

07

PROTECTING OUR NATURAL ENVIRONMENT



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07

PROTECTING OUR NATURAL ENVIRONMENT

Introduction



7.1 The borough of Tonbridge and Malling has a predominantly rural character and a diverse natural environment. The diversity of the natural environment is one of the borough's great assets and many of the existing landscapes and spaces are accessible to the public.

7.2 This includes internationally, nationally and locally protected wildlife sites, areas of rare habitats that support protected and priority species, swathes of woodland including ancient woodlands and veteran trees. The water environment includes the River Medway, the River Bourne and their tributaries that support fresh and intertidal habitats, as well as a number of lakes and ponds.

7.3 The borough's natural environment provides a diverse range of benefits to people, nature and the economy. These multifunctional benefits are known as ecosystem services and can support the health and wellbeing of residents and visitors, biodiversity, food and energy production, flood control, climate change mitigation and adaptation, pollution and much more through nature-based solutions.





Landscape

7.4 The borough's landscape is heavily influenced by its underlying geology, which is important in determining the character of the landscape. It also influences the quality of the soil resource in the borough. Areas of the borough, particularly in the lower lying centre and north, are identified as being best and most versatile (BMV) agricultural land and support a range of cereal crops (approximately 30% of the borough) as well as orchards and soft fruit farming. In recent years, the south facing slopes in the north of the borough have also seen an increase in viticulture as the climate has warmed. These valuable soils support biodiversity, food production and carbon storage.

7.5 Much of the north of the borough lies within the Kent Downs National Landscape, nationally designated for its wooded hill tops, scarp slopes and long views, as well as internationally rare chalk grassland which supports species of international conservation importance. Woodland and Lowland Meadow also contribute to a significant biodiversity network, protected and valued for its nature conservation interest and potential. A smaller area to the south of Tonbridge lies within the High Weald National Landscape which has a more intimate and wooded character and supports habitats, including ancient woodlands, heathlands, and flower-rich grasslands. In total, approximately 27% of the borough falls within these nationally protected landscapes, designated for their natural beauty.



Biodiversity

7.6 Biodiversity refers to the variety of all living organisms including animals, insects, plants, fungi and micro-organisms as well as the variety of ecosystems and their component habitats.

7.7 The borough supports a range of habitats, which in turn, support a wide range of flora, fauna and fungi. However, the State of Nature Report (2023) identifies that nature has been declining across the UK, and as a country, it is one of the most nature depleted in the world. This not only has an impact on wildlife, but on our ability to engage with nature as part of our response to climate change and for our physical and mental health and wellbeing. As the resident population of the borough grows, the conservation and enhancement of the natural environment will need to be managed to ensure net gains in biodiversity to try and halt this decline whilst delivering high quality, distinct urban and rural environments, accessible diverse open spaces, and ecological networks that will allow species to move across the landscape.

7.8 There are many areas in the borough that are designated for their biodiversity value. The North Downs Woodland and Peters Pit, in the north of the borough, have been identified as being of international importance for nature conservation and have been designated as Special Areas of Conservation (SAC). In addition, there are 11 Sites of Special Scientific Interest (SSSI), predominantly in the north of the borough around the Medway Valley and the scarp slopes of the Kent Downs National Landscape.

7.9 Although not a statutory designation, the borough also has 46 Local Wildlife Sites (LWS) which are of county wildlife importance for wildlife, the largest of which is Mereworth Woods in the centre of the borough. These assets must be protected and enhanced.

The Environment Act 2021

7.10 The Environment Act 2021 introduces statutory targets for nature recovery, including halting the decline in species abundance by 2030, and places duties on public authorities to conserve and enhance biodiversity.

7.11 The [Kent and Medway Local Nature Recovery Strategy \(LNRS\)](#) provides a strategic, landscape-scale approach to nature recovery by identifying priorities, opportunities and areas for targeted action, supporting the delivery of biodiversity net gain and wider environmental objectives.

7.12 The LNRS will provide an opportunity to deliver an ecologically coherent and landscape scale, strategic approach to nature recovery including identifying priorities for nature, areas of importance and areas of opportunity, and where action could be best targeted to best deliver gains in biodiversity across Kent.





Conserving and Enhancing the Natural Environment



Introduction

7.13 The natural environment and its assets underpin the borough's distinct character and identity. It helps to mitigate pollution and deliver a wide range of environmental, economic, health and wellbeing benefits for nature, climate and communities. Understanding the location and multifunctional role of these assets is essential to achieving sustainable development.

7.14 Conserving and enhancing the natural environment requires an ecosystems services approach, reflecting the multifunctional role of the borough's natural assets and considering whole natural systems beyond designated sites and protected species.

7.15 The Local Plan supports this by protecting and enhancing protected landscapes, biodiversity and geodiversity sites and soils, recognising countryside character and beauty, minimising impacts on and securing biodiversity net gain, and preventing new and existing development from contributing to, or being adversely affected by, unacceptable pollution impacts.

7.16 Policies in this section of the Local Plan ensure that new development is balanced with conserving and enhancing the borough's natural environment, biodiversity, character and distinctiveness and Strategic Policy NE1 sets out the overarching approach to this.



Policy NE1: Conserving and Enhancing the Natural Environment

Development should seek the protection, conservation, recovery and enhancement of the natural environment, through:

- a** Protecting and enhancing sites designated for biodiversity or geological value;
- b** Promoting the conservation, restoration and enhancement of priority habitats, ecological networks and blue and green infrastructure, planning positively for people, nature and for addressing climate change taking an ecosystem services approach;
- c** Protecting and assisting the recovery of protected and priority species and irreplaceable habitats;
- d** Supporting proposals that seek to conserve or enhance biodiversity as their primary objective;
- e** Securing measurable net gains in biodiversity;
- f** Ensuring that development maximises opportunities to help deliver the Local Nature Recovery Strategy and provide wider environmental benefits;
- g** Ensuring the positive conservation and enhancement of the Kent Downs and High Weald National Landscapes and their settings, in accordance with the relevant Management Plan;
- h** Protecting and enhancing the borough's protected landscapes, landscape character, soils, trees and woodland;
- i** Requiring the protection of the borough's soil resource including minimising disturbance to soils and seeking opportunities to improve soil health to protect soil biodiversity, food production and carbon storage and to minimise the loss of the most fertile soils and soil erosion;
- j** Seeking to avoid the loss of the best and most versatile agricultural land (Grades 1, 2 and 3a) to major new development. Where unavoidable, it's loss should be minimised, with areas of poorer quality land being preferred to those of a higher quality;
- k** Ensuring that development does not contribute further to adverse air pollution levels, ground, water or light pollution and taking opportunities to make improvements where possible, and in accordance with relevant guidance, action plans and frameworks;
- l** Supporting high-quality, well-designed development that maximises nature-based solutions and landscape-led design that respects local character and contributes to establishing a strong sense of place;
- m** Ensuring that development applies the mitigation hierarchy where it may affect designated sites and biodiversity assets, including protected and priority species; and
- n** Ensuring development avoids the deterioration of the water environment in order to protect ecological functions, flows and habitat.

Strategic Policy

Policy Implementation



7.17 Applicants should demonstrate how their proposals align with strategic priorities including the [Tonbridge and Malling Green and Blue Infrastructure Strategy \(2024\)](#) and Kent and Medway Local Nature Recovery Strategy, to maximise biodiversity gains including habitat enhancement, restoration and re-creation. Development within, or affecting the setting of, a National Landscape must have regard to the relevant Management Plan from the outset of scheme design, to ensure the protected landscape is conserved and enhanced.

7.18 Planning applications must include relevant ecological surveys and baseline information to enable the council to meet its Biodiversity Duty under the Environment Act 2021.

7.19 Applicants must apply the mitigation hierarchy early in scheme design to avoid significant harm to biodiversity.

7.20 Avoiding biodiversity impacts must be the primary consideration. Compensation will only be considered after all other options have been explored and as a last resort. Where a development cannot satisfy these requirements, planning permission will be refused.

7.21 Soil is a valuable natural resource and is under threat from loss and degradation. The structure and health of soils is important for food production, biodiversity and carbon storage and development should protect and enhance soils from design stage through to construction. Applicants are encouraged to refer to Defra's guidance [Construction code of practice for the sustainable use of soils on construction sites \(2018\)](#).

Figure 7.1: Mitigation Hierarchy of Avoidance, Mitigation and Compensation.



National Landscapes



Introduction

7.22 Tonbridge and Malling borough contains two National Landscapes: the Kent Downs; and the High Weald. Over 25% of the borough is located within the Kent Downs National Landscape to the north and west, and the High Weald National Landscape to the south of the borough, as illustrated in Figure 7.2. Large sections of the strategic road network, including the M2, M20, M26, as well as a number of settlements, are located within the National Landscapes and their settings.

7.23 These nationally designated landscapes have the highest status of protection. In line with the NPPF, great weight must be given to conserving and enhancing their landscape and scenic beauty. Their statutory purpose is to conserve and enhance natural beauty, which the council is required to seek to further under the Countryside and Rights of Way Act 2000 (as amended).

7.24 National Landscapes are living, working environments that support the rural economy and provide important recreational and amenity value. [The Kent Downs Area of Outstanding Natural Beauty \(AONB\) Management Plan](#) and [High Weald AONB Management Plan](#) define their special qualities and set out objectives and targets for their conservation and enhancement. These plans should inform a landscape-led approach to development, as well as the protection of key characteristics such as landscape character, historic settlement patterns, tranquillity and dark skies.

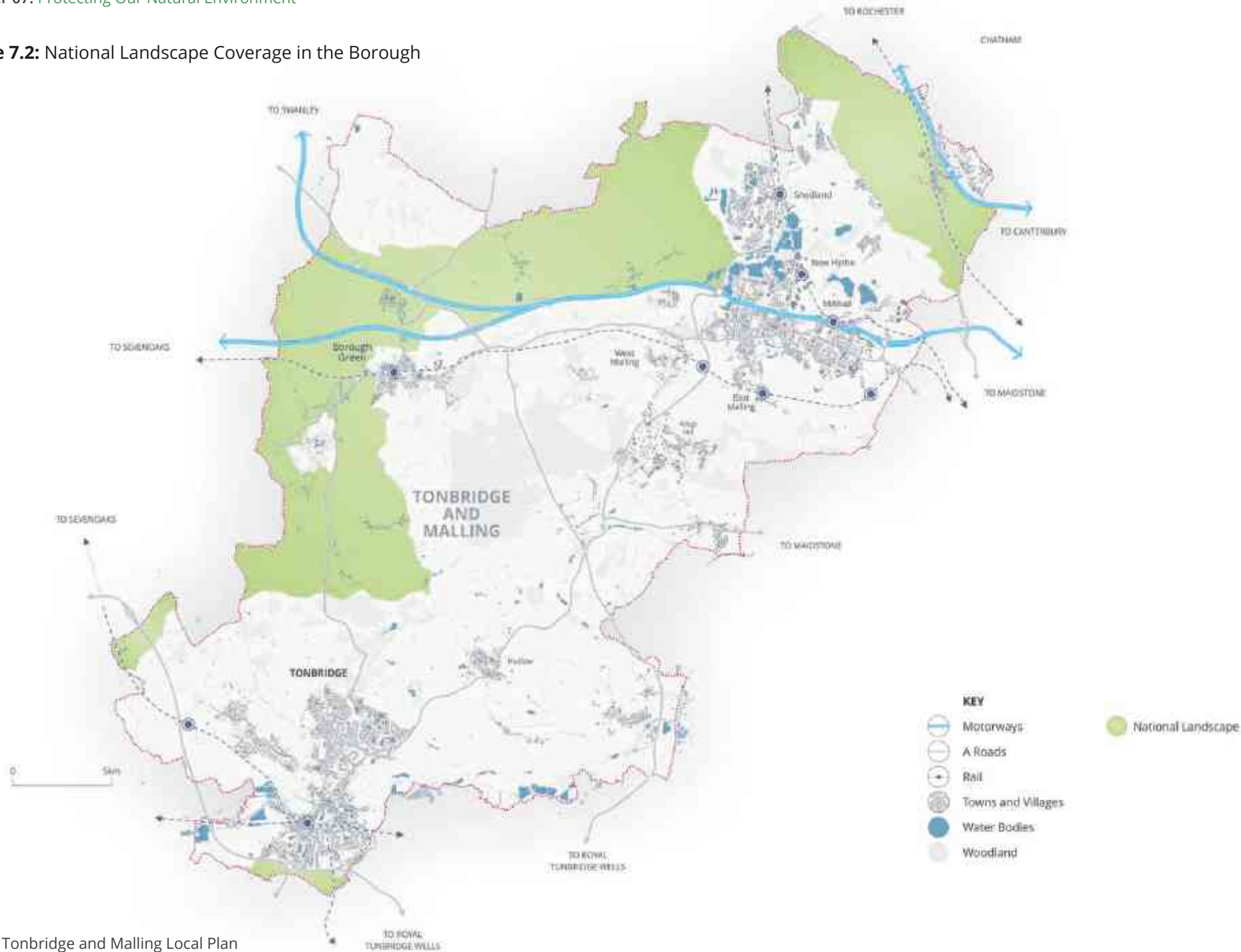
7.25 Development within National Landscapes should be limited in scale and extent and will only be supported where it conserves and enhances natural beauty, avoids adverse impacts, and positively contributes to Management Plan objectives. Proposals must be supported by proportionate evidence, including landscape and visual assessments where appropriate, to demonstrate compliance.

7.26 In addition, large areas of the borough, fall within the setting of these National Landscapes. The setting includes land that contributes to their character, appearance and views, including views into and out of the designated areas. Proposals affecting the setting must be sensitively located and designed to avoid or minimise harm, including to tranquillity, dark skies and landscape character.

7.27 Policy NE2 seeks to conserve and enhance our National Landscapes.



Figure 7.2: National Landscape Coverage in the Borough



Policy NE2: National Landscapes

- 1 All proposals within, or affecting the setting of, the Kent Downs National Landscape and the High Weald National Landscape, must seek to conserve and enhance the natural beauty of these nationally designated landscapes.
- 2 The scale and extent of development within the National Landscapes should be limited and will only be supported where the location, siting, scale, form, and design of the development would conserve and enhance the components of natural beauty of the relevant National Landscape as defined in the National Landscape (AONB) Management Plan, including; its distinctive landscape character and features, historic settlement patterns, dark skies and tranquillity; and would positively contribute to the targets, aims and objectives as defined in the relevant Management Plan, avoiding adverse impacts.
- 3 Development compatible with furthering the purpose of a National Landscape should apply a landscape-led approach that reflects the character and features of the National Landscape and should be of high design quality. The impact of development on views into and out of the National Landscape should also be considered.
- 4 Proposals will be required to submit appropriate information as part of an application to enable any impacts to be considered, taking into account the relevant Management Plan, landscape character or sensitivity assessments and any associated supporting documents and/or guidance.
- 5 Major¹ development within the National Landscapes will only be supported in exceptional circumstances and where it can be demonstrated to be in the public interest.

¹ NPPF footnote 67 - Major development is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

Setting of the National Landscape

- 6 Development within land that contributes to the setting of a National Landscape will only be permitted where:
 - a It is sensitively located and designed to avoid or minimise adverse impacts on the National Landscape's natural beauty (including dark skies and tranquillity); and
 - b It is consistent with National Landscape purposes, and in particular does not adversely affect transitional landscape character in the setting of the National Landscape and views, outlook and aspect, into and out of the National Landscape by virtue of its location, scale, form or design.
- 7 Assessment of such development proposals should have regard to the relevant National Landscape Management Plan and supporting documents.

Policy Implementation



7.28 The Kent Downs Management Plan and High Weald Management Plan are material considerations in planning decisions. The council expects proposals to have regard to the Management Plans from the earliest stages of design, applying a landscape-led approach. The council will have regard to special qualities, key characteristics, and components of natural beauty as set out within the Management Plans when considering development proposals within, or affecting the setting of, the National Landscapes.

7.29 Consideration will also be given to their associated supporting guidance including, but not limited to, the [Kent Downs Landscape Design Handbook](#), [Kent Downs National Landscape Guidance on the selection and use of colour in development](#), the [High Weald Housing Design Guide](#), the [High Weald Dark Skies Planning Advice Note](#), and [High Weald Colour Study](#). Proposals should demonstrate how such guidance has informed the location, siting, scale, form, materials, and overall design of development. Applications for equine related development should have regard to the [Kent Downs National Landscape Good Practice Guide: Managing Land for Horses](#).

7.30 In accordance with national policy, great weight will be given to conserving and enhancing landscape and scenic beauty within National Landscapes. Major development within these designated areas will only be permitted in exceptional circumstances and where it can be demonstrated to be in the public interest, having regard to the tests set out in the National Planning Policy Framework. Proposals must provide clear and robust evidence to justify such development.

7.31 The council recognises that limited forms of development may be appropriate where they are sensitively designed and located, including small-scale development within National Landscapes or development within their setting. In such cases, the council will work proactively with applicants and the relevant National Landscape Unit to ensure that proposals conserve and enhance natural beauty and avoid adverse impacts on landscape character, tranquillity, dark skies, and key views.

7.32 All applications for development (excluding householder and advertisement applications) within, or affecting the setting of, the National Landscapes should be supported by proportionate evidence to enable a full assessment of impacts. This will normally include a Landscape and Visual Impact Assessment (LVIA) for proposals involving new built development or where significant landscape or visual effects may arise.

7.33 Applications should also include an assessment of the proposal against the relevant Management Plan objectives and demonstrate how impacts have been avoided, minimised, or mitigated, and where possible how opportunities for landscape enhancement have been secured.

Landscape Character



Introduction

7.34 The high-quality landscapes of the borough are one of its greatest assets, spanning four National Character Areas, the North Downs, Wealden Greensand, Low Weald and High Weald. From the chalk grassland of the Kent Downs in the north of the borough to the traditional orchards and ancient woodland in the central areas and flood plains and wetland around Tonbridge in the south. These diverse landscapes provide a haven for wildlife, a livelihood for the rural economy, an attractive setting for settlements and an important recreational resource for residents and visitors.

7.35 Landscape character varies across the borough and is influenced by a range of factors including geology, soils, topography, climate, land cover and land use, and historic and cultural development. These factors create distinctive landscape character areas across the borough that deliver a range of ecosystem services.

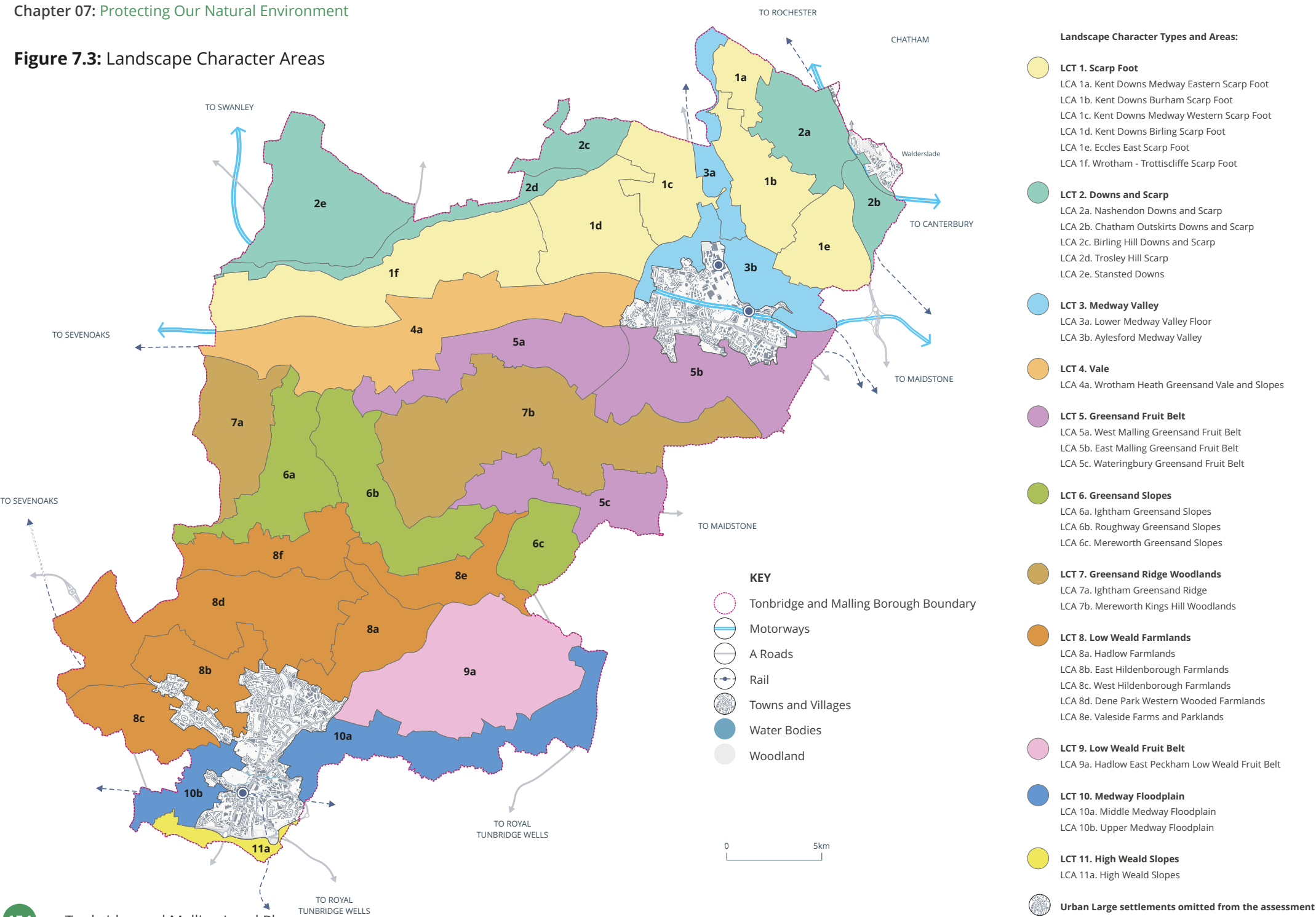
7.36 In line with the National Planning Policy Framework, the Plan recognises the intrinsic character and beauty of the countryside and Policy NE3 requires a landscape-led approach to ensure development conserves and enhances landscape character across both designated landscapes and the wider countryside.

7.37 The Tonbridge and Malling Landscape Character Assessment (2025), Landscape Sensitivity Assessment (2025) and Landscape and Visual Appraisal (2025) and the Renewables Landscape Sensitivity Assessment (2026) provide the primary evidence base for understanding landscape character, sensitivities and capacity for change. These assessments define the key characteristics, condition and sensitivities of each landscape character area, and establish a robust basis for guiding development to respond positively to local character.

7.38 Policy NE3 seeks to ensure that development conserves and enhances the character of the landscape in the borough.



Figure 7.3: Landscape Character Areas



Policy NE3: Landscape Character

- 1 Proposals should adopt a landscape-led approach and seek to conserve and enhance the character, quality, distinctiveness and scenic value of the landscape character area within which development will be situated, as defined by the Tonbridge and Malling Landscape Character Assessment (2025) and the Kent Downs Landscape Character Assessment (2020) and any other relevant guidance or information recognising the intrinsic character and beauty of the countryside.
- 2 Development proposals should demonstrate that they have considered the following in respect of their potential impact on the landscape, including any cumulative impacts:
 - a Landform, topography, geology and natural patterns of drainage;
 - b The pattern and composition of trees and woodlands;
 - c The type and composition of wildlife habitats, biodiversity and ecological character;
 - d The pattern and composition of field boundaries;
 - e The pattern and distribution of settlements, roads and footpaths;
 - f The presence and pattern of historic landscape features;
 - g The setting, scale, layout, design and detailing of vernacular buildings and other traditional man-made features; and
 - h Views, skylines, landmark features and visual relationships that contribute to landscape character.
- 3 Development proposals will be expected to demonstrate that they have avoided, minimised and mitigated adverse effects on landscape character and visual amenity (in that order), having regard to the condition and sensitivity of the landscape character area, as well as contribute to local character and distinctiveness and the green infrastructure network. Where possible, planting should be informed by and contribute to landscape character and make use of native and / or climate resilient species characteristic of that landscape character area.

Policy Implementation

7.39 Development proposals must demonstrate how they have responded to the defining components of landscape character, including landform, natural drainage, vegetation, habitats, field patterns, settlement form, historic features, and the scale and design of development, taking account of cumulative effects.

7.40 A landscape-led design approach should be adopted from the earliest stages of scheme development, informed by a robust contextual analysis of local landscape character. Development should enhance, respect and reinforce the landscape, contributing positively to local distinctiveness.

7.41 In accordance with the mitigation hierarchy, proposals must seek to avoid adverse impacts in the first instance, and where this is not possible, minimise and mitigate effects in a manner proportionate to landscape sensitivity. Proposals should clearly demonstrate how impacts on landscape character and visual amenity, including cumulative effects, have been addressed through design.

7.42 Planting strategies should be informed by and contribute to landscape character, prioritising the use of native and climate-resilient species to support and strengthen the wider green infrastructure network.



7.43 Development proposals should have regard to relevant landscape sensitivity assessments, landscape strategy guidance for the character area, and the conclusions of any Landscape and Visual Appraisal where applicable.

7.44 Major development proposals must be accompanied by a Landscape and Visual Impact Assessment (LVIA), proportionate to the scale and likely effects of the scheme. The LVIA should be undertaken in accordance with the Landscape Institute's Guidelines for Landscape and Visual Impact Assessment and prepared by a Chartered Landscape Architect.



Designated Sites, Irreplaceable Habitat and Priority Habitats and Species



Introduction

7.45 Sites designated for nature conservation perform key roles in protecting and supporting nature. They are classified into a hierarchy according to their status and the level of protection they should be afforded. International sites form the top tier of the hierarchy with the highest level of protection, followed by national and then locally designated sites, which include Local Wildlife Sites, Regionally Important Geological Sites and Local Nature Reserves.

7.46 Tonbridge and Malling borough has many areas that are designated for their biodiversity value, and these support a wide variety of species and habitats. They comprise:

- Two Special Areas of Conservation (SAC);
- 11 Sites of Special Scientific Interest (SSSI);

- 46 Local Wildlife Sites (LWS) and two Local Nature Reserves (LNR) and eight Regionally Important Geological Sites (RIGS).

7.47 In addition, approximately 11% of the borough is covered by Ancient Woodland. The Natural England Ancient Woodland Inventory and Woodland Trust Ancient Tree Inventory identify locations of these irreplaceable habitats.

7.48 A number of the priority habitats and species identified in the Kent Biodiversity Strategy 2020-2045 can be found in the borough, including traditional orchards, deciduous woodland and chalk grassland. Together, these natural assets help to make up a web of stepping-stones and corridors for wildlife, forming key components of ecological networks.

7.49 Policy NE4 requires development to safeguard designated sites, irreplaceable habitats, and priority habitats and species, applying the mitigation hierarchy and taking biodiversity into account and supported by proportionate and up-to-date ecological evidence. Protecting and enhancing designated sites, as well as wider wildlife corridors and stepping stones, can help deliver 'net gains' for biodiversity and assist in ensuring the connectivity of ecological networks and facilitate species migration, including in response to climate change.

7.50 Policy NE4 seeks to ensure that appropriate weight is given to the importance of these sites and the contribution they make to wider ecological networks.



Figure 7.4: Coverage of SACs, SSSIs, LWS, LNR, and Ancient Woodland coverage in the borough

Designation	Coverage in the borough (ha)
Special Areas of Conservation (SAC)	131
Sites of Special Scientific Interest (SSSI)	723
Local Wildlife Site (LWS)	2,296
Local Nature Reserve (LNR)	73
Ancient Woodland	2,621



Policy NE4: Designated Sites, Irreplaceable Habitat and Priority Habitat and Species

- 1 Designated sites of importance for biodiversity as identified on the Policies Map will be safeguarded in line with the hierarchy set out in the NPPF.
- 2 Development proposals that would likely adversely affect the integrity of internationally designated wildlife sites, either alone or in combination with other plans or projects, must accord with the requirements of the NPPF and the Habitats Regulations, and be subject to a Habitats Regulations Assessment. Permission will only be granted where it can be ascertained, taking into account mitigation, that the proposal will not adversely affect the integrity of the site or that:
 - a There are no alternative solutions;
 - b There are imperative reasons of overriding public importance; and
 - c Any necessary compensatory measures are taken.
- 3 Development proposals that would have an adverse effect on a Site of Special Scientific Interest (SSSI) (either individually or cumulatively), will not be supported. Exceptions will only be made where the benefits of the development clearly outweigh both the impacts on the features of the site that contribute to its special scientific interest and any wider impacts on the national network of SSSIs. In such exceptional circumstances, proposals must demonstrate that the mitigation hierarchy has been applied.
- 4 Development proposals resulting in significant harm (directly or indirectly) to a Local Wildlife Site (LWS), Local Nature Reserve (LNR) or a Regionally Important Geological Site (RIGS), will only be permitted where the need for and benefits of the development outweigh the harm to the sites biodiversity, geological or educational interest, and it has been demonstrated that the mitigation hierarchy has been applied.
- 5 Proposals that support the enhancement of biodiversity, including the creation, restoration and extension of designated sites will be supported.
- 6 Development should conserve and enhance biodiversity, including the protection and, where possible, restoration of irreplaceable habitats, and priority habitats and species.

Strategic Policy

- 7 All development proposals affecting biodiversity, directly or indirectly, must apply the mitigation hierarchy of avoidance first, and where this is not possible, minimising and mitigating impacts, with compensation as a last resort. Development will not be supported where significant harm cannot be adequately addressed.
- 8 Development proposals will need to demonstrate that biodiversity has been considered at an early stage in site identification and designed to ensure that the location and/or use of land for development will not undermine designated sites, priority habitats and species and irreplaceable habitats, either directly or indirectly.
- 9 Opportunities to buffer, enhance and connect designated sites, irreplaceable habitats, priority habitats (where applicable) should be identified and secured, particularly where this supports the delivery of the Local Nature Recovery Strategy and priority areas for nature recovery.
- 10 Planning applications must be supported by proportionate and up-to-date ecological information, including relevant habitat and species surveys. Surveys should be undertaken by suitably qualified professionals and be carried out in accordance with best practice, relevant guidance, and Government standing advice.
- 11 Proposals should include measures to support priority or threatened species, such as swifts, bats and hedgehogs, such as hedgehog highways and integrated nest boxes (commonly known as swift and bat bricks) where possible, with the general aim across a development of a minimum of one nest box per dwelling.

Strategic Policy



Policy Implementation

7.51 Planning applications must be informed by a thorough understanding of the potential direct and indirect impacts on habitats and species. Development proposals must apply the mitigation hierarchy, addressing impacts on both designated and non-designated biodiversity assets. Applicants are encouraged to contact the Kent and Medway Biological Record Centre for protected habitat and species data.

7.52 Avoidance of harm, as a direct or indirect result of development must be the primary consideration. Where impacts cannot be avoided, they must be minimised and mitigated, with compensation as a last resort. Planning obligations and/or conditions will be used to secure mitigation and/or compensation as relevant.

7.53 Development resulting in significant harm to biodiversity that cannot be adequately addressed will be refused.

7.54 Applications affecting designated sites, priority or irreplaceable habitats, or protected or priority species must be supported by proportionate, up-to-date ecological surveys prepared in accordance with best practice and Natural England standing advice.

7.55 Development affecting Regionally Important Geological Sites (RIGS) should avoid harm and, where possible, enhance their value through improved management, interpretation and access.

7.56 Ancient woodland, ancient, veteran or aged trees are irreplaceable habitats of national importance. Development resulting in their loss or deterioration will be refused unless there are wholly exceptional reasons (such as the examples provided by paragraph 180 (c) of the NPPF) and a suitable compensation strategy is secured. Proposals will be assessed in accordance with Natural England and Forestry Commission Standing Advice for Ancient Woodlands, ancient trees and veteran trees.

Biodiversity Net Gain



Introduction



7.57 Biodiversity Net Gain (BNG) is an approach to development, and/or land management, that aims to leave the natural environment in a measurably better state than it was before a development takes place. The Environment Act (2021) requires that qualifying development delivers at least 10% biodiversity net gain, calculated using the statutory biodiversity metric, and that it be secured for a minimum of 30 years.

7.58 BNG may be delivered on-site, off-site, or through a combination of both. Where this cannot be achieved, and only following the application of the mitigation hierarchy, statutory biodiversity credits may be used as

a last resort. BNG measures should be designed to be resilient to future pressures, including climate change, and secured through an appropriate long-term management and monitoring plan.

7.59 Mitigation and/or compensation requirements required for impacts on internationally designated sites, other statutory designated sites or irreplaceable habitats must be addressed separately from biodiversity net gain provision and cannot be relied upon to contribute to BNG.

7.60 The Kent and Medway Local Nature Recovery Strategy (2025), the Tonbridge and Malling Green and Blue Infrastructure Strategy (2024) and the Kent Biodiversity Strategy 2020-2045, set out the local priorities for nature in the borough, and these should help inform the type and location of BNG to be delivered.

7.61 Policy NE5 sets out the approach to deliver net gains in biodiversity.

Policy NE5: Biodiversity Net Gain (BNG)

- 1 All relevant qualifying development must deliver a minimum of 10% Biodiversity Net Gain (BNG) in accordance with statutory requirements. BNG must be calculated using the relevant statutory biodiversity metric and secured for at least 30 years from completion.
- 2 BNG should be delivered on-site wherever possible, having regard to priorities in the Local Nature Recovery Strategy, the Tonbridge and Malling Green and Blue Infrastructure Strategy (2024) and the Kent Biodiversity Strategy. Off-site delivery will only be supported where it is clearly demonstrated that, following the BNG hierarchy, all reasonable opportunities to achieve net gains on-site have been considered and it has been clearly demonstrated that on-site delivery is not reasonable or feasible
- 3 Where off-site provision is proposed, priority should be given to locations identified in the Kent and Medway Local Nature Recovery Strategy (2025) where this is possible and appropriate. Delivery within the borough must be fully explored before sites outside the borough are considered. Where delivery is proposed outside the borough, applicants will be required to demonstrate why sites within the borough are not suitable.
- 4 Statutory biodiversity credits will only be supported as a last resort, where on-site and off-site options have been exhausted and where this is supported by proportionate evidence.
- 5 Development proposals required to deliver BNG must sufficiently demonstrate that BNG requirements can be achieved and that gains are additional to any mitigation or compensatory measures. Submission of indicative information through a draft Biodiversity Gain Plan and draft Habitat Management and Monitoring Plans, prepared in accordance with DEFRA and Natural England templates/guidance, is encouraged to demonstrate:
 - a The proposed approach to delivery (for example on or off site);
 - b Application of the biodiversity gain and locational hierarchy, set out in criteria 3 of this policy;
 - c Alignment with the Kent and Medway Local Nature Recovery Strategy and where relevant, National Landscape Management Plans; and
 - d Where baseline habitat of high or very high distinctiveness is retained onsite, the long-term management of retained habitats of high or very high distinctiveness to prevent deterioration.
- 6 A final Biodiversity Gain Plan must be submitted and approved by the Council prior to the commencement of development.
- 7 BNG will be secured by planning condition, legal agreement or a conservation covenant with a Responsible Body. Where secured through a legal agreement with the Council, this will include provision for monitoring costs.
- 8 Proposals that deliver BNG alongside nature-based solutions to climate change, such as flood mitigation or carbon sequestration, will be supported.

Strategic Policy



Policy Implementation

7.62 This Policy applies to all development proposals, except those exempted under The Biodiversity Net Gain Requirements (Exemptions) Regulations 2024. Development not subject to mandatory BNG should still seek to deliver biodiversity gains in accordance with the NPPF.

7.63 Applications must demonstrate how the minimum 10% BNG requirement will be achieved, informed by appropriate and up-to-date ecological surveys and assessments, undertaken by suitably qualified ecologists. Ecological information should be prepared in accordance with best practice, including BS 42020: Biodiversity – Code of practice for planning and development.

7.64 The Statutory Biodiversity Metric must be used for non-exempt major development, with the Small Sites Metric applied for small sites. Applicants should provide sufficient information at application stage to demonstrate that BNG can be achieved, including indicative details of how and where gains will be achieved and delivered. The submission of draft Biodiversity Gain Plans and Habitat Management and Monitoring Plans, prepared in accordance with DEFRA and Natural England templates/guidance, is encouraged to support early consideration. A final Biodiversity Gain Plan must be submitted and approved by the Council prior to the commencement of development. Proposals that deliver more than the required 10% net gain will be supported.

7.65 Proposals for BNG must be acceptable to the council in terms of design and location and should have appropriate delivery and funding mechanisms that are capable of being secured by condition and/or legal agreement. BNG monitoring and reporting requirements will be secured, with costs met by the developer.

7.66 The use of statutory biodiversity credits will only be supported as a last resort. Applicants will be required to demonstrate, with clear evidence, that all reasonable on-site and off-site opportunities (including within the borough) have been fully explored and are not feasible.



Green and Blue Infrastructure



Introduction

7.67 Green Infrastructure (GI) is a network of multi-functional green and blue spaces which can deliver a wide range of environmental, economic and social benefits. It can include parks, green spaces, allotments and woodlands, urban features such as street trees, green roofs and walls as well as the footpaths and corridors that connect them. The term also incorporates 'blue infrastructure' such as streams, lakes, ponds, rivers, wetlands and sustainable drainage systems.

7.68 In accordance with the NPPF, Plans should take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure, planning for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.

7.69 The suite of designated sites, open spaces and waterways, along with National Landscapes and the wider countryside, contribute to a network of green infrastructure which can help provide for biodiversity as well as delivering wider benefits to the environment and economy including climate change adaptation and mitigation, and encouraging access to nature which can play an important role in supporting physical and mental health, wellbeing and happiness.

7.70 Integrating high-quality green and blue infrastructure from the outset is fundamental to sustainable place-making. As the borough continues to grow and develop, it will be important to conserve existing green and blue infrastructure as well as ensuring that opportunities to

enhance the network, restore natural forms and processes and deliver new multifunctional green infrastructure are taken.

7.71 The Kent and Medway Nature Recovery Strategy (2025) and the Tonbridge and Malling Green and Blue Infrastructure Strategy (2024) identify the existing green and blue infrastructure assets within the borough, as well as identifying potential opportunities to enhance this network. Additionally, the Open Space, Indoor and Outdoor Sport and Recreation Study (2025) identify those open spaces to be protected from development. Protection and enhancement of these assets can ensure multifunctional benefits for both nature and communities.

7.72 Policy NE6 seeks to maintain and enhance green and blue infrastructure.



Policy NE6: Green and Blue Infrastructure

- 1 Development proposals must seek to avoid the loss of existing green and blue infrastructure and must integrate new green and blue infrastructure into scheme design from the outset. Development should retain and protect existing wildlife rich corridors and stepping stones, wherever possible.
- 2 Development resulting in the loss and / or harm to existing green or blue infrastructure assets, as identified in the Tonbridge and Malling Green and Blue Infrastructure Strategy (2024), will not be supported unless:
 - a The need for, and benefits of, the development clearly outweigh the harm; and
 - b Where harm is unavoidable, appropriate mitigation and/or compensation is secured in line with the mitigation hierarchy.
- 3 The design and layout of new green and blue infrastructure must:
 - a Take opportunities to incorporate multifunctional spaces, green routes and environmental features (such as green roofs and walls, urban greening and public rights of way) appropriate to the development and reinforce the wider green and blue infrastructure network;
 - b Deliver biodiversity net gain and support ecosystem services and the Local Nature Recovery Strategy;
 - c Avoid or minimise indirect impacts on habitats and species including those relating to recreation, lighting, disturbance, water quality, pollution or invasive species;
 - d Respond positively to landscape/ townscape and historic character, contributing to a strong sense of place;
 - e Support climate change adaptation and resilience for people and nature, including through climate resilient planting habitat connectivity, and urban cooling;
 - f Create safe, inclusive and accessible spaces that promote health and wellbeing; and
 - g Accord with Natural England's Green Infrastructure Standards.
- 4 Development adjacent to watercourses should maximise opportunities to restore the natural forms and processes of rivers and streams.
- 5 Proposals for new or enhanced green and blue infrastructure must include details of appropriate planting, species selection, and long-term management and maintenance.
- 6 Applications must be supported by proportionate environmental information, which is informed by appropriate and up-to-date ecological data/surveys. Any ecological surveys should be undertaken by suitably qualified professionals and be in line with best practice / guidance and Government standing advice.
- 7 Major development involving housing on land released from the Green Belt, must provide new or improvements to existing publicly accessible green spaces, in accordance with Policy SP8, contributing to the borough's green and blue infrastructure network.

Strategic Policy



Policy Implementation

7.73 New development should contribute to the protection, enhancement and extension of the green and blue infrastructure network, helping to restore natural forms and process, address deficiencies in provision, and provide high quality connections within and beyond the development site.

7.74 Green infrastructure principles should be embedded from the earliest stages of the design process and applied at all scales of development. Proposals should be capable of delivering multiple environmental, social, health and wellbeing benefits.



7.75 Opportunities to achieve multi-functional green and blue infrastructure should be maximised. Proposals should comply with Natural England's Green Infrastructure Standards to support the delivery of accessible, high-quality and well-connected green infrastructure networks.

7.76 In developing proposals, regard should be had to the Kent and Medway Nature Recovery Strategy (2025), the Tonbridge and Malling Green and Blue Infrastructure Strategy (2024) and any relevant Parish Infrastructure Plans and Neighbourhood Plans to identify local needs and opportunities for new or enhanced green infrastructure. Development proposals should be informed by appropriate and up-to-date ecological surveys and data. Where impacts on green and blue infrastructure are unavoidable, applications should demonstrate how the mitigation hierarchy has been applied.

7.77 Development in proximity to watercourses should protect and enhance their ecological function and maximise opportunities for restoration, including through alignment with River Basin Management Plans and the delivery of Waterbody Programmes of Measures. Development should not prejudice the future implementation of Waterbody Programmes of Measures.



Woodland, Trees and Hedgerows



Introduction



7.78 Woods, trees and hedgerows are key components of green infrastructure, contributing to biodiversity, climate resilience, local character and health and wellbeing.

7.79 The importance of woodlands and trees is reflected in the Environment Act (2021), and the Government's Environmental Improvement Plan (2025) which introduced a target to increase tree canopy cover and woodland cover to 16% of total land area by 2025.



7.80 The borough has large areas of woodland. The Kent County Council (KCC) [Tree Canopy Cover Report \(2020\)](#) identifies that Tonbridge and Malling has an estimated canopy cover of 28%, the second highest in the county and significantly above the county average of 17%, and above the national canopy cover target. However, there are many pressures that can affect these areas including an ongoing decline in traditional woodland management practises, under or inappropriate management of woodlands, introduction of new species, disease and pests, pollution and disturbance. All these pressures can result in the loss of species diversity.

7.81 Hedgerows form an important part of landscape character and ecological connectivity, acting as corridors for species movement. Their retention and enhancement are essential to supporting nature recovery.

7.82 The borough contains approximately 2,600ha of ancient woodland (around 11% of the borough), which together with ancient and veteran trees, are irreplaceable habitats. In accordance with the NPPF, their loss or deterioration will only be permitted in wholly exceptional circumstances where the public benefits clearly outweigh the harm, and a suitable compensation strategy is secured.

7.83 The NPPF also recognises the important contribution that trees make to the character and quality of the environment, as well as their role in addressing climate change, including through the provision of tree lined streets and the incorporation of trees within new development.

7.84 The [Tonbridge and Malling Tree Charter \(2021\)](#) further recognises the value of trees, not only for biodiversity, but also for their increasingly important role in mitigating the effects of climate change, managing flood risk and reducing pollution. The Tree Charter seeks opportunities to increase tree cover across the borough to help respond to climate change and reverse biodiversity decline by enabling species to adapt and thrive.

7.85 Woodland, trees and hedgerows are also identified by the Kent and Medway Nature Recovery Strategy (2025) as one of six habitat priorities for nature recovery in the county and seeks improved management, the expansion of existing woodland and hedgerows and the creation of new woodland and hedgerows to support nature recovery.

7.86 The council will seek to ensure that, wherever possible, existing trees and hedgerows are retained, tree cover in new development is maximised, and appropriate measures are put in place to secure the long-term management and maintenance of newly planted trees.

7.87 Policy NE7 seeks to protect and enhance woodland, trees and hedgerows in the borough.

Policy NE7: Woodland, Trees and Hedgerows

- 1 Development proposals will be supported where they protect, restore, manage, enhance and supplement existing woodland, trees and hedgerows, in accordance with best practice guidance and relevant standing advice.
 - 2 New woodland, trees and hedgerows should be located and designed to:
 - a Enhance and restore biodiversity to support the Kent and Medway Nature Recovery Strategy;
 - b Respond positively to landscape character, visual amenity and the green and blue infrastructure network, including that set out in the Tonbridge and Malling Green and Blue Infrastructure Strategy (2024);
 - c Contribute to climate change mitigation and adaptation; and
 - d Be characteristic of the local area and site context including the historic environment and comprise a diverse mix of native and climate-resilient species.
- Where relevant, regard should also be had to the relevant National Landscape Management Plan.
- 3 Development proposals must demonstrate that existing woodland, hedgerows and trees within or adjacent to the site (including street trees) have informed the design and layout of development and will be successfully integrated to achieve long-term sustainable relationships.
 - 4 Proposals affecting woodland, trees or hedgerows must be supported by proportionate surveys and protection details prepared by a suitably qualified arboriculturist in accordance with the recommendations of BS5837: 2012: Trees in Relation to Design, Demolition and Construction (or any subsequently updated version of that Standard). Measures must ensure protection during construction and for the lifetime of the development, including allowance for future growth and maintenance.
 - 5 Development should incorporate trees as an integral part of design and layout in both urban and rural areas, including tree-lined streets where appropriate, to enhance the public realm and deliver climate change adaptation and mitigation benefits.
 - 6 Development resulting in the loss of trees, woodland or hedgerows will only be supported where such loss is demonstrably unavoidable, and it can be clearly shown that the development could not reasonably be located elsewhere or redesigned to retain the feature(s), and that the public benefits of the proposal clearly outweigh the loss, having regard to their amenity, ecological and landscape value. Where loss is permitted, appropriate replacement planting of suitable species must be secured.
 - 7 Development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and ancient or veteran trees, will only be permitted in wholly exceptional circumstances, where the public benefit clearly outweighs the harm and a suitable compensation strategy is secured, in accordance with national policy.

Policy Implementation

7.88 The council will protect existing woodlands, trees and hedgerows and support suitable opportunities for new planting as part of development proposals. This includes securing the long-term protection of new trees, including through Tree Preservation Orders, where appropriate and protecting trees and other vegetation from damage during construction.

7.89 Where development is proposed within or adjacent to ancient woodland and/or veteran trees, or where development may result in harm to such assets, suitable and appropriate protection must be provided. This will include the provision of appropriate buffer zones and any other measures necessary to avoid deterioration. In determining planning applications, the council will have regard to Natural England and Forestry Commission Standing Advice for Ancient Woodlands, ancient trees and veteran trees.

7.90 Development proposals should avoid harm to existing trees, woodlands and hedgerows, seek to retain and integrate them into site layouts and landscape schemes, and maximise opportunities for new tree planting and woodland creation where appropriate, including the provision of tree lined streets. Planting proposals should have regard to the Forestry Commission's 'Right tree, in the right place for the right reason' guidance and the Tonbridge and Malling Landscape Character Assessment (2025).

7.91 Where tree, hedgerow or woodland planting is proposed within a National Landscape, applicants should have regard to the relevant Kent Downs or High Weald Management Plan and any associated guidance.

7.92 Where trees are present on, or within 15 metres of a development site, applications must be supported by a tree survey and Arboricultural Impact Assessment prepared in accordance with the current 'BS5837: Trees in relation to design, demolition and construction – Recommendations', the Council's Validation Checklist and any other relevant guidance.

Local Green Space



Introduction

7.93 Green spaces within and around towns and villages can play an important role in defining the character of an area, as well as being an important social, environmental, and economic resource to a local community.

7.94 The council recognises the benefits that green and open spaces have for the physical and mental health and wellbeing of people in the borough, and the value communities place upon them.

7.95 In accordance with the NPPF, Local Green Space (LGS) designation applies to areas demonstrably special to local communities (e.g. for beauty, historic significance, recreational value, tranquillity or biodiversity) and affords protection consistent with Green Belt policy, with development only justified in very special circumstances.

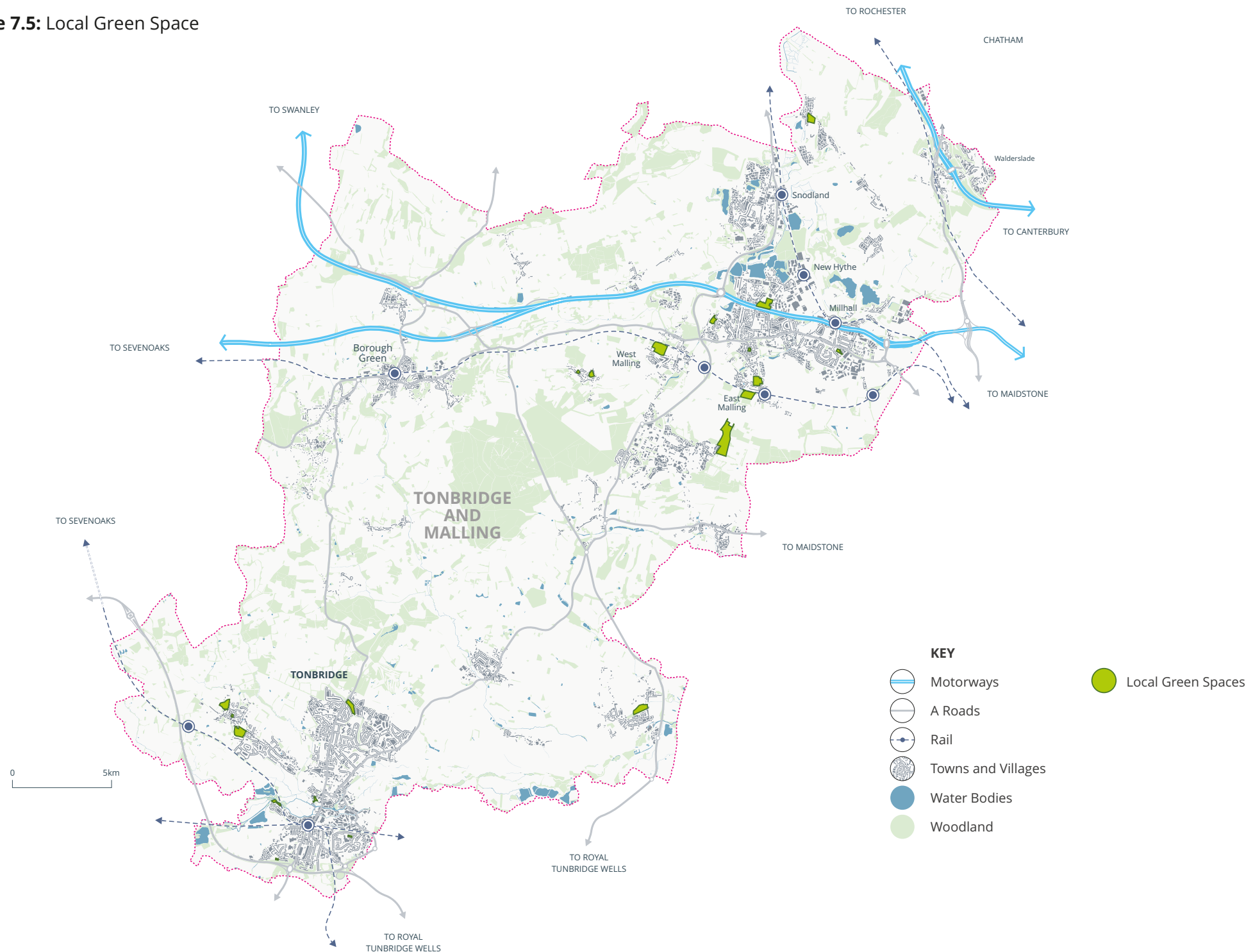
7.96 Consistent with national policy and guidance, LGS designation will not undermine sustainable development or the identification of sufficient land to meet development needs. Sites must meet all NPPF criteria by being:

- a** in reasonably close proximity to the community it serves;
- b** demonstrably special and locally significant; and
- c** local in character and not an extensive tract of land.

7.97 Policy NE8 designates those sites that robustly meet the NPPF tests. The assessment methodology and outcomes are set out in the Local Green Space Topic Paper.



Figure 7.5: Local Green Space



Policy NE8: Local Green Spaces

- 1 Development proposals within a designated Local Green Space, as identified on the Policies Map, will be determined in accordance with national planning policy.
- 2 Development within a Local Green Space will not be supported other than in very special circumstances, consistent with the level of protection afforded to Green Belt land.

- 3 The following are designated as Local Green Space:

Site Name or Address	Location	LGS Site Reference	Area (ha)
Wouldham Recreation Gound, Knowle Road, Wouldham	Aylesford North and North Downs	LGS35	3.24
Land West of Russett Close, Aylesford	Aylesford South and Ditton	LGS02	0.81
Land East of Castle Way and North of Lillieburn, Leybourne	Birling, Leybourne and Ryarsh	LGS20	1.75
Macy's Meadow, Norman Road, West Malling	East Malling, West Malling and Offham	LGS103	8.16
East Malling Playing Fields, New Road, East Malling	East Malling, West Malling and Offham	LGS12	4.29
Offham Recreation Ground, Teston Road, Offham	East Malling, West Malling and Offham	LGS26	0.44
The Cosgrave Field, Church Road, Offham	East Malling, West Malling and Offham	LGS36	1.39
Cottenham Orchard, south of Cottenham Close, East Malling	East Malling, West Malling and Offham	LGS38	5.23
Warren Woods Nature Park Reserve, Kings Hill	East Malling, West Malling and Offham	LGS06	19.38

Site Name or Address	Location	LGS Site Reference	Area (ha)
Land East of Carnation Crescent and South of Columbine Road, East Malling	East Malling, West Malling and Offham	LGS68	0.42
Land rear of Henham Gardens adjacent to Coult Stream, East Peckham	East Peckham, West Peckham, Mereworth & Wateringbury	LGS51	4.97
Frogs Bridge Recreation Ground, Shipbourne Road, Tonbridge	Higham	LGS51	3.06
Westwood, London Road, Hildenborough	Higham	LGS106	5.47
Hildenborough Village Green, Mount Pleasant, Hildenborough	Hildenborough	LGS43	0.30
Hildenborough Recreation Ground, Riding Lane, Hildenborough	Hildenborough	LGS70	3.89
Land West of Brindle's Fields, Tonbridge	Judd	LGS30	0.24
North of Chestnut Walk, Tonbridge	Judd	LGS81	1.03
Upper Castle Fields, The Slade, Tonbridge	Judd	LGS83	0.58
South of Larkfield Leisure Centre, New Hythe Lane, Aylesford	Larkfield	LGS62	3.47
North of Brionne Gardens, Tonbridge	Vauxhall	LGS57	0.33



Policy Implementation

7.98 Policies for managing development within a Local Green Space should be consistent with those for Green Belt land, excluding provisions relating to grey belt and previously developed land as set out in the NPPF. Development proposals should not conflict with the reasons why the Local Green Space has been demonstrated to be special to the local community, nor prejudice its openness, character or function as a Local Green Space.

7.99 Proposals for development that are appropriate in scale and nature, and which support the ongoing management, enhancement or enjoyment of the Local Green Space, may be acceptable where they accord with national policy.

Agricultural Land



Introduction

7.100 National planning policy requires local planning authorities to take into account the economic and other benefits of the best and most versatile (BMV) agricultural land and looks to direct significant development, where this is demonstrated to be necessary, to areas of poorer quality land.

7.101 BMV agricultural land is defined as land in Grades 1, 2, and 3a of the Agricultural Land Classification (ALC), with grade 1 being the highest. Land within these grades is considered to be the most versatile, productive and efficient.

7.102 Soil is a finite resource, that supports food production, carbon storage, water management and biodiversity; its protection is therefore integral to sustainable development and long-term resilience.

7.103 To sustain long-term food security and healthy soils in a changing climate, the protection of BMV land is key to ensure that food production is not negatively impacted by development, and that the wider ecosystem services provided by soils are retained.

7.104 The ALC shows that there are areas of Grade 1 land around Watringbury, Pizien Well, Offham and West Malling and that elsewhere in the borough that the majority of agricultural land is either Grade 2 or Grade 3. This includes land around settlements where development pressure is the greatest.

7.105 Policy NE9 seeks to restrict development on BMV agricultural land unless there is an overriding need and no suitable lower grade land (3b, 4 and 5) is available, taking into account other constraints or planning balance matters.



Policy NE9: Best and Most Versatile Agricultural Land

- 1 The council will seek to protect the best and most versatile (BMV) agricultural land (Grades 1, 2 and 3a) from development recognising its economic and other benefits as a natural capital asset.
 - 2 Proposals that would result in the loss of best and most versatile agricultural land will be expected to demonstrate why the loss of the agricultural land is acceptable. This must include an assessment of the land's value and wider contribution, having regard to farming resources, food production, natural capital and ecosystem services, the economic and other benefits of the land and the extent to which these impacts can be avoided, minimised or mitigated.
 - 3 Applicants will be required to submit information on the agricultural land quality, status and function of a site.
- This evidence will be used alongside other material considerations in the determination of planning applications.
- 4 Where land is indicated as containing, or potentially containing, BMV agricultural land, proposals will be required to submit an up-to-date site-specific Agricultural Land Classification survey and soil evaluation undertaken in accordance with Defra guidance, unless it can be clearly demonstrated that a detailed survey is not necessary.
 - 5 Where significant development is proposed on BMV agricultural land, applicants should seek to use areas of poorer quality agricultural land in preference to land of higher quality, unless it can be demonstrated that there are no reasonable alternative sites on lower quality land or that this would conflict with other sustainability objectives.
 - 6 Where development on BMV agricultural land is permitted, applicants will be required to demonstrate how impacts on soil resources will be minimised, including the careful handling, stripping, storage and reuse of soils to protect soil structure, function and biodiversity during construction and restoration, having regard to soils as a finite natural capital resource.



Policy Implementation

7.106 The loss of potential food production capacity will be considered when assessing proposals, alongside the need to accommodate development. In doing so, applicants will be expected to demonstrate why any loss of Best and Most Versatile (BMV) agricultural land is acceptable, having regard to its value for farming resources, food production, natural capital and ecosystem services, its economic and other benefits and the extent to which impacts can be avoided, minimised or mitigated. This includes where BMV graded land is proposed for Biodiversity Net Gain (BNG) purposes.

7.107 For the purpose of applying criterion 5 of this policy, significant development affecting agricultural land is defined as;

- a** The loss of 20 hectares or more of grades 1, 2 or 3a land currently in agricultural use; or
- b** The cumulative loss of 20 hectares or more of such land arising from the same development proposal, including where development is brought forward in phases or through successive applications.

7.108 In accordance with Guidance and the Town and Country Planning (Development Management Procedure (England) Order (DMPO) (2015) and national guidance, Natural England will be consulted on non-allocated proposals that would result in the loss of more than 20 hectares of BMV land, including cumulative losses arising from phased development.

7.109 Where land is identified as containing, or potentially containing BMV agricultural land, applications must be supported by proportionate

and up-to-date ALC evidence. This should include site-specific surveys where necessary, undertaken by suitably qualified specialists in accordance with Defra guidance and Natural England's Guide to assessing development proposals on agricultural land, unless it can be clearly demonstrated that such a survey is not required.

7.110 In applying this policy, the 'quality' and 'value' of agricultural land is not determined solely by ALC grade. Consideration will also be given to the economic and other benefits of the land, including infrastructure, fragmentation, and accessibility, together with its contribution to natural capital, ecosystem services and landscape character. These factors will inform the overall planning balance and the assessment of the acceptability of development proposals.

7.111 Where development affecting BMV land is permitted, applicants should set out measures to protect and manage soil resources, including the handling, storage and reuse of soils, in order to maintain soil function, structure and biodiversity, recognising soils as a finite natural capital asset.

Noise, Vibration and Odour Pollution



Introduction



7.112 The planning system plays an important role in safeguarding the quality of life of residents and improving the environmental condition of the borough. Loss of amenity from noise, vibration, and odour pollution can have an adverse impact on people's health and living conditions but also on the amenities of an area.



7.113 National guidance advises that new development should be appropriate for its location, taking into account the likely individual and cumulative effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

7.114 Development should be designed and located where it does not result in unacceptable impacts on the natural, historic and built environment or the amenity or safety of an area or its occupants. Wherever possible development should help to improve local environmental conditions. The agent of change principle will be applied to ensure that new noise- or odour-sensitive development provides appropriate mitigation to secure an acceptable standard of environmental quality, without prejudicing the continued operation of existing lawful uses.

7.115 The borough is predominantly rural but also has extensive built-up areas that accommodates various industries such as agriculture, minerals extraction and processing and manufacturing that can generate disturbance from noise, odour and vibration.

7.116 Some of these are long standing, well-established operations that can be in areas where new development opportunities are likely to be proposed such as residential or new commercial uses.

7.117 It is therefore important that the Local Plan effectively addresses pollution and disturbance to help protect the environment and ensure the quality of life and amenity of existing and future communities.

7.118 Policy NE10 sets out the approach to manage noise, vibration and odour within the borough.

Policy NE10: Noise, Vibration and Odour

- 1 All development proposals should safeguard the quality of amenity of existing and future occupants of nearby properties by ensuring that development does not contribute to, or place new occupiers in, environments subject to unacceptable levels of noise, vibration or odour pollution. Development must be appropriate to its location, having regard to its impacts both alone and cumulatively.
- 2 In the case of new noise or odour sensitive development, the agent of change principle will apply. The onus will be on the new development to provide appropriate design and mitigation measures to ensure that the ongoing operation and viability of existing surrounding uses is not compromised, while also securing an acceptable standard of environmental quality for future occupants.
- 3 Developments proposed in close proximity to existing wastewater treatment works must be supported by an odour assessment, prepared in consultation with the relevant wastewater undertaker (Southern Water), to determine whether mitigation is required. Where mitigation is identified, applicants must demonstrate how it has been incorporated into the scheme.
- 4 The following receptors will be protected as relevant, from unacceptable levels of noise, vibration and odour pollution:
 - a National Landscapes;
 - b Designated nature conservation sites;
 - c Historic environments;
 - d Occupants of residential development; and
 - e Other sensitive receptors including schools, nurseries, hospitals, care facilities, and areas used for amenity or recreation.
- 5 Development proposals will be permitted where applicants can demonstrate that the development will not result in unacceptable pollution levels, having regard to relevant British Standards, national policy, and other relevant guidance and good practice.
- 6 Development proposals must identify any likely impacts on existing nearby sensitive receptors. Where an impact is likely, a proportionate assessment must be submitted, undertaken by a suitably qualified person, and be sufficiently detailed taking into account the scale and nature of the development.
- 7 Where adverse impacts are identified, applicants must demonstrate how the development will be designed and implemented to prevent, avoid or mitigate those impacts. Mitigation should follow the hierarchy of avoidance, reduction and mitigation. Planning permission will not be supported where adverse impacts cannot be adequately mitigated.

Policy Implementation

7.119 This policy refers to all developments regardless of the scale and nature of the proposal across the borough. Development should not be located where site conditions would result in unacceptable impacts on its intended users, unless it can be demonstrated that those impacts can be satisfactorily avoided, reduced or mitigated.

7.120 Development proposals (the agent of change) that are incompatible with neighbouring uses due to potential impacts, for example from noise generating businesses or odour from wastewater treatment works, may not be acceptable. Development will not be supported where it would result in unacceptable impacts on the amenity of future occupants, prejudice the continuation of lawful operations, or constrain their growth or expansion, unless such impacts can be satisfactorily mitigated as part of the proposal.

7.121 The policy applies to all applications involving amenity issues and requires that these are comprehensively assessed, with appropriate mitigation and acoustic measures incorporated into the design of development proposals at an early stage. Issues of light pollution are addressed under policy NE13. This policy seeks to avoid harmful impacts to both human receptors as well as the natural environment such as designated nature conservation sites.

7.122 Particular care will be required where development may affect sensitive environments, including National Landscapes, designated nature conservation sites and heritage assets, where tranquillity and setting are important to their significance.

7.123 Where noise, vibration or odour issues are anticipated, the council will require the submission of an appropriate and proportionate assessment, prepared by a suitably qualified person, to accompany the application. The assessment should identify any potential impacts and set out detailed mitigation measures, which must be incorporated into the design of the development.

7.124 Applications will be considered in light of relevant British Standards and other applicable guidance, including:

- BS5228: Noise and Vibration Control on Construction and Open Sites;
- BS4142: Methods for rating and assessing industrial and commercial sound; and
- BS8233: Guidance on sound insulation and noise reduction for buildings.

7.125 Mitigation measures, where required, should follow the hierarchy of avoidance, reduction and mitigation, and be proportionate to the likely impact. Measure may include (but are not limited to) high-quality design, appropriate site layout, triple glazing, acoustic fencing or bunding, and controls over operational hours.

7.126 Unacceptable levels of noise, odour or vibration are those which, when assessed on a case-by-case basis having regard to relevant legislation, British Standards and other guidance, would result in demonstrable harm to residential amenity, the natural environment, or the setting of historic assets, or would prejudice the continued operation of an existing lawful operation.



Air Quality



Introduction

7.127 The planning system plays a key role in preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by unacceptable levels of air pollution, and in sustaining and contributing towards compliance with relevant limit values and national objectives for pollutants, consistent with national planning policy. The council is committed to improving air quality across the borough, including through the implementation of its Air Quality Action Plan, and this policy forms a key mechanism for embedding objectives within the Local Plan.

7.128 Clean air is fundamental to health, quality of life and the natural environment. Air pollutants, principally arising from road transport, combustion for heating and power generation, and other emission sources can have significant adverse effects on human health and ecosystems. These effects may occur both locally and over wider areas due to the transboundary nature of air pollution.

7.129 Poor air quality is associated with a range of adverse health outcomes and can disproportionately affect vulnerable groups and more deprived communities. It is therefore essential that development is planned and designed to protect human health, sensitive receptors and designated ecological sites, and to reduce inequalities in exposure.

7.130 The Council's latest Air Quality Annual Status Report (2025) identifies nitrogen dioxide (NO₂), primarily associated with road traffic, as the principal pollutant of concern within the borough, with particulate matter (PM₁₀ and PM_{2.5}) also requiring consideration. A designated Air Quality Management Area (AQMA) is located at Watlingtonbury, where targeted measures are being implemented to improve air quality.

7.131 In line with national policy and guidance, planning decisions should take into account existing air quality, the presence of AQMAs, cumulative impacts from development, and opportunities to secure net improvements in air quality where possible. Development should both minimise emissions arising from its construction and operation and address exposure through its layout and design.

7.132 Accordingly, development will be expected to demonstrate through a proportionate and robust assessment that air quality impacts on human health, biodiversity and the wider environment are avoided, minimised and, where necessary, effectively mitigated. Whilst technological advances such as ultra-low emission vehicles will assist in reducing emissions over time, it remains essential that development does not result in a significant or cumulative worsening of air quality, and wherever possible contributes to improvements.

7.133 Policy NE11 sets out the approach to improving air quality and mitigating impacts on air quality associated with development.



Policy NE11: Air Quality

Improving air quality and minimising exposure

- 1 Development proposals should be designed and located to avoid, minimise and, where possible, reduce exposure to air pollution and to contribute positively to local air quality. Proposals should also seek opportunities to improve air quality, facilitate compliance with relevant national air quality limit values and objectives, and support wider measures to reduce emissions, in accordance with national policy and guidance.

Air quality assessments and mitigation

- 2 Where air quality issues are anticipated, or where a development has the potential to affect air quality, the submission of an Air Quality Assessment (AQA) will be required. The AQA should assess the likely impacts of the development on local air quality and public health, including construction and operational phases, and identify appropriate mitigation and, where necessary, compensation measures.
- 3 Where an AQA identifies potential significant adverse effects on sensitive receptors from any source, applicants must demonstrate that suitable avoidance, mitigation and / or compensation measures will be implemented to prevent or reduce those impacts to an acceptable level, including impacts on future occupiers or users of the development.

Major development and emissions mitigation

- 4 Where an Air Quality Assessment identifies potential significant adverse effects on air quality or sensitive receptors, major development proposals will be required to submit an Emissions Mitigation Assessment, demonstrating how emissions associated with the proposal will be minimised and mitigated. Where appropriate, this may include (but are not limited to), measures such as traffic and travel demand management, support for sustainable and active travel, provision of ultra-low emission vehicle infrastructure, use of low-emission technologies and energy sources and green infrastructure and layout measures to reduce exposure.
- 5 Development, either alone or cumulatively with other existing or proposed development, that would directly or indirectly result in a significant deterioration in air quality will not be permitted unless specific, effective and deliverable mitigation measures are secured as part of the proposal.

Air Quality Management Areas (AQMAS)

- 6 Within declared Air Quality Management Areas (AQMAS), or areas in the process of being declared at the time of application, development will not be permitted where it would introduce new sensitive receptors into areas of poor air quality unless it can be demonstrated that appropriate mitigation will ensure that occupants would not be exposed to unacceptable risks to health. Proposals within AQMAS should be consistent with the relevant Air Quality Action Plan.
- 7 Proposals that will result in national air quality objectives or limit values being exceeded, or would delay their achievement, will not be supported.
- 8 Development should safeguard ecology, local wildlife and habitats. Where development proposals, alone or in combination with other plans and projects, are likely to have an effect on an internationally designated site, they will be subject to a Habitats Regulations Assessment.
- 9 Air quality mitigation and monitoring measures will be secured through planning conditions and / or planning obligations, as appropriate to the scale, nature and impacts of the development.

Policy Implementation

7.134 The requirement to protect and improve air quality applies to all development but should be applied in a proportionate manner having regard to the scale, nature and location of the proposal, in line with national policy and Planning Practice Guidance. Larger or more complex developments are more likely to give rise to significant effects and will therefore be expected to provide more detailed assessment and mitigation.

7.135 The need for, and scope of, an Air Quality Assessment (AQA) will be determined on a case-by-case basis, taking account of factors such as the type of development, traffic generation, location (including proximity to AQMAs or sensitive receptors), and the potential for cumulative impacts. Development that would lead to a deterioration in air quality, particularly in areas of existing poor air quality or near sensitive or designated ecological sites, may be refused where impacts cannot be adequately mitigated.

7.136 Where air quality is identified as a material consideration, applications should be supported by an Air Quality Assessment and, where required, an Emissions Mitigation Assessment, prepared by a suitably qualified and competent professional. These should quantify likely impacts, consider both construction and operational phases, and set out effective, deliverable and enforceable mitigation measures.

7.137 Air Quality Assessments should follow current national policy, Planning Practice Guidance, and relevant technical guidance, including but not limited to DEFRA Local Air Quality Management Technical Guidance (TG22) and Policy Guidance (PG22). Applicants are also expected to have regard to any locally adopted guidance or requirements.

7.138 Where development may affect internationally or nationally designated ecological sites, applicants should consider air quality impacts in accordance with best practice guidance, including that produced by the Chartered Institute of Ecology and Environmental Management (CIEEM) Advisory Note: Ecological Assessment of Air Quality Impacts' (2021). Where likely significant effects cannot be ruled out for an internationally or European designated nature conservation sites, a Habitats Regulation Assessment (HRA) will be required.

7.139 Mitigation for air quality should follow the mitigation hierarchy, prioritising avoidance and reduction of emissions at source. Measures may include (but are not limited to):

- locating development to reduce the need to travel and avoid areas of poor air quality;
- promoting walking, cycling, public transport use and other ways to travel including horse riding for example;
- provision of electric vehicle charging infrastructure and support for low and zero emission transport;
- travel plans and demand management measures;
- incorporation of low emission heating and energy systems;
- design and layout measures to improve dispersion and reduce exposure, including the careful siting of habitable rooms; and
- use of green infrastructure, where appropriate, as part of a wider package of mitigation.

7.140 Where necessary, mitigation and monitoring measures will be secured through planning conditions and/or planning obligations, ensuring that measures are implemented, maintained and effective over the lifetime of the development

Ground Contamination



Introduction

7.141 The reclamation of contaminated land is crucial to making the most efficient use of previously developed land, which is one of the council's priorities through pursuing a brownfield first approach.

7.142 Contaminated land is used to describe land that, due to its previous development history or geology is considered to be polluted by chemicals, gases, substances or structures. Land contamination can come from many different sources including former industrial uses, landfilling, mining and natural ground conditions and failing to deal with contamination can be extremely harmful to human health, groundwater, buildings and the natural environment.

7.143 It is important to be mindful of previous activities that may have taken place on the land and the legacy they may have left behind. Ahead of the approval and commencement of development, it is important that the issue of contamination is investigated and understood to make safe the development and protect the future end users and the environment.

7.144 National policy advises that the planning system has a role in seeking to ensure land and sites are suitable for a proposed use, taking account of ground conditions and any risks arising from contamination, including risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation, as well as the potential impacts on the natural environment arising from that remediation.

Policy NE12: Ground Contamination

7.145 Such sites are more likely to be brownfield sites. The Local Plan seeks, as a priority, to develop previously developed land first, as well as encouraging the re-use of existing buildings where feasible and viable. As a result, some development proposals may encounter ground contamination which will need to be appropriately managed.

7.146 Policy NE12 sets out the approach to managing the impacts of ground contamination on development.

- 1 Development proposals located on or near sites which have previously been used for activities which pose a risk of ground contamination, or where there is potential for contamination including from adjacent land uses, shall be informed by a proportionate contaminated land desktop study identifying all previous site uses, potential contaminations associated with those uses including a survey of the condition of any existing building(s), a conceptual model of the site indicating sources, pathways and receptors and any potential unacceptable risks to human health, groundwater, controlled waters and the local environment arising from contamination at the site.
- 2 Where contamination is identified, development proposals must incorporate a detailed strategy for site investigation works, along with details of any site clearance, ground investigations or site survey work that may be required to allow for intrusive investigations to be undertaken to inform a risk assessment of the degree and nature of any contamination on site and the impact on human health, groundwater, controlled waters and the wider environment.
- 3 Development will be supported if it can be demonstrated, having regard to the other relevant policies in the Local Plan, that any contamination can be effectively addressed in a manner that ensures the site would be made suitable for its intended end use through remediation measures and, where required, appropriate verification of remediation works.

Policy Implementation

7.147 In accordance with national policy, responsibility for securing a safe development rests with the developer/landowner. This policy applies to all developments, including change of use applications, where there could be a risk of contamination.

7.148 Where land may be affected by contamination, applications should be supported by proportionate information prepared by a suitably qualified and competent professional.

7.149 Details of the site assessment and remediation are typically expected to be undertaken in three main stages.

Stage 1 - Desktop study identifying previous uses, potential contaminants and a conceptual model of sources, pathways and receptors.

Stage 2 - Where risks are identified, a detailed site investigation, potentially requiring intrusive ground investigations with a risk assessment and remediation strategy should be undertaken. Where it cannot be demonstrated that the site can be made suitable for its intended use, or where insufficient information is provided to make this determination, planning permission will be refused.

Stage 3 - After the works are completed, a verification report should be provided to confirm the remediation works are complete and the site is safe for its intended end use.

7.150 After remediation, as a minimum, the land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.

7.151 All investigations and subsequent remediation should be carried out in accordance with the Environment Agency’s Land Contamination Risk Management (LCRM) Guidance, and, where relevant, appropriate British Standards including:

- BS 10175: Investigation of potentially contaminated sites - code of practice; and
- BS 5930: Code of practice for ground investigations.

7.152 Developers are also directed to the national contaminated land guidance – Land contamination technical guidance as well as the Tonbridge and Malling Contaminated Land Inspection Strategy (2016), for further advice and information about developing on contaminated land and what the council would expect.

Light Pollution



Introduction

7.153 Managing light levels (particularly external lighting) within new development is an important part of protecting the built and natural environments and residential amenity.

7.154 Poor lighting schemes and excessive light pollution can cause significant loss of residential amenity from sleep disturbance and high levels of glare. It can affect sensitive wildlife and habitats from disturbance and interruption with breeding and foraging patterns. Poor lighting can also be detrimental to historic settings, as well as the dark skies of the National Landscapes and wider countryside of the borough.

Light pollution can also have cumulative impacts across an area, and unnecessary lighting can lead to a significant waste of energy.

7.155 Lighting schemes should therefore be designed carefully as part of the overall development design from the outset to reduce light pollution and energy usage.

7.156 Policy NE13 seeks to manage and control lighting to prevent light pollution within the borough and protect the built and natural environment, including residential amenity, taking into consideration cumulative impacts and the need for energy-efficient design.

Policy NE13: Light Pollution

- 1 Proposals will be permitted where development will not result in unacceptable levels of light pollution affecting the natural and built environment, either individually or cumulatively.
- 2 Development will only be permitted where it is demonstrated, having regard to the relevant British Standards, the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light, and good practice, that lighting is appropriately located and designed to minimise the impact of light pollution on the locality and amenities of residents to an acceptable level, and have due regard to the following:
 - a Developments located within the Kent Downs and High Weald National Landscapes and their setting will be required to propose lighting that conserves dark skies and their special character of that National Landscape;
 - b Ensuring that the type and level of lighting would not result in unacceptable adverse impacts upon wildlife, habitats, the historic environment, heritage assets and their settings, or the wider countryside and rural character; and
 - c Ensuring that the lighting is energy efficient, utilises low energy lighting such as LEDs, and incorporates control mechanisms (including dimming, timers or motion sensors) to reduce or switch off the external lighting when not needed.
- 3 Where a development is likely to give rise to light pollution impacts, the submission of a lighting assessment in accordance with the Institute of Lighting Professionals guidance shall accompany the application, together with details of any mitigation measures, as part of the planning application process.

Policy Implementation

7.157 This policy applies to all development proposals which involve the installation of external lighting and/ or developments that result in light spill from internal lighting. It will also apply to specific lighting schemes which in their own right, require planning permission or listed building consent.

7.158 Proposals involving lighting will need to take into account the overall visual impact that the lighting will have on the area and any sensitive historic areas and landscapes that are likely to be impacted upon. This should include consideration of cumulative impacts, daytime intrusion, ground surface reflectivity, the number of lights, the level of light spill, glare, and existing and proposed landscaping.

7.159 Careful consideration should be given to schemes within or adjacent to the National Landscapes, Conservation Areas and in the curtilage of a listed building where inappropriate lighting could adversely affect dark skies or the historic setting of a heritage asset. To ensure that dark skies are protected within National Landscapes, installation of lighting should be minimal, avoiding flood lighting, and should accord with the relevant National Landscape Design handbook and Dark Skies guidance.

7.160 Lighting that would affect sensitive habitats, such as by shining or spilling light into these areas, should be shielded or removed, particularly if nocturnal species are present. Direct illumination of habitats, key foraging areas and green corridors should be avoided.

7.161 For applications where light issues are anticipated, or where a development is likely to give rise to light pollution impacts, the council will expect the submission of a lighting assessment to accompany the application, prepared by a suitably qualified and competent professional, in accordance with guidance, identifying detailed mitigation measures as part of the planning application process.

7.162 Lighting schemes should be designed in consultation with the most up-to-date relevant guidance including:

- [Professional guides issued by the Institute of Lighting Professionals](#).
- High Weald National Landscape Dark Skies Planning Advice Note.

7.163 All proposed lighting should be energy efficient and incorporate appropriate control mechanisms. Mitigation measures could include, but are not limited to, the control of illumination levels (lumens) the use of light cowls and shades, timers, dimmers or motion sensors.