



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

**Representation Form**

**Please use a separate sheet for each representation**

Ref:  (For official use only)
-------------------------------------

<b>Name of the Local Plan to which this representation relates:</b>	<b>Proposed Changes to the Tunbridge Wells Borough Local Plan (2020 - 2038): Response to Examination Inspector's Initial Findings, Received November 2022 and Supporting Documents, including Sustainability Appraisal</b>
---	--

Completed forms must be received at our offices by **midnight Monday 26 February 2024**

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

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

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

	1. Personal Details	2. Agent Details (if applicable)
<b>Title</b>	<b>Mrs</b>	
<b>First Name</b>	<b>Nancy</b>	
<b>Last Name</b>	<b>Firmin</b>	
<b>Job title (where relevant)</b>		
<b>Organisation (where relevant)</b>		
<b>Address Line 1</b>	██████████	

<b>Address Line 2</b>	██████████	
<b>Address Line 3</b>		
<b>Address Line 4</b>		
<b>Postcode</b>	██████████	
<b>Telephone number</b>	██████████	
<b>Email address (where relevant)</b>	██	

**PART B – YOUR REPRESENTATION**  
(Please use a separate sheet for each representation)

<b>Name or Organisation</b>	
-----------------------------	--

<b>3.</b>	<b>To which part of the Proposed Changes to the Borough Local Plan Submission Version (2020 – 2038) as set out in the Development Strategy Topic Paper Addendum?</b>
<b>Chapter and (if applicable) sub heading</b>	Analysis of the Stage 3 Addendum report
<b>Policy</b>	
<b>Paragraph number or appendix</b>	2.20

<b>4.</b>	<b>Do you consider the Proposed Changes to the Borough Local Plan Submission Version (2020 – 2038) would make it:</b> (please tick as appropriate)				
<b>4.1</b>	<b>Legally Compliant</b>	<b>Yes</b>	<input type="checkbox"/>	<b>No</b>	<input checked="" type="checkbox"/>
<b>4.2</b>	<b>Sound</b>	<b>Yes</b>	<input type="checkbox"/>	<b>No</b>	<input checked="" type="checkbox"/>

<b>5.</b>	<p>Please give details of why you consider the Proposed Changes to the Borough Local Plan Submission Version (2020 - 2038) (as set out in the Development Strategy Topic Paper Addendum) are not legally compliant or are unsound. Please be as precise as possible.</p> <p>If you wish to support the legal compliance or soundness of the Proposed Changes to the Borough Local Plan Submission Version (2020 – 2038) (as set out in the Development Strategy Topic Paper Addendum) please also use this box to set out your comments.</p>
-----------	--

	<p><b>The text box will automatically expand if necessary.</b></p>
	<p>The Sustainability Appraisal currently states that for all site options involving Birchfield Grove, Hawkhurst (Options 12, 14, 15, 16, 17, 18, 19A, 19B) the impact on biodiversity will be neutral. This is not the case.</p> <p>The Birchfield Grove site comprises wood pasture and parkland (a priority habitat under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006). Within Biodiversity Net Gain (BNG), wood pasture and parkland is classified as a very high distinctiveness habitat (VHDH). As per the Statutory Biodiversity Metric User Guide (Defra, 2024) VHDH are ‘highly threatened, internationally scarce habitats which require conservation action, and impacts to these habitats should be avoided in line with planning policy’.</p> <p>Wood pasture and parkland habitat was not identified as part of the 22/02664/HYBRID planning application. Natural England (NE) confirmed that the site constitutes wood pasture and parkland habitat in November 2023, and this correspondence was passed to TWBC ahead of the planning committee meeting. NE stated they will be including Birchfield Grove on their priority habitat inventory.</p> <p>The current unmitigated loss of priority habitat at Birchfield Grove will have a negative or very negative impact on biodiversity. As this represents a fall of at least two increments in harm, the Sustainability Appraisal should re-assess all site options involving Birchfield Grove.</p>

<p>6.</p>	<p><b>Please set out what modification(s) you consider necessary to the Proposed Changes to the Borough Local Plan Submission Version (2020 – 2038) Incorporating the Proposed Changes set out in the Development Strategy Topic Paper Addendum, legally compliant or sound, having regard to the Matter you have identified at Section 5 (above) where this relates to legal compliance or soundness.</b></p> <p><b>You will need to say why this modification will make the Proposed Changes to the Borough Local Plan Submission Version (2020 – 2038) legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.</b></p> <p><b>The text box will automatically expand if necessary.</b></p>
-----------	--

- 1) An updated ecological appraisal should be carried out by a suitably qualified ecologist to ascertain the condition of the wood pasture and parkland habitat. The Biodiversity Metric should be recalculated, taking into account the actual habitat on site, and to determine the actual Biodiversity Net Gain (BNG), or loss. This is required to justify the claim that this is an exceptional circumstance to permit a major development at this site and to provide evidence for the Sustainability Appraisal re-assessment of site options.
- 2) The masterplan should be revised to avoid impacts on wood pasture and parkland (a priority habitat under Section 41 of the NERC Act 2006 and listed as a very high distinctiveness habitat in BNG). Where retention/protection of this priority habitat is not possible, bespoke compensation for its loss should be appropriately designed into the scheme (supported by landscape plans and management plans, which target enhancement of wood pasture and parkland priority habitat).
- 3) The Sustainability Appraisal should re-assess all site options involving Birchfield Grove to confirm the impact on biodiversity.

<b>7.</b>	<p><b>Please use this box for any other comments you wish to make.</b></p> <p><b>The text box will automatically expand if necessary.</b></p>
	<p>Click or tap here to enter text.</p>

<b>8.</b>	<p><b>If your representation is seeking a modification, do you consider it necessary to participate at the examination hearings stage when it resumes?</b></p>
-----------	--

- No**, I do not wish to participate at the examination hearings
- Yes**, I wish to participate at the examination hearings

9.

**If you wish to participate at the examination hearings stage once it resumes, please outline why you consider this to be necessary:**

I would like to understand the process and comment where necessary.

***Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the examination hearings stage once it resumes.***



## Sustainability Appraisal

10.	<b>To which part of the Sustainability Appraisal does this representation relate?</b>	
<b>Chapter and (if applicable) sub heading</b>	6.3	
<b>Policy</b>		
<b>Paragraph number or appendix</b>	Table 26	

11.	<b>Please use this box for any comments you wish to make about the Sustainability Appraisal.</b> <b>The text box will automatically expand if necessary</b>	
<p>The Sustainability Appraisal should re-assess all site options (Options 12, 14, 15, 16, 17, 18, 19A, 19B) involving Birchfield Grove, Hawkhurst to confirm the impact on biodiversity.</p> <p>The Sustainability Appraisal currently states that for all site options involving Birchfield Grove, the impact on biodiversity will be neutral. This is not the case.</p> <p>The Birchfield Grove site comprises wood pasture and parkland (a priority habitat under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006). The priority habitat was not identified as part of the 22/02664/HYBRID planning application. Natural England (NE) confirmed that the site constitutes wood pasture and parkland habitat in November 2023, and this correspondence was passed to TWBC ahead of the planning committee meeting. NE stated they will be including Birchfield Grove on their priority habitat inventory.</p> <p>The current unmitigated loss of priority habitat at Birchfield Grove will have a negative or very negative impact on biodiversity. As this represents a fall of at least two increments in harm, the Sustainability Appraisal should re-assess all site options involving Birchfield Grove.</p>		

**Please note** your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at later stages.

**After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he identifies for examination.**

<b>Signature</b>	Nancy Firmin	<b>Date</b>	25/02/24
------------------	--------------	-------------	----------



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

**Representation Form**

**Please use a separate sheet for each representation**

Ref:  (For official use only)
-------------------------------------

<b>Name of the Local Plan to which this representation relates:</b>	<b>Proposed Changes to the Tunbridge Wells Borough Local Plan (2020 - 2038): Response to Examination Inspector's Initial Findings, Received November 2022 and Supporting Documents, including Sustainability Appraisal</b>
---	--

Completed forms must be received at our offices by **midnight Monday 26 February 2024**

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

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

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

	1. Personal Details	2. Agent Details (if applicable)
<b>Title</b>	Mrs	
<b>First Name</b>	Nancy	
<b>Last Name</b>	Firmin	
<b>Job title (where relevant)</b>		
<b>Organisation (where relevant)</b>		
<b>Address Line 1</b>	██████████	
<b>Address Line 2</b>	██████████	



Address Line 3		
Address Line 4		
Postcode	██████████	
Telephone number	██████████	
Email address (where relevant)	████████████████████	

**PART B – YOUR REPRESENTATION**  
(Please use a separate sheet for each representation)

Name or Organisation	
----------------------	--

3.	<b>To which part of the Proposed Changes to the Borough Local Plan Submission Version (2020 – 2038) as set out in the Development Strategy Topic Paper Addendum?</b>	
Chapter and (if applicable) sub heading	Other Matters – Land North of Birchfield Grove, Hawkhurst	
Policy		
Paragraph number or appendix	7.2 – 7.11	

4.	<b>Do you consider the Proposed Changes to the Borough Local Plan Submission Version (2020 – 2038) would make it:</b> (please tick as appropriate)				
4.1	Legally Compliant	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
4.2	Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

5.	<p>Please give details of why you consider the Proposed Changes to the Borough Local Plan Submission Version (2020 - 2038) (as set out in the Development Strategy Topic Paper Addendum) are not legally compliant or are unsound. Please be as precise as possible.</p> <p>If you wish to support the legal compliance or soundness of the Proposed Changes to the Borough Local Plan Submission Version (2020 – 2038) (as set out in the Development Strategy Topic Paper Addendum) please also use this box to set out your comments.</p> <p>The text box will automatically expand if necessary.</p>
----	--

The New Local Plan claims that three exceptional circumstances apply to the current proposal at Birchfield Grove, namely:

- The provision of a Doctors surgery, which cannot be delivered without the housing/or on another site
- The provision of land for future school expansion
- A significant provision of green space and biodiversity net gain

I would argue that all three of the 'exceptional circumstances' cited in the current proposal are unfounded. These are examined in detail below.

#### Biodiversity Net Gain (BNG)

The current proposal claims it will provide 'significant biodiversity net gain', however it will in fact lead to a devastating loss of biodiversity, and therefore cannot be considered an exceptional circumstance to justify the proposed major development of this site.

The Birchfield Grove site comprises wood pasture and parkland (a priority habitat under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006). Within BNG wood pasture and parkland is classified as a very high distinctiveness habitat (VHDH). As per the Statutory Biodiversity Metric User Guide (Defra, 2024) VHDH are 'highly threatened, internationally scarce habitats which require conservation action, and impacts to these habitats should be avoided in line with planning policy'.

Natural England (NE) confirmed that the site constitutes wood pasture and parkland habitat in November 2023, and this correspondence was passed to TWBC planners ahead of the planning committee meeting. NE stated they will be including the Birchfield Grove site on their priority habitat inventory.

The wood pasture and parkland habitat was not identified as part of the 22/02664/HYBRID planning application (despite multiple comments via the planning portal highlighting its presence). The BNG Metric 3.1 submitted as part of the application claimed the baseline value of the site was 37.37 habitat units, based on the majority of the site being 'poor' condition modified grassland. The application claimed there would be a 40.44% gain in biodiversity, following the loss of 12.085ha of grassland and creation of other habitats, as a result of the development. As the wood pasture and parkland habitat was not considered, this is therefore incorrect.

Instead, and based on 12.085ha of wood pasture and parkland habitat (as recognised by NE), in a 'good' habitat condition (as evidenced by the applicant's own documents submitted in support of 22/02664/HYBRID), and on account of the priority habitat being of 'medium' strategic significance, the baseline value of the site should be 332.25 habitat units (under BNG Metric 3.1). There will therefore in fact be a **84% loss** in biodiversity, following the loss of 12.085ha of wood pasture and parkland and creation of other lower value habitats, as a result of the development. This loss would defy TWBC's emerging policy (Policy EN9: Biodiversity Net Gain) on BNG which requires a minimum 10% gain in biodiversity.

It is disappointing that TWBC have failed to consider the presence of priority wood pasture and parkland habitat on site at Birchfield Grove, both at the planning committee and in the production of this New Local Plan.

#### Doctor's Surgery

Insufficient evidence and justification has been provided to claim the potential future provision of a medical centre meets the criteria for inclusion as an exceptional circumstance to justify a major development at this site. Much has been stated about the Birchfield Grove site being the only location suitable for a new medical centre. When one digs into the details, the evidence to support this location appears unsubstantiated.

In reference to statements made in the 'Business Case in Support of a New Medical Centre at Fowlers Park, Hawkhurst', all the benefits would surely be applicable to any new medical centre in any location. The case put to West Kent Clinical Commissioning Group (CCG) in support of Birchfield Grove was:

1. The location/proximity to Hawkhurst and the 'more frequent' bus routes serving the Rye Road (as opposed to the Cottage Hospital).
  - a. Since publication of the business case, public transport options have deteriorated to/from Hawkhurst. Currently there is one bus service (no. 349) serving the Rye Road. It runs every two hours. It is also a 700m walk from the bus stop to the proposed medical centre at Birchfield Grove. Surely this is an unacceptable distance for those (waiting for and) travelling by public transport.
  - b. There is also just one bus service (no. 1066) to the Cottage Hospital, but on the flip side the bus stop is immediately adjacent to the hospital and the buses run every hour. Looking at public transport alone, the Cottage Hospital location would be preferable.
2. The landowner agreeing to donate the land free of charge.
  - a. Would this not also be the case at the Cottage Hospital?
3. Other benefits such as parking provision.
  - a. This would surely be part of any future medical centre, irrespective of its location.

Other inadequacies of the business case were that there was no formal consultation of patients from Wish Valley or North Ridge to establish their preference of location for a new medical centre. Furthermore, no formal assessment appears to have been carried out to establish the patient catchment and their modes of transport used to reach the current/proposed medical centre.

It would appear that the Cottage Hospital location garners the support of the majority of the Hawkhurst residents that commented on the planning portal. The argument that it is too far away from the heart of Hawkhurst can only be justified once an appropriate patient consultation has been carried out and an assessment of transport modes undertaken.

Finally, the allocation of a medical centre at Birchfield Grove does not guarantee the construction of the new doctors' surgery, so it is just a token gesture. There is no confirmation that funding is available for a medical centre there, nor timescales set out for it to be submitted for planning or to actually ever be built.

#### Provision of land for school expansion

No evidence has been provided as part of the New Local Plan/Birchfield Grove planning application to justify the provision of land for school expansion as exceptional

circumstances to justify a major development at this site. Does the number of proposed houses here and elsewhere justify the expansion of the school to two-form entry? Is there a Kent County plan for the expansion of the school? This should surely all be set out in the New Local Plan?

If the proposed development at Birchfield Grove is so altruistic as to have concerns about the capacity of the school or the construction of a new medical centre, then land for both could surely be already provided free of charge to the appropriate bodies.

**Please set out what modification(s) you consider necessary to the Proposed Changes to the Borough Local Plan Submission Version (2020 – 2038) Incorporating the Proposed Changes set out in the Development Strategy Topic Paper Addendum, legally compliant or sound, having regard to the Matter you have identified at Section 5 (above) where this relates to legal compliance or soundness.**

**6. You will need to say why this modification will make the Proposed Changes to the Borough Local Plan Submission Version (2020 – 2038) legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.**

**The text box will automatically expand if necessary.**

BNG

1. An updated ecological appraisal should be carried out by a suitably qualified ecologist to confirm the condition of the wood pasture and parkland habitat, given Natural England’s recognition of it as such. The Biodiversity Metric should be recalculated, taking into account the actual habitat on site, and to determine the actual Biodiversity Net Gain (BNG), or in fact loss. This is required to justify the claim that this is an exceptional circumstance to permit a major development at this site.
2. The masterplan should be revised to avoid impacts on wood pasture and parkland (a priority habitat under Section 41 of the NERC Act 2006 and listed as a very high distinctiveness habitat in BNG). Where retention/protection of this priority habitat is not possible, bespoke compensation for its loss should be appropriately designed into the scheme (supported by landscape plans and management plans, which target enhancement of wood pasture and parkland priority habitat).

Doctors Surgery

1. A formal patient consultation should be carried out, together with an assessment of transport modes, with a revised appraisal of potential preferred sites for a medical centre to establish options. This should be carried out by appropriately qualified consultants. This is required to justify the claim that this is an exceptional circumstance to permit a major development at this site.

School expansion

1. Documents from Kent County Council Education (West Kent) should be evidenced to demonstrate that Hawkhurst Primary School needs to be expanded to support expected growth. This is required to justify the claim that this is an exceptional circumstance to permit a major development at this site.

7.	<b>Please use this box for any other comments you wish to make. The text box will automatically expand if necessary.</b>
	Click or tap here to enter text.

8.	<b>If your representation is seeking a modification, do you consider it necessary to participate at the examination hearings stage when it resumes?</b>
----	---

- No**, I do not wish to participate at the examination hearings
- Yes**, I wish to participate at the examination hearings

9.	<b>If you wish to participate at the examination hearings stage once it resumes, please outline why you consider this to be necessary:</b>
----	--

I would like to understand the process and comment where necessary.

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the examination hearings stage once it resumes.



## Sustainability Appraisal

10.	<b>To which part of the Sustainability Appraisal does this representation relate?</b>	
<b>Chapter and (if applicable) sub heading</b>	6.3	
<b>Policy</b>		
<b>Paragraph number or appendix</b>	Table 26	

11.	<b>Please use this box for any comments you wish to make about the Sustainability Appraisal.</b>	
	<b>The text box will automatically expand if necessary</b>	
	<p>The Sustainability Appraisal should re-assess all site options (Options 12, 14, 15, 16, 17, 18, 19A, 19B) involving Birchfield Grove, Hawkhurst to confirm the impact on biodiversity.</p> <p>The Sustainability Appraisal currently states that for all site options involving Birchfield Grove, the impact on biodiversity will be neutral. This is not the case.</p> <p>The Birchfield Grove site comprises wood pasture and parkland (a priority habitat under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006). The priority habitat was not identified as part of the 22/02664/HYBRID planning application. Natural England (NE) confirmed that the site constitutes wood pasture and parkland habitat in November 2023 (and this correspondence was passed to TWBC ahead of the planning committee meeting). NE stated they will be including Birchfield Grove on their priority habitat inventory.</p> <p>The current unmitigated loss of priority habitat at Birchfield Grove will have a negative or very negative impact on biodiversity. As this represents a fall of at least two increments in harm, the Sustainability Appraisal should re-assess all site options involving Birchfield Grove.</p>	

**Please note** your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at later stages.

**After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he identifies for examination.**

<b>Signature</b>	Nancy Firmin	<b>Date</b>	25/02/24
------------------	--------------	-------------	----------