

Supplementary paper by the Head of Planning Policy to the report to Full Council on the Ashford Borough Local Plan 2030 – Inspector’s Report and proposed adoption of the Plan

Further to the above report to Full Council on 21st February, I have prepared this short supplementary annex. Mr. Ledger, the Chair of Shadoxhurst Parish Council has requested to speak at the Council meeting and in order to provide Members with the background to the Parish Council’s concerns, I am attaching Mr Ledger’s letter to me dated 15th January 2019 and my response dated 23rd January 2019.

Simon Cole, Head of Planning Policy

SHADOXHURST PARISH COUNCIL

C/O Keg Barn
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Shadoxhurst
TN26 1HX
15/01/19

For the attention of Simon Cole Head of Planning Policy

Dear Simon

Ashford Local Plan to 2030 Policy HOU5

We acknowledge that the Planning Inspector's final comments to ABC are now published and note paragraph 187 where Shadoxhurst and other settlements where the suitability for inclusion to HOU5 was questioned. We note too that some settlements were removed by ABC.

We don't know whether those Parishes removed were consulted prior to their removal. However, it is clear to us that of the settlements left in the list, we feel we have grounds to appeal to ABC to be removed prior to the final adoption of the Local Plan 2030. We present this evidence with this letter.

We have no desire to delay the adoption of the Local Plan 2030, but we have grave concerns over what the Local Plan once adopted, will have in store for the future of Shadoxhurst. Indeed, many residents feel that it could turn us into a suburb of Ashford in time.

Our difficulty lies with the inclusion of Shadoxhurst in policy HOU5. The Planning Committee (on Officer's advice) recently approved the grant of outline planning permission of 12 houses at Delcroft, Woodchurch Road. The land is outside the village confines and is on land we are trying to retain as a buffer between our village and the ever growing Chilmington Green. We seek to retain our village identity by having clear green buffer land to ensure there is a visual green wildlife corridor break between the two. The aspect of this land being outside the village confines was further underlined with the release of the confines' maps in November.

The Officer's view in the report to Members for the Delcroft application was that the application **complied** with the policy HOU5, when we and some of the Planning Committee Members felt that it did not comply. Indeed, it is our contention that Shadoxhurst should not have been included in the HOU5 list. We are thus seeking to have our village removed as it is the least sustainable of all those on that list, as you can see from the matrix in the appendix below that accompanies this letter.

This is a formal request for Shadoxhurst to be removed from the HOU5 list of settlements. Inclusion gives us a very unfair disadvantage to put our objections to wrong developments that are in the wrong places, particularly if Officers are going to invariably support developers, and also decide that there is full compliance with HOU5.

We also cite the application for land to the north of Farley Close. This too is outside the confines, though in the appeal currently running, the appellant still considers it to be 'infill'. Officers here recommended the application be granted, however Members overturned this recommendation and voted unanimously to refuse it. The appeal statement makes for worrying reading and interprets that under HOU5, this makes Shadoxhurst wholly sustainable and thus ripe for the appeal to be allowed. Any development of about 20 dwellings or less, on the appellant's argument, means that it complies totally with HOU5 and hence permission

must be granted. The appeal statement also cited the previous decisions and Officer comments in relation to both the Jarvis Homes site (between The Hollies and Park Farm Close) and the Pentland Homes site at the King's Head as making Shadoxhurst compliant with the HOU5 criteria in the granting of permission. The Parish Council always thought that once these two fields were lost, the domino effect would continue. This is becoming a stark reality.

In taking time to critique the appellant's statement to the Planning Inspector, it became increasingly clear, that HOU5 will be our downfall not our saviour. It actually offers us no protection whatsoever, on any land in the village outside the confines. Whilst looked at 'case by case', if the Farley Close appeal is allowed, taken together with other decisions taken by Members as recommended by Officers, such as Delcroft, these will be quoted by others wishing to build outside the confines, the unpalatable consequences of these decisions are that we are wholly doomed, as we have no defence whatsoever.

The closeness of Chilmington Green is also being used in the appeal statement to show the increased sustainability of Shadoxhurst, and whilst you personally have directly told us this is premature, Members and Officers need to be told that this is premature and not be given any weight in decision making for the next few years.

Paragraph 187 (op cit) states that *the Council appears to give great weight to closeness to the urban area of Ashford*. This greatly worries us as our proximity to Ashford clearly makes us vulnerable to extensive development, and we need unequivocal reassurance from Ashford Borough Council that any valid arguments to protect our village from unsuitable development will not simply be dismissed out of hand.

We as a Parish Council are not against development nor controlled realistic growth, and we currently have 45 dwellings being built on sites in the village. Indeed, our stance with Farley Close is that some development may be inevitable, but the present design and quantity proposed is unacceptable.

We are however being targeted specifically by land owners and developers that will make a nonsense of the Local Plan 2030 and all the effort that went into making it a positive LPA led Borough Plan. HOU5 appears to be likely to be giving green lights rather than giving reasoned and fair protection. If we can't use HOU5 to **defend** Delcroft, then we fear it will not give us any protection on other land whatsoever.

We know that a significant size of our green buffer separating us from Chilmington is under legal options to developers and the landowner is steadfastly fixed to sell the land for housing. Indeed, if his land is developed, it will give us no separation from the proposed Chilmington Parish, other than a hedge.

We need to rely on policies SP7 and HOU5 to give us some protection and at the moment, we have little confidence this to be the case. Although the Tally Ho Road application for 60 houses was refused, this land is a third of the land under legal options mentioned above and can be gradually eroded away by small developments if the whole field cannot be approved in one hit.

Paragraph 189 states: *that the detailed provisions of Policy HOU5 also need to be strengthened in order to give greater detail about what is meant by "proportionate" and "commensurate" development thereby ensuring that cumulative effects are taken into account*. What guidance and advice will ABC give in relation to these points to Shadoxhurst residents?

Paragraph 183 relates directly to policy SP7. We are disappointed that the Planning Inspectors chose not to be more prescriptive. Shadoxhurst is very vulnerable and we need ABC to be up

front with our residents to give some clear guidance as to what is or is not an acceptable separation. We ask for some meaningful dialogue in this respect urgently.

We believe that our inclusion in HOU5 is very wrong and we can see that it could decimate the village, rather than protecting its history, heritage and green spaces. We enclose evidence including a matrix breaking down the various sustainability criteria of each of the settlements listed in HOU5. We fall short of the others by some margin.

Therefore, we ask to be removed from this list and we would like to meet senior Officers in the coming weeks to discuss our situation, certainly before the adoption of the Local Plan 2030. We will also attend and speak at the Council Meeting deciding the outcome of the Local Plan if needs be to further make our case.

Shadoxhurst is unique in the Borough. The 9,000 plus houses that will be built next door in Chilmington and Kingsnorth puts additional pressures on us, as land owners and developers see our village as rich pickings. Residents want to see us as staying a rural community, and the two standpoints are polar opposites.

We are relying on the Local Plan to help our community, not promote development and make us an Ashford suburb, and frankly at present we do not have that confidence. The Local Plan has not even been adopted and we are fearful of the consequences. What comfort can Ashford Borough Council give our residents?

Yours sincerely

David Ledger

On behalf of Shadoxhurst Parish Council

Copies to

Damian Green MP

Cllr G Clarkson

Tracey Kerly

Tim Naylor

Lois Jarrett

Cllr Mrs A Hicks

Cllr G Bradford

Appendix: Evidence for the Removal of Shadoxhurst from the list of Settlements in Policy HOU5

Shadoxhurst Parish Council (SPC) is asking to be removed from the settlement list relating to Policy HOU5. The Planning Inspectors reviewing the Local Plan 2030 have made reference to this in their January 2019 report.

SPC Members have reviewed the settlements in the amended list and found that we are the least sustainable of all. Furthermore, looking at the matrix below, you will see that we lack both a shop or Post Office and a school.

We acknowledge that there is a shop / PO in the next Parish at Stubbs Cross. This is more than 800m from the closest dwelling on the edge of the settlement and considerably further from the middle of the village. It must be said that very few residents choose to walk or cycle along Tally Ho Road to the shop as there is no footway on either side of the road. There is a grass verge on the east side which relies on householders to keep cut, but much of this is prone to flooding making walking very uncomfortable in wet weather. Hence the majority of residents will use a car, which is not a sustainable option. Parking there is also a problem.

Facilities in settlements

KEY: ✓ means they have that facility

	Pop 2011	Community hall	Church	Pub	Shops/PO	School	Train station	GP
Aldington	1248	✓	✓	✓	✓	✓		
Appledore	749	✓	✓	✓	✓		✓	
Ashford	74204	✓	✓	✓	✓	✓	✓	✓
Bethersden	1481	✓	✓	✓	✓	✓		
Biddenden	2574	✓	✓	✓	✓	✓		
Brabourne Lees/Smeeth	2233	✓	✓	✓	✓	✓		
Challock	920	✓	✓	✓	✓	✓		
Charing	2766	✓	✓	✓	✓	✓	✓	✓
Chilham	1634	✓	✓	✓	✓	✓	✓	✓
Egerton	1073	✓	✓	✓	✓	✓		
Great chart with Singleton	6801	✓	✓	✓	✓	✓		✓
Hamstreet	1777	✓	✓	✓	✓	✓	✓	✓
High Halden	1584	✓	✓	✓	✓	✓		
Hothfield	780	✓	✓	✓	✓			
Kingsnorth	11243	✓	✓	✓	✓	✓		✓
Mersham	1124	✓	✓	✓	✓	✓		
Pluckley	1069	✓	✓	✓	✓	✓	✓	
Rolvenden	1414	✓	✓	✓	✓	✓		
Shadoxhurst	1216	✓	✓	✓				
Swarden	1301	✓	✓	✓	✓	✓		
Tenterden & St Michaels	7735	✓	✓	✓	✓	✓		✓
Wittersham	1112	✓	✓	✓	✓	✓		
Woodchurch	1903	✓	✓	✓	✓	✓		✓
Wye	2282	✓	✓	✓	✓	✓	✓	✓

Policy HOU5 deals with residential windfall development adjoining or close to listed settlements in the Borough.

We are Questioning: Should a little village like Shadoxhurst be included in HOU5?

The Inspectors post hearing report paras 23 – 27 says:

Para 26 says there is nothing in the NPPF that states all settlements in the Borough should be treated alike. Also, that whilst para 55 of NPPF states isolated development in the countryside should be avoided, it does not state that this is the only circumstance where development can be restricted. **This is a choice for the Council.** The report goes on to suggest that the **Council should explore some sort of ‘tiered’ or ‘graded’ approach** to settlement identification and the development that would be supported adjoining it. The Inspectors add that it may be there are some settlements where development within the built-up confines can be justified but where expansion outside them is not warranted.

Para 23 says: *“some settlements are without any significant services or transport facilities. Consequently the criteria for development adjoining or close to them in policy HOU5 are unlikely to be able to be complied with”.*

*“We do not wish to ‘single out’ any particular settlement since this is for **the Council** to review. But the evidence we heard causes us to consider that some of them should be excluded following an assessment against the provisions in ...HOU5”*

The Inspectors report then says *“How this is done is a **matter for the Council** but some sort of systematic approach should be considered.”*

The Inspectors conclude that the policies as written are **not justified and will not be effective** because they are permissive but, in some cases, the relevant criteria are unlikely to be achieved.

Housing Development Outside Settlements

5.56 In addition to residential windfall schemes within settlement confines, new housing outside settlement boundaries may also make a positive contribution to meeting housing needs across the borough. The NPPF is clear in its desire to promote sustainable development in general within the wider context of boosting housing supply, meeting a range of housing needs and using development as a means of improving the quality of a place and / or its setting.

Key Questions:

Is development in Shadoxhurst improving or harming the quality of our village and its setting? And in what ways? Either way this needs to be more closely scrutinised.

What range of housing needs are being met by development in Shadoxhurst?

How has the need been assessed, and by whom? Do villagers benefit, if so, how? Do local people benefit, if so, how? To our knowledge, no ‘Needs’ assessment has been carried out since 2008.

What affordable products are available? Who decides what we’ll have? Are ‘affordable’ houses actually affordable? Why are no council or other social led houses being built? How many new homes in our village are bought as second homes or buy to let homes?

5.57 *In nearly all cases, isolated or remote sites in the countryside (especially on greenfield sites) will not be sustainable in NPPF terms and para. 55 of the NPPF specifically advises against permitting new dwellings in isolated locations unless it meets one of the specified exception criteria.*

At our meeting with Planning Officers on 25/01/17 they said regarding development:

Of importance would be the issue of sustainability, which they pointed out was not actually defined in the National Planning Policy Framework document and so was another grey area. However, the focus would be on **sustainable building and sustainable transport**. They felt that sites within the Ashford town area were sustainable, and sites outside (like Shadoxhurst) were, to a greater or lesser degree, not really sustainable. However, there is no longer a level playing field, more like a 'tilted balance'.

5.58 *However, for proposals that adjoin or are close to existing settlements, it is necessary to consider the relative social, economic and environmental advantages and disadvantages of a scheme as these are the 3 dimensions of 'sustainable development' described in para. 7 of the NPPF.*

This is considering whether adverse impacts will significantly and demonstrably outweigh the benefits of the development. Just like we did when we didn't have a 5 year land for housing supply. And some of the Planning Officer's comments are judgemental and subjective, yet they try to make them pseudo-scientific and objective –

e.g. permitting a development provides jobs therefore good for the economy –

Falsifiability is the capacity for some proposition, statement, theory or hypothesis to be proven wrong. That capacity **is** an essential component of the **scientific** method and hypothesis testing. ... The requirement of **falsifiability** means that conclusions cannot be drawn from simple observation of a particular phenomenon.

The statements / criteria as some sort of justification for going ahead with development such as 'boosts housing supply' and 'provides employment' do not have falsifiability.

5.59 *In assessing proposals, the **scale of a development will be a major factor** to bring into this equation. For larger schemes, the importance of good accessibility to local services and facilities will be of particular importance taking account of the quality and number of such services and the ability to either benefit or be accommodated by such services. The cumulative effects of windfall schemes on local services and facilities having taken account of the impacts from any allocated sites in the area and any other developments with extant planning permission will need to be considered, including whether existing services may readily absorb (or benefit from) the additional demand placed on them as a consequence. This should include **reference to the availability of primary school places and GP provision at the nearest available facilities alongside the scale and quality of local community facilities.** This may also include any supplementary effects on existing residents, for example as a result of reduced school catchment areas.*

5.60 *Although some reliance on the private car is inevitable in rural locations, the availability of good public transport links, cycling and walking routes can help to reduce that reliance and enable better accessibility to services that may only be available in higher-order rural settlements or Ashford itself. **Basic day to day services such as a grocery shop, public house, play / community facilities and a primary school should be within a generally accepted easy walking distance of 800 metres in order to be considered sustainable.***

5.61 *The impact of a scheme on the character of a settlement or rural area can be harder to quantify and, in essence, relates to the inherent qualities that help to define what makes a place and gives it an identity. This will vary from settlement to settlement taking account of its history and heritage and how it has grown over many years within its landscape setting. For example, larger-scale modern extensions to small rural villages have not traditionally been the means by which those villages have grown, especially those in locations away from the main local highway or public transport network.*

5.62 *A proposal for residential development must also demonstrate that it (and its associated infrastructure) is well designed and sited in a way that can: sit sympathetically within the wider landscape, enhance its immediate setting, be consistent with any prevailing character and built form, including its scale, bulk and the material used does not harm neighbouring uses or the amenity of nearby residents.*

Policy HOU5 - Residential windfall development in the countryside

Proposals for residential development adjoining or close to the existing built up confines of the settlements listed in policy HOU3a will be permitted providing that each of the following criteria is met:

- a. **the scale of development proposed is proportionate to the size of the settlement and the level, type and quality of day to day service provision currently available and commensurate with the ability of those services to absorb the level of development in combination with any planned allocations in this Local Plan and committed development, in liaison with service providers;**
- b. **the site is within easy walking distance of basic day to day services in the nearest settlement, and/or has access to sustainable methods of transport to access a range of services;**
- c. **the development is able to be safely accessed from the local road network and the traffic generated can be accommodated on the local and wider road network without adversely affecting the character of the surrounding area;**
- d. **the development is located where it is possible to maximise the use of public transport, cycling and walking to access services;**
- e. **conserve and enhance the natural environment and preserve or enhance any heritage assets in the locality;**
- f. **the development (and any associated infrastructure) is of a high quality design and meets the following requirements:-**
 - i. **it sits sympathetically within the wider landscape,**
 - ii. **it preserves or enhances the setting of the nearest settlement,**
 - iii. **it includes an appropriately sized and designed landscape buffer to the open countryside,**
 - iv. **it is consistent with local character and built form, including scale, bulk and the materials used,**
 - v. **it does not adversely impact on the neighbouring uses or a good standard of amenity for nearby residents,**
 - vi. **it would conserve biodiversity interests on the site and / or adjoining area and not adversely effect the integrity of international and national protected sites in line with Policy ENV1.**

Our village character is already being destroyed and village urbanised. Proximity to Chilmington puts us under a real threat of becoming a suburb of Ashford. We have argued and continue to argue for Shadoxhurst to be a special case, due to our unique position.

The Prime Minister famously says she is not wanting to destroy little villages – the choices that ABC have already made are beginning to destroy our village – changing it beyond recognition.

There is no open and honest debate with Ashford BC re expansion and coalescence. They say most development is to go in Ashford and at its periphery – as far as we know we are NOT classed as Ashford periphery (if you look at our affordable housing chart we're not classed as Ashford or the 'hinterlands' but we are in the 'rest of the borough', confirmed at the Local Plan examination).

With last year's reduction in bus services, Ashford's rural residents are increasingly having to rely on the use of a private car for essential services, putting ever increasing pressure on the highway network. This will only ever get worse through the massive call for housebuilding over the next 20 plus years, and the 9,000 + houses to be built in Chilmington and Kingsnorth make this a vital consideration for our residents.

We understand that there is an urgent need to adopt the Local Plan 2030 for the greater protection of the Borough as a whole against adversarial speculative developers. We have seen through the October Council meeting that the Landscape Protection Policy will be discussed post Plan adoption. As the Local Plan is still due to be debated after its adoption, we wish to raise matters to be further included.

Points that are important to our residents need to be taken into account. When drawing up a list of matters needing to be discussed, perhaps by the Planning Task Group, post adoption, and we ask for the following be included:

1. Landscape Protection Policy and how Parishes can put together specific information to determine measurement pointers.
2. Cumulation and measured growth of settlements must be a matter for discussion and some form of guidance to acceptability defined.
3. The inclusion / exclusion of certain villages from Policies HOU3a and HOU5 in relation to lack of services / and sustainability indicators.
4. Clarification with respect to determinants for SP7 and the important Separation of Settlements. There needs to be clear guidelines to enable serious protection of buffer zones and retention of a true visual and practical separation.
5. The definition and extent of green corridors needs to be firmly determined. This was looked at for the wider Ashford town, but this needs to be widened to the Borough as a whole, as rural green corridors are also seriously under threat.

These are perhaps contentious issues which must be given consideration by Officers and Members if the Local Plan 2030 is to be properly led by the LPA, and not be driven by developers.

Conclusions:

Shadoxhurst is the only settlement in HOU5 that does not have a shop or post office.

Shadoxhurst is one of only three of the 24 settlements in HOU5 that does not have a school.

We challenge ABC Planning Policy to justify with full reasoning why we are included in HOU5.

We request that Shadoxhurst be removed from HOU5.

Planning & Development

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Chair – Shadoxhurst Parish Council
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Our Ref: LP2030/HOU5/SC
Your Ref:
Date: 23rd January 2019

Dear David

Ashford Local Plan to 2030 – Policy HOU5

Thank you for your letter dated 15th January 2019 regarding the above. Your letter raises some issues relating to the new Local Plan and some associated points but I shall try to address them all here.

Your principal concern is about the inclusion of Shadoxhurst as a settlement listed under policy HOU5 of the new Local Plan and, as you see it, the consequences of this for future development in the parish. This is not a new concern and one raised consistently by the Parish Council, as I recall, throughout the plan-making process.

The policy approach to residential windfall development has been thoroughly debated through the Local Plan Examination and the Local Plan Inspectors have recommended that the Council make a number of amendments to policies HOU3a and HOU5. As part of this exercise, the Inspectors asked the Council to produce more information to justify which settlements should be covered by which policies. This is referred to in paragraph 187 of the Inspectors' Report.

The proposed changes to policies HOU3a and HOU5 were publically consulted on for 6 weeks between the 13th September and the 26th October 2018, although I don't think the Parish Council made any representations at that stage.

I believe that the Local Plan Inspectors have given a thorough analysis of this issue and that is reflected in their Report and Recommendations. I appreciate that this may not reflect your Council's views, which were put orally and in writing to the Inspectors during the course of the Examination. I'm sure you will have noted their comment in paragraph



190 of their Report that *“in any event the criteria within Policy HOU5 are quite demanding so that it does not provide ‘carte blanche’ for every proposal close to a listed settlement.”* I would hope that those words give you some comfort in respect of the implications for controlling future development around the village.

As you have heard me say on a number of occasions, national planning policy, as set out in the NPPF, does not seek to restrict new development outside settlement boundaries in principle unless it is in isolated locations or would constitute unsustainable development in other ways. Policy HOU5 seeks to strike a balance between accepting appropriately-scaled and located new development and resisting other schemes, including where an unacceptable cumulative impact can be demonstrated.

Consequently, whilst I acknowledge the concerns you raise about ‘precedent’ where allowing one development opens the door to all developments, I do not consider that such a scenario is likely. What policy HOU5 requires, in my view, is a pragmatic application that enables support for appropriately-scaled and located schemes (such as the ‘*Delcroft*’ example) so that a genuine distinction may then be drawn with the inappropriate and unacceptable (such as the Tally Ho Road scheme).

I note that your letter cites several references to appeal statements made by developers in support of their proposals. It is no surprise that developers will seek to put forward their own interpretation of policies, national and local, in support of their schemes but it doesn’t necessarily follow that such interpretations are accurate or reasonable and I have no doubt that the Council will be robust in making this clear in the defence of those refusals. Indeed, the Farley Close appeal highlights the issues clearly – on the one hand, a site that, by your own admission, may have some potential for development at some point whilst on the other hand, involving an actual scheme that is considered to be unacceptable in terms of numbers and layout.

Your letter also refers to separation between Shadoxhurst village and Chilmington Green and more broadly, Ashford itself. As you know, policy SP7 has been introduced into the Local Plan and has been supported by the Local Plan Inspectors in their Report. As they state in paragraph 183 of their Report, *“devising more prescriptive criteria would be next to impossible given the range of circumstances likely to be encountered in individual proposals”* and so each case will need to be treated on its merits. However, the aims of the policy are, in my view, quite clear and are set out in the supporting text to policy SP7. The retention of the individual character of settlements is fundamental to the purpose and aims of the policy.

As some sort of proxy, I would point towards the Local Plan’s policy for development south of Kingsnorth village (policy S4). In this policy, the need to retain a sizeable open buffer between the southern edge of Kingsnorth village and the northern built edge of any new development is enshrined in the policy with the nature of the topography there playing an important role. There is no definitive ‘minimum’ distance though.

I note the appendix to your letter sets out the ‘evidence’ to support your claim that Shadoxhurst should not be listed under policy HOU5 but this evidence has been considered by the Local Plan Inspectors in reaching their conclusions on the Plan.

I can assure you that there is no desire or intention that Shadoxhurst should become a suburb of an expanded Ashford and I believe this is enshrined within the planning strategy



and policies contained within the new Local Plan. Pressures for new development will always exist in this part of the country and I believe the Council takes its role of safeguarding the character and integrity of existing local communities seriously. Alongside this, the Council must also manage growth in a way that meets government planning policies and the wider need for new housing in the borough that has also been thoroughly examined over the last year. The new Local Plan has a critical role to play in this regard.

I note your intention to speak at the Council meeting on the 21st February and have advised my colleagues accordingly so that the appropriate arrangements can be put in place. However, my advice to Councillors will be to follow the advice of the Local Plan Inspectors and adopt the Local Plan to 2030 subject to their recommended modifications.

Yours sincerely,



Simon Cole

Head of Planning Policy

Copied to:-

Tim Naylor (Head of Planning & Development, ABC)

Tracey Kerly (Chief Executive, ABC)

Lois Jarrett (Head of Strategic Sites & Urban Design, ABC)

Cllr A. Hicks (Ward Member for Weald South)

Cllr G. Bradford (Ward member for Weald South)

Cllr G. Clarkson (Leader, ABC)

Damian Green MP

