Examination of the Tunbridge Wells Borough Local Plan

Response to Inspector's Initial Findings

July 2023

THE
HADLOW
ESTATE

Contents

1. Introduction

1.1 This response has been prepared on behalf of the Hadlow Estate (hereafter referred to as 'the Estate') in response to the Inspector's Initial Findings into the Examination of the Tunbridge Wells Local Plan (hereafter referred to as 'the Inspector's Findings') which were published in November 2022.

1.2 The Estate is supporting the continued allocation of a new garden village at Tudeley in the Tunbridge Wells Local Plan 2020-2038 (hereafter referred to as the 'emerging Plan'). Tudeley Garden Village (hereafter referred to as 'TGV') was allocated in the emerging Local Plan under policy reference STR/SS3.

1.3 Following the Hearing Sessions, the Inspector set out his Initial Findings and identified several areas where additional information or further work was required in respect of TGV. The areas related to:

- The location and accessibility of the site;
- Whether or not the necessary infrastructure can be provided; and
- The deliverability of the site in the manner envisaged.

1.4 This response addresses these areas drawing on additional technical reports which have been undertaken and demonstrates that the allocation is justified, effective and entirely in accordance with national policy.

1.5 The remainder of this response is structured as follows:

- Section 2 addresses the issues around location, accessibility, and sustainable transport.
- Section 3 addresses the issues around retail provision, internalisation, and highway impacts.
- Section 4 addresses the issues around the proposed Five Oak Green Bypass.
- Section 5 addresses the issues around the deliverability of the Garden Village.
- Section 6 addresses the issues around the Green Belt and Exceptional Circumstances.
- Section 7 provides a summary and conclusion.

1.6 This note has been prepared with input from a multi-disciplinary professional team appointed by the Hadlow Estate to support the promotion and development of the proposals for TGV. The professional team has been appointed with specific regard to their technical knowledge, understanding and expertise in respect of the delivery of new communities. The professional team has been supplemented for the purposes of addressing the Inspector's requests for additional information and it includes:

- Turnberry Consulting – Turnberry provide strategic development advice to clients in the UK and internationally, including advice on property strategy, master planning, public engagement and town planning. On behalf of landowner clients, they have brought forward high-quality new communities in Aberdeenshire and Inverness and are advising on several other new community projects elsewhere in the UK.

- Andrew Cameron Associates (ACA) – Andrew Cameron is an engineer with a background in transport, architectural engineering and urban design. He is passionate about how we plan for low-carbon movement whilst at the same time creating great streets and enjoyable places. With approaching 30 years' experience he has contributed to many master planning and regeneration projects for villages, towns and cities in the United Kingdom and around the world. These include Poundbury in Dorchester, Derwenthorpe in York, Chicago Lakeside and the new town of Madinat Khalifa in Bahrain as well as providing input into the formulation of the Manual for Streets.

- Markides Associates (Markides) – Markides is a transport consultancy with extensive experience of delivering large scale residential schemes and mixed use new communities across the county including most recently at Rochester in Kent and Ware, in Hertfordshire.

- Marron Planning (Marron) – Marron is an economic development consultancy, with a focus on retail and mixed-use development. They have experience delivering mixed use new communities including Sherford in South Hampshire.

1.7 Drawing upon the input of the professional team, the Estate considers that this response provides a technically rigorous assessment of the further areas and additional information raised in the Inspector's initial findings, demonstrating the deliverability and soundness of the TGV allocation within the emerging Plan.

2. Location and Accessibility

2.1 The areas of concern identified by the Inspector in respect of location and accessibility are summarised as follows:

- Accessibility to the Garden Village for pedestrians and cyclists.
- Accessibility to the Garden Village on public transport.
- Delivery of sustainable transport infrastructure across authority boundaries.

2.2 These concerns are addressed in turn below.

Strategic Context

2.3 Before addressing the Inspector's concerns in detail, it is worthwhile reiterating the strategic context within which the allocation for TGV has been proposed.

2.4 The site of the allocation of TGV is just 4km from Tonbridge town centre and 5km from Paddock Wood town centre. Tonbridge is identified as the principal settlement in Tonbridge Borough in the extant 2007 TMBC Core Strategy. As for Paddock Wood, the TWBC emerging plan states:

"Paddock Wood is a logical choice for strategic growth for a number of reasons; being an existing service and employment centre, having a central railway station and main road links, giving wider accessibility. It is also outside the AONB and, except for land to the west, beyond the Green Belt".

2.5 The route between Tonbridge and Paddock Wood, on which TGV is located, is itself of strategic significance. With the growth of these settlements over the coming years there is both a strategic opportunity and a basic need to enhance this route to create a sustainable transport corridor.

2.6 TGV is critical to realising the creation of this sustainable transport corridor between Tonbridge and Paddock Wood. TGV is required to help fund it and support its viable operation.

2.7 The creation of this sustainable transport corridor will itself lead to substantive and significant modal shift in travel patterns for people that live and work in and around this area. This has the potential to help recalibrate the transport network in the sub region. This is a critical part of the strategic justification for directing growth towards TGV, alongside growth at Paddock Wood.

2.8 The allocation of TGV must be understood within this wider strategic context. The allocations at Paddock Wood and TGV are critical, complimentary and dependent parts of the spatial strategy for the Borough. Together the allocations can bring forward the necessary infrastructure to ensure that a substantive proportion of the Borough's growth requirement can be sustainably accommodated.

2.9 The removal of the TGV allocation from the spatial strategy would fatally undermine the ability for the Paddock Wood allocations to provide sustainable growth, and thereby critically undermine the sustainability of the plan as a whole. Without TGV, the sustainable transport corridor between Tonbridge and Paddock Wood will not be realised, and the sustainability of Paddock Wood as a strategic location will be removed.

2.10 Moreover, there is no alternative strategic location in the Borough which has the ability to deliver the same sustainability gains secured through the joint delivery of strategic growth at TGV and Paddock Wood. Indeed, the joint delivery at TGV and Paddock Wood is the only solution that is able to sustainably accommodate the required growth in the Borough over the next generation.

2.11 This response now turns specifically to the Inspector's stated concerns in respect of location and accessibility, and further evidence demonstrates how the opportunity to create a strategically significant sustainable transport corridor will be realised.

Walking & Cycling Accessibility

2.12 The Inspector's Findings in respect of this issue are summarised at Paragraph 13 which states:

"Pedestrian and cycle links would be provided as part of the scheme and there is a commitment to include a new dedicated route into Tonbridge. Although this could be secured by policies in the Plan, the distances involved to the centre of Tonbridge and back would not be conducive to walking. Likewise, it would be unrealistic to expect a significant number of people to cycle into Tonbridge, especially during the darker, winter months or during periods of inclement weather".

2.13 The allocation of TGV is approximately 4km distance from Tonbridge town centre and Tonbridge railway station; approximately a 45-minute walk or a 15-minute cycle ride.

2.14 As noted in the Inspector's findings, this distance is too far to walk in the majority of cases, and therefore the site will be reliant on cycling trips to meet active travel aspirations for journeys to the town centre of Tonbridge. The site is well situated to achieve significant numbers of cycling trips, given that the UK average cycling trip distance is 5.8km[1] as compared to the 4km distance of TGV from Tonbridge. Every resident of TGV would be within an easily cyclable distance of Tonbridge.

2.15 The illustrative TGV masterplan provides for the creation of a cycle route at and through the heart of the community. This would be LTN1/20 compliant, affording high quality, segregated infrastructure to encourage all levels of ability to cycle along the route. It would therefore be designed in a location that encourages natural surveillance from neighbouring properties and would have appropriate street lighting (addressing the Inspector's concerns about darker winter months), making the route safe and secure. The route would be hard surfaced, enabling the ability to cycle all year round and outside of daylight hours. The reference to usage being affected by inclement weather is a point that would apply to any cycle provision in any part of the country and this is not a reason to treat the provision of such dedicated cycle routes as unsustainable.

2.16 The delivery of this cycle route at the heart of the community within easy cyclable distance of the major town centre and railway stations fits with the policy ambition to significantly grow cycling mode share, as stated within Central Government's 'Decarbonising Transport' and 'Gear Change' reports, as well as KCC's 'Local Transport Plan 4'.

2.17 It is recognised that providing such good cycle infrastructure across the TGV development will not alone provide a holistic network that enables cycling into Tonbridge, Five Oak Green or Paddock Wood. However, it will be part of a wider co-ordinated set of proposals that will be developed to ensure the cycle routes are secure, safe and direct across their whole lengths.

2.18 The development proposals have been co-ordinated with the developing Tunbridge Wells Borough Council (TWBC) 'Local Cycling and Walking Infrastructure Plan' (LCWIP)[2] sets out the routes proposed for investment within TWBC, including route D which provides the important connection for the route between Five Oak Green and Tonbridge via the TGV site.

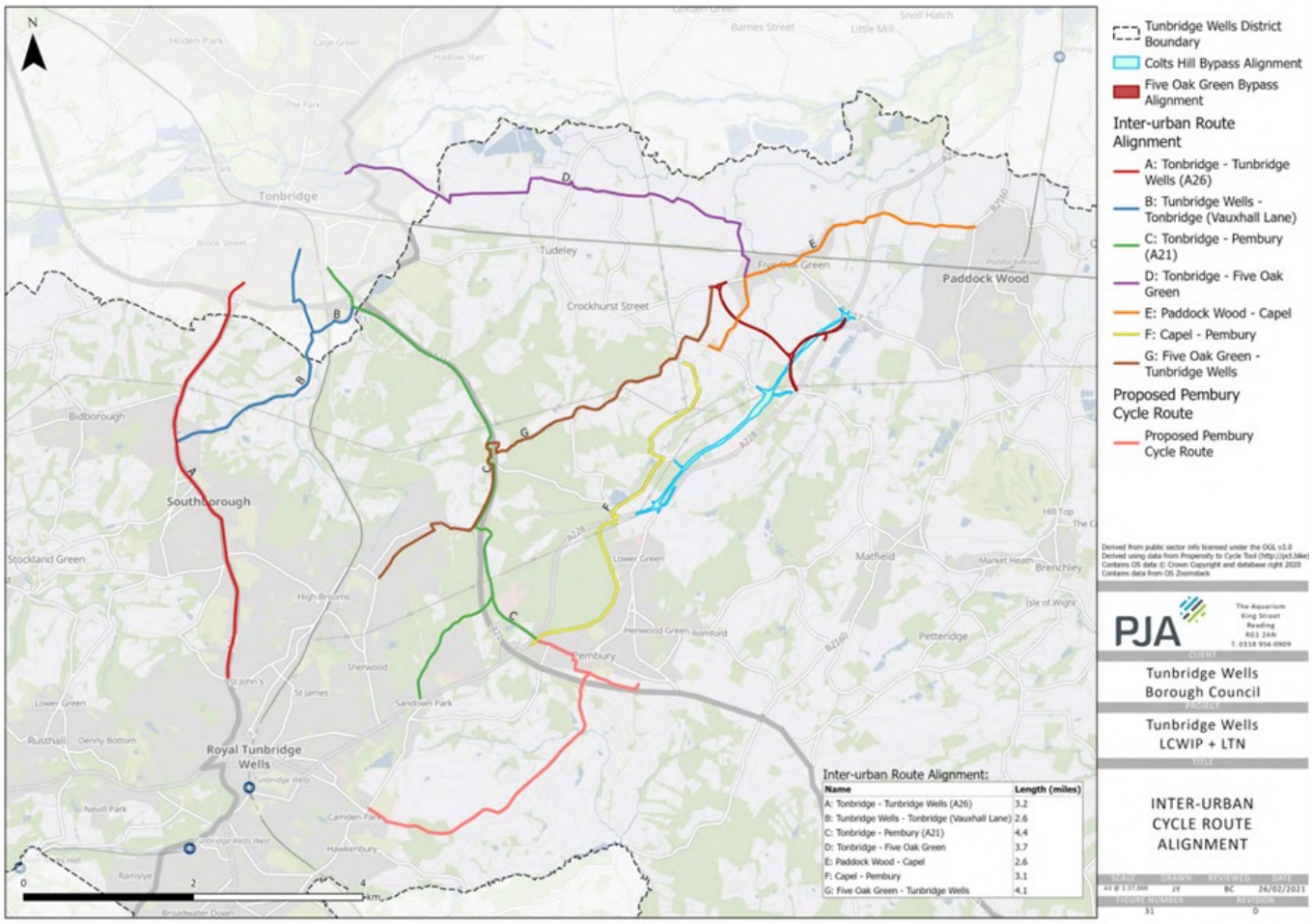

Figure 1 Tunbridge Wells LCWIP: Cycle Routes
Source: PJA on behalf of Tunbridge Wells Borough Council

2.19 The proposed Route D will provide an ideal option for cyclists. It will be largely free from traffic, via the public right of way along Postern Lane and the riverside tow path.

2.20 Given the Estate owns much of the land bordering the B2017 and A26, the Estate is also in a position to provide further high-quality cycle facilities, that are designed to best practice standards, and connecting with other parts of Tonbridge securely and safely as needed.

Cycling Connections within Tonbridge itself

2.21 TMBC is yet to publish its LCWIP or adopted Active Travel strategy. However, the latest consultation proposals from March 2022[3] show a number of suggested routes to focus cycling improvements as noted in Figure 2 below.

2.22 This map demonstrates three proposed routes serving the town centre, from the western extents of the town, as shown in green (riverside route), light blue (industrial / retail route) and indigo (Vauxhall / school route).

2.23 The green route connects with the proposed end point of route D from the TWBC LCWIP and provides the important continuation of the TGV cycle route into Tonbridge town centre. In addition, the indigo-coloured route connects with the Weald of Kent Grammar School, which is situated on Tudeley Lane and intersects with the proposed bus/cycle only route.

2.24 Finally, there are multiple options for a further cycle route from TGV to connect directly with the light blue route along the A26, as the Estate owns land that borders the A26 and connects with the proposed TGV site.

2.25 TGV is therefore not reliant on one route to enable the creation of excellent cycle connections with Tonbridge. There are a variety of options to provide routes that will cater for all abilities of cyclist and providing the ability to cycle in all weather and lighting conditions and

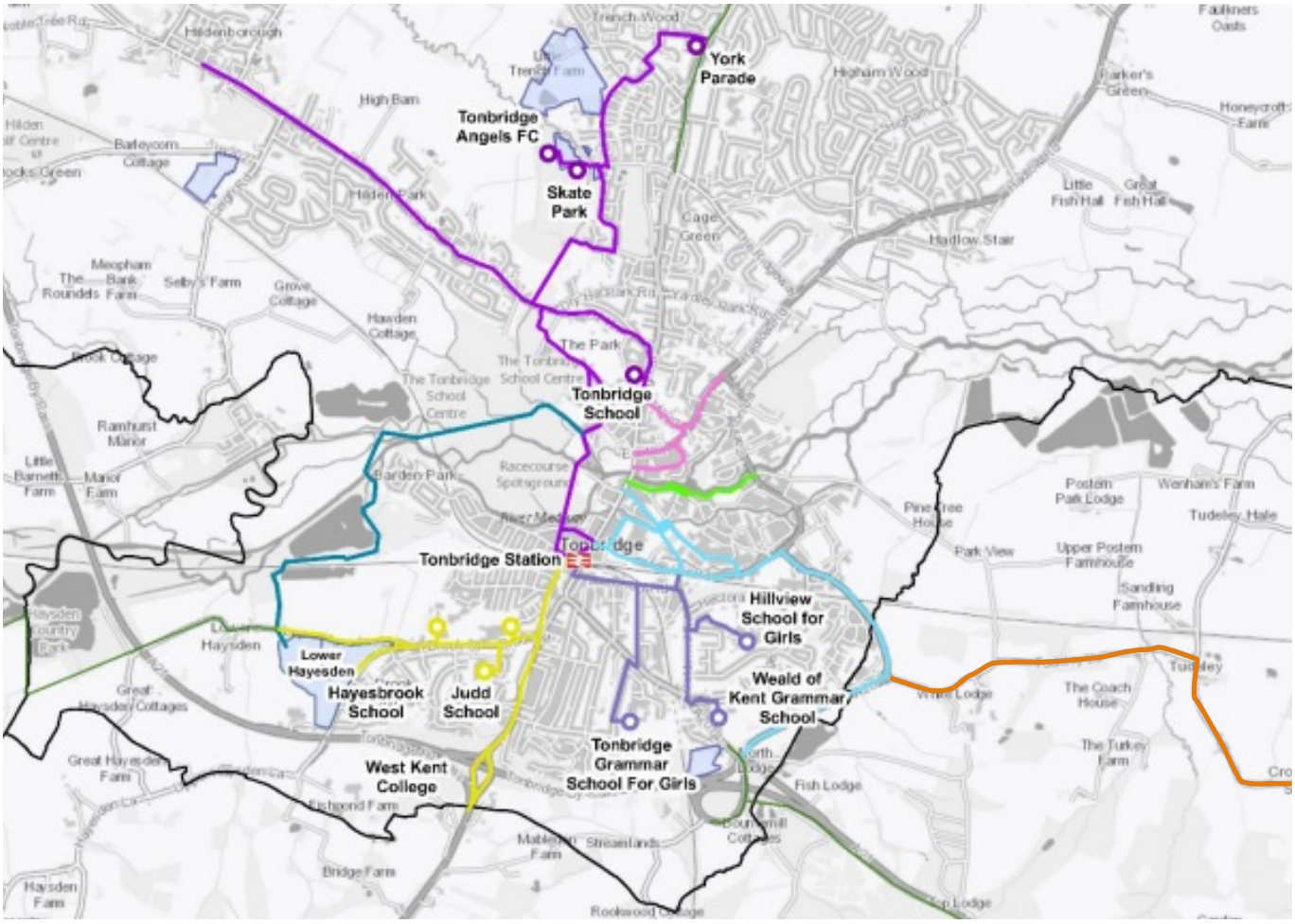

Figure 2 Tonbridge and Malling Active Travel Strategy: Proposed Routes
Source: Tonbridge and Malling Borough Council (orange line added to indicatively show route of proposed TGV cycle connection, also see plan below).

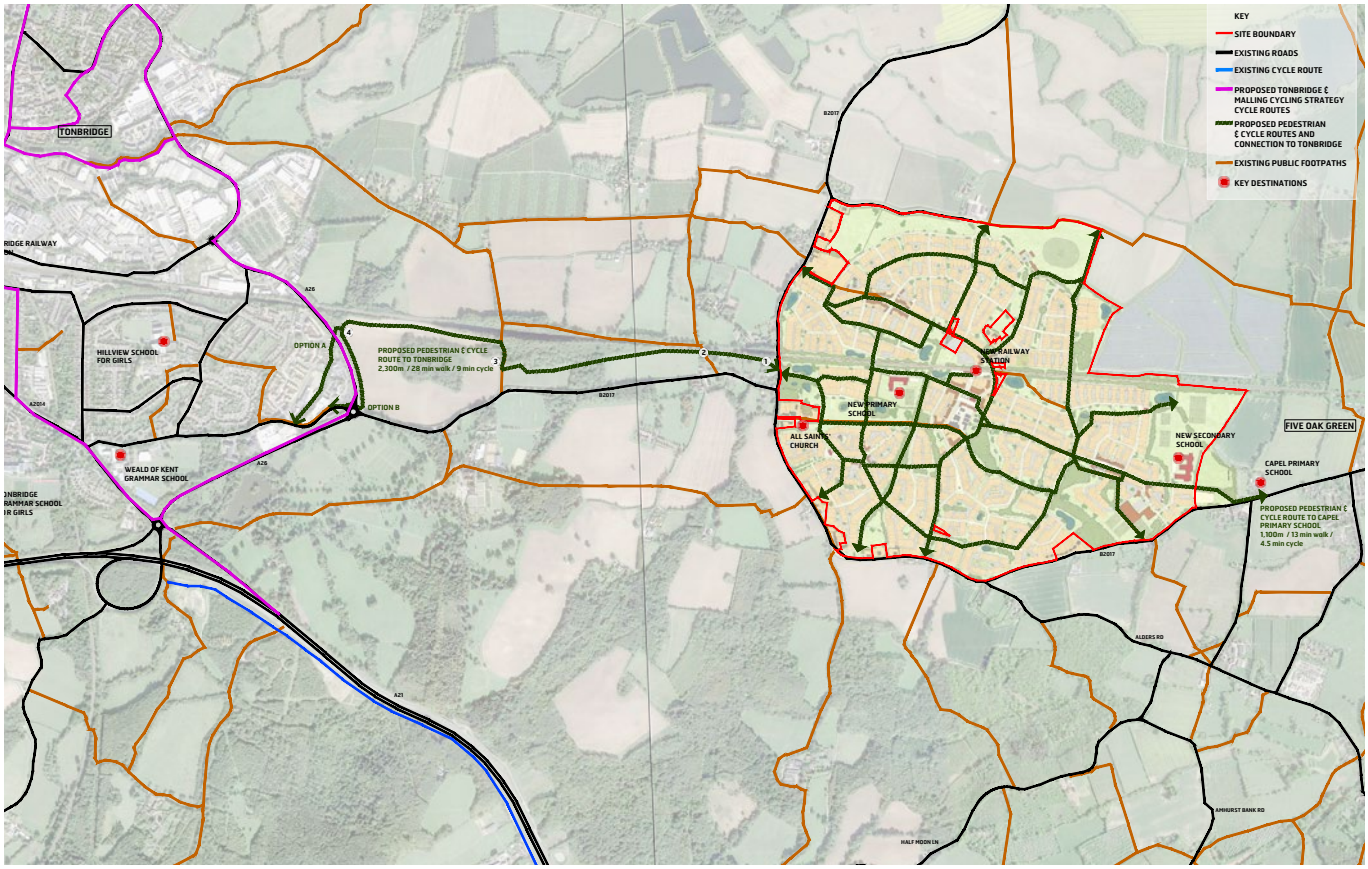

Figure 3: TGV Cycle Infrastructure

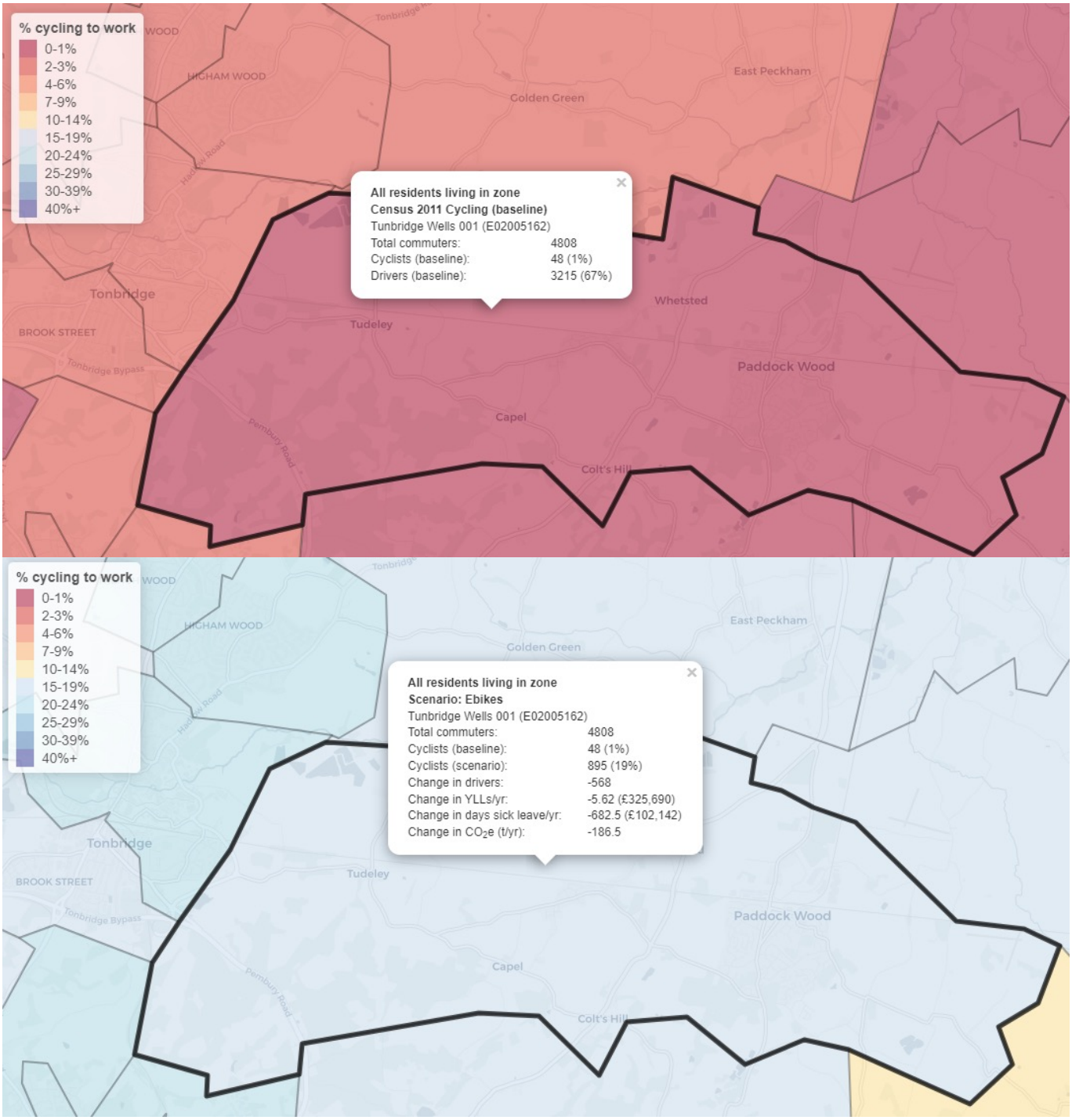

Figure 4 Propensity to Cycle Tool: Existing and Future Scenario
Source: Propensity to Cycle Tool

time periods. These options, along with the bus service (dealt with below), will provide a genuine alternative to car travel and confirms the sustainable location of the TGV site.

2.26 The Estate is committed to working closely with KCC and TMBC for the further development of these proposals ahead of future planning application submissions, to ensure that multiple high-quality routes are delivered in line with LTN 1/20.

Potential for Cycling Mode Shift

2.27 The potential modal shift that could be achieved through the provision of these cycling routes is significant. The Department for Transport's 'Propensity to Cycle Tool', promoted by the department to develop LCWIP strategies, shows the potential future mode share below in Figure 4. The Tool uses cycle commuting data based on the 2011 Census and cycle to school data based on the 2011 school cycling Census. The forecasts

of potential for growth in cycle commuting take account of distances and topography. Weather conditions and time of year are kept consistent to provide an average picture across the year.

2.28 This tool identifies that TGV has the potential to grow its cycling mode share from its current level of 1% up to a potential 19%, given wide adoption of e-bikes and assuming that good cycle infrastructure is embedded as proposed. TGV will contribute to this target through the design of its masterplan in such a way that incentivises active travel over car use and contributes to improvements beyond its development boundary to enable the delivery of exemplary whole cycle routes, working closely with TWBC and TMBC.

Public Transport Accessibility

2.29 Paragraph 15 states:

"The railway line between Tonbridge and Paddock Wood divides the site yet no new station is proposed. This could have provided an opportunity to access higher order services easily and quickly by public transport and reduce the reliance on private car journeys. In the absence of any rail links, potential future residents would be reliant on buses as an alternative to the car. Again, this could be a policy requirement in the Plan".

2.30 As noted above, the delivery of TGV is itself a critical component in creating a highly sustainable public transport corridor between Paddock Wood and Tonbridge, with the potential to secure significant modal shift and relieve pressure upon the wider highway network around Tonbridge and Tunbridge Wells. This will be delivered through a significantly enhanced bus service that not only serves TGV but also Paddock Wood and Tonbridge. This is undoubtedly the correct solution for this area, allowing for greater public transport accessibility across the villages and neighbourhoods it serves.

2.31 WSP's previous work[4] on behalf of the Estate identifies the enhancement of the existing bus route serving the B2017 corridor between the towns of Tonbridge and Paddock Wood. The Inspector correctly notes that the existing route 205 only runs hourly, Monday-Friday, between the hours of 07:35 and 18:02. Existing census data shared within the same report demonstrates that this level of service is only attributable to a 1% mode share for buses for travel to work.

2.32 The Estate therefore proposes that this service be increased to a 30-minute service initially, before then running every 15-minutes as TGV develops, which in turn will secure the viability of this more frequent service. The Estate also proposes an increase in operational hours, running from Monday-Saturday.

2.33 The provision of such a service through the delivery of TGV is itself backed up by the Infrastructure Delivery Plan (IDP)[5], which identifies a "Direct and Rapid" service on route 205 as being a requirement of delivering the Local Plan.

2.34 It should also be noted that the use of a bus from TGV to Tonbridge Railway Station with a service of sufficient regularity is clearly a very attractive option. The current bus journey time using service 205 from TGV to Tonbridge railway station is estimated at just 15-minutes at 07:44 (including an assumed 4-minute walk at the TGV origin point and a 2-minute walk at the Tonbridge station end) using Google maps journey time planner. The 205 route already travels via TGV. The masterplan will be designed to ensure every resident of TGV is within a 400m walk (5 minutes) of a bus stop utilised by this service, as per the Chartered Institute of Logistics and Transport (CIHT) best practice[6]. Therefore, the use of the bus to access Tonbridge Station will be a very clear and attractive option.

2.35 As well as the routing and frequency of any bus service, reliability and average journey times are key to encouraging modal shift toward buses. In this respect, a significant section of currently private road, owned by the estate, is being offered to Kent County Council (KCC) as a dedicated bus, cycle and walking route only. The route along Tudeley Lane, as described in Section 2.3 of the WSP report, connects the bus service from TGV with Tonbridge, avoiding the A26 and/or A21, so providing journey time savings. This will deliver a significant enhancement for the area generally.

2.36 It is expected that other bus journey time savings can be delivered on the section of the route through Tonbridge itself. The Estate will work with KCC and Tonbridge and Malling Borough Council (TMBC) to identify further opportunities to implement bus priority improvements, helping to further incentivise increased bus travel.

2.37 The net effect of these frequency, routing and reliability improvements will be a bus service that will provide a very attractive alternative to travelling by car. This level of service aligns with CIHT best practice, and therefore has the potential to increase the bus mode share to 9% or higher, as seen in other areas of the country with good bus services[7].

2.38 The fact that there is an existing bus service running between Paddock Wood, Tudeley and Tonbridge represents an excellent foundation of bus travel on which the new development at Tudeley can build. The development at TGV will add a significant number of new passengers to local demand to ensure the viability of the increased service, and together with appropriate financial contributions will be easily able to justify the above increases in bus frequency and service days, which would be included as a commitment alongside the development.

2.39 The Inspector has asked for information about the feasibility of such a service in circumstances where discussions with KCC and bus operators have not progressed to a detailed stage. As with any such service provision, the Estate recognises that further collaboration will be required in due course to deliver the enhanced bus service. WSP has provided evidence that the proposed increases to service level would be self-financing (meaning commercially viable without contributions at the point of 2,000 dwellings), and that a financial contribution in the estimated order of £600,000-£900,000 is proposed to secure the service in the interim period. This assessment is a robust estimate that would be further detailed as part of any planning application submission and with up to date contributions secured at the application determination stage.

2.40 Accordingly, the proposed improvements to the bus service comprise an appropriate and deliverable bus strategy that will be secured through the planning process. The work to-date has demonstrated that a viable, frequent, direct and much more reliable bus service will successfully link the site with the two nearest urban centres of Tonbridge (and Tonbridge railway station) and Paddock Wood via TGV and so deliver a sustainable transport link not simply for TGV but for this area generally.

Sustainable Transport Infrastructure across authority boundaries

2.41 Paragraph 14 states:

"Cycling and pedestrian links would also extend beyond the plan area. In order to be effective, they would therefore need to be agreed with Tonbridge & Malling Borough Council as part of a wider strategy. Paragraph 106 of the Framework

requires planning policies to be prepared with the active involvement of local highways authorities and neighbouring councils so that strategies and investments for supporting sustainable transport and development can be aligned.

2.42 Paragraph 14 states:

"The neighbouring authority confirms that promoting walking and cycling would require a joined-up approach with projects in their borough, which are still at an early stage".

2.43 Paragraph 15 states:

"... at the hearing sessions it was confirmed that discussions are still ongoing with bus providers and Kent County Council. Even if private services were provided, it would still require some collaboration with Tonbridge & Malling Borough Council in order to be effective. It therefore remains unclear precisely what would be feasible and whether it would offer a genuine alternative to the private car."

2.44 The preceding sections have identified the sustainable travel infrastructure improvements to both the cycle and bus network which provide links from TGV to Tonbridge, and also enhance sustainability in the area generally. We have demonstrated that these enhanced links are all feasible as they are deliverable on highway land and/or land which is controlled by the Estate and are not subject to any significant constraints.

2.45 The Inspector correctly identifies that these links would extend beyond the plan area. He suggests that for these links to be 'effective', they would *"need to be agreed with Tonbridge & Malling Borough Council as part of a wider strategy"*. To this end the Inspector refers to Framework paragraph 106 which states:

'Planning policies should be prepared with the active involvement of local highways authorities, other transport infrastructure providers and operators and neighbouring councils, ***so that strategies and investments for supporting sustainable transport and development patterns are aligned****' (emphasis added)*

2.46 The focus of paragraph 106 is the alignment of 'strategies and investments' and 'development patterns'. The Local Plan is the statutory procedure through which development patterns are set. The Local Transport Plan is the statutory procedure through which transport strategies are set and are meant to provide the basis upon which investment for sustainable transport is sought.

2.47 In 2021, following the withdrawal of the TMBC Local Plan, TMBC commenced work on a new Local Plan. This is still at the evidence gathering stage. It is unknown how many allocations will be made in Tonbridge. The TMBC Local Plan is therefore 'at an early stage'.

2.48 The preparation of the Local Transport Plan is a County Council function. The Kent Local Transport Plan 4 was adopted in June 2017 and runs from the period 2016-2031. As such the preparation of the next Transport Local Plan is understood to be underway, albeit this is at an early stage with nothing currently published for consultation.

2.49 Given the position of these two processes during the preparation of the emerging Local Plan, it would be correct to say that consideration of 'strategies and investments' and 'development patterns' has been conducted 'at an early stage'.

2.50 Given that these statutory processes by the other authorities are at an early stage, there is little further that TWBC itself can be expected to do to ensure alignment with their emerging Local Plan.

2.51 This notwithstanding, paragraph 3.24 of the KCC Transport and TWBC Statement of Common Ground notes:

"TWBC and KCC are actively working together in relation to the potential for a fast and frequent bus service from Paddock Wood, through Tudeley to Tonbridge. TMBC is involved in these proposals".

2.52 Further, the Duty-to-Cooperate will apply to TMBC in the preparation of their new Local Plan, and this would of course include having regard to the TWBC new Local Plan as adopted, and any allocations within that, including TGV. Specifically, it is reasonable to assume that, under the Duty to Cooperate, TMBC would be required to reflect and deliver policy support for the identified link to TGV and Paddock Wood given the benefits it will deliver for the area generally.

2.53 The enhanced bus service identified above is considered to be the most appropriate sustainable transport solution for TGV, Paddock Wood, Tonbridge and the area generally. However, it is also important to emphasise that the masterplan for TGV has reserved land for the delivery of a new rail halt in the future, if Network Rail wish to provide one. The decision to provide sits with Network Rail alone, with consideration given to a number of issues, including the impact upon timetabling and journey times. The provision of a new rail halt is not within the gift of the Estate or the LPA. Whilst the Estate is entirely supportive of a rail halt at TGV, a requirement to deliver a rail halt would not be appropriate or in accordance with NPPF Paragraph 34 and it is not necessary to make TGV sustainable.

2.54 Second, and related to the preceding point, the formal definition of sustainable transport modes in the Framework (see Annex 2 Glossary) specifically provides as follows:

*"**Sustainable transport modes**: Any efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, **ultra-low and zero emission vehicles, car sharing and public transport**." [Emphasis added]*

2.55 Thus, it is not only the provision of enhanced bus and cycling links that can deliver sustainable transport modes for TGV, but also the enabling of means to achieve journeys by ultra-low and zero emission vehicles.

2.56 The scheme will provide extensive EV charging opportunities. All houses with driveways will be provided with on-plot EV charging, and alongside this high-speed communal charging points will be provided in parking courts for apartment blocks, and in suitable on-street locations including in the town and village centres.

Delivery of infrastructure across authority boundaries

2.57 The Estate recognises and notes that wider 'walking and cycling' benefits arising from the delivery of the new links can be secured through a 'joined-up approach' to promote 'walking and cycling'.

2.58 The delivery of these infrastructure improvements will help enable this 'joined up approach' and, once put in place by the estate, will benefit TMBC directly.

2.59 Where infrastructure works are undertaken by the highway's authority, then these could be undertaken as permitted development (Part 9 Class A).

2.60 Works undertaken directly by the Estate can be the subject of planning applications in due course, but as a matter of principle, permission for sustainable walking and cycling infrastructure delivery is very likely to be approved.

2.61 As noted above the Duty-to-Cooperate would apply to TMBC in the preparation of their new Local Plan, and this would of course include having regard to the TWBC new Local Plan if adopted, and any allocations within that, including TGV.

3. Retail Floorspace, Internalisation of Trips and Highways Impacts

3.1 The issues identified by the Inspector in his Findings are as follows:

- Appropriate quantum of retail floorspace at TGV
- Position of the settlement hierarchy
- Level of internalisation that can reasonably be expected at TGV
- Highways impact of TGV on Tonbridge town centre

3.2 The issues raised by the Inspector are all addressed below in light of the further technical appraisal that has been undertaken by Marrons Planning.

Appropriate quantum of retail floorspace

3.3 Paragraphs 18 and 19 of the Inspector's Findings stated:

"An objective analysis of likely future needs is provided in the Tunbridge Wells Commercial Leisure & Town Centre Uses Study Update. It predicts, based on the number of houses proposed, capacity for around 1,900 square metres of convenience retail floorspace and approximately 1,000 square metres of comparison goods floorspace. Paragraph 8.11 clarifies that "Given the likely scale of spending forecast, we would suggest that each of Tudeley Village and Paddock Wood could facilitate a limited number of small retail units as part of 2-3 local centres designed to support new residents' day-to-day shopping needs."

"The figures provided are by no means an upper limit or 'cap'. Indeed, the Study recognises that additional floorspace would have the potential to further support residents. However, this would only be where it can be demonstrated that the proposals would not detract from the vitality and viability of surrounding centres, which include Paddock Wood and Tonbridge. The Council's own evidence therefore questions such high-level, aspirational assumptions about the scale of commercial floorspace that could be supported, and the subsequent internalisation of trips that would result".

3.4 The Estate has prepared a series of village centre plans (Appendix 1) which outline the likely composition of the commercial floorspace within each of the 3 neighbourhood centres, and main village centre – totalling 10,997 sq. m (gross). More specifically, and relevant to the evaluation of retail capacity, as summarised in Appendix 2 of this note, the proposed commercial floorspace is intended to comprise:

- Retail, service and leisure provision (town centre uses) totalling 8,419 sqm; and

- Other employment floorspace (office and R&D type uses) totalling 2,578 sqm.

3.5 Of the retail, service and leisure floorspace, this is intended to comprise a mix of uses necessary to serve the day to day needs of residents including:

- Shops
- Supermarket
- Bakers, delicatessen
- Café
- Dentist
- GP practice
- Gym
- Veterinary practice
- Day nursery
- Pharmacy; and
- Financial services

3.6 This list is not intended to be definitive or exhaustive, but to provide a good indication of the breadth of uses that will be accommodated within the Village Centre and smaller neighbourhood centres, which are not limited to retail occupiers, but which are typical of the uses expected to be found in any district or service centre, and which will strongly support the internalisation of trips.

3.7 It is important to note, based upon the centre plans provided – as summarised in Appendix A, that the retail component (i.e. comparison and convenience goods shops) is only intended to total 5,824 sqm (gross).

3.8 The exact mix of convenience and comparison floorspace provided will depend on the mix of retail occupiers, but based upon the indicative plans it is proposed there would be at least 1,883 sqm (gross) convenience goods floorspace, with the remaining 3,941 sqm (gross) occupied by comparison goods retailers.

3.9 Comparison goods are products which are usually higher value and purchased infrequently, such as vehicles, household goods or clothing. Convenience goods, which are purchased frequently and are usually low value (such as food).

3.10 Some of these smaller shop units may well be occupied by other convenience goods retailers including butchers, greengrocers, etc., as necessary. The largest convenience goods unit is intended to be the single supermarket within the Village Centre, totalling approximately 1,475 sqm gross. This would provide for a small format food store. To put that figure into perspective, a typical format Aldi store totals 1,878 sqm gross (1,315 sqm net).

3.11 The other shop units will range in size from between 50 and 180 sqm each, meaning they are intended to serve the localised catchment of TGV, and cater for day-to-day shopping needs. Examples include facilities like a pet shop, ironmongers, butchers, chemist, and newsagent. There is no proposal to include large scale units as the far less frequent comparison goods purchases will be undertaken in surrounding town centres as is appropriate for the proposed settlement hierarchy.

3.12 It is important to note that the retail floorspace figures that have been identified represent the gross external area of the proposed floorspace. It is therefore necessary to adjust these to net retail trading floorspace when comparing that provision with the Council's published retail evidence.

3.13 In this respect it is standard practice to reduce the gross external area (GEA) figure by 5% to first establish the gross internal area (GIA). In calculating the net trading floorspace, a further reduction of approximately 15% - 20% is made to the GIA to allow for the provision of necessary back-of-house space (including for example toilets, staff room, office, and storage). By applying these calculations, the net retail (or trading floorspace) of a unit typically accounts for 76% of the gross external area. These figures are an average and will depend on the nature of the specific retail operation. Supermarkets for example will tend to require greater back-of-house floorspace – the net retail (trading area) of a typical Aldi food store for example is 70% of the gross external area.

3.14 **On the basis of the above, the net trading floorspace of the proposed comparison and convenience goods units at TGV is intended to total approximately 4,426 sqm (representing approximately a minimum of 1,431 sqm convenience goods, with up to 2,995 sqm comparison goods). These are the correct figures to use if carrying out any direct comparison with the Council's retail capacity evidence.**

3.15 **Further, as Marron has identified and the Council itself acknowledges, the Council's retail capacity evidence referred to by the Inspector contains an error in the calculation of comparison goods floorspace capacity for Tudeley Village.**

Capacity Assessment

3.16 Marron has been instructed by the Estate in light of the Inspector's Findings to provide a more detailed assessment of the commercial floorspace component of the proposed new settlement at TGV. The purpose of this assessment is to provide further detail and assistance by way of information on the type and quantum of commercial floorspace proposed at TGV, and to provide an expert assessment of whether what is proposed is proportionate to the number of new homes planned, as well as providing the opportunity to maximise the internalisation of trips.

3.17 Marron reviewed the Council's published retail capacity assessment. The retail capacity assessment for TGV set out within the Council's Retail, Commercial Leisure and Town Centre Uses Study Update (relied upon by the Inspector in the Findings) identified a convenience goods retail need of up to 1,900 sq. m (net) and suggested there was a comparison goods retail need for up to 1,000 sq. m (net), so combining to a total of 2,900 sq. m of net floorspace capacity. This evidence is set out in the following table extract.

3.18 However, Table 31 included an error by the Council in the calculation of comparison goods floorspace capacity. The table refers to a minimum and maximum floorspace capacity in both comparison and convenience goods with references in footnotes 1 and 2 below the table. Both footnotes set out the parameters of two sets of sales densities to be applied to the residual (or retained) expenditure values in order to establish respective floorspace capacities (the minimum and maximum values).

3.19 The Council's calculation was correctly applied for convenience goods floorspace, but not for comparison goods where an error has been made. Applying a comparison goods sales density of £3,500 per sq. m to a residual (or retained) expenditure value of £6.4m equals 1,840 sq. m, not the figure of 1,000 sq. m inserted in Table 31.

3.20 The effect of correcting this error is that there is in fact a combined convenience and comparison goods net retail (trading) floorspace capacity of 3,696 sq. m which is close to the amount proposed for TGV.

Table 1: Extract of Table 31, Tunbridge Wells Retail, Commercial Leisure and Town Centre Uses Study Update

	Number of New Households Proposed	Household Size (2036)	Population (2036)	Expenditure per Capita at Zone 10 (2036) (£)	Additional Expenditure (2036) (£m)	Retention rate (%)	Residual Expenditure (2036) (£m)	Net Floorspace Capacity (sq m net) Min[1]	Max[2]
Convenience	2,800	2.5	7,000	2,451	17.2	80	13.7	1,100	1,900
Comparison	2,800	2.5	7,000	4,599	32.2	20	6.4	700	1,000

1. Average convenience sales density assumed to be £12,950 per sq m, based on the average sales density of supermarket foodstore operators
Average comparison sales density assumed to be £5,500 per sq m which Nexus Planning considers to be towards the higher end of what could be achieved in Tunbridge Wells Borough
2. Average convenience sales density assumed to be £7,393 per sq m, based on the average sales density of Aldi, Lidl and other discount retail operators
Average comparison sales density assumed to be £3,500 per sq m which Nexus Planning considers to be towards the lower end of what could be achieved in Tunbridge Wells Borough
3. The number of households proposed sourced from Tunbridge Wells Borough Council officers
4. Expenditure per capita figures sourced from Table 1 (convenience) and Table 7b (comparison)
5. Retention rate based on Nexus Planning assumptions

2018 Prices

Table 2: Corrected Retail Capacity Table (Table 31, Tunbridge Wells Retail, Commercial Leisure and Town Centre Uses Study Update)

	Number of New Households Proposed	Household Size (2036)	Population (2036)	Expenditure per Capita at Zone 10 (2036) (£)	Additional Expenditure (2036) (£m)	Retention rate (%)	Residual [or retained] Expenditure (2036 (£m) [available to Tudeley]	Net Floorspace Capacity			
								Min[1]		Max[2]	
								Average sales density (per sqm)	Net Floorspace Capacity (sqm net)	Average sales density (per sqm)	Net Floorspace Capacity (sqm net)
Convenience	2,800	2.5	7,000	2,451	17.2	80%	13.7	12,950	1,060	7,393	1,857
Comparison	2,800	2.5	7,000	4,599	32.2	20%	6.4	5,500	1,171	3,500	1,840
Total	-	-	-	-	**49.4**	**41%**	**20.2**	-	**2,231**	-	**3,696**

3.21 Moreover, given the small scale nature of the proposed individual retail uses at TGV the lower sales densities tested within the Council's evidence are considered appropriate and reflective of the type of retail operators expected to trade from such a location. It is generally only retailers operating within higher order (larger) centres that will achieve higher sales densities.

3.22 The proposed quantum of retail (comparison and convenience goods) floorspace within TGV therefore aligns very well with the Council's evidence, and only provides an additional 730 sq. m over the identified capacity (i.e. 4,426 sq. m net proposed less capacity of 3,696 sq. m net).

Retail Impact

3.23 Based upon the above analysis it is clear that the proposed retail (convenience and comparison goods) floorspace will not have any material negative impact on surrounding centres. As demonstrated, the retail expenditure generated by new residents will total between £49m and £55m dependant on the assumed average household size of TGV. By way of comparison it is likely that the retail elements of the proposed commercial floorspace will generate in the region of £23m turnover, with the above calculations relying solely on expenditure from the new residents of TGV. This means that between £26m and £32m will be available to existing surrounding centres.

3.24 Furthermore, whilst it is the intention of the proposed retail floorspace to draw or internalise trade from residents living within TGV, it is clear that any trade drawn from outside of TGV will be more than offset by TGV residents spend in surrounding larger centres.

3.25 This means that TGV will be a net contributor to retail expenditure in surrounding retail centres, particularly for the larger, less frequent, comparison goods purchases.

3.26 The commercial and retail floorspace is also to be provided across four centres – meaning that no one centre will have a significant critical mass to attract trade beyond the local area of TGV - the largest being the Village Centre totalling approximately 6,249 sq. m (gross), of which approximately 2,991 sq. m (gross) is anticipated to comprise convenience and comparison goods retail.

3.27 It is reasonable to assume a limited level of inflow of expenditure from those visiting or working within TGV. As noted in Marrons Assessment it is typical of any retail store to attract 75%/80% of its trade from within its immediate primary or core catchment area (in this case Tudeley Village), with the remainder of trade drawn from elsewhere. This was not something considered within the Council's assessment, but the effect of this is to increase the level of trade available to retailers within TGV, and as such floorspace capacity (as noted in Marrons Assessment).

3.28 The assumptions that 15%/20% of the trade will be drawn from outside of the primary catchment area (i.e. from within TGV), has been accepted by Nexus (see para 17 of their note attached at Appendix 4), the Councils retail consultants.

3.29 It is noted that trade from beyond the primary catchment area will be drawn from non-specified locations across a far wider geography, at far lower levels of market share for that wider catchment, meaning it will have no discernible impact on surrounding centres

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3.30 In addition, Marron has undertaken a high level assessment of trade draw and impact to assess how this additional trade from beyond TGV will

impact on surrounding centres. Whilst the exact level of inflow or trade draw from outside of TGV will depend on the make-up of convenience and comparison goods floorspace, given that retained expenditure (from TGV residents) is assumed to total £20m, it is reasonable to assume that a further £5m (20%) may be drawn from elsewhere, meaning that a total of £25m of comparison and convenience goods expenditure would be available to TGV retailers.

3.31 Based on £5m flowing in from outside of TGV, it is clear that the level of impact on surrounding centres would be de minimis. The Council's Retail Study Update (Table 27) confirms that Tunbridge Wells town centre achieves a turnover of £1.1bn, whilst Paddock Wood achieves £47m. Total expenditure available to the study area incorporated within the Council's Retail Assessment Update totals £3.2bn, and it is clear from an assessment of convenience goods retail provision within surrounding centres (Table 5) that all of the larger food stores are significantly over-trading – the convenience goods stores in Paddock Wood by £13m, and those in Tunbridge Wells and Southborough by £87m. Equivalent figures for Tonbridge are not provided but the main food stores including Sainsbury's at Angel Centre and Waitrose at Sovereign Way achieve a turnover of £57m and £26m respectively.

3.32 The Council's Retail Assessment Update does not provide a detailed assessment of comparison goods capacity, instead simply focusing upon Tunbridge Wells town centre, but nonetheless it demonstrates that by 2038 there will be a surplus comparison goods expenditure within Tonbridge Town Centre totalling £57m.

3.33 As detailed above, an assumed 20% inflow of expenditure to TGV, totalling approximately £5m is insignificant in the content of turnover achieved within surrounding centres, and will not cause significant adverse harm as determined by the NPPF.

3.34 Moreover, there remains a further £29m of expenditure from residents of TGV that will flow into these surrounding centres, more than offsetting any possible impact.

3.35 It is important to note that the PPG methodology associated with retail impact relates to edge and out-of-centre development, not development in designated centres as proposed at TGV. The primary purpose of any retail assessment at TGV is to establish first and foremost whether the level of proposed retail floorspace is proportionate to the role of the designated centre – something the Marron report has addressed.

Settlement Hierarchy

3.36 Paragraph 17 of the Inspector's Findings states:

"The scale of commercial floorspace is justified by comparison to settlements such as Cranbrook and Pembury. But Cranbrook is a historic market town which serves a much wider rural area, including other villages such as Sissinghurst. It is categorised by the Council's own assessment as a Group A settlement, second only to the main urban area of Royal Tunbridge Wells and Southborough. It is therefore materially different to Tudeley".

3.37 Marron has reviewed the scale of the proposed retail and town centre floorspace and has identified it as commensurate with the population of TGV, and that it will not cause any negative impact to surrounding larger centres.

3.38 In addition, and by way of further evidence, Marron has set out several examples of new settlements, and their composition, namely:

- Kings Hill, West Malling
- Sherford New Community
- Poundbury

3.39 Marron further concludes that, based on a comparison of other new settlements/ urban extensions, TGV is in fact proposing the provision of an appropriate level of commercial floorspace and it is lower than other examples.

Internalisation

3.40 Paragraph 16 of the Inspector's Findings states:

> *"A key part of the justification for the allocation is the range of facilities that would be provided on-site and the subsequent reduction in the need to travel. The supporting text suggests that up to 10,000 square meters of commercial floorspace will be provided to maximise the "internalisation" of trips".*

3.41 Alongside the assessment work that has been provided by Marron, the Estate has instructed Andrew Cameron Associates (ACA) to provide an additional expert appraisal of the approach that is proposed around supporting trips internally. A further expert assessment has been commissioned from Markides to review the level of trip internalisation that is assumed at TGV, and this confirms that the assumptions are robust.

Facilitating Internalisation through Design

3.42 ACA hac prepared the attached technical report at Appendix 7 which further amplifies the design approach that has been taken with TGV to embed walking and cycling into the development and to support the proposed connections to Tonbridge and Paddock Wood and to ensure high levels of internalisation.

Robustness of Internalisation Assumptions

3.43 As part of the Local Plan evidence base, detailed assessments from both Stantec and WSP have considered the potential effects of internalisation at TGV. Table 3 below summarises the two approaches and the associated internalisation factors derived based on journey purpose.

Table 3 Trip Internalisation Summary

Journey Purpose	Stantec	WSP
Employment / Commuting	10% Internalisation	20% Internalisation (equating to 3% of all trips)
Business	-	100% Internalisation (to allow for home working, equating to 3% of all trips)
Education	Primary School – 80% Internalisation Secondary School – 50% Internalisation	90% Internalisation (equating to 6% of all trips) Education Escort* – 90% Internalisation (equating to 5% of all trips)
Retail	Local Shops – 75% Internalisation Supermarket – 50% Internalisation	50% Internalisation (equating to 9% of all trips)
Personal Business	-	50% Internalisation (equating to 5% of all trips)
Other including just walking	-	100% Internalisation (equating to 6% of all trips)

** used when the traveller has no purpose of his or her own, other than to escort or*

3.44 The total internalisation detailed by Stantec using their trip impact assessment[8], indicates that 56% of all person trips would be internalised within the AM peak, with 41% internalisation estimated for the PM peak. For WSP, a total internalisation factor of 38% was identified.

3.45 As for commuting and retail trips, the commercial and retail floorspace assessment completed by Marron[9] deals with the allocation for TGV. For the commercial aspects, the report assesses that *'46% of retail expenditure will be retained within Tudeley Village'* based on the scale of the retail capacity proposed. This level of internal expenditure broadly aligns with the internalisation factors detailed by WSP and Stantec (for the supermarket), highlighting the capacity of the on-site retail facilities to capture demand from residents.

3.46 For commuting, the Marron assessment demonstrates that '*the proposed commercial floorspace would broadly provide employment needs for 15% of residents*'. This is a robust assessment where this figure refers only to the dedicated, traditional B Class (now Class E) floorspace and town centre retail, and without including the effects of other on-site employers such as the educational facilities. This assessment lies between the internalisation factors for both Stantec and WSP, highlighting the appropriateness of the assessments made and clearly demonstrates the suitability of the land uses proposed to offer meaningful employment opportunities for future residents.

3.47 Within the report, an initial assessment of the impacts of COVID-19 and home working are also outlined, with Marron noting that the 2021 Census indicates 43% of Tunbridge Wells residents were working from home, compared to only 14% for the 2011 Census. It is appreciated that the 2021 Census was conducted during a period of COVID-19 restrictions, where the level of home working is likely to have been greater than current conditions.

3.48 Recent evidence by the ONS notes that *'among working adults who have worked in the last seven days, 16% reported working from home only and 28% reported both working from home and travelling to work over the period September 2022 to January 2023*[10]*'*. Due to the timings of the reports from both Stantec and WSP, there was more limited consideration of the ongoing home working trends, with no explicit account for home working provided by Stantec and only a small percentage (3% of trips) reflected within the WSP assessment.

3.49 The Marron report concludes that *'it is therefore reasonable to assume that between 30% and 58% of Tudeley Village residents could potentially work locally – either at home or within the planned commercial floorspace'*. Given the levels of internalisation expected above, these figures reflect a robust and conservative assessment of internalisation in terms of future travel at the site, which would be expected to increase based on changes in home and hybrid working patterns in the future.

3.50 The site proposes the development of a 3 Form Entry (FE) primary school and a 6 FE secondary school. KCC, as the Local Education Authority, assess need for education for new developments using Pupil Product Ratios (PPR). KCC assess Pupil Product on the assumption that new development comprise 90% houses and 10% flats, with the following PPRs:-

- Primary Education – Houses = 0.28 and Flats = 0.07; and
- Secondary Education – Houses = 0.20 and Flats = 0.05[11,12],

Table 4 Education Internalisation

Education Type	Flats	Houses	Total	On-site Provision	Internalisation
Primary	20	706	725	630	87%
Secondary	14	504	518	1,260	100%

3.51 Based on the assumption of 210 pupils per FE, the primary school has a capacity of 630 pupils with the secondary accommodating 1,260 pupils. Taking the above PPRs and the development of 2,800 units, the following demand for education places is estimated:-

3.52 The above indicates that the proposed 3 FE primary school could accommodate 87% of the total demand generated by the site, with all secondary school demand being accommodated on-site. Kent operates a selective education system for secondary school places, which results in a proportion of secondary aged pupils being enrolled at selective grammar schools. Therefore, whilst the scale of the secondary school accommodates the total demand, it is acknowledged that an element of secondary school aged pupils will travel off site for grammar school enrolment but this would be the case for any development anywhere in Kent in consequence of this policy.

3.53 When comparing the assessment methodology outlined in Table 4 to the internalisation figures of both Stantec and WSP, it is clear that the onsite educational facilities allow for internalisation to be maximised at TGV.

3.54 No further internalisation was included by Stantec in its report, whereas some allowances were made for personal business movements and other internalised journeys in WSP's assessment. Given the additional evidence now presented, it is clear that the information on internalisation provides a robust and realistic basis for assessment of the effects of the mix of uses proposed in this location and it proves that the scale of internalisation predicted has been evidenced and is reasonable and realistic.

3.55 These assessments do not include localisation effects, where existing trips on the road network could be made shorter, as a direct result of the new site's developing facilities and employment opportunities. Therefore, it is likely that the actual reduction in the number of trips on the highway network will be greater, with consequential beneficial impacts.

Modal Shift

3.56 In conjunction with the internalisation factors, the potential for modal shift has also been assessed. SWECO, within its strategic modelling for the Local Plan, has assumed a 10% modal shift for the reduction in car driver movements[13,14]. SWECO consider this to be realistic based on analysis of case studies which has benchmarked this figure against other schemes as part of the Department for Transport's (DfT's) Sustainable Travel Towns analysis. Within its methodology, Stantec considered a 40% reduction in the car driver mode share to be reasonable[15]. WSP indicate a modal shift from 76% car driver to 50% car driver on completion of the proposals for the evidenced reasons they gave[16].

3.57 The earlier sections of this response refer to the feasible and deliverable sustainable and active transport improvements proposed as part of TGV. Given the conclusions reached with respect to

these elements of the proposal, it is clear that modal shift can be achieved within TGV, with high frequency bus services and quality walking and cycling facilities providing residents with genuine modal choice. The only reasonable conclusion is that the allocation at TGV does allow for viable modal shift to take place.

3.58 Given that the DfT's own scenario projections for cycling reveal a mode share of anything up to 19% for cyclists, and past precedent for bus enhancements of the kind proposed demonstrate a mode share of 9-15%, it is both reasonable and realistic for SWECO to assume a modal shift of 10% in the strategic modelling. It is robust, with very realistic potential to go further. These figures make no allowance for the growing use of zero or ultra-low emission vehicles, which are properly regarded by the Framework as a sustainable transport mode.

Highways Impact on Tonbridge town centre

3.59 Paragraph 20 – 22 of the Inspector's Findings state:

"20. The implications of increased traffic from the site have been considered through various documents. The 'Addendum 2' report is the latest and considers impacts by assessing the "reference case" (with only committed developments), a Local Plan scenario with no changes to the highway network, a Local Plan scenario with highways mitigation and finally a Local Plan scenario with highways mitigation and a 10% modal shift.

21. In summary, the evidence demonstrates that existing traffic volumes and limited capacity cause congestion in Tonbridge town centre. Local Plan growth will add traffic to these junctions, causing negative impacts on their operation. This substantiates the concerns raised by Tonbridge & Malling Borough Council and local residents.

22. The issue with the soundness of the Plan is that, unlike some other junctions (which can be altered to mitigate harmful impacts), the space to provide any mitigation in Tonbridge town centre is limited. Suggested ways forward include traffic management and encouraging "significant modal shift". However, as identified above, details of the public transport improvements that could be provided are still at an early stage and it is not possible to establish whether they would genuinely achieve any significant modal shift".

3.60 It is important to note that the capacity of the junctions within Tonbridge assessed by SWECO in the Transport Assessment Addendum 2 document sets out the detail of those assessments without taking into account the internalisation and localisation rates for either TGV and Paddock Wood or other reductions in trip rates due to changes in how people travel. . This document was completed following discussions with KCC and National Highways (NH), who requested a sensitivity assessment of the Local Plan allocations using the TRICS database. The sensitivity assessment explicitly states that:-

'The trip rates also do not include adjustments for internalisation/localisation rates of the new Local Plan sites in Paddock Wood and Tudeley as well as the wider area around Paddock Wood in particular. Nor does it include reductions in trip rates due to change in how people travel.'

3.61 The proposed mitigation measures for the town centre junctions, as outlined by SWECO, focus on modal shift and traffic management in Tonbridge town centre alone, which are to be achieved through improvements to walking, cycling and bus services. In fact, physical improvements to the A26/Three Elm Lane junction have been identified in the form of a signalised junction proposal. The resulting operations of the junctions identified are shown in Figure 5 - and are considered to be the 'worst performance' estimates.

3.62 Using these to provide an average level of junction performance across the corridor, a comparison between the various scenarios is shown below:-

- Reference Case (RC) = 91%;
- Local Plan (LP) = 95%;
- Local Plan Highways (LPH) = 93%; and
- Mitigation Scenario (MS) = 88%.

				Worst performance - Average Volume/Capacity (V/C)			
ID Junction	Description	Corridor	Mitigation	RC	LP	LPH	MS
4	B2260 High Street / Railway Approach / Vale Road / Barden Road	Tonbridge	Corridor Study	78	89	92	82
5	B2260 Quarry Hill Road / A2014 Pembury Road / A26 Quarry Hill Road	Tonbridge	Corridor Study	94	99	105	105
7	A26 Vale Road / A26 Vale Rise / Vale Road	Tonbridge	Corridor Study	101	96	98	96
83	High Street/Medway Wharf Road	Tonbridge	Corridor Study	73	72	80	70
86	A26 Hadlow Road East/Three Elm Lane	Tonbridge	Signals	111	121	91	86

Figure 5 Tonbridge Town Centre – Local Plan Capacity Assessment
Source: SWECO

3.63 Assuming no interventions are delivered (the difference between the RC and LP scenario), there would be a total change of only +4% with respect to the volume/ capacity ratios of these junctions. On completion of wider mitigation measures, cumulatively the junctions under assessment will in fact be improved, with a resulting lower volume capacity figure usage than the RC (88% compared to 91%). The mitigation measures assumed for these purposes, as outlined, primarily stem from modal shift and traffic management schemes rather than internalisation and other reductions that are outlined above. Based on the above, and without the effects of internalisation considered, it is clear that the impacts cannot be considered as 'severe' given that the existing position is in fact improved.

3.64 When considering the test of severity in the Framework, several appeal decisions confirm that the concept of severe is a 'high bar' or 'high threshold' for intervention and that congestion and inconvenience alone are not sufficient to trigger the 'severe' test, which needs to be related to the consequences of congestion. The evidence base on the capacity assessment of these junctions, with no greater detail regarding the wider effects of internalisation, shows no such severe effects.

3.65 Again, the above results do not account for the levels of trip internalisation that form part of the Local Plan evidence base. In addition, that evidence base and associated modelling also assume the full development of TGV by the end of Local Plan period. Therefore, the impacts presented offer a 'worst case' assessment of the proposals at TGV, going beyond the plan period without the effects of internalisation that are a natural part of what is proposed.

3.66 In addition, although the Local Plan evidence base does not yet set out certain physical mitigation measures in this specific area, the proposed corridor study will be able to identify a preferred set of improvements that balances traffic capacity and provision for other modes. Although physical space may be constrained along the corridor, it is clear that there are still a range of improvements that can be considered in these circumstances, most notably opportunities for signal improvements at town centre junctions. **Given this potential and the likelihood of a relatively low level of traffic impact as noted above, it is clear that that the mitigated impact on Tonbridge town centre will not be severe.**

4. Five Oak Green Bypass

4.1 The issues associated with the proposed Five Oak Green Bypass identified by the Inspector as requiring further information are threefold:

- The need for the bypass to mitigate traffic impact generated by the growth of Paddock Wood.
- The timing for the bypass.
- Deliverability of the bypass.

Five Oak Green Bypass and Impact of Growth at Paddock Wood

4.2 Paragraph 24 of the Inspector's Findings states:

"In order to facilitate the new settlement a bypass of Five Oak Green is required. This is because of the projected increase in traffic, the existing highway constraints in the village and a past record of accidents in the area. The new road would run to the south of Five Oak Green from the B2017 to the A228 near Paddock Wood".

4.3 Paragraph 28 of the Inspector's Findings states:

"There remains uncertainty about the funding, phasing and deliverability of the road. At the hearings, it was suggested by the Council that changes are required to the submitted Plan because only the Tudeley allocation needs to contribute towards it. But without a bypass, presumably some residents of the nearly 3,500 new homes proposed at Paddock Wood will also pass through Five Oak Green?"

4.4 Paragraph 45 of the Inspector's Findings states:

"In the event that Tudeley Village was justified, then another issue to consider is the Five Oak Green bypass. The Council has sought a change to the Plan to delete the requirement for development at Paddock Wood to contribute towards it. However, without the bypass, presumably children and their parents would have to travel through Five Oak Green to reach the new school (which is required, in part, because of the growth at Paddock Wood). Occupants of the new housing would also presumably drive to Tonbridge at times, and the proposed leisure centre would attract Tudeley residents from the other direction? If highway safety concerns necessitate a bypass, then presumably the scale and location of growth in Paddock Wood is also part of the justification? Further clarification is required".

4.5 The Estate has instructed Markides to provide further expert evidence on the need for the bypass generated by the growth of Paddock Wood.

4.6 Within the evidence base submitted to date by SWECO, Stantec and WSP, it is clear that the bypass should be a shared responsibility for the developers of both TGV and the Paddock Wood strategic sites.

4.7 The further evidence from Markides presented with respect to trip distribution confirms this in respect Paddock Wood. SWECO provided an indicative trip distribution diagram, which is shown in

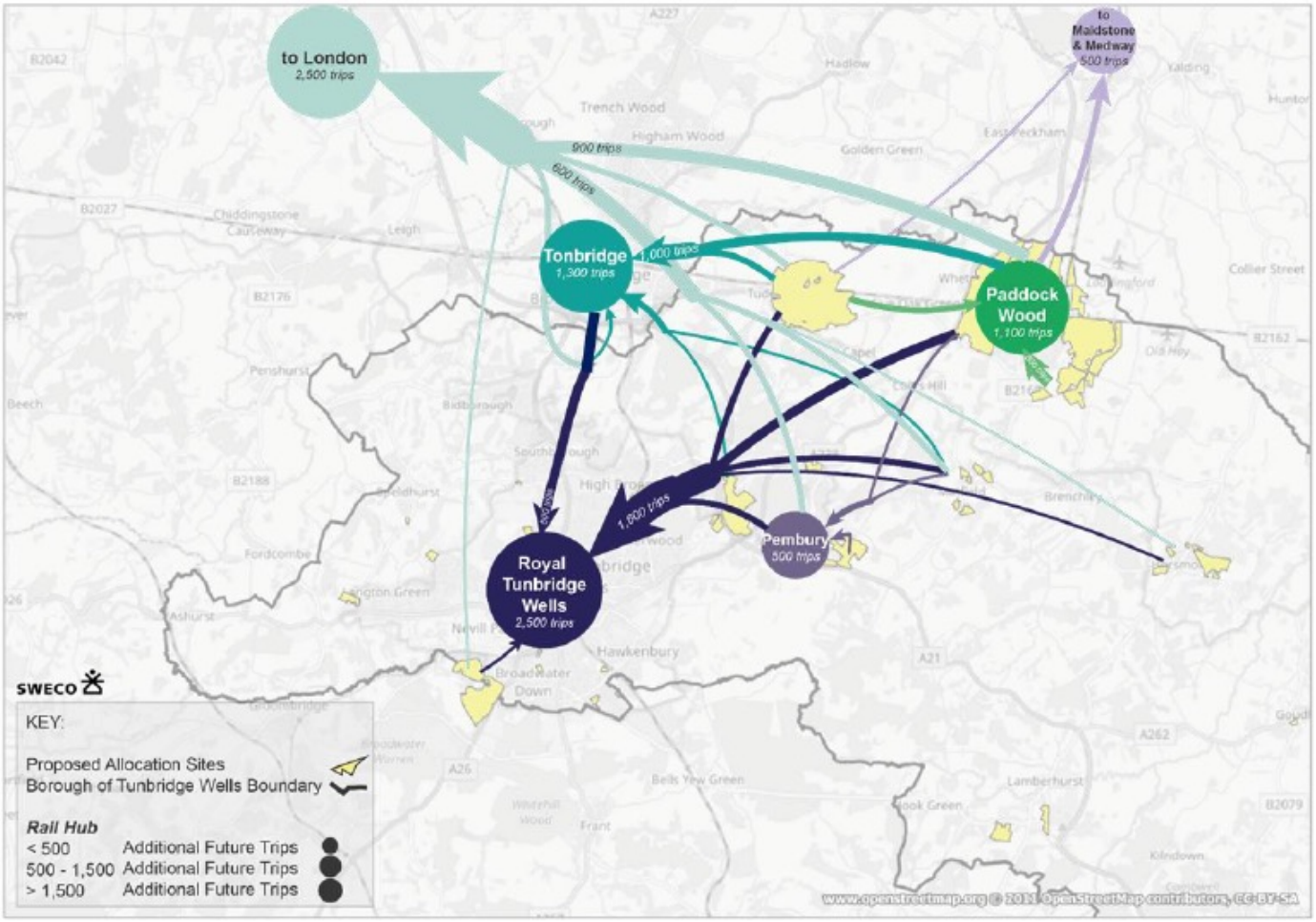

Figure 6 SWECO Trip Distribution[17,18]

Figure 6 below, which highlights 1,000 trips travelling towards Tonbridge from both TGV and Paddock Wood collectively – based on the diagram provided there is a higher level of flow from Paddock Wood than TGV.

4.8 The evidence regarding the distribution presented by Stantec estimated 28% of vehicle movements from TGV routing eastbound along the B2017 towards Five Oak Green[19] with 19% of flows travelling west from Paddock Wood via the B2017[20]. Further justification for the routing in respect of TGV is provided by WSP which identified 31%[21] of movements travelling eastbound from the site, which aligns with the assessment presented by Stantec.

4.9 Recent evidence submitted in support of Planning Application: 23/00086/HYBRID which is for development that forms part of the wider Paddock Wood allocation, reveals that even the developer is assuming a distribution on the B2017 of 13.8%, which itself illustrates the impact of Paddock Wood at this location.

4.10 Utilising the external trips presented by Stantec with respect to both TGV[22] and Paddock Wood[23] (assuming both the higher and lower figures presented), the AM and PM peak trip distribution for both sites is detailed in Table 5 based on the above methodologies. The TGV impact has been assessed on the basis of the full build out of the development (2,800 dwellings).

Table 5 B2017 Trip Distribution – Paddock Wood and Tudeley

Assessment	Higher Trip Impact		Lower Trip Impact	
	Tudeley Village			
	AM	PM	AM	PM
Stantec	580	563	346	338
WSP	642	624	383	374
	Paddock Wood			
Stantec	372	367	223	220
23/00086/HYBRID	274	270	165	162

4.11 Taking the above assessment and reviewing the combination of movements that could take place based on the distribution methodologies employed, TGV would account for only between 61% and 70% of the additional movements on the B2017 in the vicinity of Five Oak Green, with Paddock Wood accounting for between 30% and 39% of trips.

4.12 Given the above, it is clear that the provision of any bypass cannot solely be attributed to the impacts of TGV, and movements associated with Paddock Wood clearly impact the B2017 in the peak periods. This assessment affirms the position that a bypass is required for the impacts of Paddock Wood developments, and that any bypass should be treated as a shared responsibility for both TGV and Paddock Wood.

Timing for the Bypass

4.13 Paragraph 29 of the Inspector's Findings states:

"The hearings also flagged uncertainty about when the by-pass would need to be built and what implications this would have on safety within the village."

4.14 With respect to the timing of the implementation of the bypass, beyond the estimation of implementation deemed to be 'Medium' term (2025 to 2032) by David Lock Associates, the exact trigger point for the bypass has yet to be determined. The timing would need to be the subject of further assessment at the planning application stage for TGV, but a high-level assessment of the link flow capacity of the B2017 has been considered below.

4.15 The Design Manual for Roads and Bridges (DMRB) formerly included guidance on assessment of rural traffic flows. This guidance continues to provide useful indication. The guidance notes that, for an S2 carriageway (single carriageway measuring 7.3m), the road is capable of supporting an Annual Average Daily Total (AADT) of 13,000 movements.

4.16 The DfT's traffic count database includes a 2019 manual count for the B2017 to the west of Five Oak Green with an AADT figure of 7,613 vehicles (Data Count Point 810238). Based on the indicative DRMB capacity for a road of this nature, the current flows on the B2017 (as it is considered that 2019 offers a reasonable assessment of vehicle movements given the impacts of COVID), a further 5,387 daily movements could be accommodated on this link.

4.17 There are localised conditions within Five Oak Green at present, namely on-street parking but it is, nonetheless, a B-road capable of supporting greater flows than currently utilise it when considered in the context of DMRB guidance. Additional assessment would be required to determine the exact trigger for the bypass, but, in light of the above link capacity assessment, a substantive proportion of the TGV site could come forward (in conjunction with traffic management measures for Five Oak Green), prior to the need for provision of a bypass.

4.18 The flexibility of the timing of the delivery of the bypass will ensure no delay to the delivery of the TGV arising from the delivery of this strategic piece of infrastructure.

4.19 In addition, the bypass and its associated need should be considered in the context of the emerging transport planning policy and guidance, which is seeking to move away from the 'Predict and Provide' approach, which has historically led to an over-provision of highway road space and capacity, and the negative consequences of induced demand.

4.20 Guidance produced by TRICS highlights the importance of moving away from this approach and towards 'Decide and Provide'. This approach seeks for a future 'vision' to be decided upon, placing walking and cycling at the forefront of place making and reducing the emphasis placed on highway capacity improvements. By shifting the focus away from 'Predict and Provide', the 'Decide and Provide' approach is seen to help the drive towards Net Zero and enable decarbonisation of the transport sector .

4.21 By way of example, this new approach to planning has been adopted by Oxfordshire County Council and forms the basis of the recently published Circular 1/2022 from National Highways (NT), highlighting the important role that this methodology will take moving forward.

4.22 Most recently, the Welsh Government have significantly reduced planned major road building projects, citing the need for change if the net zero targets are to be met. The Welsh Government notes that investment in roads will still take place but that they will also be seeking to invest in real alternatives such as rail, bus, walking and cycling projects, demonstrating the need to consider and promote alternatives to highway capacity improvements and road building.

4.23 The provision of the bypass and any other associated highway capacity improvements should, therefore, be considered in the context of the changing transport policy environment and the ongoing movement towards Net Zero.

Deliverability of the Bypass

4.24 Paragraph 26 of the Inspector's Finding states:

"Firstly, the bypass is to be accessed from a new junction almost directly opposite Capel Primary School. At the hearings the Council confirmed that no detailed consideration had yet been given to the appropriateness of this location having regard to issues such as air quality, road and pedestrian safety and noise. They are all important considerations".

4.25 Currently the initial design of the bypass suggests a roundabout in this location. At present, the scale and size of the roundabout is indicative to highlight the feasibility of a connection, which will likely be reduced in scale following a capacity and design review.

4.26 Whilst a roundabout is currently indicated, there may in fact be scope for an alternative junction form, such as signals or an enhanced priority junction, which may also be suitable.

4.27 The detail of controlling the effects of noise, air quality and the provision of a safe design are undoubtedly important, but these are matters for the detailed design in due course. At this stage in the planning process the detailed design of the bypass and junction do not need to be fully resolved and consideration only needs to be given to the identification of any potential 'show-stopper constraints' or unacceptable impacts. That is not the case here, where it is noted that:

- The location of the junction does not fall within an Air Quality Management Area and the anticipated level of traffic growth would be very unlikely to breach these thresholds.

- The anticipated level of traffic growth would be very unlikely to create unacceptable noise issues and the provision of a road and junction in this location is entirely acceptable within a residential area with a school.

- Pedestrian and road safety will necessarily be fully addressed through the Road Safety Audit process that runs alongside the detailed design of the junction but there is no reason for considering that a safe junction cannot be provided. As noted above, there are options for the design of the junction. As a matter of principle, the creation of a junction will help reduce traffic speeds and create a safer environment for all road users, resulting in a net improvement for the road safety position in this location.

4.28 Notwithstanding these points above, the wider land ownership of the Estate extends to the vicinity of Capel Primary School which allows for alternative improvements to be undertaken with respect to pedestrian access and school drop off and collection arrangements, if it were to prove necessary or desirable. Consideration of such detailed measures can be undertaken as part of the bypass design and associated planning application for the site, to enhance accessibility at the school generally.

4.29 Paragraph 27 of the Inspector's Finding states:

"Secondly, only limited information has been provided to consider the visual impact of a new road in this location. This is especially important when considering the topography of the area, the need for a crossing over the Alder Stream, heritage and the proximity of the road to the AONB. The AONB Setting Analysis Report found that the high ground to the south of Tudeley contributes most to the setting of the AONB because it has the highest intervisibility and forms a transition from the lower ground further north. Significant engineering works, significant increases in traffic volumes, light and noise are all identified as factors which may harm the setting of the AONB. All are probable as part of the development of a new bypass. Without proper consideration of these issues, it is therefore not possible to determine the likely suitability of the scheme. It would also require additional development in the Green Belt and in areas at risk of flooding".

4.30 Given that the Five Oak Green Bypass is required to facilitate both TGV and the growth of Paddock Wood, and that it is also critical to support the creation of a sustainable transport corridor between Paddock Wood and Tonbridge, it comprises a strategically important piece of infrastructure for the Plan which is critical to the realisation of

the proposed spatial strategy as a whole and the delivery of sustainable development in the Borough.

4.31 As noted above, and as one would expect at this stage in the planning process, the bypass has not yet been designed in detail and therefore the landscape impact of the bypass has not been fully assessed. However, no issue of principle is identifiable and, given that the indicative route of the bypass does not impinge on the AONB, the proviaions of NPPF paragraph 177 are not triggered.

Notwithstanding this, the Inspector's concerns with regard to setting are noted. Reference has been made to NPPF paragraph 176 which states "development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas". It is understood that the Council have looked at the options for the provision of this infrastructure, assessing design and routing. It is further understood that the route proposed would be the least harmful and thereby demonstrably 'minimises adverse impacts' on the AONB. The Estate looks forward to the opportunity to review and comment on this assessment in due course.

5. Deliverability

5.1 The Inspector's initial findings in respect of this identified concerns in respect of:

- The Master Developer Model
- Delivery Rate
- Lead-in and Delivery Programme
- Infrastructure and Viability
- Infrastructure Phasing.

Master Developer Model

5.2 Paragraph 31 of the Findings states:

"Paragraph 73 of the Framework requires local planning authorities to make realistic assessments of likely delivery rates given the lead-in times for large scale sites. In this case, the Council confirms that no schemes of a similar size or complexity have been built in Tunbridge Wells or the surrounding area to draw comparisons from. Officers have therefore relied upon lead-in times and delivery rates provided by the site promoters".

5.3 It appears from the comments made by the Inspector that there may be a concern about the Master Developer approach being unusual or unique, and that by taking this approach for the first time, any complexity involved, coupled with any inexperience of the landowner in undertaking this role, will inevitably lead to delay in the delivery of TGV.

5.4 In fact the approach to the development of a project like TGV is no different from that which happens on many other large-scale housing sites across the UK. Ultimately, the only real difference concerns the time in the process at which the landowner releases the site to the housebuilders and the resulting control over the quality of the buildings delivered that this affords (something which the Government is intending strongly to support rather than discourage).

5.5 With a more conventional national house-builder model (which has typically been the cause of the concern regarding quality), release of land is assumed at the point of allocation or when planning permission is secured, whereas in the master developer model, the intention is that its release will be after the enabling infrastructure is designed and implemented. In this way, it is then the master developer or landowner that directly controls the securing of planning permission, and the design and implementation of the first infrastructure works.

5.6 In practice, all this means is that the civil contractor appointed to build out the first infrastructure works – access points, drainage and utility supplies and so on – is contracted to the landowner and not a national housebuilder.

5.7 There are two clear benefits that arise from this model:

- First, controlling the process for longer means that the landowner is able to exert closer scrutiny over the design and quality of what is built.

- Secondly, it allows the landowner the option to sell land to small and medium sized housebuilders who are more readily able to work side-by-side and are also more comfortable to design and construct housing and associated mixed use buildings that accord with the masterplan and design code set for the development.

5.8 In summary, the presence of a single, long-term landowner with a vested interest in the site and an aspiration towards legacy is beneficial in contrast to the majority of new development schemes where a developer has no long-term financial stake in the land and surrounding area. In the majority of other cases, the developer's priorities lie in the immediate satisfaction of

their shareholders, or else the need for a quick financial return. The difference that this makes is enormous. Development by a single, long-term landowner is, arguably, the only route that allows an extended, measured view of development and a retained interest in ensuring its quality. The ability to adopt a patient perspective on financial returns creates considerable opportunity to innovate beyond the norm. This model has not only been shown to be deliverable by the high-quality schemes elsewhere (in respect of which evidence has been provided), but to result in far higher quality development for the area. There is no basis for the apparent assumption that a Master Builder Model results in any concerns over deliverability.

Delivery Rate

5.9 The Inspector's Findings do not suggest that the proposed delivery rate is unrealistic but a question is raised about the evidence upon which it is based.

5.10 The proposed delivery rate for TGV is 150 dwellings per annum (year 6 to year 15) and 200 dwellings per annum (year 16 – 18 of this plan period, year 1-3 in the next plan period). In year 4 of the next plan period the scheme would deliver 100 dwellings, completing the allocation.

5.11 The landowner will be funding and controlling the process of obtaining planning permission, carrying out detailed design and implementing the on-site infrastructure that will be necessary to allow the first builders to commence development. This is to ensure that housebuilders that are selected will be taking on a confirmed design and having access to land that is serviced and ready for the on-plot development phase. This will greatly simplify and accelerate the housebuilder phase of activity. It will not slow it down.

5.12 As noted above, under this approach the master developer can operate with three local/regional SME housebuilders. This equates to the following in terms of private delivery per annum per housebuilder:

- 90 private units for the period 2025 to 2034, which equates to 30 private units per housebuilder
- 120 private units for the period 2035 onwards, which equates to 40 private units per housebuilder

5.13 This private sales rate per outlet is considered entirely deliverable and achievable and consistent with what has been achieved elsewhere.

5.14 As the affordable policy states a requirement of up to 40%, this equates to the following in terms of affordable delivery per annum per housebuilder:

- 60 affordable units for the period 2025 to 2034, which equates to 20 affordable units per housebuilder
- 80 affordable units for the period 2035 onwards, which equates to 27 affordable units per housebuilder

5.15 Again, this delivery rate is considered entirely deliverable and achievable per housebuilder and consistent with what has been achieved elsewhere. Furthermore, it is considered there will be plenty of interest in the affordable elements of the scheme given its location and also having regard to the high-quality design and new settlement status of the scheme. Our experience is that affordable housing providers are especially keen to form partnerships where there is going to be a consistent stream of housing over the long term.

5.16 Overall, all of these delivery targets are achievable on the three-housebuilder model that is proposed, having regard to the likely level of interest in the site, and general market expectation for transactional activity in this specific location. . Table 6 demonstrates the build out rates that have been achieved on strategic schemes elsewhere in the country which have used the master developer/multi-house builder model, and then by comparison, looking at some examples that are being built out by larger national housebuilders. The most relevant examples for TGV are Nansledan and Poundbury – the first two in the table.

Table 6 – Delivery Rates

Nansledan, Cornwall	Under construction	4,000	Around 120dpa	Construction started in 2014; build-out rate averaging at 120 private units per annum with 30% affordable housing and 3 regional housebuilders.
Poundbury, Dorset	Under construction	2,700	Around 120dpa	Exact figures unavailable, but Duchy has described market absorption of 120 private units a year in recent years, with 35% affordable housing. Presently 4 housebuilders.
South West Bicester	Under construction	2,436	200-250dpa	Countryside Properties is the master developer. Urban extension. 6 developers (Taylor Wimpey, Bovis, Bellway, David Wilson, Persimmon and Linden) have bought parcels to buildout. As of 2018, four outlets on site and c. 1,000 homes occupied. Build out has reached 200-250dpa depending on the flow of affordable housing construction.
Great Kneighton	Under construction	2,300	Average 273dpa, peak c.560dpa	Countryside Properties is the master developer. 5 developers (Crest Nicholson, Bovis, CALA, Hill Residential and Skanska). 40% affordable housing. Three outlets on site in 2018. Build-out rate peaked at c. 560 dpa in project year 6, high level of affordable and large number of developers.
Great Western Park, Didcot	Under construction	3,417	275dpa	Master developer – Taylor Wimpey. 6 developers: Taylor Wimpey, David Wilson, Persimmon, Miller, Bellway, HDD (which sold to McCarthy & Stone). No less than 30% affordable.

5.17 It is further noted that, over the lifetime of the development the delivery rate equates to an average of 165 dwellings per annum. The most up-to-date, independent evidence of deliverability on large sites before the examination is *'Start to Finish: Second Edition (Lichfields, 2020)'. It states: "For schemes of 2,000 or more dwellings the average annual completion rate across the delivery period was 160 dwellings per annum" (Pg. 9)*. Therefore, the proposed delivery rate at TGV is entirely aligned with the independent evidence on deliverability of large sites, not contrary to it.

5.18 The Inspector refers to comments at the hearing sessions about the Chapelton project in Aberdeenshire but reference to this evidence in terms of delivery rates is not justified. To be clear, this scheme was not referenced as a case study for housing trajectory. The geographic location of this scheme is entirely different, where there is one housebuilder currently active on site and where the take-up of private housing and the rate of sales is also entirely different to the situation in and around Tunbridge Wells. Critically the land values are markedly different between Aberdeenshire and West Kent. Driven by the exceptionally high demand for housing and pressures from the London housing market area, demand for land in west Kent, and around Tunbridge Wells in particular is high. There can be little doubt that this will support the (relatively conservative) sales and delivery rates that have been set out for TGV.

Lead-in & Delivery Programme

5.19 Paragraph 34 of the Inspector's Findings states:

"The most up-to-date, independent evidence of deliverability on large sites before the examination is Start to Finish: Second Edition (Lichfields, 2020). It shows that the average time from validation of an outline planning application to the delivery of houses on large sites over 2,000 dwellings range from 5.0 to 8.4 years. In this case, the submitted Plan would need to be modified and consulted on before adoption, Supplementary Planning Documents would need to be produced, published for consultation and adopted, planning applications would have to be prepared and submitted, important details regarding phasing and the deliverability of shared infrastructure would need resolving, along with agreements on complex planning obligations. Details of the bypass would also have to be finalised, tested, applied for and approved, in addition to the compulsory purchase of land before the wider site could come forward. When taking all these factors into account, I am not persuaded that the housing trajectory is realistic."

5.20 It appears that the Inspector has taken issue with the lead-in time, and the implications of this for the housing trajectory. The trajectory suggests that units will be delivered at TGV from 2025 onwards.

5.21 With the delay to the Local Plan process that result from the Inspector's Interim Findings and elongation of the Examination process, the trajectory set out in the emerging Plan is no longer achievable for all development. It is thereby necessary to revise the housing trajectory for TGV to allow for this delay, and this is set out below.

5.22 On that basis a realistic timeframe to first house occupation would be as follows:

- *Inspectors Report (with Tudeley retained) – end Q4 2023*
- *Local Plan Adoption – Q2 2024*
- *Supplementary Planning Document complete – Q2 2024*
- *Submission of Hybrid Planning application for Tudeley – Q3 2024*
- *Committee - Q3 2025*
- *Planning Permission (including S106) Issued – Q2 2026*

- *Submission of Housebuilder RMA - Q2 2026*
- *Start Ph1 infrastructure works – Q2 2026*
- *Approval of Housebuilder RMA - Q4 2026*
- *First houses commence – Q1 2027*
- *First occupations – Q3 2027*

5.23 This equates to a delay to delivery of approximately 2.5 years, which would result in a 500-unit reduction in the number of dwellings delivered at TGV within the plan period, taking the total from 2,100 dwellings to 1,600 dwellings.

5.24 This delay to delivery affects the whole plan, including Paddock Wood West which must be removed from the Green Belt and so is not expected to proceed ahead of the adoption of the Local Plan. It is also considered that Paddock Wood East is also affected by the delays to the Local Plan process, as these applications are unlikely to be approved ahead of the adoption of the Local Plan, as to do so would put at risk the effective delivery of strategic infrastructure.

5.25 The TGV anticipated programme from submission of a planning application to first occupation is slightly quicker than the average timescales identified in the Lichfields Report 'Start to Finish: Second Edition (2020)'. However, the use of slightly quicker timescales is entirely justified for the following reasons:

- A substantial amount of technical work and masterplan design has already been completed which will allow for the prompt submission of the required Supplementary Planning Document immediately after adoption, and simultaneously or shortly after that, a hybrid planning application.

- The hybrid planning application will include full detail of the infrastructure for the first phase.

- The significant amount of work that the Council has undertaken in respect of infrastructure planning, including in the Strategic Sites Masterplanning and Infrastructure Study, will help expedite the preparation of the Section 106 Agreement.

- Whilst the housebuilders will need to secure Reserved Matters Consent for their individual parcels, this can be progressed alongside the delivery of phase 1 infrastructure.

- The Phase 1 infrastructure works are not complex in any way and comprise the following:
  - Forming of a ghost island right turn lane on the B2017 and then a new access point off the B2017 into the site.
  - Building a new entrance road of no more than around 50 metres with associated landscape and public realm – just sufficient to be able to readily split the phase 1 site into separate housebuilder parcels, each with direct servicing links.
  - Providing services and drainage with and/or adjacent to the entrance road, which are then tied to the connections at the edge of the 3 housebuilder zones which will form the first part of Phase 1.

Infrastructure & Viability

5.26 Paragraph 35 of the Inspector's Findings states:

"When considering that several of the options tested show Tudeley Village in deficit, is it likely that a policy-compliant scheme of the type envisaged can actually be achieved? As the PPG advises, viability assessments should not compromise sustainable development, but should be used to ensure that policies are realistic and that the cumulative cost of relevant policies do not undermine the deliverability of the plan".

5.27 By way of context, it is important NPPF Paragraph 73 footnote 37 which states:

"The delivery of large-scale developments may need to extend beyond an individual plan period, and the associated infrastructure requirements may not be capable of being identified fully at the outset. Anticipated rates of delivery and infrastructure requirements should, therefore, be kept under review and reflected as policies are updated".

5.28 It is also worth noting the commentary in the Viability Assessment (Document 3.65ai):

"vi. As is usual when assessing the potential viability of sites at this stage, and especially at a large scale as in the case of strategic sites reviewing, the assumptions and appraisals as well as the numbers they produce can all appear rather precise. Effectively there is a false level of accuracy implied by such figures when looking at results that are set out to a single pound level". (Pg 35)

"vii. The results reported here remain high-level indications only and are based on the current particular assumptions made in this assessment, including on infrastructure. The timescales over which the delivery of large-scale sites are expected to take place, allied to the number of variables, means that the end result cannot possibly be known at this stage.

viii. The results of any viability process at this stage can only indicate a likelihood of delivery rather than anything more specific. As discussed above, a small change in one assumption can have a relatively large impact on the outcome / result. The extent to which figures are seen to vary (i.e. to be potentially sensitive to assumptions made) such as are included within the further sensitivity testing grids (sensitivity analysis reports) to the rear of each of the appraisal summaries highlights this".

5.29 The Strategic Sites Masterplanning and Infrastructure Study (Document 3.66a) identified a comprehensive programme of mitigation measures and infrastructure improvements required to support TGV as a whole i.e. 2800 dwellings delivered over this plan period and into the next plan period.

5.30 Accordingly, Document 3.65ai assesses the viability of TGV based on 2,800 dwellings. This is the correct approach since the Council must understand if the scheme is viable with all infrastructure paid for and delivered.

5.31 The viability assessment (Document 3.65ai) confirms that the scheme is viable:

"Therefore, our conclusion from the perspective of the viability assessment work is that we consider the criteria of the NPPF can be met with these two strategic development allocation scenarios included as part of the new Local Plan" (paragraph 3.2.12).

5.32 Despite this confirmation, the Inspector appears to be suggesting that there is some uncertainty over the viability of TGV but there is no basis for this. It is notable that these concerns are not expressed for Paddock Wood.

5.33 Reviewing Document 3.65ai Figure 6, it is apparent that Paddock Wood is assessed as viable in three assessment scenarios (1, 2 & 5) and unviable under five of the assessment scenarios.

5.34 By way of comparison, TGV is shown to be viable in two assessment scenarios (1 & 2). TGV is shown to be unviable under six assessment scenarios. In terms of viability the difference between Paddock Wood and TGV occurs under only one scenario (no. 5).

5.35 The key variable under scenario No.5, upon which the viability of Paddock Wood and TGV diverge, is a reduction in the assumed sales value of £200sqm, which equates to 4% of sales value.

5.36 Within the context of a necessarily high-level assessment, this represents a very small difference upon which to suggest TGV may not be viable, whilst accepting that Paddock Wood is acceptable.

Infrastructure Phasing

5.37 Paragraph 35 of the Inspector's Findings states:

"One consequence of a slower delivery rate is the ability of the site to provide the necessary infrastructure. For example, the Council confirms that the viability assessment supporting the Plan is based on the proposed housing trajectory".

5.38 Document 3.66a identified high-level phasing for the delivery of infrastructure: short/ medium/long term. All strategic infrastructure interventions and improvements across Paddock Wood, East Capel and TGV fall within those categories.

5.39 It is important to note that the phasing does not include a separate 'next plan period category'. Rather, any work that might be expected to be required in the next plan period is included within the long-term category, which runs from 2032 onwards. Therefore, the Council's infrastructure planners have not specifically identified the infrastructure delivery that would be expected to fall outside of the plan period.

5.40 It is critical to emphasise that the phasing of infrastructure has not been tightly defined at this stage. There is still significant flexibility in this phasing, which will be refined through further detailed work at the planning application stage. This is entirely the correct approach, and proportionate to the level of detail required at this moment in the planning process.

5.41 It is not possible at this time to say with any certainty what impact (if any) a delay in the delivery of TGV would have upon the delivery of infrastructure. There would also be delays to the delivery of development at Paddock Wood.

5.42 The most likely scenario is that the infrastructure interventions will simply be needed later and will therefore be shifted backwards. This is in line with the 'monitor and manage' approach to infrastructure delivery and the approach required under NPPF Paragraph 73 footnote 37.

5.43 It acknowledged that the viability assessment (Document 3.65ai) takes a slightly more refined, but still high-level approach, allowing for phasing of the delivery of TGV, including infrastructure costs, over this and the next plan period:

"A number of input assumptions have been made in the preparation of the viability analysis. Delivery trajectory matching TWBC Draft Local Plan assumptions for Tudeley Village, with 2100 homes delivered during the plan period. This delivery trajectory accords with the expectations of the Hadlow Estate and is considered appropriate to test...

4 Strategic Phases aligning with the Draft Local Plan delivery trajectory

- *phase 0 to 2024 (Paddock Wood and east Capel only)*
- *phase 1 to 2028*
- *phase 2 to 2032*
- *phase 3 to 2036*

any costs beyond that (for Tudeley Village) treated as an extra phase" (Document 3.66a, paragraph 6.90).

5.44 *'Document 3.65ai Appendix I - Local Plan Viability: Stage 2 - Tudeley Revenue & Cost Timings (Sheet 3 of 4)'* confirms that TGV will be delivered over the period January

2025 to July 2041 with infrastructure interventions coming forward in that period. It is emphasised that these timings are very much high-level assumptions and are not based upon any technical analysis of need or demand for improvements and mitigation.

5.45 As noted above, the first house occupation for TGV is now more likely to be in September 2027 due to the delay in the local plan process.

5.46 As above, it is likely that the phasing of infrastructure will simply shift back, noting that there will also be delays to the delivery of the Paddock Wood strategic sites.

5.47 The specific triggers for delivery of infrastructure will be dependent on the progress of delivery at TGV and Paddock Wood, and therefore will be subject to further detailed assessment and negotiation through the planning application process.

5.48 We maintain that the TGV delivery rate will be broadly as set out in Council's housing trajectory, and reflective of the most up-to-date independent evidence (Lichfield, 2020). This notwithstanding, it is worthwhile addressing the implication of a slower rate of housing delivery for infrastructure delivery (within the context of the high-level infrastructure phasing assumptions that have been made to date).

5.49 In broad terms, a slower rate of housing delivery will simply push back the milestone at which the trigger point for infrastructure improvement is required. This is the 'monitor and manage' approach and is entirely aligned with national policy (NPPF Paragraph 73 footnote 37).

5.50 This notwithstanding, it is acknowledged that there could be a challenge if one or more of the strategic allocations is delayed, and this results in a shortfall in contributions, which in turn prevents sufficient funds being available when the trigger for strategic infrastructure improvements is reached.

5.51 Based on the high-level evidence available at this stage, it is not possible to say with any certainty if there is any actual risk of this scenario occurring within a monitor and manage infrastructure delivery framework. This situation can be avoided through the monitor and manage approach.

5.52 Within the framework of monitor and manage, the risk of this scenario occurring could be further mitigated if strategic infrastructure improvements are prioritised and tied to specific permissions.

5.53 Ultimately, these are detailed considerations that will be subject to detailed assessment and negotiation and control through the planning application process.

5.54 One point that is clear is that if TGV is removed as a strategic allocation, the opportunity for contributions towards the strategic improvements is removed altogether. Whilst this might slightly reduce the total scale of the infrastructure requirement it does not remove the need for infrastructure that is identified and the entire burden of the remaining improvements then falls upon the allocations at Paddock Wood, requiring a higher per unit contribution from those sites. This is likely to have impacts upon viability which are not assessed.

5.55 More critically, if one or more of those strategic sites then fails to deliver, or delivers at a slower rate, there is a greater risk that there will be a resultant shortfall as the strategic infrastructure contributions increases.

6. Green Belt and Exceptional Circumstances

6.1 Paragraph 30 of the Inspector's Findings states:

"One of the Council's reasons for concluding that exceptional circumstances exist is the significant contribution that the allocation would make towards meeting housing needs. The housing trajectory predicts that around 2,100 dwellings will be delivered over the plan period, with 150 new homes completed each year from 2025 onwards".

6.2 It is acknowledged that, as a consequence of the delay to the Local Plan process, the first units at TGV will now not be delivered until Q3 2027 and thereby the number of units that is expected to come forward over the plan period is 1600 dwellings rather than 2100 dwellings. The scheme will still secure approximate 2800 dwellings delivered over this plan period and the next.

6.3 The Estate considers that although the scale of delivery in the plan period has been reduced, the case for exceptional circumstances remains extant and robust. This is because the case for exceptional circumstances is firmly grounded upon the delivery of a highly sustainable, mixed use, high quality new settlement as a whole, and not simply upon an arbitrary number of units delivered within the plan period.

Justification for TGV

6.4 Before addressing the exceptional circumstance case for TGV, it is worthwhile reiterating the overarching justification for the allocation of TGV which is summarised at paragraph 5.211 of the emerging Local Plan:

"This [allocation] is considered an appropriate, sustainable, and effective means of meeting the housing needs during the plan period and beyond" (emphasis added)

6.5 Therefore, whilst part of the justification in respect of meeting housing needs, this explicitly relates to the Plan period and beyond. This approach is entirely consistent with national policy, notably NPPF Paragraph 22:

"Where larger scale developments such as new settlements or significant extensions to existing villages and towns form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take into account the likely timescale for delivery".

6.6 It is entirely appropriate for the Local Plan to set a long-term vision for a new settlement, the delivery of which extends over this plan period and beyond.

6.7 The emerging Local Plan then sets out further detail in respect of the justification, explaining why TGV is considered an 'appropriate, sustainable and effective means of meeting the housing needs', including:

- *"The size of the new settlement as proposed means that it is large enough to provide and support various facilities on the site, including retail, education, employment, health, and leisure, so that its residents will not have to travel to meet their day-to-day requirements." (paragraph 5.213)*

- *"The new garden settlement…provides a quality of development and community that would not occur in the absence of a holistic approach to planning and delivery. A coordinated, strategic approach to the master planning and delivery of a new garden settlement is required to deliver the necessary infrastructure, facilities, and services to meet the needs of the new community" (paragraph 5.215)*

6.8 Therefore, the justification for TGV explicitly relates to the settlement as a whole i.e. the high quality mixed-use, new settlement delivered within the Plan period and the next plan period taken together and including the necessary infrastructure, facilities, and services to meet the needs of the new community.

6.9 A reduced quantum of growth at TGV in the plan period does not undermine the justification for TGV itself, provided the vision of a sustainable new settlement remains robust and deliverable as a whole (within the context of NPPF Para 73 footnote 37).

6.10 The case for exceptional circumstances in support of TGV sits within the framework of this overarching justification for the new settlement: *"an appropriate, sustainable, and effective means of meeting the housing needs during the plan period* ***and beyond****"*.

Exceptional Circumstances

6.11 The general case for exceptional circumstances is first made at the strategic borough-wide level. With reference to the Development Strategy Topic Paper (Document 3.64), paragraph 6.183 sets out the overarching, borough wide, exceptional circumstances for releasing land from the Green Belt which includes acute housing needs in the Borough, the constraints affecting the Borough and the absence of alternative opportunities to accommodate housing needs on land outside of the Green Belt or on land in neighbouring authorities. These facts are not disputed by the Inspector.

6.12 Effectively, land from the Green Belt needs to be released to meet housing needs in the Borough. Clearly these housing needs are going to continue to grow over time and so will the pressure upon the Green Belt.

6.13 Paragraph 6.185 links all these exceptional circumstances to all the strategic sites in the Green Belt

"In particular these factors support the proposals for strategic development in the Green Belt of land at Paddock Wood and eastern Capel and at Tudeley (also located within Capel parish) for a wide range of land uses, including built development, to deliver strategic development opportunities" (Document 3.64).

6.14 Paragraph 6.186 then goes on to set out further, additional exceptional circumstances specifically related to TGV, which reflect the overarching justification for TGV i.e. the creation of highly sustainable, high quality, mixed use new settlement over this plan period and the next. Specifically, these include:

- Flood mitigation
- Design quality
- Provision of a secondary school
- Green route into Tonbridge
- Access to the countryside
- Highways infrastructure

6.15 Whilst it is clear that TGV will make a significant contribution to housing need over this plan period and the next, this is not solely relied upon to justify the Green Belt release for the allocation.

6.16 Rather, the case for exceptional circumstances for the release of the TGV site from the Green Belt explicitly reflects the overarching justification for TGV i.e. the creation of highly sustainable, high quality, mixed use new settlement over this plan period and the next.

6.17 In this regard NPPF Para 140 is instructive, it states:

"Strategic policies should establish the need for any changes to Green Belt boundaries, ***having regard to their intended permanence in the long term, so they can endure beyond the plan period****. Where a need for changes to Green Belt boundaries has been established through strategic policies, detailed amendments to those boundaries may be made through non-strategic policies, including neighbourhood plans" (emphasis added)*

6.18 It is therefore clear that the changes to Green Belt boundaries are required to be made as part of the comprehensive allocation of TGV in this local plan, even where the delivery of that new settlement is anticipated to take place over more than one plan period.

6.19 It therefore follows that the level of development coming forward within this plan period is not in and of itself critical to the case for exceptional circumstances.

6.20 The specific quantum of development delivered at TGV within this plan period does not alter the exceptional circumstances upon which the amendment to Green Belt boundaries is justified.

6.21 In summary, the case for exceptional circumstances in support of TGV is robust and remains extant, even with the shortfall in housing delivery that has resulted as a consequence of the delay to the local plan process.

Reasonable Alternatives Sites in the Green Belt

6.22 At paragraphs 6 of the Initial Findings the Inspector questions:

"Why did the Council not carry out a comparative assessment of reasonable alternatives at Stage 3 in order to avoid, or at least minimise, harmful impacts where possible? This is especially relevant when the two largest allocations in the Plan (Tudeley Village and Paddock Wood) were found to cause "high" levels of harm to the Green Belt".

6.23 It is understood that the Council has undertaken an assessment of reasonable alternative sites in the Green Belt. The Estate looks forward to the opportunity to review and comment on this assessment in due course.

7. Summary and Conclusion

7.1 Paragraph 37 of the Inspector's Findings states:

"National planning policy is also clear that the Government attaches great importance to the Green Belt, the boundaries of which should only be altered in exceptional circumstances. When considering the level of acknowledged harm to the Green Belt that would occur, combined with the significance of the issues raised, I find that exceptional circumstances have not been demonstrated to justify removing the site from the Green Belt".

7.2 This note has demonstrated that the "significant issues" raised by the Inspector can all be addressed.

7.3 First, this note has emphasised that, by virtue of its location, the delivery of TGV is critical to the creation a strategic sustainable transport corridor between Paddock Wood and Tonbridge with potential for substantive wider benefits in terms of modal shift.

7.4 Within this context and reflecting the emerging work that is being led by KCC, this response has also referred to evidence which demonstrates that the creation of a high-quality rapid bus link between TGV and Tonbridge is entirely deliverable on land which is either controlled by the Estate or is highway land.

7.5 Similarly, this response has referred to evidence which demonstrates that the scheme can be made highly accessible for cyclists through improvement on land which is either controlled by the Estate or is highway land.

7.6 Second, this response refers to the evidence which demonstrates that the level of retail floorspace proposed within TGV is entirely appropriate to a settlement of this scale, is broadly aligned with the Council's own assessment and therefore would not have any detrimental impact upon neighbouring centres.

7.7 Third, this response refers to evidence which demonstrates that, given the scale of retail and commercial floorspace proposed at TGV, the assumptions that have been made in terms of trip internalisation are robust.

7.8 Fourth, this response refers to evidence which demonstrates that TGV would result in relatively low levels of traffic impact on Tonbridge town centre, which cannot be considered to be 'severe' and which do not take account of internalisation that will occur in any event.

7.9 Fifth, this response refers to evidence which demonstrates that the Five Oak Green Bypass cannot solely be attributed to the impacts of TGV alone, with movements associated with Paddock Wood clearly seen to impact the B2017 in the peak periods. Therefore any bypass should be treated as a shared responsibility for both TGV and Paddock Wood.

7.10 Sixth, this response refers to evidence which demonstrates that there is a substantive period of growth that can be delivered at TGV ahead of the delivery of the new bypass. This will ensure no delay to the delivery of the TGV arising from the delivery of this strategic piece of infrastructure.

7.11 Seventh, this response refers to evidence which demonstrates that, given the importance of the bypass to the realisation of the spatial strategy and the delivery of sustainable development in the Borough as a whole, it is considered that all the detailed issues identified by the Inspector can be overcome.

7.12 Eighth, this response refers to evidence which demonstrates that, whilst the delay to the Local Plan process has resulted in a 500-unit reduction in the number of dwellings that it is anticipated will be delivered at TGV over this plan period, this does not undermine the justification for TGV or the case for exceptional circumstances for its release from the Green Belt which correctly

relate to the settlement as a whole and not simply to the quantum of development anticipated to come forward in this plan period (noting NPPF paragraphs 22 and 140).

7.13 Nineth, with reference to the Council's viability assessment this response has demonstrated that TGV is entirely viable and enjoys a similar level of viability to the Paddock Wood strategic allocations (with only a marginal difference between the two).

7.14 Finally, this response refers to the fact that, within the context of a monitor and manage infrastructure delivery framework (in accordance with NPPF paragraph 73 footnote 37), any delay to the delivery of TGV would not undermine the viability of the scheme or the deliverability of the overarching spatial strategy.

7.15 In conclusion, it is considered that Policy STR/SS3 is sound, with a reduction in the number of dwellings to be delivered by 2038 to 1600. This note has demonstrated that the allocation as a whole is entirely justified, is consistent with national policy and it demonstrably effective.

7.16 Within this context the Estate would like to take this opportunity to address the Inspector's suggestion at paragraph 99, that if TGV is deleted from the plan, the shortfall in housing *"could be catered for over a shorter timeframe without the need for any specific additional sites to be identified at this stage"*.

7.17 As the Council is fully aware, reviewing a Local Plan in order to try and cater for yet further housing later on is beset with political and technical challenges. At the next review these challenges will likely be increased, with a significant housing requirement remaining, but suitable strategic locations outside of the Green Belt (such as Paddock Wood East) already allocated. So this approach would not resolve the substantive issue of how to sustainably and successfully accommodate the growth of the Borough for the next generation.

7.18 Perhaps even more importantly, even with an immediate review of the Plan taking place, the Borough's objectively assessed need will remain, and without TGV (or any alternative sites) making any contribution towards meeting that need until the plan review has successfully progressed, this unmet need will continue to grow. If the plan review is in anyway delayed, that unmet need will increase even further.

7.19 Indeed, this shortfall in housing land supply, would quickly if not immediately put the LPA at risk of speculative planning applications as soon as the Local Plan had been adopted. This will have two impacts:

7.20 Firstly, housing will be proposed in less sustainable locations, with less new infrastructure secured and greater impacts upon existing residents and communities. This would be an unsatisfactory outcome for the residents of the Borough compared to the emerging Local Plan.

7.21 Secondly, the Council will be required to put resource into seeking to defend against unacceptable speculative planning applications, with less time and money available to properly progress the Local Plan review. This will no doubt lead to further delay and further increases in unmet need and further speculative planning applications.

7.22 The Estate thereby respectfully suggests that the best outcome for all the residents of the Borough is to continue to progress the emerging Local Plan, with TGV retained. Given the commentary set out in this report, the risks of doing so have been eliminated.

7.23 The Estate would also like to take this opportunity to address the NPPF 'draft text for consultation' published on 22 December 2022. The draft amendment at paragraph 142 states that *"Green Belt boundaries are not required to be reviewed and altered if this would be the only means of meeting the objectively assessed need for housing over the plan period"*. Whilst this draft amendment has no weight as yet, it is nevertheless useful to address the implications of it.

7.24 This draft amendment confirms that LPA cannot be compelled to review Green Belt boundaries to accommodate housing needs. It is noted that there was never a compulsion in national policy to review Green Belt boundaries to meet housing needs. However, it is acknowledged that this draft amendment would confirm that position.

7.25 Whilst there may not be any policy requirement to review Green Belt boundaries to meet housing needs, the requirement to be 'positively prepared' (paragraph 16, 35) and to meet housing needs (paragraphs 15, 20, 35) and to 'significantly boost the supply of housing' (paragraph 60) will remain as part of the 'draft text for consultation'.

7.26 The implications of this are clear - the LPA will simply be required to accommodate the housing elsewhere. This housing will either come forward through allocated sites or otherwise will come forward through speculative applications.

7.27 The difficulties of progressing a new Local Plan have been identified in paragraph 7.17 above. These issues will be exacerbated if the Green Belt is completely excluded from consideration. The opportunity for a highly sustainable pattern of growth would be lost and impacts upon existing communities would be enhanced, with existing communities expected to accommodate high levels of growth than under the emerging plan.

7.28 With regard to speculative applications, as noted at paragraphs 7.19-7.21 above, the outcome will be housing in less sustainable locations, with less new infrastructure and greater impacts upon existing residents and communities. It is apparent from the applications already coming forward on land to the east of Paddock Wood that these schemes do not intend to make the same level of financial contributions towards the delivery of the strategic infrastructure identified in the Council's evidence base as necessary to properly and sustainably support the level of growth the Borough is required to accommodate over the next generation.

7.29 It is therefore strongly recommended that Policy STR/SS3 is retained in the plan, subject to the reduction in units to be delivered within the plan period.

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17. Examination Document PS_023, Local Plan – Transport Assessment Addendum 2 (October 2021), Figure 2-2, Page 8

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