To which part of the Local Plan does this representation relate to:
Policy A1: Housing and Employment Allocations

If your comments are in relation to a particular site allocation identified in the Local Plan, please select the site you wish to make a representation on:
EP1

Which policy section does your representation relate to? Select ONE option to ensure your responses are recorded accurately.
Policy A1

Do you consider the Local Plan to be legally compliant
No

Do you consider the Local Plan to be sound
No

If you do not consider the Local Plan to be sound, please specify on what grounds.
Not justified

Comments
The proposed allocation of Land West of Hale Street, East Peckham in the Tonbridge and Malling Regulation 19 Publication draft Local Plan is not legally compliant or sound because it is not justified by the evidence base provided by Tonbridge and Malling Borough Council.

The proposed allocation the Land West of Hale Street, East Peckham fails the test of "soundness" and deliverability under the National Planning Policy Framework (NPPF) for the following reasons:

1. **Downstream Flood Risk and Lack of Safe Access**

The site is within an area of high flood risk. The evidence base inadequately assesses cumulative flood risks and severe weather vulnerabilities.

Of the 80 allocation parcels TMBC screened, 59 are wholly in Flood Zone 1. East Peckham sits in a catchment ranked "High" in TMBC's cumulative flood impact mapping and has the highest proportion of properties at flood risk in the Borough (over 800 of approximately 1,400). Hale Street itself floods where it crosses the Coult Stream, and lies in flood zone XXX rendering safe dry access and egress impossible during severe weather.

As the Tonbridge and Malling Regulation 19 Publication draft Local Plan is being progressed under the requirements and transitional arrangements as set out in the Government's previous December 2024 National Planning Policy Framework it is evident that the Regulation 19 Publication Local Plan does not meet the requirements of the NPPF December 2024. The proposed allocation at EP1 is in an area of high flood risk, there will be risks to flooding elsewhere as a consequence of any development on this site and no Sequential Test has been carried out. Developing this greenfield site will significantly accelerate surface water run-off into the River Medway, exacerbating severe flood risks for settlements downstream of East Peckham like Yalding.

It must be noted that the NPPF December 2024 paragraph 170 states "*Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere*." Further paragraph 171 states that "*Strategic policies should be informed by a strategic flood risk assessment, and should manage flood risk from all sources. They should consider cumulative impacts in, or affecting, local areas susceptible to flooding*", whilst paragraph 172 states that "*All plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property*."

The core aim of a Sequential Test is to protect people and property by ensuring new buildings are not placed in high-risk flood zones if safer locations are available and achievable. With a requirement of 1,117 dwellings per annum under Policy SP2 (Tonbridge and Malling Regulation 19 Publication draft Local Plan), a planned supply exceeding it by some 958 dwellings, and 59 allocation parcels wholly in Flood Zone 1, reasonably available lower-risk sites plainly exist.

It is also noted that the proposed allocation at EP1 does not meet the requirements of the NPPF August 2026. The Plan-making Policy F2 a. (Planning for effective flood risk management) set out in the August 2026 National Planning Policy Framework (NPPF) (which states that Local Plan making should be *"produced in accordance with this Framework"*) has not been met as no borough-wide Sequential Test has been carried out.

The proposed allocation at EP1 therefore fails to meet the requirements of both NPPF December 2024 and NPPF August 2026.

2. Water Supply capacity

NPPF December 2024 states at paragraph 20 that "*Strategic policies should set out an overall strategy for the pattern, scale and design quality of places and make sufficient provision for infrastructure"* including for *"water supply, wastewater and flood risk*."

Further NPPF December 2024 paragraphs 161 and 162 make it clear that plan making should "*support the transition to net zero by 2050 and take full account of all climate impacts"* including water scarcity and *"take a proactive approach to mitigating and adapting to climate change"* taking into account the long-term implications water supply.

Whilst engagement with South East Water has taken place there is no effective solution to the water supply issue rendering the EP1 proposed allocation undeliverable at this stage, with no clarity about when the allocation could be delivered.

- South East Water's (SEWs) formal response to Tonbridge and Malling Regulation 18 draft Local Plan (17 December 2025) states it *"cannot accommodate additional growth beyond what was assumed in our Water Resources Management Plan 2024"* in areas without a supply surplus, that in Tonbridge and Malling this applies *"throughout the entire planning period",* and that new solutions cannot even be identified until its next plan's work concludes in spring 2028.
- The SEW Position and Options Statement (20 August 2026), produced after ministerial intervention, quantifies the problem: a supply-demand deficit of up to 5.31 million litres per day at peak by 2041/42, with 4.04 already reached by 2034/35. It offers options, but defers the definitive answer to the WRMP29 process, producing an updated strategy "*from April 2030 onwards*". Funding depends on a provisional submission to Ofwat.
- TMBC's own Infrastructure Delivery Plan (IDP) quantifies the interim schemes at 2.0 million litres per day at their peak, falling to 1.0 from 2031/32, with the substantial SES Water transfer not arriving until 2038/39, and concedes the surplus "*drops away in the mid-2030s*". On the Council's own figures, the supply schemes never close the gap in any year; the balance rests on demand reduction and on options that do not yet exist.
- The pivotal conclusion quoted in the IDP that "*forecast supply-demand balance remains in surplus throughout the Local Plan period*" is attributed to an AtkinsRealis Water Supply Study (August 2026) which is not in the published evidence base. TMBC's evidence page lists a "Water Supply Report" with no download link.
- The joint Defra/MHCLG letter describes "*a credible pathway*" while expressly "*recognising the limits of the reassurance that our departments are able to provide*". It is not an assurance of supply, and says so.
- East Peckham lies in SEW's Cranbrook zone (WRZ7), supplied from local groundwater; the Broad Oak reservoir and Reculver desalination schemes are in East Kent and the Arlington reservoir and Peacehaven recycling schemes in East Sussex. No supply scheme serves the Cranbrook zone from which East Peckham

draws. The EP2 proposed allocation contains no water supply requirement at all. Homes built here before the mid-2030s have no evidenced supply margin.

- SEW's WRMP24 tables show that zone in baseline deficit throughout the plan period and, after every planned intervention, at a planned surplus of 0.00 Ml/d for every year to the early 2030.
- Wastewater. Southern Water (6 August 2026) confirms local network capacity for a foul flow of 0.58 litres per second. The strategic position remains that Southern Water's own drainage plan rates the East Peckham catchment at "*Very Significant*" risk of hydraulic overload, with no named scheme, cost or date.

It is also to be noted that the proposed allocation at EP1 does not meet the requirements of NPPF August 2026. Plan-making Policy W1 (Planning for energy and water) states that "*the development plan should be informed by early engagement between the relevant plan-making authority, utility providers, regulators and network operators, so that there is a clear understanding of energy supply and network capacity, water supply, drainage and wastewater capacity, and associated requirements for additional infrastructure provision*." Whilst engagement has taken place there is no effective solution to the water supply issue rendering the EP1 proposed allocation undeliverable at this stage, with no clarity about when the allocation could be delivered.

The proposed allocation at EP1 therefore fails to meet the requirements of both NPPF December 2024 and NPPF August 2026.

3. **Hale Street Highways Bottlenecks and Traffic Speeds**

The development of 156 homes will result in an unacceptable increased number of vehicle movements joining Hale Street. Recent local data and speed surveys highlight that Hale Street already suffers from severe speeding and road safety issues, leading to its inclusion on the local Highways Improvement Plan. Forcing significant residential traffic onto a semi-rural road with documented safety vulnerabilities is a risk that the current evidence base fails to recognise and mitigate safely.

4. **Community Infrastructure**

The evidence base fails to demonstrate how East Peckham's well documented deficient local infrastructure can support significant scale growth.

NPPF December 2024 requires that "*Strategic policies should set out an overall strategy for the pattern, scale and design quality of places and make sufficient provision for community facilities (such as health, education and cultural infrastructure).*"

- Healthcare. East Peckham has no GP surgery. In response to current planning applications NHS Kent and Medway (16 July 2026) confirms any development "*will increase demand on primary and community healthcare services*". Paddock Wood Town Council objects because East Peckham's new residents would place further pressure on its already stretched Woodlands surgery.

- Education. East Peckham Primary School holds few spare places and the Reception year has been oversubscribed.

NPPF August 2026 Plan-making Policy HC1 1. a. makes it clear that plan making should be "*informed by an understanding of any existing deficits in the availability of community facilities and public service infrastructure, and additional requirements expected over the plan period, arising from proposed development and wider changes in the local population and public service provision*."

Adding 156 dwellings to a village that lacks critical infrastructure is unsustainable.

5. **Transport and the sustainability of the location**

The development would be car-dependent; services are not realistically walkable; bus and rail provision is limited.

NPPF December 2024 paragraph 109 requires "*a vision-led approach to identify transport solutions that deliver well-designed, sustainable and popular places*." Paragraph 110 states that "*Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health*."

Paragraph 115 requires that assessment of sites "*that may be allocated for development in plans*" should be ensured that "*sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location*." The proposed allocation at EP2 does not provide a vision led appropriate to sustainable transport solutions nor does is prioritise sustainable transport modes.

Walking distances and the walking network

Measured on the actual network from the site access, the nearest convenience store is about 1.05km (about 15 minutes each way) by the shorter route along unlit Church Lane and Pound Road, and about 1.65 to 1.8km (over 20 minutes) via Hale Street and Old Road, against Chartered Institution of Highways and Transportation (CIHT) preferred maximum of 800m. At evidence-based walking speeds for older and less mobile residents the shop is a 23 to 35 minute walk each way. A quarter of East Peckham parish residents are aged 65 or over and 16 per cent are disabled.

Bus services

The Arriva No. 6 (Maidstone to Tunbridge Wells via East Peckham) provides a broadly hourly daytime service Monday to Friday, with an afternoon gap of about three hours towards Maidstone and last buses in the early evening, a reduced Saturday service of roughly one bus every ninety minutes, and no Sunday service. This is verified from the

operator's registered Bus Open Data Service files, whose only operating profiles are Monday to Friday and Saturday. The only other service, Route 208 (Go-Coach), runs about nine weekday and four Saturday trips. There are no evening and no Sunday buses to the village. The Department for Transport Connectivity Metric (2025) scores the parish's LSOAs at 44.9 and 36.8 against a Borough average of 55.4, and the English Indices of Deprivation 2025 rank it among the most service-isolated 10 to 20 per cent of areas in England.

Rail

Neither Beltring nor Yalding is a realistic car-free option. Beltring is an unstaffed halt with no car park (Office of Rail and Road, 2024/25: 14,532 entries and exits, about 40 a day), with no footway or lighting on its approach roads, reached on foot only by crossing the A228 Branbridges Bypass, a national-speed dual carriageway with no pedestrian crossing on that stretch, on which four people died in two collisions in the twelve months to June 2026 (Kent Police appeals; press reports). Yalding is reached by narrow lanes without footways, unsuitable for cycling under LTN 1/20, with a 21-space car park. Rail access is, in practice, dependent on the private car, and even then Beltring is not a realistic rail option.

Structural car dependency

Maidstone Borough Council objected to the Tonbridge and Malling Regulation 18 draft Local Plan proposed East Peckham allocations on cross-boundary transport grounds.

At the 2021 Census only 126 of the East Peckham parish's 1,352 households (9.3 per cent) had no car, while 758 (56.1 per cent) ran two or more, a rising trend; the EPPC's 2026 household survey found 87.3 per cent of respondents travelling as a car driver. Cycling infrastructure is absent.

NPPF Plan-making Policy TR1 requires "*sustainable transport should be considered from the earliest stages of plan-making, so that it is reflected in the vision for the plan area and its specific proposals, and forms an integral part of a plan's strategy for creating well-designed, sustainable, inclusive and popular places.*"

The proposed allocation at EP1 does not support this.

Placing car-dependent dwellings at EP1 is contrary to both NPPF December 2024 and NPPF August 2026.

6. **Impact on Climate Change**

Proposed growth of 156 homes conflicts directly with carbon reduction and sustainability objectives.

7. **Deliverability Constraints (Major Oil Pipeline)**

A major underground oil pipeline runs directly under the site. The presence of this major infrastructure constraint severely restricts the site layout, introduces mandatory safety exclusion zones and will compromise the overall financial viability and deliverability of the site.

Conclusion
Allocation EP1 lacks a credible justification. To ensure the Local Plan is sound and safe from legal challenge, Tonbridge and Malling Council must remove this proposed allocation from the submission plan.