

# Public Consultation on Tunbridge Wells Borough Council's Response to the Inspector's Initial Findings Letter on the Examination of the New Local Plan

**26<sup>th</sup> February 2024**

## 1 Introduction

We write on behalf of the Hadlow Estate, hereafter referred to as 'the Estate', to provide representations in response to the 'Public Consultation on the Tunbridge Wells Borough Council's 'Response to the Inspector's Initial Findings Letter on the Examination of the New Local Plan' and the associated proposed 'Revised Development Strategy to the Tunbridge Wells Submission Local Plan'.

These representations should be read alongside the attached:

- Transport Technical Note, prepared by Markides Associates, dated 22<sup>nd</sup> February 2024
- Response to Inspector's Initial Findings (and appendices), prepared by The Hadlow Estate, dated July 2023

The Inspector's Initial Findings advised Tunbridge Wells Borough Council (TWBC) there were several issues to resolve to successfully move the Plan forward through the Examination process, including in respect of Tudeley Garden Village (TGV). The Estate recognises that TWBC is therefore under pressure to find a way forward for its Local Plan in light of the Inspector's Initial Findings. However, this does not alter the need for the Local Plan to be sound. The Estate is profoundly concerned that the approach now adopted by TWBC is inherently unsound for the reasons summarised below.

The Estate strongly requests both the Inspector and TWBC revisit the proposed removal of TGV as it renders the resulting plan fundamentally unsound. Moreover, it is clear that basic principles of good planning have been sacrificed in the approach now adopted. It is illogical and unsound not to plan for the Borough's needs now. Short term expediency is causing TWBC to abandon the pursuit of a Local Plan that would be fit for purpose and was designed to address the Borough's needs. Instead TWBC is now proposing something which, on its own case, can only meet the housing needs for the next 10 years; and it does so by fundamentally unsound compromise (addressed below).

The Inspector's Initial Findings and TWBC's response represent a failure to address issues of beautiful place-making that are at the heart of the Government's national planning policy, intrinsic to any truly sustainable growth and at the heart of the TGV concept. The Inspector and TWBC are preparing to settle for proposals that contain none of those virtues. TGV represents planning for the future utilising the highest standards of design and community concepts of which TWBC could rightly have been proud. This has now been postponed to an early local plan review.

This short-term approach means TWBC simply does not have a plan in place to meet the Borough's requirements for any meaningful period. It will make an early plan review essential and the timescales are such that it needs to begin now. The housing it is now proposing in the interim will not deliver any of the essential ingredients that TGV offers. The approach to planning in the Paddock Wood area is now compromised (as discussed below). Overall, it is the antithesis of the approach that should be adopted to a positive and sound Local Plan. The fundamental problems with this approach are outlined below by the Estate, which fully reserves its position.

As set out below, the Authority's proposal to remove TGV from the development strategy, but alongside a reduction of the plan period to 10 years and a commitment to an early review of the Plan, is unsound for a number of basic reasons and unnecessarily postpones taking proper action around a TGV allocation on the accepted evidence as it now stands. As TWBC confirms in its Local

Development Strategy Topic Paper – Addendum December 2023 (Document PS\_054) at paragraph 3.78:

*“It is found from the review of Green Belt alternative sites that those do not suggest any more appropriate site allocations that would provide any meaningful quantum of housing supply. Also the Council is confident in its SHELAA site assessments and its site selection methodology generally. Hence in this scenario (Tudeley Village withdraw from the Plan and Paddock Wood and east Capel reduced), the Local Plan would have to be pursued on the basis that it is only meeting housing needs for the next 10 years and will need to be subject to an early review.”*

It is undoubtedly the case that there are not other appropriate site allocations to meet the Council’s needs and the SHELAA site assessment and site selection methodology have been comprehensively undertaken to reach that conclusion. In such circumstances, it is illogical for this Local Plan to be truncated in the way proposed. This deprives the Local Plan of its original purpose. It necessarily shortens the plan period to a level that is far below what is required and it does so in circumstances where the Council has rightly satisfied itself as to the need for Tudeley Village and the appropriateness of its location. It is absolutely clear in these circumstances that the Inspector and TWBC should be requiring TGV to remain as an allocation.

In taking its decision, TWBC has rightly emphasised that TGV has not been found unacceptable in planning terms (PS\_054, paragraph 3.75). It is suggested that exceptional circumstances have not yet been demonstrated to justify removal of TGV from the Green Belt. But the Estate submits that is obviously wrong. Those exceptional circumstances are demonstrated by the evidence base to which TWBC refers.

The Authority has conducted an exhaustive search, and it is unable to identify any reasonable alternative sites to make up the shortfall in housing that has resulted from the deletion of TGV from the Plan. Furthermore, the additional evidence base demonstrates that the issues identified by the Inspector in respect of TGV can all be resolved (quite apart from all of the virtues embodied in TGV in its approach to housing which have been ignored in this analysis).

The Estate therefore has no hesitation in reiterating its position that there are no planning barriers to TGV’s realisation, that exceptional circumstances have been demonstrated repeatedly, and that the removal of TGV is not justified.

Moreover, the consequence of removing TGV from the development strategy is that the Council now finds itself reliant upon reduced strategic allocations at Paddock Wood. This in itself creates a fundamental unsoundness in a number of respects identified below. **These issues can be resolved, and the Plan made sound, through the inclusion of TGV as part of the development strategy. Without prejudice to that strongly held view, such unsoundness could only be cured by removing the Paddock Wood allocation to be considered alongside the necessary early Local Plan review to ensure the good planning of the area. And without prejudice to any of those points set out above, the Estate has gone on to identify additional changes which are necessary to the Local Plan in any event.**

The remainder of these representations is set out as follows:

- **Section 2** addresses the main issues identified by the Inspector in respect of TGV. This section demonstrates that these can all be resolved and do not comprise a barrier to the allocation of TGV in the Plan.
- **Section 3** identifies the issues arising from the revised development strategy, specifically in respect of infrastructure delivery at Paddock Wood, and explains why these issues will make the Plan unsound.
- **Section 4** explains how the inclusion of TGV can address the infrastructure delivery issues at Paddock Wood, to ensure that the Plan will be sound.
- **Section 5** sets out the amendments that are required to make the Plan sound.

## 2 TGV Main Issues

In support of the revised development strategy the Authority have published additional evidence. It is clear from this additional evidence the main issues that were originally raised in the Inspector's Initial Findings Letter in respect of TGV have been properly addressed to justify its retention. Specifically, the additional evidence base prepared by the Council confirms the following:

- Location/Active Travel – Tudeley is in a suitable location for walking and cycling and the proposed route for walking and cycling between TGV and Tonbridge town centre is suitable and deliverable.
- Location/Public Transport – The proposed Paddock Wood-TGV-Tonbridge bus scheme is suitable and provides a robust basis for modal shift and sustainable travel. The absence of a rail halt at TGV does not undermine the sustainability of the settlement given the bus link that will be provided.
- Mixed-use Provision and Internalisation – The level of commercial (including retail) floor space proposed as part of TGV is entirely appropriate to a mixed-use community of this scale. Given the mixed-use provision proposed at TGV, the internalisation assumptions are robust and appropriate.
- Modal Shift – Given the findings in respect of active travel, sustainable travel and internalisation, it has been concluded that the modal shift assumptions which underpin Tudeley are robust.
- Highway Impact – The Authority's evidence confirms that the impact of TGV upon Tonbridge Town Centre will not be severe. This notwithstanding, it is noted that the view has been taken that the risk of ongoing objection from TMBC to the draft Plan is sufficient to justify in part the removal of TGV from the Plan.

### 2.1 Five Oak Green (FOG) Bypass

As to the FOG Bypass, it is also noted that noise, safety, air quality and deliverability issues in respect of the FOG Bypass have also all been resolved. The Authority suggest that there remains an unresolved risk (not an objection in principle) in respect of the landscape impact of the proposed Bypass, particularly with regard to the impact upon the AONB. TWBC's position is that it has not been concluded that this issue cannot be resolved, rather it is noted that further evidence is required to assess this issue. This cannot be a proper basis for removal of the TGV allocation that is critical to meeting the Borough's needs. Amongst other things:

- The proposed FOG bypass is not within the AONB. There are no exceptional circumstances required in support of such a scheme. Rather, national policy will simply require that its development within the setting of the AONB should be sensitively located and designed to avoid or minimise adverse impacts. That clearly can be delivered in its execution as a matter of principle.

- Similarly, NPPF paragraph 155 confirms that “local transport infrastructure which can demonstrate a requirement for a Green Belt location” is not inappropriate development in the Green Belt.
- Finally, even if it is said that further work is required at this stage, it is simple to do it and that is not a reason for proposing deletion of TGV.

In summary, and to the extent that the FOG bypass is required, if it is obvious that any adverse impacts it brings can be ‘minimised’, then there would not be a conflict with national policy in respect of Green Belt or AONB. There is no basis for suggesting that what is said to be some residual risk is a basis for removing the TGV, nor is TWBC putting forward any actual manifestation of that risk which could not be overcome through the design process.

All of this is strongly reinforced when one considers TWBC’s Revised Development Strategy (as summarised below).

### ***Revised development strategy***

With respect to the revised development strategy, the Council has concluded that the additional traffic generated by the growth at a reduced Paddock Wood does not necessitate the need for the FOG Bypass. This has been purportedly justified on the basis that:

*“other routes would exist for the Paddock Wood and east Capel (PWeC) sites to gain access to the A21 and Tonbridge (e.g., the A228, which would be upgraded along the Colts Hill section and onwards via Pembury)” (Para 3.47, PS\_054)*

It can be noted from the additional evidence base (PS\_047, PS\_048, PS\_049, PS\_059, PS\_060) that the B2017 corridor will still be impacted by the development proposals at Paddock Wood under the revised development strategy, with several junctions on the B2017 having been identified as ‘hotspots’ and Tonbridge itself being identified as a key attractor for trips from Paddock Wood.

Although lacking the necessary clarity, the new modelling shows additional local plan flows of circa 50 eastbound and 250 westbound in the AM peak towards Five Oak Green, and 190 eastbound and 75 westbound in the PM peak (note that some of these vehicles may be originating and destinating in Five Oak Green itself, detail has not been provided). Despite this, TWBC are not planning any infrastructure improvements to cater for this increase. This cannot be sound in principle.

In respect of the capacity of the B2017, SWECO has undertaken a link capacity assessment of the road, which is shown in the table below. The link capacity assessment has been conducted on the basis of the road being a UAP3 classification of 6.1m wide, which allows for the one-way, hourly flows of 900 vehicles to be accommodated.

B2017 Badsell Road (Five Oak Green)

Scenario	AM				PM			
	eastbound		westbound		eastbound		westbound	
	Demand	V/C	Demand	V/C	Demand	V/C	Demand	V/C
2018 Base	282	31	416	46	512	57	331	37
2038 Ref Case	455	51	615	68	644	72	405	45
2038 Local Plan Modal Shift (LPMS)	509	57	898	100	832	92	481	53

Source: SWECO

This indicates that with the revised development strategy in place the link capacity of the B2017 may be below 100 in the eastbound (AM) and westbound (PM) direction, but for the westbound (AM) and eastbound (PM) flows, link capacity is reached or neared.

Accordingly, the Revised Development Strategy approach is not sound in itself, and this unsoundness has arisen from the deletion of TGV.

In any event, in respect of the FOG bypass, it is clear that other measures generally - if retaining TGV - could be more appropriate and proportionate to the scale of impact, particularly within the context of recent transport policy which seeks to promote sustainable and active transport above the private vehicle. Moreover, the development of new roads brings the opportunity for induced demand and increasing baseline flows, resulting in further, unintended capacity implications. None of this has been addressed by TWBC in its proposed approach of postponing TGV.

Further consideration is given to this issue in Section 3 below.

### **Implications for TGV**

In respect of TGV there are several alternative mitigation strategies for B2017 corridor which could reasonably negate the need for the bypass altogether which have not been addressed by TWBC:

- The reconfiguration of the Tudeley access strategy, to focus trips towards the strategic road network via the A26.
- Development of traffic calming measures within Five Oak Green to reduce the desirability of the route and to reinforce the routing of vehicles towards the strategic road network; and
- Consideration of bus gate or priority working measures on the B2017 corridor to further emphasise and encourage bus usage.

The Estate submits that it is entirely reasonable that such solutions are addressed through the development management process and without detracting from the principle of the TGV allocation.

Thus, for example, if it were demonstrated through this process that alternative mitigation measures for the B2017 corridor are not sufficient to mitigate the impact of TGV, such that there was a demonstrable need for the FOG bypass, this would provide sufficient justification to demonstrate the bypass was appropriate Green Belt development and outweigh the harm to the setting of the AONB as a matter of principle.

Accordingly, the mitigation strategy for the B2017 corridor has already been considered in sufficient detail to justify the allocation for TGV. The detail of that mitigation is a matter than can reasonably

be addressed through the development management process and is not an issue which undermines the deliverability of TGV at this local plan stage.

## 2.2 Delivery

The only other residual issue that was raised by the Inspector related to the Council's assessment of delivery lead-in times and delivery rates for TGV which have been estimated with reference to the Lichfield report 'Start to Finish'. The Estate maintains that TGV could have quicker lead-in times and delivery rates than the averages set out in the Lichfield report. However if one uses the figures in the Lichfield report as a basis for estimation (as set out in PS\_054 at paragraph 3.37) that in itself is not a basis for removing TGV.

The Lichfield report figures would reduce the anticipated supply from TGV during the plan period. However, the Estate notes that, in accordance with NPPF Paragraph 22, it was always the intention that TGV would be delivered over more than one plan period:

*“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” (NPPF, paragraph 22)*

This is not a basis for detracting from the principle of TGV or the presence of exceptional circumstances to allocate it as a site out of the Green Belt. The 'Exceptional Circumstances' justification for the removal of the land required for TGV from the Green Belt must relate to the delivery of the scheme as a whole and not simply to the quantum of units brought forward in the period to 2038. The Exceptional Circumstances relate to the total quantum of housing to be delivered, not the rate of housing delivery. This is entirely consistent with national policy, specifically NPPF paragraph 145 which requires any changes to Green Belt boundaries to “endure beyond the plan period”.

In summary, even if it is assumed that there are fewer units that would be delivered at TGV within the plan period, this does not undermine the 'Exceptional Circumstances' justification for TGV let alone justify removing it from the Local Plan as an allocation.

## 2.3 Summary

**The Estate contends that, on the basis that there are no material planning barriers to TGV, exceptional circumstances have been demonstrated and its removal from the Local Plan is unsound.**



### 3 Revised Development Strategy – Issues

#### 3.1 Soundness Issues – Ineffective and Not Positively Prepared

NPPF paragraph 22 states:

*“Strategic policies should look ahead over a minimum 15-year period from adoption, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure.” (NPPF Paragraph 22, emphasis added)*

NPPF paragraph 69 states:

*“Planning policies should identify a supply of:*

- a) specific, deliverable sites for five years following the intended date of adoption; and*
- b) specific, developable sites or broad locations for growth, for the subsequent years 6-10 and, **where possible**, for years 11-15 of the remaining plan period”. (NPPF Paragraph 69, emphasis added)*

The very clear preference and target of national policy is that Local Plans provide 15 years’ worth of housing supply as a minimum. It is accepted by TWBC that the revised development strategy fails to achieve this. It is necessarily not ‘positively prepared’ and thereby unsound in terms of national policy. That is unacceptable in policy terms in circumstances where TWBC has done the necessary work in terms of evidence to identify a housing location for growth at TGV based on its Green Belt work and SHELAA sites which (as identified in its latest Addendum to the Local Plan Development Strategy Topic Paper – December 2023 at paragraph 3.78) confirms that TGV is indeed the only site which can make any such meaningful contribution and has been chosen using a methodology which TWBC has scrutinised.

National policy does allow some flexibility in respect specifically of housing delivery, whereby specific developable sites are only required for years 6 – 10 “*where possible*”. However, this does not negate the need for a robust development strategy, with a clear vision for infrastructure delivery, especially where the evidence base for the selection of the sites demonstrates, as here in respect of TGV, that additional supply is available.

Moreover, the additional evidence base prepared by the Authority now demonstrates that the revised development strategy not only fails to provide a suitable time period, but it will be ineffective and unsound in respect of infrastructure delivery. In particular, the strategy for secondary school education provision and the sustainable and active travel strategy are both ineffective as a result of the inappropriate compromise and misconceived expediency in shortening the plan period and promoting an early plan review, but where the focus in the early plan review on TGV means that such decisions should be taken now. In addition, there are fundamental problems arising from the additional transport evidence base which demonstrate the unsustainability of the of the proposed highways infrastructure improvement strategy. These are both briefly outlined below.

#### Secondary School Strategy

TWBC itself now concedes that a strategy for the provision of additional secondary school capacity has not been finalised as part of the revised development strategy, but rather options are presented at this point. This is strongly indicative of unsoundness and has only arisen as a result of the failure to allocate TGV now with its delivery of secondary school provision.

With the revised scale of growth proposed, there is still a requirement to provide three additional forms of entry (optimistically rounded down rather than up in a way which is unsound). As a result of the postponement of consideration of TGV to an early plan review, it is said that the options identified to provide this additional capacity are limited to:

- An extension of Mascalls Academy to 12FE; or
- provision of a new 4FE secondary school to the north west of Paddock Wood

With regard to the first option, it is noted that the Local Education Authority (LEA) has only agreed to explore the *feasibility* of extending Mascalls Academy. The LEA has not yet confirmed support for this option. There is no certainty that this is an effective strategy. Moreover, it is noted that 12FE would be a very large school and the operational implications of that have not yet been explored in any detail. It is also noted that the town planning feasibility of this extension has not been explored, specifically with regard to traffic and travel, but also in respect of landscape and visual impact given its proximity to the AONB. This is therefore an inherently rudimentary option which is incapable of providing a proper basis for a sound abbreviated Local Plan and again is only a product of the unsound removal of TGV.

With regard to the second option, it is noted that such a school would need to be 4FE with scope to expand to 6FE beyond the plan period. Document PS\_040 confirms at paragraph 4.50 that:

*“In this scenario, the 3 FE growth needed from growth at PWeC would be met by developer contributions and the remaining funding gap up to 4 FE would be met by the Education Authority...(and)...central government funding”.*

However, no evidence is provided of the LEA or central government having any funding streams available to meet this shortfall. To have any of the requisite confidence over the delivery of this option, this funding would need to be confirmed to be available, which it currently is not.

Moreover, it is also noted that whilst a 4FE secondary school has a reduced pupil capacity, being 33% smaller than a 6FE school, it would not be 33% cheaper to deliver than a 6FE school. The core secondary school facilities would still be required within a 4FE school, with the only saving being a reduction in the number of classrooms required. As such the shortfall between the developer contribution and the full cost of the secondary school could therefore be significant.

In addition, a further issue with the 4FE secondary at NW Paddock Wood is that it is unclear if extension of that site would provide a sustainable and financially viable long-term solution in any event.

There is therefore fundamental uncertainty around the deliverability of the secondary school strategy now proposed which renders this part of the plan unsound. In addition, and as touched on below, limiting the options in this way to two proposals both of which are problematic has only occurred as a result of the unjustified removal of TGV at this stage, but where it is proposed that it be reconsidered in the early plan review. But given that TGV involves proper planning for a new

secondary school in an appropriate location with proper facilities, it is inherently unsound to disconnect future planning decisions for the interests of the area, and specifically children, in this way. The provision of further secondary school capacity for this area ought to be inextricably linked with the good planning of the area in a sustainable way which requires one to consider TGV now, or alternatively to ensure that any decisions on Paddock Wood in this respect are not taken separately from TGV.

### Sustainable and Active Travel Strategy

With the removal of TGV from the development strategy, the sustainable and active travel infrastructure and services which were proposed to run along the Paddock Wood-Tonbridge corridor have also been removed altogether. This means that TWBC's revised development strategy has now had to attempt to create a revised sustainable and active travel strategy.

The current proposed sustainable travel strategy for trips between Paddock Wood and Tonbridge (which accounts for a significant proportion of trip distribution – see document PS-060, figure 4.4) will now be dependent upon the existing train service, with access to the train station depending on either walking and cycling, or a new Paddock Wood circular bus service.

The circular bus route that is being contemplated would be proposed to run as a 'figure of eight' that starts and finishes at Paddock Wood Station. The service is proposed to run every 20 minutes. It is noted that the total circular journey time is 25 minutes (Document PS\_041, page 8).

The Estate's transport advisor, Markides Associates (MA), has provided the following assessment of the additional evidence base (see attached report at Appendix 1):

*“2.9 However, it is clear that the options for the bespoke bus service are not financially viable in terms of cost to revenue. Indeed, only Option 1a (which proposes a 20-minute frequency for the bus with a 10% bus mode share) actually shows a self-funding service by the end of the plan period. The 10% mode share is indicated as being the highest of the possible mode shares with lesser figures of 3% and 5% also assessed, but it is important to emphasise that the service is not viable at these lower levels of mode share. The assessment below identifies a number of concerns with the feasibility of this service achieving a 10% mode share.*

*2.10 With respect to the proposals at Paddock Wood, emphasis has been placed on the importance of active transport connections. With regard to this, TWBC state the following:-*

*“Given that Paddock Wood is a compact, relatively flat, town with a concentrated town centre, it is feasible for the majority of the population to use active modes to access the town centre for day-to-day services.”*

*2.11 This means that the proposed bespoke figure of eight service will in fact be operating within a walkable / cyclable distance of the Town Centre, directly competing with active transport modes which offer greater flexibility and reduced cost when compared with the bus service and so undermining the viability of providing such a bus service.*

2.12 *On that basis the service is very unlikely to achieve the required 10% mode share to offer financial viability in the long term.*

2.13 *It is also not clear whether the viability analysis has assumed that all of the 10% bus mode share assumed for the town will use the bespoke shuttle service; in reality a proportion of the towns patronage will use other buses. Thereby the level of patronage on the shuttle service is inevitably likely to sit below the level required to be viable.*

2.14 *In the context of the proposed bespoke bus service, it should also be noted that public transport trips to the main centre at Tonbridge are much less likely to take place where a direct service is not available as there are inherent cost and journey time penalties associated with using both bus and rail to complete the journey. When compared with the proposals at TGV, where a direct, frequent bus service with a journey of less than 4.0km (travel time of under 15 minutes) at a lower cost will be provided, the suitability of the sustainable transport provisions is further questioned. (Technical Note, Review of Post-Initial Findings Evidence Base Documents)*

In short, the development strategy now proposed is unsound. The associated level of patronage is not sufficient to support a viable circular bus service. Any shortfall in revenue made up through developer contributions would not affect that long-term lack of viability and after funding expired, the service could change or be lost. It is therefore clear that the proposed sustainable travel strategy is not viable, effective, or sound.

### 3.2 Evidence Base Uncertainty

#### Modelling & Mode Shift

It is noted that in support of the revised development strategy the Council have undertaken further transport modelling, set out in documents: PS\_047, PS\_048, PS\_049, PS\_059. An overview is provided in PS\_060. It is understood that the modelling assessment methodology is intended to be broadly aligned with the approach undertaken for the Submission Local Plan but with updates to the modelling data where necessary (e.g. revised growth assumptions, revised baseline assumptions).

A critical issue to the robustness of the transport modelling is the issue of mode share and modal shift. With reference again to the MA report at Appendix 1:

*“4.8 This change taken to mode shift lacks clarity, with the full modelling reports having not been made available with only summaries provided. The full modelling reports are necessary for the predicted mode shares to be relied upon. However, in the absence of this detail, we set out below our understanding of the assessment”.*

MA further conclude:

*“4.16 From the evidence presented, it is clear that the modal shift presented by SWECO for modelling purposes and the modal shift identified by TWBC are two separate approaches to considering modal shift which have had to be introduced as a result of the*

***modifications. However, clarification is required as to the information provided and what modal shift has been applied for the capacity modelling as from the new evidence, it is wholly unclear.***

In summary, there is a lack of clarity in respect of the modelling that has been undertaken to analyse the revised development strategy, and to consider robustness of the modelling and the highway improvements infrastructure strategy now being proposed. It is noted that PS\_060 “strongly recommends” that further detailed modelling is undertaken at the master planning and planning application stage to understand not only the timing of infrastructure, but if “other infrastructure” would also be required to support the revised development strategy:

*“Should TWBC wish to proceed with promotion of Paddock Wood and east Capel for allocation, it is strongly recommended that more detailed evaluation of the transport impacts is conducted, at the relevant master planning and planning application stages to determine the appropriate timeline milestones when this infrastructure, and others, would be necessary” (PS\_060, Section 5.5)*

#### B2017 Mitigation

In light of the additional modelling evidence, there is no good reason why measures along the B2017 corridor have not been identified in support of the proposals at Paddock Wood, despite the significant draw of trips that has been indicated. The Five Oak Green traffic calming measures are not referenced in the context of the revised impact analysis and given the evidence presented, it is considered that this matter is unsound particularly in the context of there being no proposed bus service enhancements along this corridor. Even if a Bypass is not justified, traffic calming measures within Five Oak Green to reduce the attractiveness of the route and to reinforce the routing of vehicles towards the strategic road network would be justified.

In summary, the development strategy should explicitly include a requirement for mitigation B2017 corridor in support of the Paddock Wood strategic allocations.

#### Colts Hill Bypass

It is noted that the cost of the Colt Hill Bypass has been reduced from £20,000,000 to £7,250,000. There is limited evidence to explain how this reduction in cost has been realised. The Stantec Access and Movement Report advises:

*“The revised bypass partly follows the route of the bypass scheme proposed by Kent County Council but will have a comparatively smaller corridor width. The section of the A228 to the south of the Alders Road / Crittenden Road junction is considered suitable to accommodate the proposed local plan development traffic without any further upgrade being required.” (Document PS\_060, paragraph 5.3.3)*

The absence of explanation for this reduction is unsound as it appears to be fundamentally the same scheme as proposed previously. The implications could be significant for the viability assessment or for the deliverability of the infrastructure strategy overall.

### 3.3 Summary

The Estate contends that the revised development strategy is not sound. In particular, the secondary education provision strategy and sustainable travel strategy are both ineffective. In addition, there are fundamental uncertainties arising from the highways traffic modelling which undermines the robustness of the highway infrastructure improvement strategy, particularly with respect to the B2017 corridor. There are fundamental uncertainties in respect of the cost of the Colts Hill bypass.

## 4 TGV – Making the Plan Sound

The Estate's principal position is that the inclusion of TGV in the development strategy would resolve the critical infrastructure deficiencies noted above that are arising from the revised development strategy and render the plan sound. The Estate urges the Inspector and TWBC to revisit the Initial Findings in light of the further evidence that has been produced and to reinstate TGV as an allocation.

### 4.1 Secondary School Strategy

As highlighted above, neither of the two options proposed by the Council resolve the requirement to provide sufficient secondary school places in support of the revised development strategy. The inclusion of TGV allows for the provision of a new secondary school site, with certainty that the school will be in the correct location to support growth and will be fully funded over the long term.

### 4.2 Sustainable and Active Travel Strategy

The inclusion of TGV would facilitate the realisation of the Bus Rapid Transit Light system along the corridor between Paddock Wood and Tonbridge, which would support the long-term viability of the proposed Paddock Wood Circular route. The delivery of TGV over the long term would also comprise a significant uplift in public transport choice and availability along this route, making the route more attractive. Critically, the delivery of TGV would increase patronage along this corridor, which would assist with the long-term viability of these bus services. This is supported by the Council's own evidence base (PS\_058 TW Bus Feasibility Technical Note) which concludes:

*“9.1.12. The study concludes that the proposed level of development across the TWBC area, and at the Strategic Sites of Tudeley Garden Village and Paddock Wood (including East Capel), will support significant expansion of the local bus service network across all corridors within the study area.*

*9.1.13. It is considered that the level of development planned within the TWBC area will require significant expansion of the bus service network to provide additional capacity to serve the demands created by new development and to deliver an attractive, viable, and sustainable alternative to private car use in line with current KCC policy on sustainable travel strategies.*

*9.1.14. The study undertaken, albeit at a high level initially, demonstrates that there are credible and viable options for public transport available within the TWBC area and that these will support the developments coming forward across the 2022/23 to 2037/38 period.*

*9.1.15. The application of new bus priorities measures will ensure that local bus service improvements move to a higher level of quality and meet those criteria required to be recognised as a BRT system in the medium to long term, replicating the considerable success that KCC has had through its Fastrack BRT system in other areas of the County.*

*9.1.16. A high frequency local bus network, embedded from day one, has the potential to lower private car use across the study area (in particular from new developments such as those at Paddock Wood, East Capel, and Tudeley Garden Village), build on the reasonably dense local bus network already in existence, improve significantly key links between principal towns and provide much higher levels of access to local employment, social and*

*leisure activities for existing and new residents whilst providing an equivalent frequency connection to local rail services which will ensure high levels of multimodal integration and significant mode switch to bus/rail modes.”*



## 5 Amendments to the Plan

The revised development strategy has been prepared in response to the direction given by the Inspector in his Initial Findings Letter. However, the revised development strategy is unsound in itself. TWBC accepts that it now only provides a plan to meet the objectively assessed needs of Tunbridge Wells Borough for a 10 year period, with what will be an ineffective infrastructure strategy, and so falls short of the requirements of NPPF paragraph 22. The revised development strategy is thereby not effective, not positively prepared and is not sound.

The Estate maintains that TGV should comprise an important and necessary part of the development strategy for the Tunbridge Wells Borough. TGV provides a sustainable location for the delivery of a high quality, sustainable new community. The evidence base demonstrates that there are no planning barriers to the delivery of TGV. The evidence base also demonstrates that there are no alternative sites to meet the shortfall in housing arising from the removal of TGV. It is therefore illogical to remove TGV and represents a failure in the delivery of an effective and sound Local Plan to address the Borough's needs.

In addition, as a consequence of removing TGV the development strategy is now reliant upon strategic allocations at Paddock Wood. The evidence demonstrates that the infrastructure strategy for Paddock Wood is ineffective in at least two critical ways: secondary school provision and sustainable travel provision. The inclusion of TGV can resolve the infrastructure issues and ensure a deliverable and effective infrastructure strategy for the Plan period.

The Estate thereby requests that:

- Policy STR 1 continues to include the requirement for “*the development of two strategic sites*” and “*the creation of a new garden settlement: Tudeley Garden Village between Paddock Wood and Tonbridge*”; and
- Policy STR/SS 3 is retained in the Plan.

It is noted that this approach comprises Option 2 set out in the Development Strategy Topic Paper (PS\_054) for which the Authority provides the following commentary:

*“10.11 This option recognises the sequential test issue highlighted by the Inspector in relation to housing growth at Paddock Wood and east Capel (with no housing proposed in Flood Zones 2 or 3), while still promoting Tudeley Village, with a revised trajectory. **Of particular note, the reduction of c1,000 dwellings covered by Policy STR/SS 1, even coupled with the deferral of construction at Tudeley Village, may (if the further work on housing need and supply set out below is accepted) have the clear merit of still providing 15 years’ supply of housing post adoption, albeit with a reduced/marginal buffer (SA Option number 19B)...***

*10.13 In conclusion, this Option can be seen, objectively, as a potential development strategy, but officers’ judgement is that it still carries significant risks in pursuing at this time, for the reasons set out above – which needs to be weighed in the context of the need to*

*have a Local Plan in place as soon as practicable, to provide the framework for and to promote sustainable growth to meet the identified housing needs.” (emphasis added).*

These representations summarise why there are no “significant risks” in respect of TGV, and any risks are in fact no more than those incident in any Local Plan process, and where all can be effectively managed and resolved. Using the Authority’s own calculations, the inclusion of TGV would have clear merit of still providing 15 years’ supply of housing post adoption. TGV would also deliver housing in a community with all the overwhelming virtues of such a settlement.

#### Alternative approach – Removal of Paddock Wood Allocation

Without prejudice to the positions set out above and the Estate’s position on lack of soundness, if the Authority and Inspector remain minded not to include the allocation of TGV in this plan, then the Estate considers that the Paddock Wood allocation should also be removed and both considered as part of the necessary early plan review that has been identified as essential if TGV is removed. This will ensure that a proper holistic approach to the question of education and transport infrastructure in the proper interests of the planning of the area is taken as part of that early Local Plan review and that the correct decisions are taken about both. It will also avoid the potential for misconceived decisions to be taken in the short term (for example in relation to secondary educational provision) which fail to address the correct solution for a sustainable future, such as the provision of a high-quality secondary school as part of TGV.

#### Alternative Approach – TGV focused review of the Local Plan

Without prejudice to the positions set out above and the Estate’s position on lack of soundness, if the Authority, and the Inspector, were not minded to include TGV in this Plan on the basis identified or to remove the Paddock Wood allocation as noted above, the Estate considers it essential **Policy STR 1 is amended to specifically require the early review of the Local Plan to be focused upon the delivery of a new settlement at Tudeley** given all of the evidence and work done to date which confirms this as the appropriate solution.

Drawing upon the existing evidence base this review could consider specifically:

- the secondary school delivery strategy
- the sustainable transport strategy for the Paddock Wood - Tonbridge corridor
- the transport mitigation strategy for the B2017 corridor
- the Exceptional Circumstances for Tudeley Garden Village

The Estate suggests the following amended wording to Policy STR1:

*Following adoption, the Council will undertake an early review of the Local Plan, which will include further investigation of ways of meeting focus on the creation of a new garden settlement at Tudeley Garden Village between Paddock Wood and Tonbridge to meet identified housing needs for the period post 2034.*

The reasoned text should explain that conclusion reflecting, in particular, the Council’s stated position in paragraph 3.78 of its own Local Plan Development Strategy Topic Paper – Addendum (December 2023), and so be to the following effect:

*Tudeley Garden Village was withdrawn from allocation in the Local Plan Process to allow for further consideration about it. However, the Council found from the the review of Green Belt alternative sites that those do not suggest any more appropriate site allocations that would provide any meaningful quantum of housing supply. Also, the Council is confident in its SHELAA site assessments and its site selection methodology generally. The Local Plan is only meeting housing needs for the next 10 years and has to be subject to an early review. In light of all the findings on the evidence, the early plan review should therefore focus on the principle of creating a new garden settlement at Tudeley Garden Village given the absence of any other more appropriate site allocations to provide a meaningful quantum of housing supply to address the Council's identified needs after the first 10 years of the Plan.*