

# Tunbridge Wells Borough



## Development Constraints Study

October 2016

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## Section 1: Introduction

**1.1** This report presents the current evidence on various constraints that are likely to impact on how much, and where, future growth could be located in Tunbridge Wells borough. As well as numerous environmental and landscape constraints, the Council is aware that transport and congestion can be a problem in many areas. This report aims to set out and highlight areas where such constraints are present.

**1.2** In considering constraints, it is important to distinguish between the following:

- a. constraints that would act to limit *how much* development the borough as a whole could accommodate in accordance with the National Planning Policy Framework (NPPF); and
- b. factors that would shape the spatial strategy of the borough in terms of *where* development should take place

**1.3** The NPPF (paragraph 14) clearly establishes that Local Plans should meet objectively assessed needs unless “*any adverse impacts... would significantly and demonstrably outweigh the benefits.*” The purpose of this report is to consider constraints in relation to this.

**1.4** Constraints concerning infrastructure and service provision will be assessed through the Settlement Role and Function Study and Infrastructure Delivery Plan.

### Scope of works

**1.5** This report considers the current evidence on development constraints in Tunbridge Wells borough, including the impacts of the following factors:

1) Environmental Capacity

- i. Archaeology and Heritage
- ii. Ecology and Biodiversity
- iii. Water, including Flood Risk
- iv. Landscape
- v. Agricultural Land

2) Transportation

- i. Identified problem areas

3) Green Belt

**1.6** This report draws on relevant reports, studies and GIS mapping layers held by Tunbridge Wells Borough Council or obtained from other publicly available sources.

**1.7** As emphasised above, this document gives a factual overview of constraints and does not interpret information to give a commentary on the development capacity of the borough. Discussion and conclusions in relation to this will emerge through the Local Plan review process, starting with the Issues and Options consultation document in 2017.

## Section 2: Environmental Capacity Factors

**2.1** The principal focus of analysis is on what are commonly referred to as 'environmental capacity' factors. In this regard, this section looks at the existing evidence for environmental factors and designations in terms of the potential to constrain the ability to accommodate development within the borough. Any analysis takes into account the provisions of the NPPF.

**2.2** This kind of analysis is distinct from any type of analysis that seeks to quantify the 'capacity' to take future development within the borough. Nor is it a Sustainability Appraisal.

**2.3** The environmental factors considered are listed below and are considered in turn.

1. Archaeology and Heritage
2. Ecology and Biodiversity
3. Water, including Flood Risk
4. Landscape
5. Agricultural Land

### Archaeology and Heritage

**2.4** There are a number of archaeological and heritage sites within the borough, as illustrated in Figure 1. These include:

- 45 Historic Parks and Gardens
- 25 Conservation Areas
- 11 Scheduled Ancient Monuments

**2.5** In addition there are approximately 3,000 Listed Buildings, which could present site-specific constraints to development and require sensitive planning solutions.

**2.6** The borough is rich in ancient routeways, including Roman roads, drove roads and ironways often associated with other heritage assets. The landscape of the High Weald is described in the High Weald AONB Management Plan as the best surviving medieval landscape in Northern Europe and contains numerous historic landscape features, including field patterns, settlements and ancient woodland. Given this history, it is not surprising that the borough is rich in archaeology with some areas identified as having archaeological potential.

**2.7** There are clear indications in the NPPF (paragraph 132) surrounding designated heritage assets and any development that would impact upon them or their setting, this includes Scheduled Ancient Monuments, Conservation Areas, Historic Parks and Gardens and Listed Buildings:

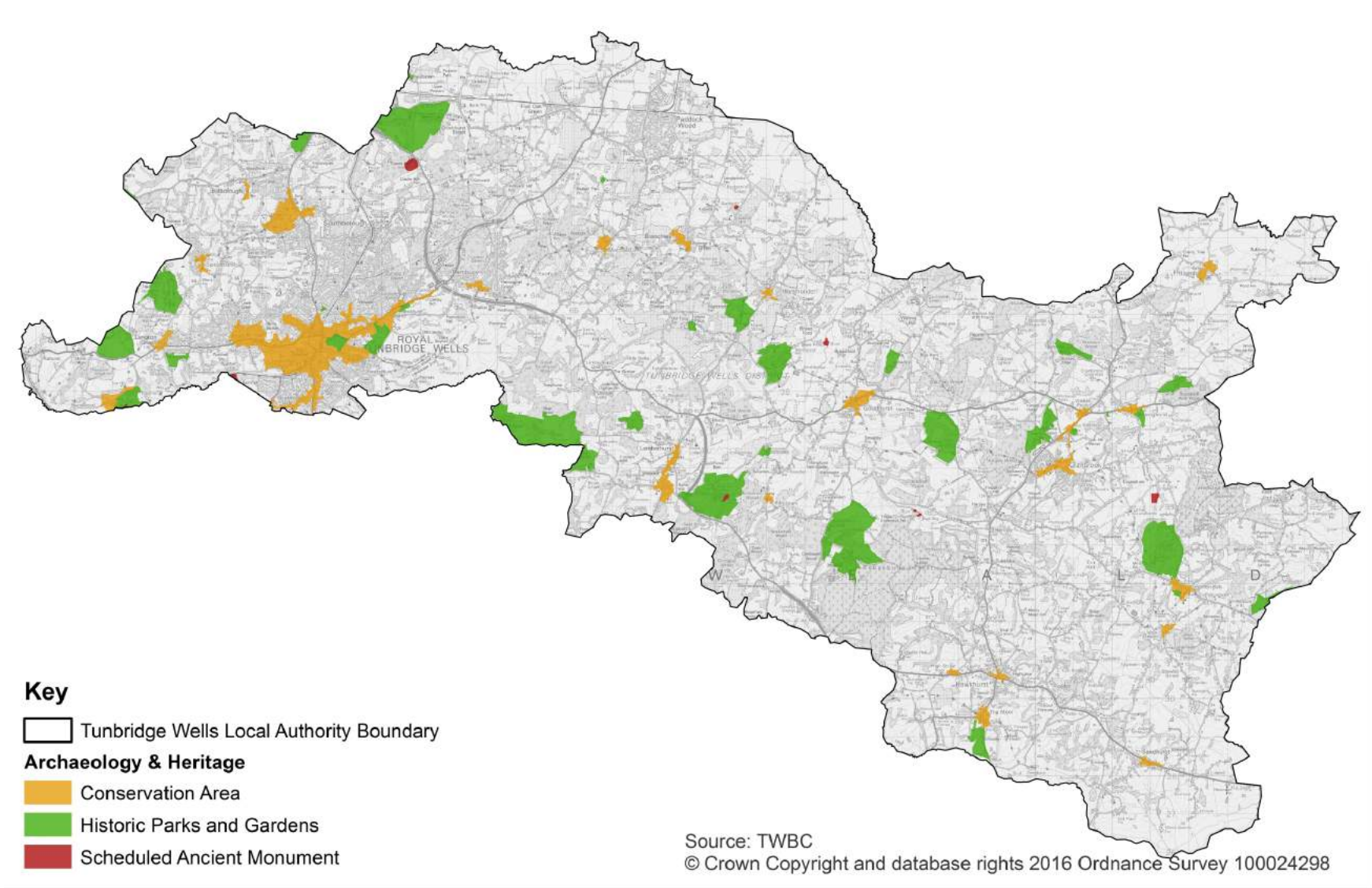
*"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification."*

**2.8** These heritage assets are not necessarily in themselves reasons for limiting the capacity for development. In some circumstances development can have a positive effect on heritage assets through improved conservation or restoration. Paragraph 134 of the NPPF states the following:

*"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."*

**2.9** This indicates that a blanket approach to restricted development in relation to heritage assets is not always justified or appropriate. There are examples of the planning system enabling historic settlements to expand through appropriate and well-designed sustainable urban extensions.

Figure 1 Archaeology and Heritage



## Ecology and Biodiversity

**2.10** The borough also hosts a number of, or is close to, areas of ecological importance, which are illustrated in Figure 2. These comprise the following features:

- Ancient Woodland (approximately 16% of the borough)
- approximately 60 Local Wildlife Sites (approximately 11% of the borough)
- ten Sites of Special Scientific Interest (SSSI)
- five Local Nature Reserves (including one Community Woodland)
- one Regionally Important Geological Site, at Scotney Castle Quarry

**2.11** Additionally, there is the 7km Ashdown Forest buffer zone. This zone is in place around the Ashdown Forest, which is a designated Special Area of Conservation (SAC) and Special Protection Area (SPA). This means that mitigation measures must be applied to any new development within this zone that are deemed to have a significant impact.

### SAC, SPA and SSSIs

**2.12** It is reasonable to assume that a spatial strategy that seeks to achieve sustainable development in line with the NPPF would not involve development of (or direct adverse impact on) sites that carry an international or national designation (including SAC, SPA and SSSIs), unless it was clearly unavoidable and included relevant mitigation. Paragraph 118 of the NPPF states:

*"Proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be*

*made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest."*

### Regionally Important Geological Sites, Local Wildlife Sites and Local Nature Reserves

**2.13** Regionally Important Geological Sites, Local Wildlife Sites and Local Nature Reserves are all locally designated. In accordance with delivering NPPF compliance, development of, or affecting, these sites must be given appropriate consideration by the Local Planning Authority, as these are not statutorily protected. Development affecting them should not therefore automatically be refused. This is emphasised in paragraph 113 of the NPPF, which states the following:

*"Local planning authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks."*

**2.14** With regard to Regionally Important Geological Sites, the NPPF puts the onus on the development of local planning policies to minimise impacts of geodiversity, stating in paragraph 117 that such policies should *"aim to prevent harm to geological conservation interests."* The NPPF states that allocations of land for development should prefer land of lesser environmental value (paragraph 17), which does not in itself preclude development but will restrict and constrain.

## Ancient Woodland

**2.15** The NPPF (paragraph 118) makes specific reference to the refusal of development that would result in the loss or deterioration of ancient woodland, unless the benefits of a scheme would outweigh the loss.

*“Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.”*

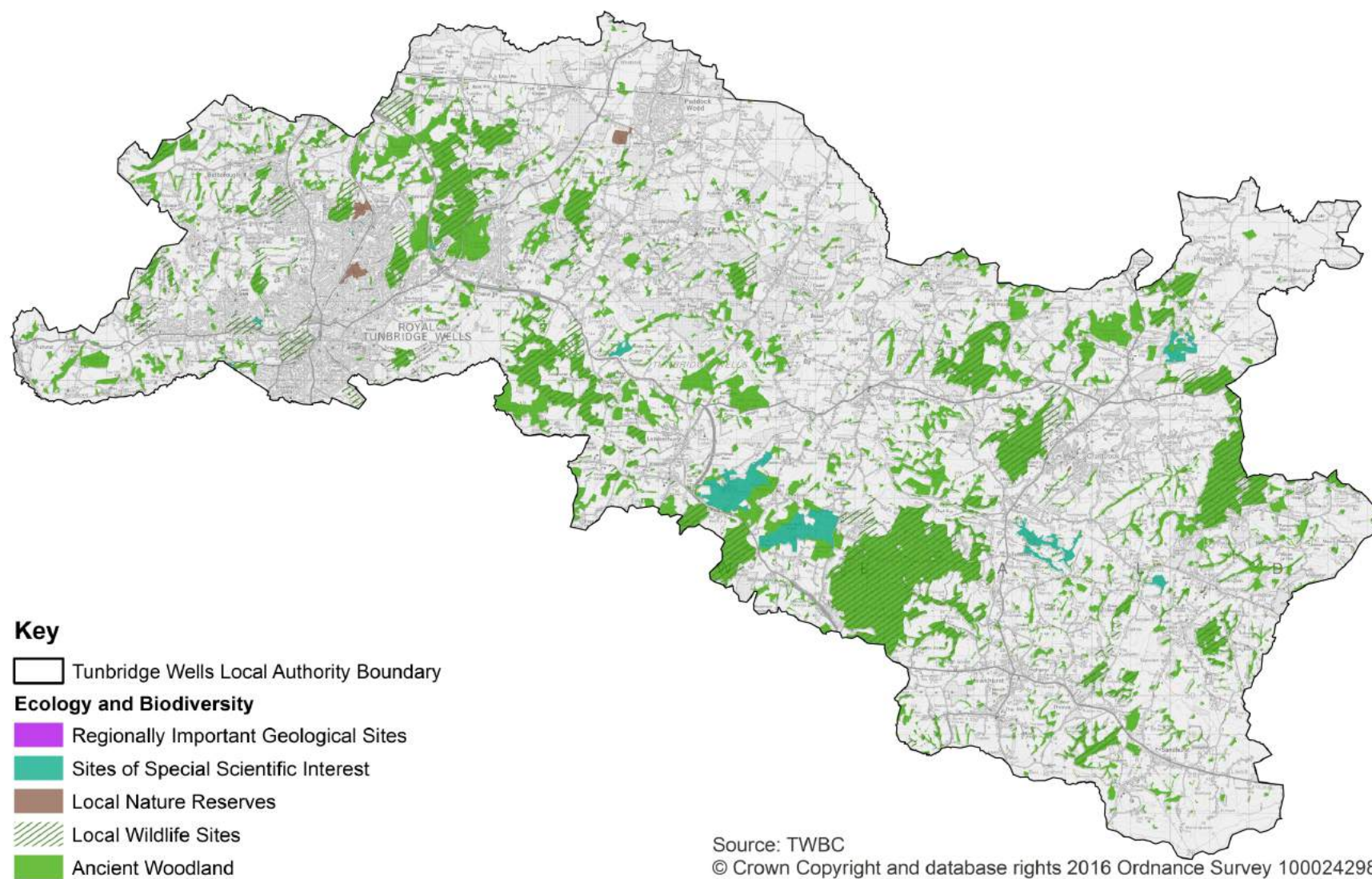
**2.16** This identifies that a blanket refusal on the loss of ancient woodland is not an appropriate stance in all instances, but the loss of ancient woodland is likely to be an exceptional circumstance and therefore poses a significant constraint.

## Other

**2.17** The presence of priority habitats, protected species and important ecological corridors will further constrain development.



Figure 2 Ecology and Biodiversity



## Flood Risk

**2.18** There is policy emphasis in the NPPF to steer development away from areas with high flood risk. Planning Practice Guidance states that:

*“The National Planning Policy Framework sets strict tests to protect people and property from flooding which all local planning authorities are expected to follow. Where these tests are not met, national policy is clear that new development should not be allowed”.*

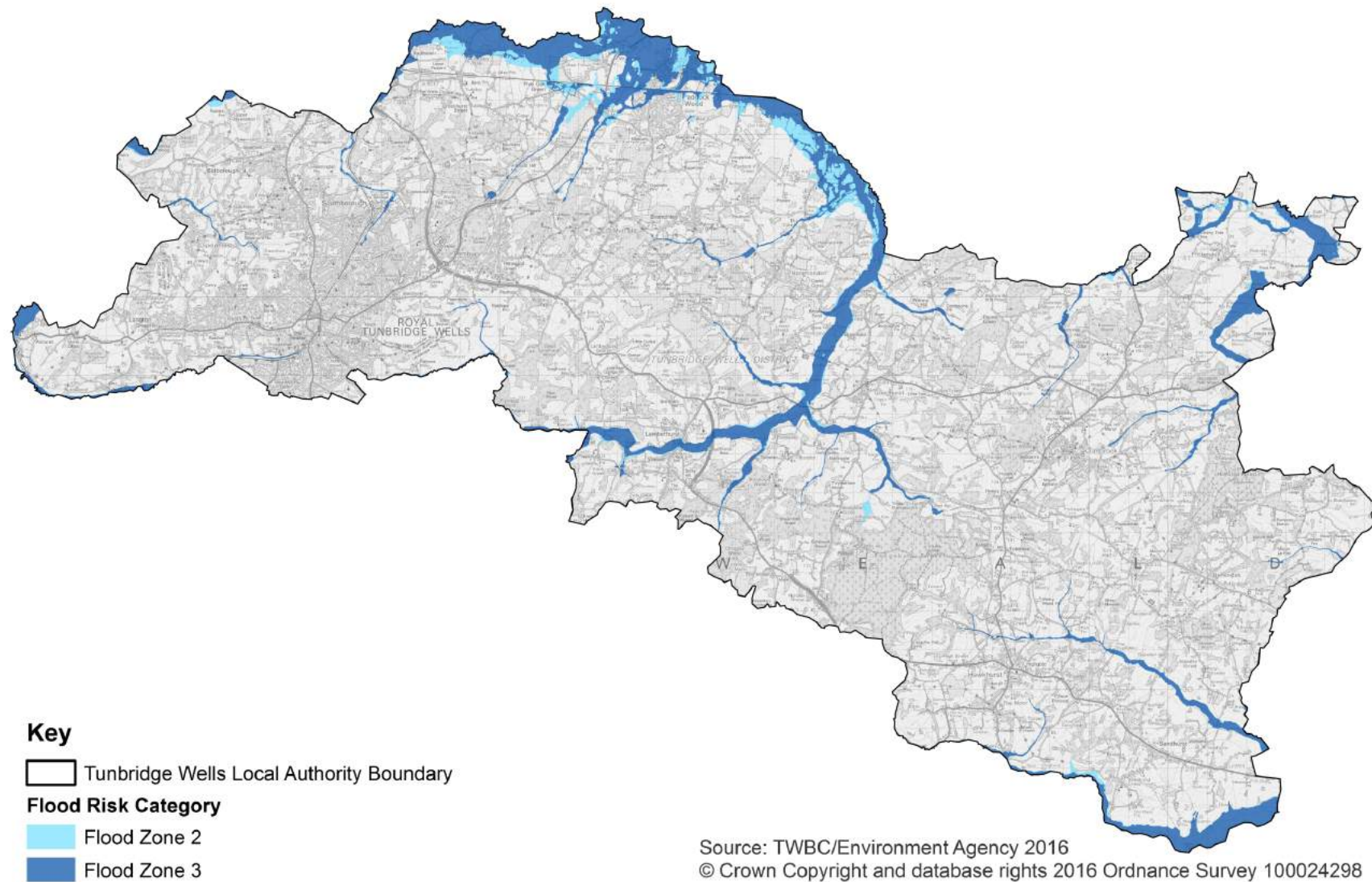
**2.19** Housing is defined as a ‘More Vulnerable’ use in the Planning Practice Guidance and this is stated to be an ‘appropriate use’ in Flood Zones 1 and 2. It is not regarded as an appropriate use in Flood Zone 3, unless it passes an ‘Exception Test’ (only in the case of Flood Zone 3a – *High Probability* – and not 3b – the *Functional Floodplain*). Flood Zone 3 should therefore be regarded as a significant constraint, with Flood Zone 2 requiring consideration of the vulnerability of the land uses; these are mapped in Figure 3.

**2.20** Flood Zone 3 covers nearly 7% of the borough. Flood Zone 3a can be developed for housing if it passes the Exception Test. Flood Zone 2 covers 8% of the borough.

## Water resource

**2.21** Although not a significant constraint to development, it should be noted that Tunbridge Wells water consumption rates are higher than the national average, with most water in Kent being taken from the ground (73%). As recharge rates are low in this area of the country, Tunbridge Wells is in an area defined by the Environment Agency as being in ‘Serious Water Stress’.

Figure 3 Flood Risk



## Landscape

**2.22** Landscape designations, including landscape policy constraints, are relevant in determining the approach to planning for development needs. Key components in the consideration of landscape issues are mapped in Figure 4 and include the following:

- High Weald Area of Outstanding Natural Beauty (AONB) (approximately 69% of the borough)
- Open spaces and allotments protected by local policy

**2.23** Note that Figure 4 includes designations included within the 2006 Local Plan; these will be reviewed and updated where necessary as part of the Local Plan review.

### Area of Outstanding Natural Beauty

**2.24** With regard to AONBs, the NPPF (paragraph 115) states the following.

*“Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.”*

**2.25** The NPPF weighs against major developments in these designated areas except in exceptional circumstances, although it does not rule out sensitively designed development in, or on the edge of, settlements within the AONB, if that is part of a Local Plan strategy.

**2.26** The statutory duty to conserve and enhance will result in the AONB having a finite capacity.

**2.27** Irrespective of designation, the quality of the landscape of the borough is generally regarded as high or very high and has been identified by residents as one of its main assets. Maintaining quality and character of the landscape as a whole may constrain development.

### Open spaces and allotments protected by local policy

**2.28** The following is stated in the NPPF, at paragraph 74:

*“Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*

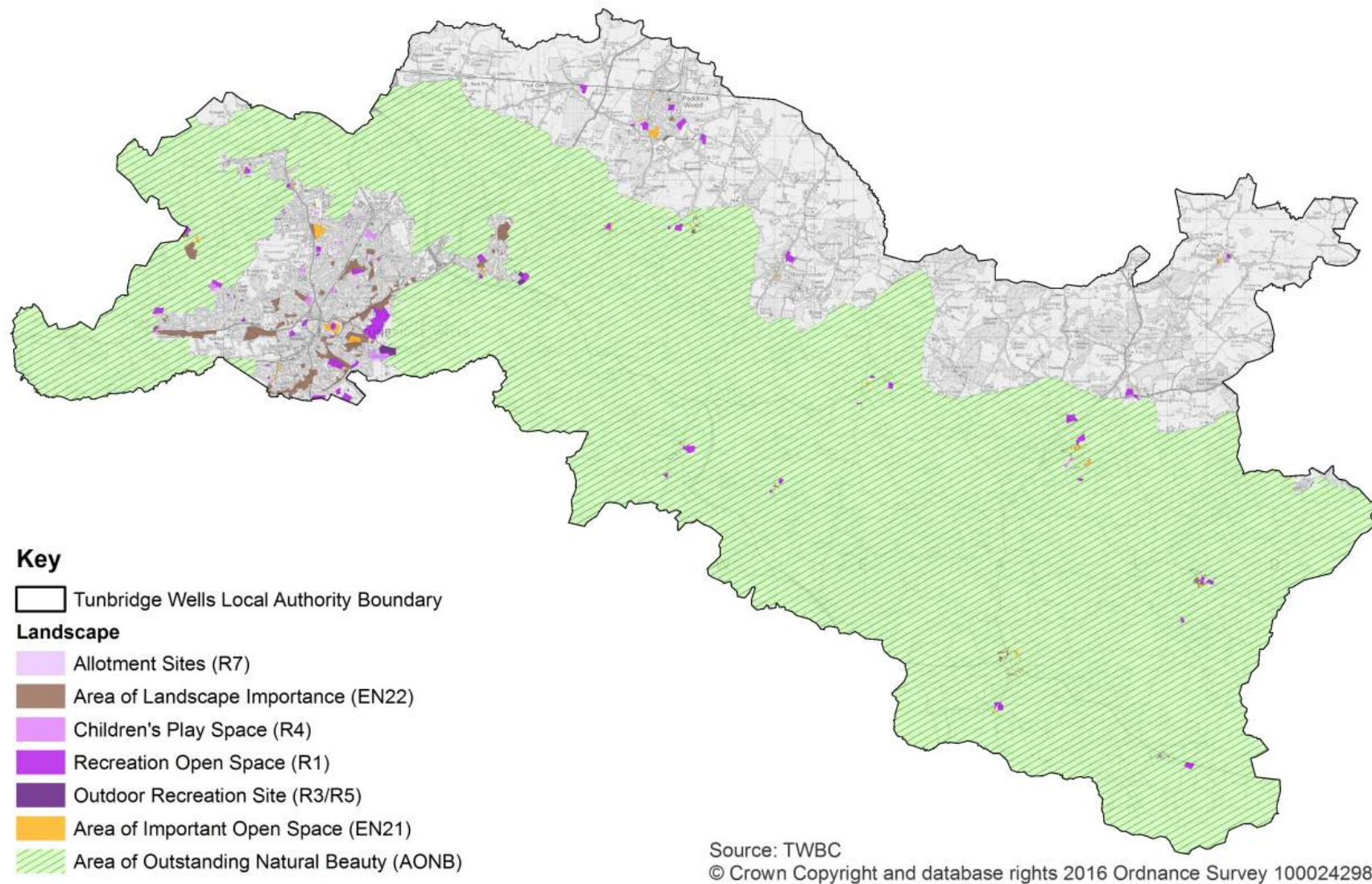
- *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- *the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss”*

**2.29** The topography of the borough means that there is limited opportunity for additional playing fields to be located near existing settlements.

**2.30** The 2006 Local Plan and Core Strategy (2010) identify Important Open Spaces and recreational areas. These will be reviewed with regard to NPPF paragraph 74, above, through the new Local Plan. The Settlement Role and Function Study to underpin this work will assist in identifying Important Open Spaces, with the Playing Pitch Strategy and Open Space Study further considering recreational areas and facilities. The Council recognises that these areas can contribute to places in landscape terms through visual contributions, as well as through the function in which they serve.



Figure 4 Landscape Constraints



## Agricultural Land

**2.31** Varying qualities of agricultural land are found across Tunbridge Wells borough (see Figure 5 using the provisional 1980s Agricultural Land Classification Map). Land within the borough has been identified as predominantly Grade 3 (78% of the borough), with there being no sizeable areas of Grade 1 (highest quality land) identified, based on information held by DEFRA.

**2.32** Individual site investigations have shown some areas of higher quality land and that much of the previously identified Grade 3 land is, in fact, Grade 3a.

**2.33** The NPPF highlights the importance of agricultural land. Paragraph 112 of the NPPF does not, however, appear to show that it should be afforded a protection that means development necessary to meet needs is not delivered:

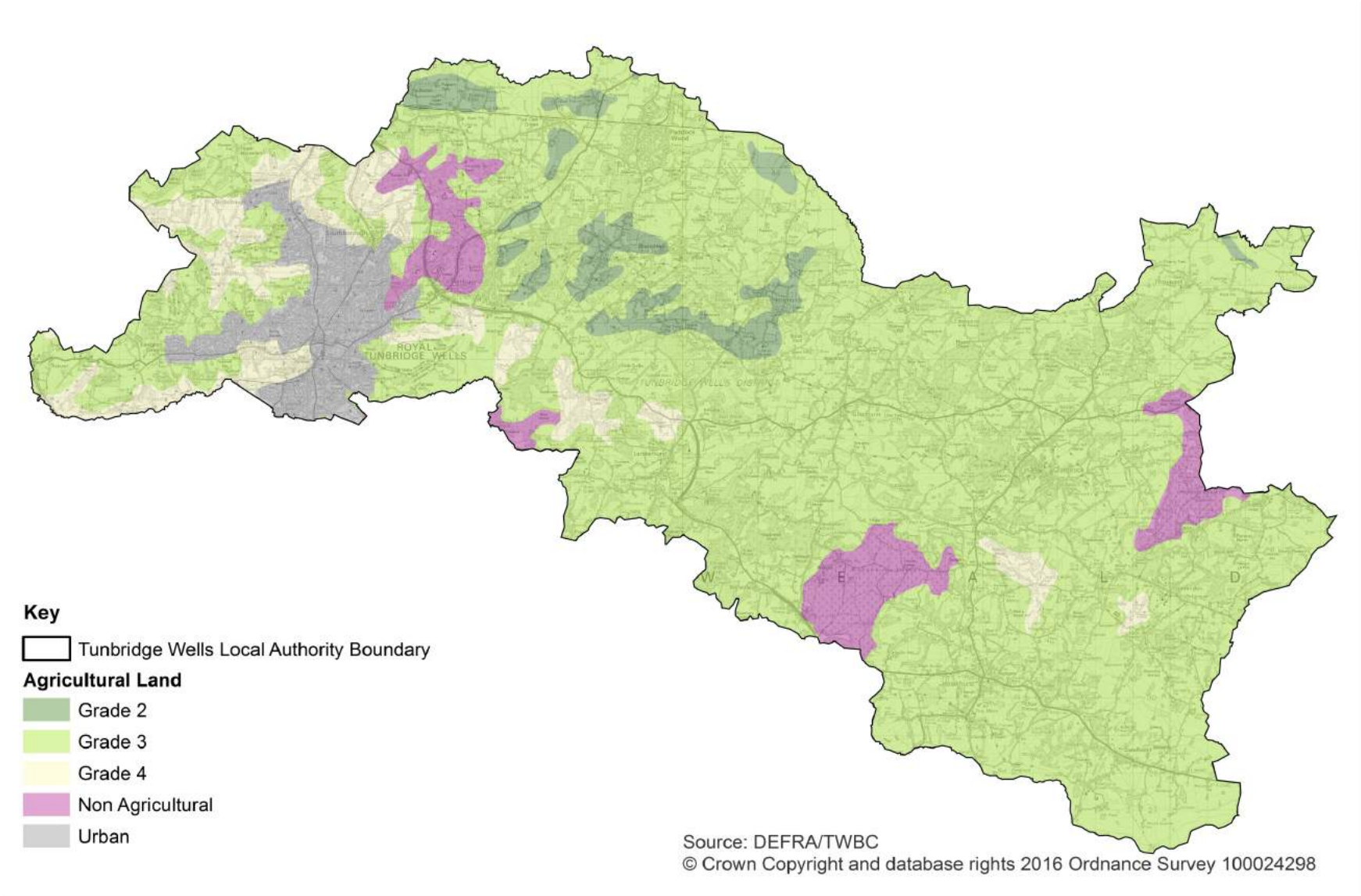
*“Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.”*

**2.34** This indicates that agricultural land is a matter to be considered in terms of spatial distribution of development and/or balancing of agricultural issues against landscape and other factors in terms of how development needs are met. It may also be an issue for consideration across administrative boundaries with neighbouring authorities.

**2.35** Although the borough contains some areas of higher quality agricultural land, it is not considered that this quantum of high quality agricultural land would constrain development in the borough to a given capacity.

**2.36** In the High Weald, it is common for agricultural land to be of a lower quality; however, the land still remains important economically for grazing under traditional management and remains important for the visual contribution to the landscape and character of the borough.

Figure 5 Agricultural Land



## Section 3: Transportation

**3.1** Transportation issues in the borough will be crucial in determining both the spatial distribution of development and the capacity of the network to absorb it.

**3.2** The Borough Council is aware of a number of roads, areas and junctions where there are capacity and traffic flow issues. These are frequently referenced by members of the public in comments on planning applications. Roads include, but are not exclusive to:

- A26, from boundary with Wealden in the south, to border with Tonbridge & Malling in the north
- Railway bridge at High Brooms (North Farm Road/Dowding Way)
- A262 Goudhurst
- A264 Pembury Road, including junctions at Woodgate Corner and Halls Hole Road/Blackhurst Lane
- A21 Kippings Cross to Lamberhurst
- Hawkenbury junctions (Forest Way/Forest Road; Forest Road/Nelson Road/Dorset Road; Halls Hole Road/Forest Road)
- A228 Colts Hill, including Badsell Road roundabout
- Badsell Road/Maidstone Road junction, Paddock Wood
- Hawkhurst crossroads

**3.3** As it stands, there is not yet the evidence in place to arrive at a definitive conclusion as to how highways capacity could impact on the development strategy for the new Local Plan. The Council will work with its partners, including Kent County Council and Highways England, to carry out relevant technical work and assessments, particularly with regard to the congestion that is present on the A26 into and out of Royal Tunbridge Wells.

**3.4** Any areas that are found to have critical problems will be considered against paragraph 32 of the NPPF, which states that *"development should only be prevented or refused on transport*

*grounds where the residual cumulative impacts of development are severe."* The Transport Strategy for the borough will also be updated alongside the new Local Plan where problems and solutions can be considered.

### Air Quality

**3.5** The Air Quality Management Area (AQMA) runs along the A26 into Tunbridge Wells. Any additional development within this area or vicinity may have to provide funding towards mitigating measures to offset any increase in local pollutant emissions as a consequence of the proposed development. These measures could be introduced through planning obligations.



## Section 4: Green Belt

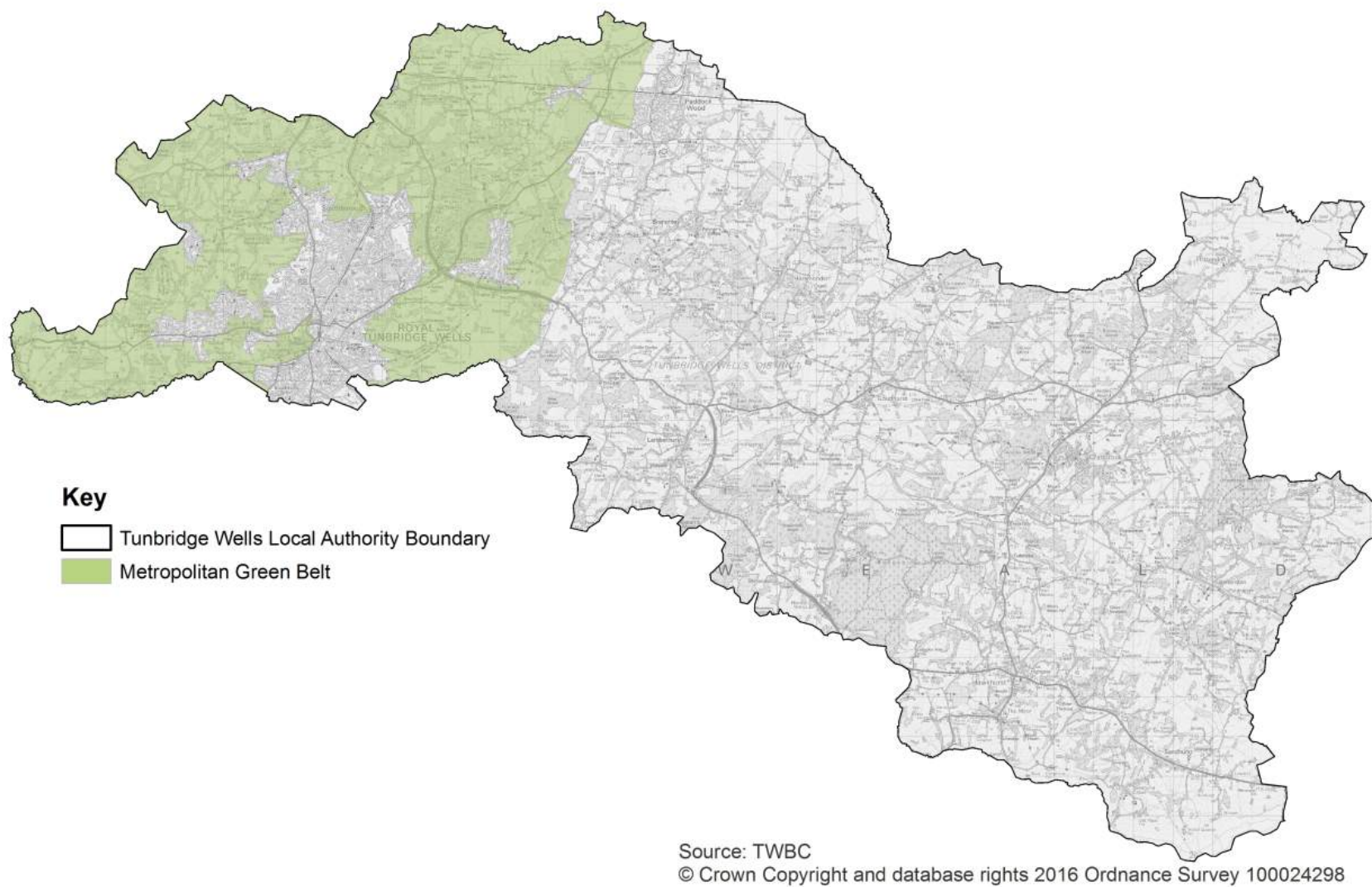
**4.1** The Metropolitan Green Belt covers 22% of Tunbridge Wells borough. It should be noted, however, that the Green Belt is not an environmental constraint but a policy consideration. With this in mind, the extent of the Green Belt is shown within this document for contextual purposes. Figure 6 shows where Green Belt is present.

**4.2** Section 9 of the NPPF articulates the five purposes of the Green Belt:

- to check the unrestricted sprawl of large built-up areas
- to prevent neighbouring towns merging into one another
- to assist in safeguarding the countryside from encroachment
- to preserve the setting and special character of historic towns
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land

**4.3** The Council is currently undertaking a Green Belt Study that assesses the current Green Belt against purposes and functions as referred to in the NPPF. This study, along with other evidence, will influence the spatial development strategy that the Council prepares and which will be articulated through the final adopted Local Plan.

Figure 6 Green Belt



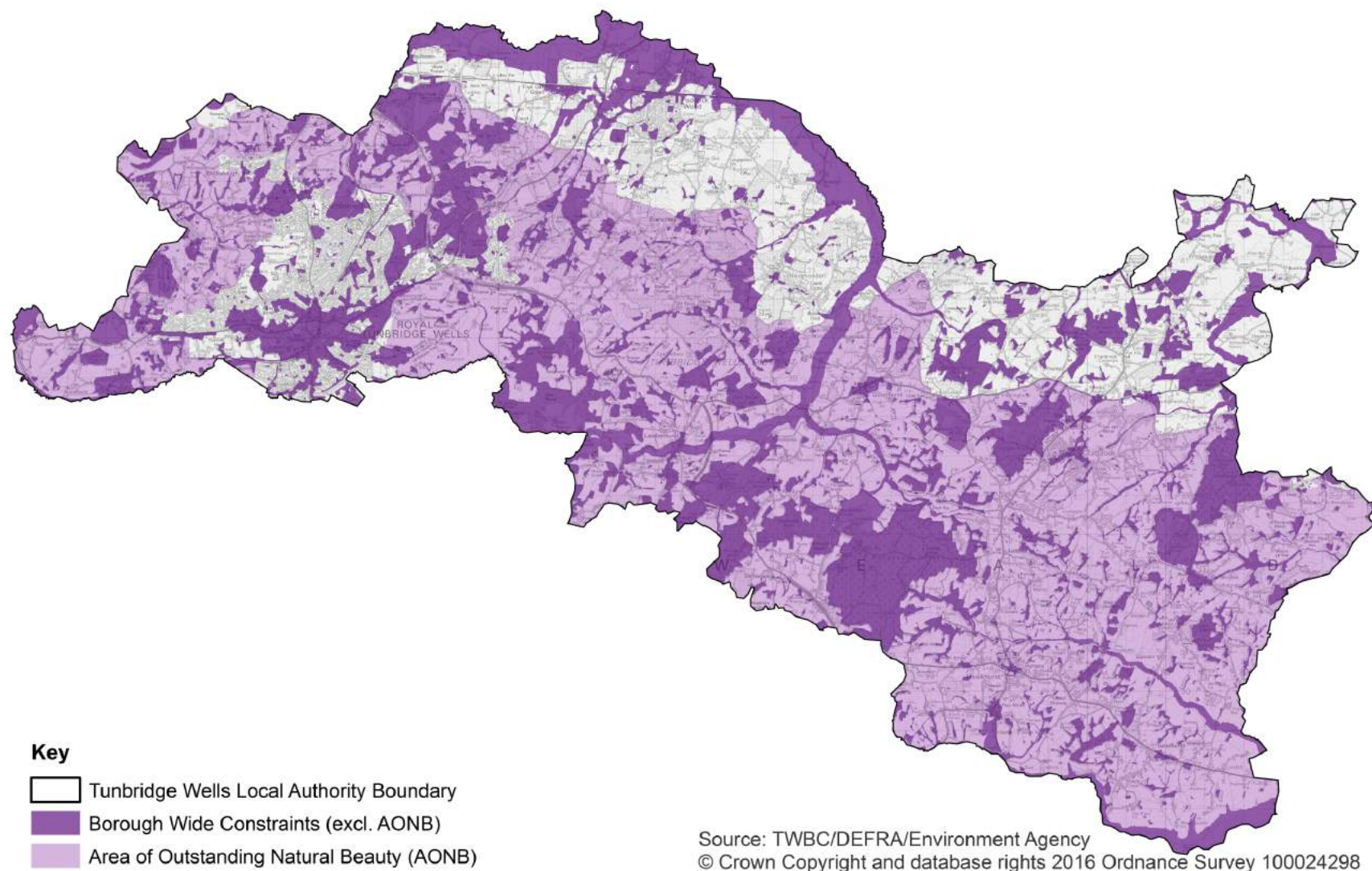
## Section 5: Conclusions

**5.1** Figure 7 shows each constraint outlined in the previous sections (with the exception of Green Belt due to its 'policy' nature) overlaid across the borough. This results in over 79% of the borough being constrained in some way.

**5.2** This study has shown that Tunbridge Wells has many development constraints that encompass, adjoin or overlay many of the towns, villages and rural areas within the borough. Factors such as the Area of Outstanding Natural Beauty and areas of Flood Risk may all limit the potential of certain areas of the borough to accommodate further growth.

**5.3** There is also some anecdotal evidence that infrastructure could limit the potential to accommodate growth, particularly in relation to highways. Future transport modelling and assessment work will be necessary, however, in order to form definitive conclusions in relation to capacity of the road network. Further work, assessments and dialogue will be carried out concerning other infrastructure and services, including education and utilities.

Figure 7 Borough-wide Constraints



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