To which part of the Local Plan does this representation relate to:
Spatial Strategy (Chapter 5), Infrastructure Delivery Plan (IDP) (Chapter 13), Policy A1: Housing and Employment Allocations
EP1 (Land West of Hale Street, East Peckham) and EP2 (Land South of Church Lane, East Peckham).

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 and EP2

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

Details of Representation (Statement of Unsoundness)
The Tonbridge and Malling Borough Council (TMBC) Regulation 19 Publication Local Plan (2024-2042) is unsound on the grounds that the Interim Infrastructure Delivery Plan (IDP) fails to adequately recognise, evaluate or mitigate severe local infrastructure deficits in East Peckham. The proposed site allocations to East Peckham (EP1 and EP2) represent a disproportionate growth strategy that mean that the NPPF tests of soundness cannot be met.

A full analysis of the infrastructure considerations (***included with this representation***) as they relate to East Peckham parish has been carried out as part of the preparation of the East Peckham Neighbourhood Development Plan. This provides a full overview of the key issues alongside considerations as to what a neighbourhood plan can and cannot do about infrastructure. The neighbourhood plan will have limited opportunities to significantly positively impact upon both the failing and lack of infrastructure in the neighbourhood area. The Tonbridge and Malling Borough Council (TMBC) Regulation 19 Publication Local Plan (2024-2042) should therefore seek to resolve or require statutory providers to resolve the infrastructure considerations. However, it is apparent that whilst The Tonbridge and Malling Borough Council (TMBC) Regulation 19 Publication Local Plan (2024-2042) proposes a vision that seeks to ensure that "Growth will be infrastructure-led, with new development aligned to the timely provision of transport, education, health, utilities and digital infrastructure" the accompanying evidence to the plan (the Interim infrastructure Delivery Plan, October 2025) does not ensure that the appropriate and timely infrastructure will be put in place.

As the Tonbridge and Malling Regulation 19 Publication 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 (NPPF) it is evident that the Regulation 19 Publication Local Plan does not meet the requirements of the NPPF December 2024. The summary of the key issues are as follows:

Water Supply and Foul Drainage Deficiencies
There is a significant evidence gap. The TMBC Regulation 19 Publication Local Plan (2024-2042) lacks a sound evidence base confirming that South East Water possesses the infrastructure capability to

provide a safe, uninterrupted water supply to East Peckham. The local network already suffers from operational performance issues.

East Peckham is uniquely vulnerable to sewer flooding. The TMBC Regulation 19 Publication Local Plan (2024-2042) fails to detail how wastewater upgrades will be legally secured and phased ahead of housebuilding, creating a highly ineffective strategy that endangers local public health and exacerbates environmental strain.

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 proposed allocations at EP1 and EP2 undeliverable at this stage, with no clarity about when the proposed allocations could be delivered.

Unsound Proportionality and Cumulative Flood Risk
The proposed housing allocations at EP1 and EP2 represent a highly disproportionate volume of development to East Peckham relative to the rest of the Borough. These proposed allocations fail to reconcile the density with the severe constraints of localised flood zones, infrastructure stress, and the village's rural character. The infrastructure is simply not planned or funded to meet this growth safely.

It is 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 it 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 NPPF December 2024 requires that risks to flooding elsewhere, as a consequence of any development on proposed sites, are assessed. To date no Sequential Test has been carried out.

Sustainable Transport and Car Dependency
East Peckham lacks adequate public transport links. The nearest train station (Beltring) is approximately 2.4km away, entirely unstaffed and does not serve as a functional commuter hub. Bus services are chronically sparse. The proposed housing allocations at EP1 and EP2 will increase the number of residential units into an area devoid of high-quality sustainable or public transport infrastructure and will inevitably create an isolated "commuter enclave". This forces heavy private vehicle dependency onto a rural road network that is already operating at capacity.

The TMBC Regulation 19 Publication Local Plan (2024-2042) therefore fails to promote sustainable transport choices, directly violating TMBC Sustainability Appraisal Objective 13 and the NPPF 2024. 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*." Further, paragraph 115

requires that assessment of sites "*that may be allocated for development in plans*" should ensure that "*sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location*." The proposed allocations at EP1 and EP2 do not provide a vision-led approach appropriate to sustainable transport solutions nor do they prioritise sustainable transport modes.

The TMBC Regulation 19 Publication Local Plan (2024-2042) is therefore unsound as the proposed growth is not infrastructure-led and the proposed new development is not aligned to the timely provision of transport, education, health, utilities and digital infrastructure. The TMBC Regulation 19 Publication Local Plan (2024-2042) fails the tests of soundness; the plan is not based on a proportionate evidence base; the plan is not deliverable over its period regarding crucial infrastructure; and the plan actively contradicts sustainable transport and water security set out the NPPF. The TMBC Regulation 19 Publication Local Plan (2024-2042) is therefore not justified, effective or consistent with national policy.

Modifications Necessary to Make the Plan Sound

To satisfy the tests of soundness, TMBC must implement the following modifications before submitting the plan to the Secretary of State:

1. Reduce or remove the housing allocations for East Peckham (EP1, and EP2) until a comprehensive, costed infrastructure capacity assessment is integrated into the plan.
2. Amend the Infrastructure Delivery Plan (IDP) to legally mandate that any proposed housing density is explicitly matched by binding, front-loaded upgrades to the South East Water network and local foul drainage infrastructure.
3. Include enforceable requirements for direct investments into localised sustainable transport networks, including a realistic, funded strategy to improve public transport options and active travel links to surrounding employment areas/transport hubs.