



**Tunbridge Wells
Borough Local Plan (2020 – 2038)**

**Main Modifications Consultation
Representation Form**

**Please use a separate form/sheet for each
representation/main modification**

Ref:

(For official
use only)

We welcome your comments on the Tunbridge Wells Borough Local Plan Main Modifications Consultation.

The consultation also includes a number of other documents as listed in Box 1 below upon which representations can be made, including an updated Sustainability Appraisal and updated Habitats Regulations Assessment.

Completed forms must be received at our offices by midnight on **Wednesday 30th April 2025**.

We encourage you to respond online using the consultation portal. Please note you do not have to sign in to respond via the portal: <https://consult.tunbridgewells.gov.uk/kse/>

Alternatively, you may email or scan forms to: LocalPlan@TunbridgeWells.gov.uk or print them off and send them by post to: Tunbridge Wells Borough Council, PLANNING POLICY, Town Hall, Royal Tunbridge Wells, TN1 1RS

Please refer to the [Guidance Note on Making Representations](#) for further information. The Guidance Note explains the soundness tests and statutory plan making requirements relevant to this consultation.

PART A – CONTACT DETAILS

Please note that representations must be attributable to named individuals or organisations. They will be available for public inspection and cannot be treated as confidential. Please also note that all comments received will be available for the public to view and cannot be treated as confidential. Data will be processed and held in accordance with the Data Protection Act 2018 and the General Data Protection Regulations 2018.

	1. Personal Details	2. Agent Details (if applicable)
Title		Mr
First Name		Jonathan
Last Name		Buckwell
Job title (where relevant)		Director

Organisation (where relevant)	Vistry Group	DHA Planning
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PART B – YOUR REPRESENTATION

(Please use a separate form/sheet for each representation)

1.	Name of the Document to which this representation relates (please tick):
X	Schedule of Proposed Main Modifications
	Sustainability Appraisal (Part 2)
	Habitats Regulations Assessment (Part 2)
	Schedule of proposed Map Changes (Policies Map/Inset Maps)

2.	To which part of the document listed in Box 1 above does this representation relate to?
If Main Modification (please quote number e.g. MM1)	MM157
Chapter and (if applicable) subheading	Section 5: Land North of the A21, South and West of Hastings Road
Policy/Paragraph number	Policy AL/PE3

3.	Do you consider the Main Modification / document on which you are commenting, makes the Borough Local Plan Submission Version (2020 – 2038) (please tick or cross as appropriate):
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3.1	Legally Compliant	Yes		No	
3.2	Sound	Yes		No	X

4.	<p>Please give details of why you consider the Main Modification/document not to be legally compliant or sound. Please be as precise as possible and provide evidence to support this.</p> <p>Or</p> <p>If you wish to support the legal compliance or soundness of a main modification/document, please also use this box to set out your comments.</p> <p>The text box will automatically expand if necessary.</p>
<p>We do not have any objection to the majority of the changes introduced through MM156 and MM157 to Policy AL/PE3 and its supporting text, and we continue to strongly support the proposed allocation. Following pre-application discussions with the local planning authority, a planning application has been submitted, demonstrating Vistry's intention to deliver housing in line with the draft allocation.</p> <p>However, the proposed change to Criterion 13 is considered to be unsound on the basis of not being justified.</p> <p>As originally drafted, criterion 13 required contributions to be provided to mitigate the impact of the development in accordance with Policy PSTR/PE1, which is generally acceptable, in principle (subject to our comments on MM151).</p> <p>MM157 proposes to expand the criterion, adding <i>"including contributions to be used towards improvements to active travel infrastructure and measures, including bus journey times along the A264 Pembury Road"</i>.</p> <p>We are concerned that the additional wording is somewhat vague and suggests that the emphasis on improvements to Pembury Road will be on sustainable transport measures, although no specific schemes have been identified. Introducing this wording as a specific policy requirement, without any clarity as to what those improvements will look like, and without any clarity as to how the cost of those unidentified improvements will be shared with those other developments across the northern part of the borough which will also have an effect on Pembury Road, would be unreasonable and is not justified given the significant contributions and improvements already being made to transport infrastructure.</p> <p>Our concerns are accentuated by our current understanding that TWBC and KCC's current main focus is on pursuing a programme of highway capacity improvements for the Pembury Road corridor, which by virtue of being considered to also decrease journey time for buses, are being argued to qualify as active travel measures, and thus could be caught by the amended criterion despite being a very different type of scheme. Such highway capacity improvements are likely to require a significantly greater capital</p>	

investment than more typical active travel measures. Our client is extremely concerned that criterion 13 could be used to require the payment of substantial additional contributions, on top of the already substantial infrastructure requirements, which in turn will affect the viability of the proposed development, and would be disproportionate for the scale of development.

This additional requirement is also considered to be disproportionate to the relatively small scale of the three site allocations at Pembury. Whilst it is reasonable to expect new development to make a proportionate contribution to infrastructure, sites AL/PE1, AL/PE2 and AL/PE3 are already being asked to deliver and/or contribute towards a significant programme of highway and public right of way works in and around the village, as well as to the Woodsgate Corner junction. These include the delivery of a new, predominantly off-road cycle route through the southern part of Pembury, facilitating a new cycle route from Pembury to Hawkenbury, as well as improvements to the A264/A228 junction at Woodsgate Corner.

The burden of works to improve highway capacity on Pembury Road, other than at Woodsgate Corner, should fall largely on the Paddock Wood sites, which will have a much greater impact on the corridor in terms of vehicle movements (and arguably propensity to use this route – both by car and by bus – due to them being well beyond walking and cycling distance of urban Tunbridge Wells).

5. If you do not agree with the proposed Main Modification/document, please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the Matter you have identified at Section 4 (above) where this relates to legal compliance or soundness.

Please be as precise as possible.

The text box will automatically expand if necessary.

The proposed amendment to criterion 13 should be removed from the policy (and also from PSTR/PE1 on which we have commented separately) for the reasons set out above. Contributions sought should be proportionate and reasonable.

If, through appropriate discussions as part of any planning application on proportionate and reasonable mitigation measures, a sufficiently strong case exists for the development to make a proportionate contribution to reasonable active travel measures along the Pembury Road, and doing so would not make the scheme unviable, then the original wording would not prevent this being agreed. This would be a more reasonable approach given the lack of clarity on the measures proposed for Pembury Road, in contrast to the current proposed approach of making it a policy requirement that an unspecified contribution must be made towards an unspecified proportion of currently unspecified works - such a requirement would not pass the relevant tests in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (as amended).

6.	<p>Please use this box for any other comments you wish to make.</p> <p>The text box will automatically expand if necessary.</p>

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification.

7.	<p>Please tick this box if you wish to be kept informed about the Inspector's Report and/or adoption of the Local Plan</p>	X
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Signature		Date	
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Thank you for taking the time to complete this form.

Closing date for responses: midnight on Wednesday 30th April 2025