a Conservation Area
c. support the appropriate re use of the upper floors of buildings in town centres or above shop units
d. take account of the existing parking provision (whether on or off site) for the building's existing use for redevelopment or change of use proposals and for the use of existing public car parks outside of normal working or trading hours by restaurants and leisure uses and
e. support inventive parking design and the inclusion of complementary measures such as transport sharing schemes, car clubs, or active travel incentives where these are secured, funded and monitored for the lifetime of the development and demonstrably justify a provision below the minimum provision without displacing parking into surrounding streets.'

Requested Changes

- We ask that the Council amends T3(14)(a) so that local on street parking problems can justify increased onsite parking provision in Edenbridge, not just reductions.
- We ask that the Council requires any car clubs, sharing schemes or active travel incentives used to justify lower parking to be secured, funded and monitored, with a mechanism to review parking levels if they do not deliver the promised reduction in demand.

Regulation 19 soundness and legal points

The policy is not sound because it only sets out reasons to lower standards and does not allow for higher provision where that is needed to address existing local parking problems. It is therefore not positively prepared or effective for settlements such as Edenbridge.

The policy is not sound because it relies on transport sharing schemes and similar measures without any requirement that they are secured or monitored. This is neither justified nor effective in managing parking pressure over the plan period.

Edenbridge Impact

As drafted, T3 overall makes it easier to cut onsite parking across the district in the name of ‘sustainable movement’, but without firm safeguards, robust local evidence, or funded parking management this is likely to push even more commuters and shoppers from charged car parks into Edenbridge’s already congested residential streets, leaving the town worse off than better served northern settlements.

NEDRA (New Edenbridge District Residents' Association)

Chapter 10 Response - NEDRA Disagree

Policy T4

T4(1) Transport Assessments and Statements

What T4(1) says

T4(1) says that new developments must provide a Transport Assessment, or a lighter Transport Statement, when they meet thresholds in Kent County Council (KCC) guidance or where local issues justify it. It also says that the assessment must look at both the individual and cumulative impacts on the transport network.

What is positive in T4(1)

It is welcome that T4(1) mentions cumulative impacts, which is vital in Edenbridge where several sites are coming forward at the same time.

It is also helpful that the wording recognises existing traffic issues and limited transport infrastructure as reasons to require assessments. That reflects the daily reality in Edenbridge.

We recognise that KCC is currently the highway authority, so using KCC guidance as a starting point is understandable in the short term.

What is vague or risky in T4(1)

The phrase that Transport Assessments are required "in accordance with the threshold criteria set out in Kent County Council's latest Guidance" hands the real policy test to a separate, non-examined document which KCC can change without public scrutiny.

With local government reorganisation on the horizon, KCC is likely to be replaced or merged into a larger authority during the plan period. If the policy simply points to KCC's latest guidance, it becomes unclear what applies once KCC no longer exists in its current form or its functions move.

The reliance on thresholds encourages a site by site approach. In Edenbridge, several below threshold schemes could each avoid a full Transport Assessment even if, together, they overload the town centre, level crossings, residential roads, station parking, and the already constrained Uckfield rail line.

The wording leans towards decisions being made on each site in isolation, through site specific factors, rather than a proper Edenbridge wide overview of what the town's transport network needs to cope with all planned growth. That is the opposite of how a Local Plan should work.

There is no clear requirement for a settlement wide Transport Assessment for Edenbridge that takes in all allocations and major sites over the whole plan period.

What we want changed in T4(1)

We want the policy to keep KCC's role but to be future proof and to move the focus from pure thresholds to a settlement wide view. We therefore ask that T4(1) is replaced with wording along these lines:

'New development proposals must be accompanied by a Transport Assessment where required, having regard to the threshold criteria set out in the latest guidance produced by Kent County Council as highway authority, or any successor highway authority, and any transport assessment guidance adopted by the Council.

In addition, all major development, and all site allocations within a settlement, including Edenbridge, must be supported by a comprehensive Transport Assessment that considers the cumulative impacts of all planned development in that settlement over the plan period.

Where standard thresholds are not met, a Transport Statement will be required where there are existing traffic issues, limited transport infrastructure, or where the development contributes to cumulative growth in the settlement.

All Transport Assessments and Transport Statements must consider both the individual and cumulative impacts of the development on the highway network, parking, public transport including rail, and walking and cycling routes.'

Requested Changes T4(1)

- We ask that the Council require a single, settlement wide Transport Assessment for Edenbridge covering all allocations and major sites over the whole plan period, not just site by site assessments.
- We ask that the Council amend the wording so that it refers to 'Kent County Council as highway authority, or any successor highway authority' and to guidance adopted by the Council, so the policy continues to operate when local government reorganisation takes place.
- We ask that the Council make clear that in Edenbridge any development which contributes to cumulative growth must provide at least a Transport Statement, even if it falls below generic thresholds, and that assessments must explicitly cover rail capacity, station access, town centre and residential street parking, and key junctions.

Regulation 19 soundness and legal points T4(1)

The evidence is not sound because T4(1) is not positively prepared. It effectively leaves cumulative transport issues in Edenbridge to be dealt with piecemeal through thresholds and site by site assessments, rather than through a clear, plan led, settlement wide strategy as expected by the National Planning Policy Framework (NPPF).

The evidence is not sound because T4(1) is not justified. It relies heavily on KCC guidance that can be changed outside the Local Plan process and may not reflect Edenbridge's specific problems. It does not consider reasonable alternatives, such as a defined Edenbridge wide Transport Assessment requirement, nor does it address the fact that KCC is expected to be reorganised during the plan period.

The evidence is not sound because T4(1) is not effective. If KCC is abolished or merged and its guidance is withdrawn or altered, the policy no longer clearly explains what triggers a Transport Assessment, which undermines implementation over the plan period.

The evidence is not sound because T4(1) is not fully consistent with national policy. The NPPF expects cumulative impacts and the needs of different areas to be addressed through clear plan policies. A clause that defers the key tests to external guidance from a body likely to change does not provide the stable, effective framework that national policy requires.

T4(2) Travel Plans

What T4(2) says

T4(2) says that when certain thresholds are met, including major developments, high traffic schemes or sites with known transport constraints, a Travel Plan must be provided. The Travel Plan should monitor how people travel and set out measures to encourage more sustainable travel and to achieve agreed targets.

What is positive in T4(2)

It is sensible that bigger or more impactful schemes are expected to have an ongoing Travel Plan rather than just a one off assessment.

It is positive that the clause refers to monitoring and a package of measures, which in principle can help change travel behaviour.

We welcome the recognition that sites with known transport constraints should have extra scrutiny, which clearly applies in Edenbridge.

What is vague or risky in T4(2)

The phrase ‘where thresholds are met’ again points in practice to KCC or successor guidance rather than the Local Plan itself, so the true test sits outside the examined plan.

There is no explicit requirement that all major Edenbridge developments should have Travel Plans, even though the town has poorer public transport than Sevenoaks and Swanley and faces serious cumulative impacts.

The clause does not say how long Travel Plans must run, how firm the targets are, what happens if targets are missed, or how they will be enforced. In practice that is a common weakness and risks Travel Plans becoming paper exercises.

There is no requirement that Travel Plans must be realistic in the Edenbridge context. Limited bus services, no direct buses to hospitals, constrained rail capacity and an ageing population mean that mode shift is much harder here than in better served towns.

Without tying Travel Plans into a settlement wide strategy for Edenbridge, each site can propose small, uncoordinated measures which do not add up to a proper solution.

What we want changed in T4(2)

We want the Local Plan to set the key tests itself, to future proof the role of the highway authority and to bring in clear Edenbridge specific requirements. We therefore ask that T4(2) is amended along these lines:

‘Where thresholds set out in guidance produced by Kent County Council as highway authority, or any successor highway authority, and any transport guidance adopted by the Council, are met, including for all major developments, proposals generating significant traffic, or sites with known transport constraints, a Travel Plan must be provided.

In Edenbridge, all major residential, employment, retail, health, and education developments must submit a Travel Plan.

Travel Plans must:

• set clear, time bound mode share targets agreed with the Council
• identify specific, funded measures to promote walking, cycling, public transport and community transport that are appropriate to the settlement
• include monitoring and reporting arrangements, secured through planning obligations, for an agreed period that is proportionate to the scale and nature of the development
• set out remedial measures that will be implemented if agreed targets are not met.

Travel Plans must be consistent with, and contribute to, any settlement wide transport strategy for Edenbridge.’

Requested Changes T4(2)

- We ask that the Council state clearly that all major developments in Edenbridge must provide a Travel Plan, not only those meeting generic thresholds in external guidance.
- We ask that the Council refer to thresholds that are ‘set out in guidance from Kent County Council as highway authority, or any successor highway authority, and guidance adopted by the Council’ so that the policy is future proof through local government reorganisation.
- We ask that the Council strengthen the policy so that Travel Plans have clear, time bound mode share targets, secured monitoring and remedial measures, and that they explicitly reflect Edenbridge’s limited public transport, lack of hospital buses and ageing population.

Regulation 19 soundness and legal points T4(2)

The evidence is not sound because T4(2) is not positively prepared. It does not secure strong, enforceable Travel Plans to manage the transport impacts of the scale of growth planned for Edenbridge, where realistic alternatives to the car are limited.

The evidence is not sound because T4(2) is not justified. It relies on unspecified thresholds in external guidance, currently KCC’s, without evidence that this approach is appropriate or robust for Edenbridge. It does not explore reasonable alternatives, such as a clear, plan based requirement for Travel Plans on all major Edenbridge schemes.

The evidence is not sound because T4(2) is not effective. If KCC is reorganised and its guidance changes or disappears, the trigger for Travel Plans becomes unclear, which risks inconsistent application and weak delivery over the plan period.

The evidence is not sound because T4(2) is not fully consistent with national policy. The NPPF expects plans to actively promote sustainable transport through clear, effective policies. A vague, guidance dependent requirement does not give the certainty or durability that national policy expects.

T4(3) Securing mitigation

What T4(3) says

T4(3) says that if a Transport Statement, Transport Assessment or Travel Plan shows mitigation is needed, the Council can secure this using planning conditions or legal agreements, including Section 106 obligations.

What is positive in T4(3)

It is helpful that the policy confirms the Council can use conditions, Section 106, and other legal tools to secure mitigation.

We welcome the recognition that assessments may identify a need for mitigation, which is better than assuming that the network will always cope.

This aligns with the standard national mechanisms for funding and delivering transport mitigation.

What is vague or risky in T4(3)

T4(3) does not say that planning permission will be refused if the necessary mitigation cannot be secured or delivered, even where cumulative impacts in Edenbridge would be severe.

There is no requirement on timing or phasing. In Edenbridge that could mean homes are occupied long before junction improvements, pedestrian crossings, station access works, or parking controls are in place.

The clause does not require mitigation to be realistic, funded and coordinated across multiple Edenbridge sites. That risks a scatter of small schemes which fail to address town wide issues.

There is no explicit reference to working with the relevant highway authority. As transport responsibilities move from KCC to a larger unitary or combined authority, that partnership will become more complicated and needs to be clearly anticipated.

T4(3) does not link mitigation clearly to the Infrastructure Delivery Plan or to relevant transport strategies, which undermines deliverability and prioritisation.

What we want changed in T4(3)

We want the test strengthened so it is clear that undeliverable mitigation means refusal, and that the role of the highway authority is future proofed. We therefore ask that T4(3) is amended along these lines:

‘Where Transport Statements, Transport Assessments or Travel Plans identify the need for mitigation measures, these will be secured through planning conditions or legal agreements, including Section 106 obligations and, where appropriate, Section 278 agreements with Kent County Council as highway authority, or any successor highway authority.

Planning permission will only be granted where:

- the necessary mitigation measures are technically feasible, funded and deliverable in partnership with the relevant highway and transport authorities
- the timing and phasing of mitigation is secured so that it is in place before the development gives rise to the impacts it is intended to address

- residual cumulative impacts on the transport network, including Edenbridge town centre, residential streets and the rail network, would not be severe.

Mitigation must be coordinated with the Infrastructure Delivery Plan, the Local Transport Plan, or any successor strategy prepared by the relevant transport authority, and any settlement wide transport strategy for Edenbridge.'

Requested Changes T4(3)

- We ask that the Council state clearly that planning permission will be refused where identified transport mitigation for Edenbridge is not technically feasible, not funded or cannot be delivered in time, and where residual cumulative impacts would be severe.
- We ask that the Council require key transport mitigation for Edenbridge to be in place before first occupation or at defined trigger points, with phasing secured in conditions and legal agreements.
- We ask that the Council amend the policy to refer to 'Kent County Council as highway authority, or any successor highway authority' and to coordination with successor transport strategies, to keep Edenbridge's mitigation deliverable through local government reorganisation.

Regulation 19 soundness and legal points T4(3)

The evidence is not sound because T4(3) is not positively prepared. It does not ensure that the transport mitigation needed for the level of growth proposed in Edenbridge will be funded, coordinated, and delivered at the right time, especially through a period of local government change.

The evidence is not sound because T4(3) is not justified. It assumes that simply securing mitigation via conditions and obligations is sufficient, without evidence that this will manage substantial cumulative impacts in Edenbridge. Reasonable alternatives, such as clear refusal tests, timing requirements and deliverability tests, are not explored.

The evidence is not sound because T4(3) is not effective. There is no clear framework for working with whichever body succeeds KCC as highway authority, which risks delays or failures in delivering critical mitigation schemes for Edenbridge over the plan period.

The evidence is not sound because T4(3) is not fully consistent with national policy. The NPPF expects plans to be supported by realistic, deliverable infrastructure planning and to prevent development where residual cumulative impacts on the road network are severe. T4(3) does not yet embed those requirements in a clear, enforceable way.

Edenbridge impact

As drafted, T4 still relies on site by site decisions and changeable external guidance, without a guaranteed Edenbridge wide transport assessment or firm tests on deliverability and timing of mitigation, so Edenbridge risks taking large amounts of growth with weaker transport planning and protection than other settlements.