

## **REPORT TO WOULDHAM PARISH COUNCIL 4<sup>th</sup> May2021**

**By the Tonbridge and Malling Borough Councillors for  
Burham and Wouldham Ward  
Councillors Dave Davis and Roger Dalton**

### **PETERS VILLAGE SWALE WATER MANAGEMENT**

1. We have been working with Trenport on the water levels in the swale in Peters Village and have established that the rise and fall of water is mainly due to seasonal changes in the water table. A small component of the stored water is the rainfall in the Peters Pit catchment area. The swale is part of the design whose purpose is to store water for controlled release. This all part of a drainage system designed by engineering consultants who are fully aware of the geological implications of seasonal water table variations in water level.
2. It should be noted that the exit culvert from the swale is purposely set well above the bottom of the swale as a design feature to prevent high levels of water flow that could create problems further downstream in the overall drainage system.
3. It is now clear that the increase in water level in the swale is planned water storage prior to safe release not uncontrolled flooding.
4. Also of note is that the culverts into the swale and the footpath are designed to be inundated at certain times of the year. In the case of the footpath this is so that access is provided to get equipment such as small work boats down to the water level at most states of water level where such equipment is required.
5. The flooding of the path has however highlighted that a high level, all season path is needed to connect Keepers Cottage Lane to Worrall Drive. Trenport have agreed to install a tarmac path with concrete edges to meet this requirement. They will also provide a post and rail fence along the length of pathway to inhibit but not stop casual walking near the waters edge. It is also recognised that the existing pathway needs some similar protection but to maintain vehicle access for maintenance and so gates will be installed again to deter casual access. All this work will be done at Trenport's expense and will not go on the maintenance charges. This work is planned to take place this summer.
6. Trenport have confirmed that their grounds contractor has been instructed to ensure that the culverts are kept clear of any debris to ensure the free running of water especially from September onwards and that at the first sign of a build up of water in the swales, the culverts will be closely monitored on a daily basis as they were recently. To assist any work required Trenport have already constructed steps to facilitate easier access to the high level overflow pipe for maintenance and will be installing accessible trash screens to the culverts.
7. We will continue to work with Trenport on this drainage system and will report back if there are any developments.

### **TMBC PLANNING UPDATE**

**8. PRESENT LOCAL PLAN.** At present the TMBC Local Plan is the one published in 2007. That is extant but, in many aspects, it has been overridden by the National Planning Policy Framework (NPPF). For example, the "CP5 Strategic Gap Policy" no longer applies and there are others. One big issue is that the land earmarked for development in this Plan has

largely been approved for development or indeed built on. We cannot demonstrate a 5-year supply of such land

**9. NEW LOCAL PLAN.** TMBC officers and members have been working on the new local plan going through a prescribed process of determining the local housing need, then looking for the land to build on. A call for sites went out and three times the amount of land needed was put forwarded by landowners. A third was rejected as unsuitable for development for many reasons. One such reason was land with a high flood risk. The remaining two thirds were assessed and the best sites for development, about half the remaining sites were incorporated into the developing plan. That plan was submitted to the inspectors in January 2019. It had to get basic approval of the inspectors followed by two public consultations and final approval by the inspectors before it became our new local plan. Earlier this year, after two years sitting on the plan, the inspectors indicated they were minded to refuse the plan because they claim that TMBC had not met the Duty to Cooperate in respect of discussing unmet housing need in Sevenoaks. TMBC proposed to meet its own housing needs in full, but Sevenoaks had a shortfall of between 600 and 3500 homes (the exact amount has not even been made clear by Sevenoaks). Sevenoaks have been in dispute with the Inspectorate over their local plan and have taken them to a judicial review, which Sevenoaks lost. TMBC seem to be collateral damage in that dispute. Rather than take the inspectors to Judicial Review we have put forward our case to both the Inspectorate and the Secretary of State that we did work with Sevenoaks and we have refuted the inspectors' findings in a very meticulous and detailed response. We are awaiting the final report on this from the inspectors by the end of this month. We do not expect a good result and will then appeal to the Secretary of State under the present rules. If that fails, we must reassess our housing need based on the new Standard Methodology, refine our policies, and resubmit the plan to the Inspectorate

**10. PRESENT DEVELOPMENT CONTROL PLANNING POLICIES.** At present the planning policies TMBC has to control development are:

- a. Our extant Local Plan such as it is.
- b. The National Planning Policy Framework (NPPF). Critically at Paragraph 11 in toto and especially the footnotes 5, 6 and 7.

**11.** The effect is that unlike 2 years ago, it will be very difficult to stop any building on land, unless it is covered by a high-level policy constraint such as being in the Green Belt, an Area of Outstanding Natural Beauty, or in a Flood Plains and where there is no road access. In effect much of the area is open to almost uncontrolled speculative building.

**12. TEST CASE.** On 20<sup>th</sup> August 2020 Area 3 Planning Committee unanimously refused the Wates 40 Acre site in Winterfield Lane East Malling. This was the best and most defensible case in the event of an applicant going to appeal. The appeal was heard earlier this year and the decision to refuse was overturned. We were not liable for the applicants' costs in this case, but the applicant did indicate that their costs ran to £250,000 and TMBC could have been liable to pay these. In effect, the Inspectors found that the provision of new housing was more important in the "planning balance" than the loss of agricultural land and open fields.

**13. CONCLUSION.** We expect a number of speculative applications in the coming years and parish councils must be fully aware of the implications of the present state of planning policy.

## Wouldham Parish Council Chairman's Report for 2020/21

2020 did not start very well due to Covid-19, we did manage to hold a meeting in March 2020 before the first lockdown.

Overall the PC held 5 physical meetings, 3 Zoom meetings, 3 were cancelled and the AGM was held inquorate to agree to continue the committees for the next year as per KALC advice, this was agreed by the Councillors.

The main thread of our meetings through this muddled year was the traffic within the parish, parking being an issue on many levels such as at the school, high street, and local pavements. The volume of traffic during the Covid period of lockdown did not seem to drop significantly, leading us to believe that the volume of traffic through our village, along with housing, are our two main problems. The High Street has been closed for water main repairs many times; traffic has quite happily used the top road which is what the PC would like to see worked as a trial.

The plan for the new village hall encountered problems throughout the year. The main one being Trenport's refusal to adjust a covenant on the recreation ground. The Council awaits an answer from T.M.B.C. on its present planning application siting it on the site of the old social club.

The car park barrier was installed to dissuade Travellers and work vans from using the car park facilities. More recently a discussion took place about electric charging points. but the cost was thought to be prohibitive for the Parish, and so the suggestion was shelved.

During the lockdown year a further problem has been magnified within the Parish—Drugs. A local focal point on the recreation ground is being removed after various discussions with our P.C.S.O, Councillors in the area, and Matthew Scott's office. It is hoped that removing the youth hut will reduce the problem.

Thank you to Jenny for getting the new website up and running which is being used by the residents, numbers are increasing all the time and the PC would encourage everyone to use it for information on the village and the Parish Council. It seems social media, with more misleading information, is preferred

Kent County Council ask Parish Councils to submit a Highways Improvement Plan for their area. Last year the PC asked for a zebra crossing on Knowle Road but it turns out that the village have to pay for any improvements they want. As a result, the PC are paying for Stella the lollipop lady to continue to work on Knowle Road for at least a year.

After a considerable amount of work by all on the Council a leaflet was delivered to every property in the Parish regarding dog fouling. This explained the possible penalties, and fines dog owners could expect if they continued to ignore the law. It is hoped that this leaflet, and the work carried out by two residents in keeping plastic bottles filled with dog poo bags, will have a positive effect on this antisocial behaviour.

To add to our troubles, as if Covid wasn't enough, the river wall was breached on MR1 meaning that one of the many interesting walks around the area had to be curtailed for a while. Repairs have now been carried out.

In January 2021 the Parish Council set the 2021/22 precept. We were pleased to reduce the Band D payment by 5%. This was our way of noting how the whole Parish had pulled together during the pandemic.

The PC have had all their streetlights converted to LED saving on both money and environment, they have arranged for a post box in PV, provided benches for the football pitch in PV, surveyed the village about double yellow lines, dog fouling and new planning applications and produced an excellent website.

Unfortunately, we end this year on a very sour note which we are all very much aware of. A meeting in February, ostensibly to meet Shirley Boards' (Trenport local representative) replacement turned out to be a somewhat more serious matter, and questions at that meeting resulted in the Council calling an extra ordinary meeting in February to discuss proposed houses being built on the allotments. At the meeting in February residents attending suggested we talk to the developer (Trenport). Since then, further sketchy information has been sent to us from the developer, which we have passed onto the residents of Wouldham Parish. At present we are still waiting further information, when this becomes available the residents will be informed. It appears once again we find our village struggling to contain yet another building development.

I would like to take this opportunity to thank our Clerk, and all the Councillors for their hard work during this unusual year.

Cllr Eddy Bell

Chair



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Our Ref: 10431970  
Your ref: ZA23687

21 April 2021

Dear Tracey,

Thank you for your letter dated 18 February on behalf of Wouldham Parish Council regarding estate management fees of the Parish Council. I appreciate how important this matter is to you and I apologise for the delay in my response.

The Government is committed to promoting fairness and transparency for homeowners and ensuring that consumers are protected from abuse and poor service. We are taking forward a comprehensive programme of reform to end unfair practices in the leasehold market.

Estate rentcharges cover the maintenance of communal areas and facilities on private or mixed tenure estates and a requirement to pay these may be specified in the deeds of the property.

Council tax contributes towards a wide variety of local services, including adult social care, children's services, refuse collection and leisure facilities. Not all of these will be equally relevant to each resident of the area at any one time, and the level of council tax due is not adjusted to reflect the specific level of services individually used or received by each resident.

The Government intends to legislate to ensure that freehold homeowners who pay estate rentcharges have the right to challenge their reasonableness and to go to the tribunal to appoint a new management company if necessary.

We will bring forward legislation in the upcoming session to set ground rents on newly created leases to zero. This will be the first part of seminal two-part legislation to implement reforms in this Parliament.

Once again, I appreciate how important this matter is to you and I am grateful to you for contacting me on this matter.

Yours sincerely,

**LORD GREENHALGH**



**GENERAL NOTES:**  
 1. THIS PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION.  
 2. THE DESIGNER HAS CONDUCTED VISUAL ANALYSIS AND HAS DETERMINED THAT THE PROPOSED PROJECT IS VISUALLY COMPATIBLE WITH THE SURROUNDING ENVIRONMENT.  
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PRELIMINARY



Project Name	BOVIE HOMES SOUTH EAST REGION
Client	PETER'S VILLAGE PHASE 2A & 2B
Design Team	SEA WORKS TRD PLAN
Project No.	1800
Drawn By	ASB/EL/2021
Checked By	JH
Approved By	DR
Drawing Number	EO001-512

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