Tonbridge and Malling Local Plan

Publication Stage Representation Form

Ref: (for official use only)

The Regulation 19 Local Plan consultation runs for six weeks from 11th September 2026 to 11.59pm on 26th October 2026. You can return this form to the Planning Policy Team at Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ.
Alternatively, you can return the form by email to localplan@tmbc.gov.uk.

Data protection and confidentiality

We are required to publish and make publicly available all comments submitted in response to this consultation. As such, we are unable to accept anonymous representations or representations from individuals who do not wish for their comments to be made public. Please note that representations submitted to the Council cannot therefore be treated as confidential.

In accordance with Regulation 22(1)(c) of the Town and Country Planning (Local Planning) (England) Regulations 2012, all representations received during the Regulation 19 Publication consultation will be submitted to the Secretary of State. This requires the Council to make publicly available copies of all representations received, together with the name of the individual submitting the representation and, where applicable, the organisation they represent.

All other personal information, including postal addresses, email addresses and telephone numbers, will remain confidential and will not be published.

As responses will be published, respondents are asked to ensure that all representations are respectful and appropriate. Comments that are racist, derogatory, offensive or inflammatory in nature should not be submitted.

Information about how the Council processes personal data can be found in the Data protection policy https://www.tmbc.gov.uk/council/data-protection-policy Please also note that information held by public authorities is subject to the provisions of the Freedom of Information Act 2000 and the Environmental Information Regulations 2004. Information may be disclosed in response to a request where it is appropriate and lawful to do so.

Please provide your details below to confirm acceptance of our privacy notice

Name: Mike Taylor	
Signature: 	**Date: 3/10/2026**

This form has two parts:
Part A – Personal Details. This only needs to be completed once if you wish to make more than one representation and representations are returned together.
Part B – Your representation(s). Please fill in a separate Part B form for each matter you wish to make a representation on.
We have also published guidance to assist you in completing this form. This can be accessed via https://reg19tmbcconsult.commonplace.is where you can alternatively complete your representation(s). Completing your representation(s) via our consultation platform is our preferred way for you to take part in the consultation.
The Planning Inspectorate have also released a guidance note on how to complete the form.
https://www.gov.uk/government/publications/model-representation-form-for-local-plans/model-representation-letter-for-local-plans

Late representations

Representations received after the consultation deadline will be recorded as late representations. The Council is not obliged to treat these as duly made representations. However, late representations will be retained and forwarded to the Secretary of State as part of the submission documentation, clearly identifying them as having been received

after the consultation period closed. The weight to be given to late representations is a matter for the appointed Planning Inspector.

Part A - This needs to be completed once if more than one Part B responses are returned together

	1. Personal Details	2. Agent's Details (if applicable)
Title	Councillor	N/A
First Name	Mike	
Last Name	Taylor	
Job Title (if relevant)	Chairman Borough Green Town Council Cabinet Member for Planning TMBC	
Organisation (if applicable)	Borough Green Town Council Tonbridge & Malling BC	
Address	41 Maidstone Rd Borough Green Kent	
Post Code	TN15 8BQ	
Telephone Number	01732 882880	
Email Address	Mike.taylor@boroughgreen.gov.uk Mike. taylor@tmbc.gov.uk	

If an agent has been appointed by you, please complete only the Title, Name and Organisation (if applicable) in the boxes below (in Column 1), but complete the full contact details of the Agent in Column 2.

Part B – Please use a separate Part B form for each representation

Ref: (for official use only)

1: To which **part** of the Local Plan does this representation relate to?

Paragraph (please tick)		Policy	✓	Policies Map	

Which Chapter or Annex does this representation relate to? (e.g Chapter 4)	Chapter 7
Which paragraph or Policy or aspect of the Policies Map would you like to make a representation on?	NE12

(e.g Paragraph 4.1 or Policy CC1)

If your representation relates to a site allocation, please state which site. Please note you will need to make a representation for each site you wish to comment on.
(e.g. Site AN1)

2: Do you consider the Local Plan to be legally compliant? (Please tick)

Yes ☐ No ☑ Unsure ☐

3: Please provide your comments here. Please also provide a summary of any attachments, such as supplementary evidence, submitted alongside your representation.

I have long standing concerns that the TMBC Policies regarding contamination remediation are not strong enough. They say the "responsibility for remediation lies principally with the developer". Whilst there is a responsibility on TMBC as the LPA this is deemed as fulfilled by accepting remediation reports from the developer's own consultants. We have strong evidence below this does not happen. Remediation is skimped, and contamination is not remediated properly putting future residents at risk. There should be a strongly worded policy requiring physical checks by the LPA and its scientific officers to ensure the site is safe. They have a duty under EPA legislation

Question 4: Do you consider the Local Plan to be sound? (Please tick)

Yes ☐ No ☑ Unsure ☐

5: If you do not consider the Local Plan to be sound, please specify on what grounds (please select one option).

Positively Prepared ☐ Consistent with National Policy ☐

Justified ☐ Unsure how to answer ☐

Effective ☑

6: Please provide your comments here. Please also provide a summary of any attachments, such as supplementary evidence, submitted alongside your representation.

I have deliberately not included all the evidence from the previous att report, that isn't being reinvestigated. What I am trying to illustrate how the relationship between developers and the LPA can cross a line and put residents at risk

7: Please set out any modification(s) you consider necessary to make the Local Plan to be legally compliant or sound as relevant to the matter you have identified above. Please state why the modification you suggest will make the Local Plan legally compliant or sound. It would be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

There needs to be wording included that requires the LPA to have a duty of care in ensuring the site is compliant, and will not pose a risk to residents, groundwater or the atmosphere. Landfill gas monitoring should be included in this wording.

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will

have a further opportunity to make submissions. This is because, after this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.
8: If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)? (Please tick)

No, I do not wish to participate in the hearing session(s)	
Yes, I wish to participate in the hearing session(s)	✓

9: If you wish to participate in the hearing session(s), please outline why you consider this to be necessary?

I have long standing bitter experience of how Planning Officers work with developers to avoid a full and proper remediation. We already have 3 housing estates in Borough Green built on Landfills, and 1980s Tolsey Mead experiences subsidence and landfill gas 45 years later

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Isles Quarry West, Borough Green, 176 Houses - Hazelbourne

TM/11/01191 & TM/13/02358

This report seeks to demonstrate how current Remediation Monitoring rules allow LPAs to rely on Developers Validation to fulfil their monitoring role, and how things go very wrong if left to the developer. However, the LPA still has a Duty of Care under the EPA to ensure land is safe for future residents.

Isles Quarry West was approved for the development of 176 houses TM/11/01191 Condition 25 setting out the Contamination requirements. The site is on a 1950s landfill site with subsequent industrial usage, largely HGV and Plant maintenance, a Tarmac and Filler Plant.

On 20th November 2013 TM/13/02358 Remediation Strategy was approved,

IQW is a clear example of how the best remediation strategy can go wrong without robust monitoring by the LPA.

TMBC instructed Counsel,(U) and their Opinion (V) para 16 is quite clear that although remediation is "principally" the responsibility of the developer, the LPA does have some responsibility, and has the right to enter the site to that end. If the Scientific Officer did not visit the site until 3 months later, how could Officers justifiably claim they investigated and "there was no breach"?

The Local Plan needs 3 reinforcing paragraphs added to its LP 22 Contaminated Land Policy:

1. On sites with known contamination there must be a clear and unequivocal distinction between Remediation and Construction, with a conditioned requirement for validation that the site is clean and safe before the construction permission is released. Many of the problems we have experienced are caused by the builders treading on the heels of the remediation team, or worse a site where the two processes are mixed. The simple process of earth moving can mix high levels of contamination with clean soil, creating the statistical illusion that the site is now clean.

2. On sites of known contamination, the developer must provide a comprehensive contamination survey prior to application, and any permission conditioned to ensure the developer cannot later claim lack of viability due to contamination, particularly if that loss of viability results in any loss of affordable housing or other benefit.

3. Whilst validation of the remediation is *principally* the responsibility of the developer, that does not let TMBC entirely off the hook. There must be a clear oversight of the process, incorporating occasional independent assessment of developers' sampling, random sampling of the site by Officers, and rigorous checking of the developers processes to ensure they are complying properly, and random site visits to ensure the Technical Reports comprehensively reflect what is allegedly happening on the ground.

We must have assurance that the sites we approve are safe for residents.

==========

Crest Nicholson began excavations around 7 November 2013, well before permission dated 20 November was emailed on the 23rd November. Planning Officer Lindsay Pearson denied this was excavation, merely " specific species related ecological investigations" (email B Lindsay).

Remediation should have followed the Strategy laid down in the URS Scott Wilson Geoenvironmental and Geotechnical Ground Conditions Report 2010.

Environmental Consultants GEI supplied misleading data, and Crest passed on that data as proof, when they are the ones controlling the earthmoving, and were well aware how contaminated this site is, Planning Officers and T&MBC Members repeatedly ignored complaints and warnings, and finally both GEI , and Sevenoaks Environmental, endorsed this site as safe.

These pictures show how Crest excavated the contaminated material from Area 1 the Sentinel Workshop area (Pic A), and buried it in the central housing area (Pic B, C, D) with only a single sample taken during excavations. They then attempt to build a Contamination Quarantine Bund that allegedly holds the contamination, but that was not built until afterwards.

URS/SW Report notes in 13.1 and 13.11 that they were unable to assess the contamination in much of Area 1 because of existing buildings and stockpiles, and recommend in 13.12 that further investigation takes place during demolition and excavation activities. We know categorically from the sampling map 002 that very few samples were taken during this period, BG1 on 22 Nov, BG6 2nd Dec, BG7&8 on 6th Dec, and BG14 & 15 0n 17 Dec. But as the bulk of the demolition and excavation was carried out prior to Planning Permission on 14th November there is no record of contamination levels in this material, which was buried under what was to become Area 3. As the exported material tickets claim inert material it is clear this material never left site. URS/SW also identified significant areas of old tarmac that needed removal from site (13.14), specifically tarmac made many years ago from coaltar, before oil based bitumen came into use. This material is a controlled waste, and yet there are no records of it having left site

Extracts from URS/SW Geotech Report

13.1 Contamination assessment has identified a requirement to undertake mitigation measures associated with direct contact exposure risks from impacted Made Ground across the site. Additionally, the extent of point source TPH impacts in Area 1 was not able to be delineated and consequently, there may be some requirement to undertake mitigation works specific to this area.

13.4 It is understood that as part of the proposed development, existing site levels across a proportion of the site (predominantly Area 3) will be raised by approximately 6m. Provided this imported material comprises 'clean fill' (e.g. inert subsoil overlain by clean topsoil), this would effectively mitigate exposure risks in this area.

13.11 Due to on-site infrastructure and stockpiles, the extent of point source TPH impacts in Area 1 could not be determined. Consequently, some potential for more specific mitigation measures to be implemented in this area may be required, depending on whether more significant TPH impacts not yet identified are present. Further assessment will need to be undertaken in Area 1 in order to fully assess TPH contamination risks in this part of the site.

13.12 In order to facilitate this process, investigation works should be undertaken following, or in conjunction with infrastructure demolition and removal activities as GI works indicated impacts within the derelict building. Work should be undertaken under the direction of a suitably qualified contamination consultant or remediation contractor who will be responsible for investigation works.

13.13 Characterisation of excavated soils will determine the quantities and suitability of material for re-use or disposal off-site.

On-site Stockpiles

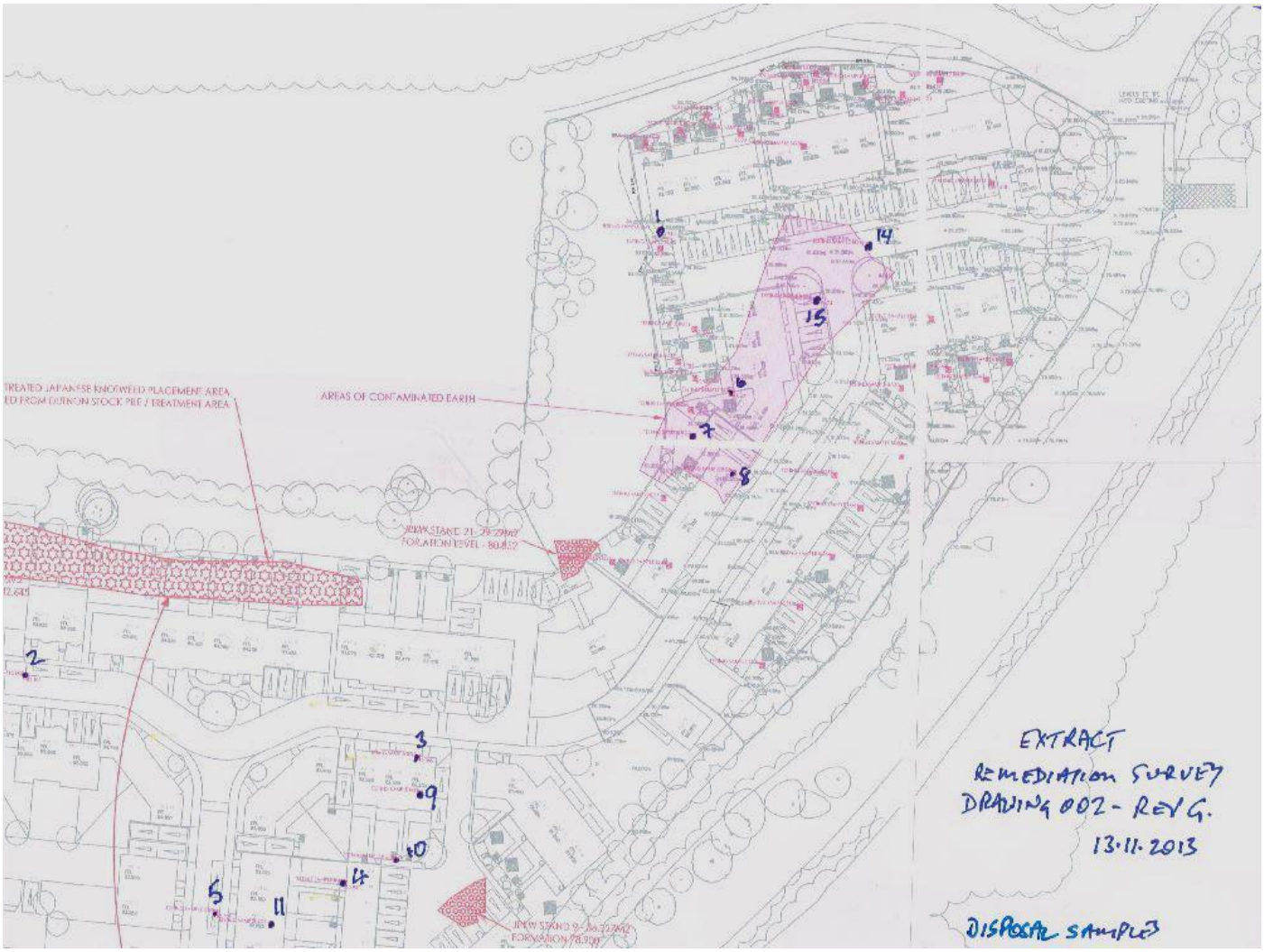
13.14 Off-site disposal of tarmac and concrete stockpiles is recommended.

It was only by forcefully pushing this evidence and the crucial sample dates under Planners noses that they finally realised and admitted the true extent of the problem, and the email on 10th October 2014 (a year later) resulted in Crest being required to dig extra trial pits.

It is interesting to note that the material from the "Contamination Bund" (Pic E,F) in July is actually transported as "Inert Fill" to an inert landfill at Burham. (D Inert Tickets). Every one of the Haulage tickets I aquired by FOI reports inert material.

It is also worthy of comment that although excavation of the contaminated surface began in November 2013, it was 28th February 2014 before TMBC Scientific Officer Kirstie Parr visited the site. (email C Kirstie)

If you give Crest's list of samples across the "002 Remediation Plan" a cursory glance it looks as if comprehensive sampling took place across the site. It is only when you compare dates and places you realise they took the samples **after** they had moved the contamination - so of course they look clean.



The Old workshop, with the yard in front, surrounded by trees, in the top right of this 1988 pic. (pic A)



Below first excavations 7-14 Nov 2013 Area 1 North abutting Hornet Road (pics aa ab)





This 8th Dec 2013 picture below shows the area at the top completely excavated, and the material spread in the central area. Visible in the lower right of the site is the Contamination Bund that the excavated material should have gone to - clearly empty. (Pic B)



Below we can see very black material being spread in the Central Area on the 5th December, Crest's own pictures. (Pic C)



And below we can see the very black material has now been covered with clean material an hour later on the 5th December, and that is confirmed by our 8th Dec Aerial picture above.(Pic D)



Crest's own picture below shows a broken down excavator on the 5th, in the area Crest had claimed they had already built and filled the quarantine bund for the contaminated material. (it is possible, being generous, that the excavator broke down whilst starting to build the bund, but it was already 3 weeks too late) (Pic E)



But as our aerial picture below shows, that quarantine bund was still being built on the 8th December, down in the right hand corner. Crest have tried to claim this was in use, but an "entrance" left open. If that were the case we should be able to see the plastic sheet on the floor, that is visible under the material in our pictures taken later in March. (Pic F)



The plan below is an extract from Crest's own "T 002 Remediation Survey", and I have highlighted their sample place numbers. If you compare that with the sample dates on the table below, it is quite clear that Crest only ever took a single sample from the Workshop area in December, and that was outside the known contamination.(Plan H) Sample BG1is top left.



Extracted from Crest Validation report, showing sample dates for "002 Remediation Survey above. These samples are supposed to demonstrate that Crest sampled topsoil to determine contamination, but they were not taken until after the contaminated top metre of soil had been stripped (Table G)

Sampled	Source	Identity number Southern Testing Report
22/11/2013	Crest CD	BG1,BG2
27/11/2013	Crest CD	BG3, BG4, BG5
2/12/2013	Crest CD	BG6
6/12/2013	Russ Crest	BG 7,8,9,10,11
17/12/2013	Crest CD	BG13, BG14, BG15
18/12/2013	Crest CD	BG12

Just for interest, here are two pictures I took on 28th March 2014 of the actual contamination quarantine bund, and you can clearly see the black plastic sheet that would have been visible in my aerial pictures if it had been built as Crest say in late November.





EVIDENCE LIST

Decision TM/11/01191 176 Homes

AA URS Scott Wilson Geotect report 2010 pp 65, 66 & 67 att, bal electronic

B. Email Lindsay Pearson (att below)

C. Email Kirstie Parr (att below)

D. Inert Delivery note samples (att below)

H 002G Remediation map extract , (att above)

I Sentinel.jpg , J Filler.jpg , K Aerial Dec.jpg, L Black.jpg , (att above)

M Covers.jpg , N Diggers.jpg , O bund.jpg (att above)

T 002G Remediation Survey.pdf (map full) (att above)

U. TMBC Instruct Counsel (Electronic only)

V. Counsel's IQW Opinion (Electronic only)

W. Evidence M Taylor to Isles Quarry Inquiry (Electronic only)

X Southern Water rep (Electronic only)

Y Historic Isles Quarry maps (Electronic only)

B

----- Original Message -----
From: Lindsay Pearson
To: Mike Taylor ; Adrian Stanfield ; Steve Humphrey
Cc: DavidEvans ; Henry Willard ; MikeYianni ; ScottMillener ; Les Chown ; Steve Perry ; Timx.Shaw@costain.com ; Neil Gunn ; Cliff Dobson ; tony.sayer@hyder.plus.com ; Jim.Wooldridge@kent.gov.uk ; Hazel Damiral ; Sandra Gould ; ssma.murray1@tesco.net ; Glenda Egerton ; Marion Geary
Sent: Friday, November 15, 2013 4:46 PM
Subject: Re: Isles Quarry

Mike,
a further update
the land clearance itself is, I am told, predominantly to do with some specific, species related, aspects of ecological investigation. I will pick this up with Glenda next week.
The contamination report, in section 5.9.2, deals with aspects such a building removal and what will happen once the are removed. You are right that we do need to be satisfied that subsequent investigations are suitably intrusive for the proposed end use of the site (I appreciate that you have made specific comments as to what you believe was put into various parts of the site). My advisors are quite happy that this is the appropriate methodology and the work I shall be discussing with them next week will be to codify the acceptance of the methodology as proposed.
Nevertheless, and as ever in these matters, we must always be prepared for the unexcepted but in this respect there is nothing unusual about IQW.
Lindsay
Lindsay John Pearson Chief Planning Officer Tonbridge and Malling Borough Council tel: 01732 876237
fax. 01732 876363 website - www.tmbc.gov.
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C

From: Kirstie Atkins
To: Paul Batchelor
Date: 28/02/2014 10:07
Subject: Re: FW: IQW Tomorrow

I'm here all day so we can meet down stairs. I'm terrible with names and faces so I may just be wandering round looking lost! I've never been to site before so if you have may be best if you drive. If not I can use my trusty satnav. What time would we need to leave?

Kirstie

>>> Paul Batchelor 28/02/2014 09:26 >>>
Morning,

We can meet on site if you have other places to see, I think there is a car park just off the roundabout. Otherwise if you want to come and find me and we can go together. I sit opposite Robin from Team 1.

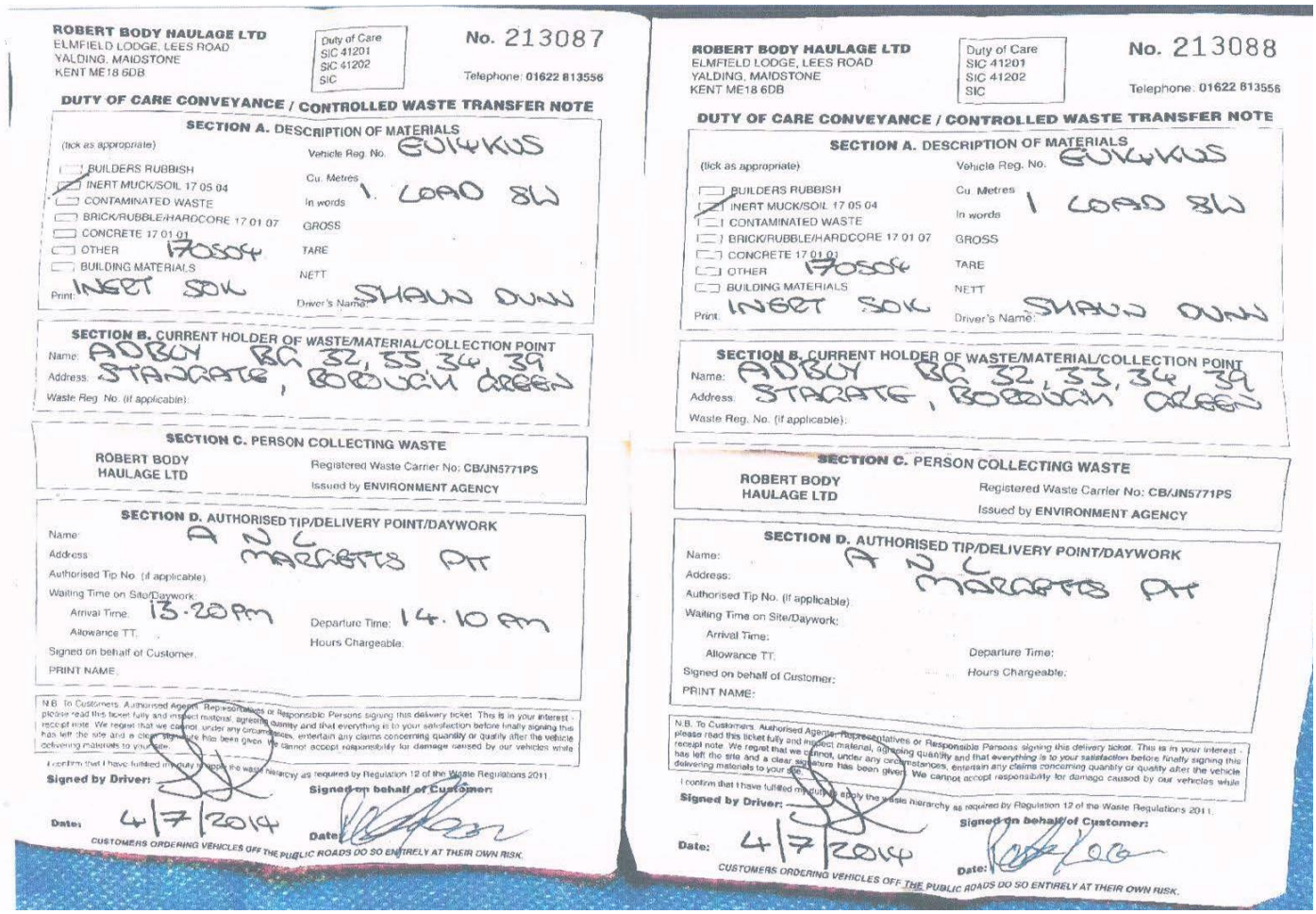
Paul
>>> Kirstie Atkins 28/02/2014 08:32 >>>
Hi Paul,

I am free all day so 2pm is fine for me. Where shall we meet?

Thanks,

Kirstie

D



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YALDING, MAIDSTONE
KENT ME18 6DB

Duty of Care
SIC 41201
SIC 41202
SIC

No. 213087

Telephone: 01622 813556

DUTY OF CARE CONVEYANCE / CONTROLLED WASTE TRANSFER NOTE

SECTION A. DESCRIPTION OF MATERIALS

(tick as appropriate)

- [ ] BUILDERS RUBBISH
- [x] INERT MUCK/SOIL 17 05 04
- [ ] CONTAMINATED WASTE
- [ ] BRICK/RUBBLE/HARDCORE 17 01 07
- [ ] CONCRETE 17 01 01
- [ ] OTHER 170504
- [ ] BUILDING MATERIALS

Print: INERT SOIL

Vehicle Reg. No. EU14 KUS

Cu. Metres

In words 1 LOAD SW

GROSS

TARE

NETT

Driver's Name: SHAUN DUNN

SECTION B. CURRENT HOLDER OF WASTE/MATERIAL/COLLECTION POINT

Name: ADBOY BC 32, 33, 34, 39

Address: STANGATE, BOROUGH GREEN

Waste Reg. No. (if applicable):

SECTION C. PERSON COLLECTING WASTE

ROBERT BODY HAULAGE LTD

Registered Waste Carrier No: CB/JN5771PS

Issued by ENVIRONMENT AGENCY

SECTION D. AUTHORISED TIP/DELIVERY POINT/DAYWORK

Name: A N L

Address: MARRATTS PIT

Authorised Tip No. (if applicable):

Waiting Time on Site/Daywork:

Arrival Time: 13.20 PM

Departure Time: 14.10 PM

Allowance TT:

Hours Chargeable:

Signed on behalf of Customer:

PRINT NAME:

N.B. To Customers, Authorised Agents, Representatives or Responsible Persons signing this delivery ticket. This is in your interest - please read this ticket fully and inspect material, agreeing quantity and that everything is to your satisfaction before finally signing this receipt note. We regret that we cannot, under any circumstances, entertain any claims concerning quantity or quality after the vehicle has left the site and a clear signature has been given. We cannot accept responsibility for damage caused by our vehicles while delivering materials to your site.

I confirm that I have fulfilled my duty to apply the waste hierarchy as required by Regulation 12 of the Waste Regulations 2011.

Signed by Driver:

Signed on behalf of Customer:

Date: 4/7/2014

Date:

CUSTOMERS ORDERING VEHICLES OFF THE PUBLIC ROADS DO SO ENTIRELY AT THEIR OWN RISK.

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ELMFIELD LODGE, LEES ROAD
YALDING, MAIDSTONE
KENT ME18 6DB

Duty of Care
SIC 41201
SIC 41202
SIC

No. 213088

Telephone: 01622 813556

DUTY OF CARE CONVEYANCE / CONTROLLED WASTE TRANSFER NOTE

SECTION A. DESCRIPTION OF MATERIALS

(tick as appropriate)

- [ ] BUILDERS RUBBISH
- [x] INERT MUCK/SOIL 17 05 04
- [ ] CONTAMINATED WASTE
- [ ] BRICK/RUBBLE/HARDCORE 17 01 07
- [ ] CONCRETE 17 01 01
- [ ] OTHER 170504
- [ ] BUILDING MATERIALS

Print: INERT SOIL

Vehicle Reg. No. EU14 KUS

Cu. Metres

In words 1 LOAD SW

GROSS

TARE

NETT

Driver's Name: SHAUN DUNN

SECTION B. CURRENT HOLDER OF WASTE/MATERIAL/COLLECTION POINT

Name: ADBOY BC 32, 33, 34, 39

Address: STANGATE, BOROUGH GREEN

Waste Reg. No. (if applicable):

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