

6a. PLANNING - Neighbourhood Development Plan

The NDP was presented to TWBC full Cabinet on 2nd December where it was positively received. The next step is for TWBC to issue an Information Statement which will set the date for the referendum for 3rd February 2022.

TWBC will be updating its relevant website pages with the final Referendum Version of the BNDP that meets with all the Accessibility regulations on Monday 13th December.

NT has explained what, as parish councillors, can and can't be done leading up to the referendum. Parish Councillors are not allowed to campaign for a yes or no vote, or to use parish council funds for campaigning. The Parish Council can encourage parishioners to vote but must not encourage them which way to vote. The Parish Council can correct any misinformation that is part of other campaigns and to this end there will be a FAQ with factual responses which will be put on the NDP website for all to view. Parish Councillors can, as residents of the parish, join a campaign group, but not use their position to influence the vote so this is strongly advised against.

Other communications :

❖ **After the Examination - the next steps to Referendum – Communication between William Macpherson and NT**

From William Macpherson 19 November 2021

There is considerable opposition to your plan. I urge you in the interests of fairness to:

- separate information from argument (it is against natural justice to be both judge and jury)
- allow equal access to arguments for and against your plan.

I believe without this balance, your process is liable to challenge under judicial review principles of maladministration.

~~~~~  
NT 22 November

I take on board your comment that there may be opposition to the Benenden NDP; it would be extraordinary if a Neighbourhood Development Plan was made that was accepted by every parishioner. If that was the case, there would be little point in having a referendum.

I am unclear as to what you mean by 'separate information from argument'. The BNDP has already been 'judged' having been passed by the Independent Examiner to move forward to referendum ('the jury'). This means that all conditions of having a lawful NDP have been met; all public consultations have been carried out; a public hearing has been held and the findings of that hearing have been made public in the Examiner's Final Report.

I am also copying in Hazel to my response to you as I am very concerned that the Friends of East End do not seem to understand the strengths and merits of our NDP. I have listened to the recording of Hazel's statement read at the TWBC committee meeting held last Monday 15<sup>th</sup> November, and I am baffled by the misconceptions she has of the BNDP, and I am troubled that she saw fit to state those misconceptions as facts at a public meeting.

I believe it would be very useful if Hazel and yourself (or other Friends of East End) could meet with Paul Tolhurst and myself (and other member of the Parish Council if required), and we could discuss and dispel these misconceptions of the final draft of our NDP, before it moves to referendum.

I think it would be an exercise that would go some way to explaining what steps the BNDP has taken to ensure that concerns about any housing development at the hospital have been listened to, and will be strongly mitigated by the NDP being 'made' as opposed to having little protection by having no NDP at all.

I look forward to hearing from you and / or Hazel, and thank you for your time taken getting in touch with us.

~~~~~  
William Macpherson 30th November

However well intentioned, I believe we have an NDP proposed by residents from two of our communities (Benenden village and Iden Green) to place over 90% of new housing in the parish into the third one (the East End). The referendum risks endorsing this injustice because it is likely the residents of the first two settlements will vote for a proposition that seems to protect their green spaces (I probably would). They probably do not agree that the building is necessary (and rather wish their representatives would oppose rather than endorse such a lot of new housing), but would rather the building is not

done near them. Because they dwarf the East End population, they will likely win. This fails every test of fundamental fairness. It is as though England should determine development in Scotland.

This unfairness has been - in my view - substantially aggravated by the exclusion of other voices from the parish magazine. Here there seems to be a confusion between the role of the magazine as the discussion forum for residents views, and its "ownership" by the Parish Council. It is being used to champion Mr Tolhurst's scheme rather to accept there are at least two views in the referendum. Allowing dissenting views from your proposal to be raised is a fundamental part of the magazine's role.

I do not work with Hazel, though I admire her highlighting of the flawed and self-serving NDP. The tragedy I think is that while we all suspect most of the promised mitigations for putting a large new car-based settlement in the East End (eg a cycle path to Benenden) are either impractical or impossible, we have somehow found ourselves in the position that our Parish Council is supporting them. This seems a shame.

~~~~~  
NT 2<sup>nd</sup> December

There are a number of misconceptions in this and I would like to make you aware of the irrefutable facts, in relation to the Neighbourhood Development Plan, that you do not appear to have grasped. It is understandable that this is the case because arriving at a balanced approach while integrating local and national planning policies is a challenging and complex exercise.

The Parish Council represents the whole parish, including East End. We have nine councillors, two of which are residents from East End. The NDP Steering Group committee had eight members, three from East End, four from Benenden village and one from Iden Green. This seems like a fair representation (albeit rather light for Iden Green).

The proposed housing allocation for East End has absolutely nothing to do with geography. Two brownfield sites were put forward for development by Benenden Healthcare Society, and the NDP has correctly followed guidance from local and national planning policies that advocate "brownfield first". Any brownfield site which is no longer providing employment opportunities would be prioritised, wherever it is situated in the parish.

The housing allocation proposed by the NDP is, and always has been, 45 new dwellings in Benenden village and (up to) 50 new dwellings in East End. My calculation makes that 47% in Benenden, and 53% in East End, which is a long way from the 90% you have stated. If you want to include existing permissions in this calculation, such as the existing 24 dwellings permission at the Hospital, then 'fairness' dictates your assessment should also include recent new dwellings /permissions in Iden Green (10) and in Benenden village (16). This works out slightly lower with 51% of development at East End, entirely driven by the availability of brownfield land.

You state that residents "probably do not agree that the building is necessary" but you ignore the fact that the NDP consultations held with residents found that one of the top priorities was to provide affordable housing for local families, and that there is an identified housing need in the parish of around 30 affordable homes over the next 5 years. Our plan will deliver around 35 affordable homes, maintaining a healthy and balanced community alongside the market housing required to provide these homes.

There is no "confusion" regarding the role of the magazine, and it is not "owned" by the Parish Council. The magazine is entirely self-funded by the advertising revenue it produces. The editorial team is made up of volunteers with the interests of the whole parish at heart. There has been plenty of editorial space given to "dissenting views" of the NDP, and I am happy to give you details of all the pieces that have been published over the last 4 years if you so require.

To say that the NDP is "Mr Tolhurst's scheme" is wholly unfair to the large number of volunteers who have put a huge amount of time and effort into the careful and considered preparation of the NDP. The plan was presented at a village meeting and roundly endorsed by those who took the time to attend.

In your final paragraph you state that the East End will be a "car-based settlement". I would point out that 90% of households in the parish have at least one car, versus 80% in Kent and 75% across the UK. Any new housing in the parish needs to be "car-based", not just at East End.

Finally I cannot ignore your analogy of the housing proposed at East End as though "England should determine development in Scotland". East End is part of the parish, it is not separated by a border, or different leaders or decision makers, and I think your view is divisive and wholly inaccurate. The NDP process has included 5 workshops to gather input; 3 clinic sessions to discuss ideas one to one; 2 exhibitions to report on progress; and a full presentation of the proposed plan. All residents were invited to each of these events and views from across the parish were taken into account.

You seem to advocate a system where any group, or perhaps any household, can have a veto over planning decisions. Such

an approach would probably result in no housebuilding at all. This may suit existing homeowners who do not want to see development nearby, but I doubt it would meet the needs of a growing population, or even that of a thriving village.

Again, I really think it would be helpful for all involved if the Friends of East End would meet with us to discuss their concerns and we can dispel these misconceptions they have of our plan.

### **Communication between Save Kent's Green Spaces and NT**

NT 27<sup>th</sup> November 2021

Firstly I would like to congratulate you on your campaign, and wish you every success with your Day of Action tomorrow.

I am writing to you from Benenden, as I am concerned to see that you have Friends of East End – Benenden listed as part of the 27 Kent-based groups joining the Save Kent's Green Spaces Day of Action.

The Friends of East End are a residents group set up specifically to oppose development of two brownfield sites located at the former Benenden Hospital grounds in East End, Benenden. These two sites have been allocated for housing as part of the Benenden Neighbourhood Development Plan. The plan has been passed by the Independent Examiner and is in the final stages of moving towards the village referendum, to be held on 3<sup>rd</sup> February 2022. You can view the final draft here <https://www.benendenparishcouncil.org/content/final-draft-benendens-neighbourhood-development-plan>

The Friends of East End have consistently opposed our plan, and have strongly advocated that the BNDP should instead allocate green fields put forward by landowners elsewhere in the parish for housing, as opposed to the two brownfield sites at East End.

I believe this strategy is directly opposed to what you are campaigning for, which I understand is based partly on a “brownfield first” policy.

For your further information, the CPRE supports our plan, and the feedback received from them on the consultation of our Regulation 16 draft plan is “CPRE supports the Parish Council’s decision to allocate sites, and the careful, logical and environmentally sound approach it has adopted in doing so”.

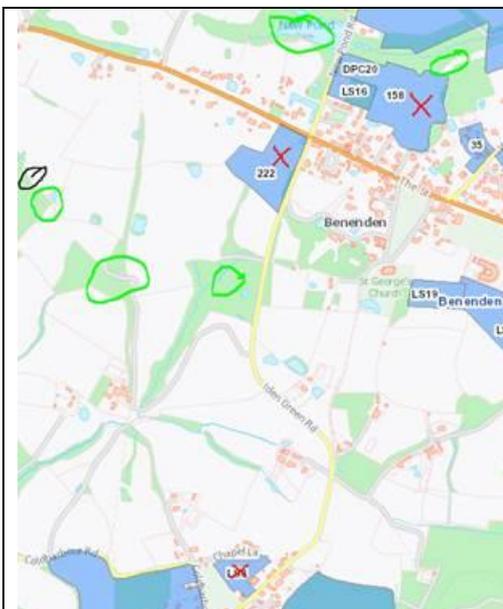
I hope you will agree that to have the Friends of East End – Benenden listed as a supporter of your campaign could be seen as being in direct contradiction of your stated aims and policies.

~~~~~  
SKGS :

Thank you for this information which we will take up with the group as they did not advise us that they were advocating green fields elsewhere, but that these were sites of concern to flora and fauna. If you could specify which green field sites they are advocating that would be helpful. Meantime we will be asking the group to comment.

~~~~~  
NT :

Thank you for your prompt response, much appreciated at what must be a busy time for you.



The Friends of East End have stated that, rather than allocating housing on brownfield sites at Benenden Hospital (which are **outside** the High Weald AONB), instead the BNDP should be allocating housing on the sites I have marked with a red cross on the map above.

To put each site into context for you (all these sites are **within** the HW AONB):

Site number 158: large green field, adjacent to Ancient Woodland (marked with a green circle), adjacent to Benenden Conservation Area

Site number 222: large green field, adjacent to Benenden Conservation Area, Ancient Woodland sites nearby, SSSI site nearby (marked with a black circle)

Site number LS8: green field within the Iden Green Conservation Area

The concerns that the Friends of East End have surrounding flora and fauna will, I expect, be the areas of Local Wildlife Sites (LWSs) located at the hospital grounds. These areas are currently managed under a voluntary agreement between Benenden Healthcare Society and The Kent Wildlife Trust.

Our NDP gives greater protection to these Local Wildlife Sites under our Site Specific policies specifically for the hospital sites being:

**Site Specific Policy 3 (7.)** (page 63) and **Site Specific Policy 4 (9.)** (page 68) which state:

*"A management plan shall be submitted outlining proposals for the ongoing protection and enhancement of all the LWSs and once approved, the future management of the site shall be carried out in accordance with that plan, to protect the significance of the designated LWS in terms of its biodiversity".*

Our NDP also gives more general protection of all Local Wildlife Sites in our parish, as well as any other designated habitat areas and environmental assets in our Landscape and Environment policies, and specifically under **Policy LE7 On-going Involvement for Maintenance** (page 37):

*"Developers will be expected, where appropriate, to set up an environmental management service contract to maintain public areas, particular LWS, and shall provide for long-term integration and enhancement of the environment"*

I hope the above goes some way to explain the extent to which our plan goes to protect our green fields from development. The Friends of East End have consistently refused to engage with the BNDP, instead preferring to campaign against development of these brownfield sites by stating publicly their misrepresentations of our plan as facts. It has been a very frustrating and lengthy process for all involved.

~~~~~

SKGS :

Despite more than one email asking for clarification, we have as yet not had a reply from the Friends of East End.

Until we do have a reply, and only then if it convinces us that their objectives are aligned with those of Save Kent's Green Spaces, we will not be recognising them as being formally part of the Day of Action.

Thanks again for bringing this to our attention.