

# **Local Plan Regulation 19 representations in document order**

## **Comments on Section 5: Place Shaping Policies: Pembury**

# Supporting Information File Ref No: SI\_15

## Comment

Consultee	Richard Tribe [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Revolution Events Ltd
Address	[REDACTED] [REDACTED] Pembury [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Revolution Events Ltd ( Richard Tribe - [REDACTED] )
Comment ID	PSLP_234
Response Date	20/05/21 17:57
Consultation Point	Pembury ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.3
Files	<a href="#">Saltmans - Kippings Cross (Pembury) Title K607818 (TWBC).pdf</a>
Question 1	
Respondent's Name and/or Organisation	Richard Tribe & Jane Lancashire on behalf of Susan Lancashire
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
PSTR/PE 1	
Question 4	
Do you consider that the Local Plan:	

Is legally compliant	Yes
Is sound	Yes
Complies with the Duty to Cooperate	Yes

#### Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

#### Question 5

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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**Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.**

Mrs Susan Lancashire would like to submit an additional plot of land for consideration in the strategic plan, known as Saltmans Meadows and situated to the south of the A21 between Pastheap Farm and the Kippings Cross roundabout.

The land falls within Title No. K607818 and comprises approx 8.8 acres of rough agricultural land shielded from the A21 by a strip of woodland, The land is currently accessed via the old route of the A21 (prior to the Pembury Bypass).

NOTE: The same Title also contains approx 5 acres of woodland known as Saltmans Shaw, which is not currently being offered for development unless necessary.

For office use only

New Site Submission? Enter site address	Saltmans Meadows, south of the A21 between Pastheap Farm and the Kippings Cross roundabout
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#### Question 6

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N/A

#### Question 7

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

**If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?**

No, I do not wish to participate in examination hearing session(s)

#### Question 7a

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**If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:**

N/A

#### Question 8

**If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.**

N/A

**If you would like to attach a file in support of your comments, please upload it here.**

[Saltmans - Kippings Cross \(Pembury\) Title K607818 \(TWBC\).pdf](#)

#### Future Notifications

**Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:**

Yes, I wish to be notified of future stages of the Local Plan

# **Local Plan Regulation 19 representations in document order**

**Comments on Section 5: Place  
Shaping Policies: Pembury: Policy  
PSTR/PE 1: The Strategy for Pembury  
parish**

## Comment

Consultee	Ms Helen Munro [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Pembury Parish Council
Address	Parish Council Offices Lower Green Recreation Ground Pembury, Tunbridge Wells TN2 4DZ
Event Name	Pre-Submission Local Plan
Comment by	Pembury Parish Council (Ms Helen Munro [REDACTED])
Comment ID	PSLP_180
Response Date	11/05/21 16:02
Consultation Point	Policy PSTR/PE 1 The Strategy for Pembury parish ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.6
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Pembury Parish Council
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

**Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.**

Policy PSTR/PE 1 The Strategy for Pembury parish

Allocation Policy Numbers:

A/L PE1

A/L PE2

A/L PE3  
A/L PE4  
A/L PE5  
A/L PE6  
A/L PE7  
A/L PE8

#### Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

#### Question 5

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On behalf of Pembury Parish Council, I write to register its formal response to the Draft Pre-Submission Local Plan ('The Plan'). This response largely follows the text of our comprehensive response to the earlier Draft Local Plan; however, we have made changes where we feel it is appropriate:

#### **Strategy for Pembury Parish – Policy PSTR/PE1**

##### **1 Housing**

We do not agree with the proposed target of 254-264 new private dwellings, which we still feel is somewhat excessive for our village. 90% of development falls within the Metropolitan Green Belt (MGB) which, if lost cannot be replaced elsewhere within our parish. TWBC also do not propose to replace lost MGB elsewhere in the borough which we strongly object to. We do not readily accept that 'Exceptional Circumstances' exist to warrant loss of so much irreplaceable MGB which the borough should be seeking to protect not sacrifice.

89% of development within Pembury falls within the High Weald Area of Outstanding Natural Beauty (AONB) and is contrary to the aims of the AONB designation. It is essential that developments on allocated sites previously in the MGB/AONB should be developed in line with adopted High Weald AONB Beauty Design Guide with housing densities appropriate for MGB/AONB land.

We would not want to see any significant number of houses being built without the essential infrastructure (see (2) below) being in place first.

For all of the allocated sites to be developed for housing, we would want Affordable Housing targets met (% as indicated by TWBC in The Plan) and conditions to ensure that those with a strong connection to Pembury are given a high priority.

The embryonic Neighbourhood Development Plan (NDP) for Pembury will focus on such important issues as housing design and master planning for the relevant allocated sites.

Whilst the Parish Council (also the NDP) have no intention of suggesting additional or alternative sites for allocation, in future we would wish to see brownfield sites in the borough given preference over sites in MGB/AONB for housing development.

##### **1 Infrastructure**

Our overriding concern, shared by many residents, is that Pembury already suffers from an infrastructure deficit, such that if some or all of the proposed sites were developed, Pembury would be unable to cope. Such infrastructure shortfalls need to be fully assessed in advance, and resources found to remedy them.

These are the main infrastructure issues:

## 2.1. Roads and Traffic

We would remind you that in TWBC's Core Strategy Site Allocations Local Plan (July 2016), policy TP4 states: "Proposals will be permitted provided (inter alia) the road hierarchy and the function of routes have adequate capacity to cater for the traffic generated, and the traffic generated by the proposal does not compromise the safe and free flow of traffic or the safe use of the road by others".

We would welcome the proposed A228 Colts Hill relief road if built, and the highway improvements 'along the A228/A264 junctions, including junction capacity improvements at Woodsgate Corner, and a roundabout at Pembury Road/Halls Hole Road/Blackhurst Lane'. Nevertheless, we remain concerned about the ability of the local road system to cope with the extra traffic generated by developments at Pembury, plus those very significant developments proposed at Capel and Paddock Wood.

The Draft Pre-Submission Local Plan for Capel and Paddock Wood includes the provision of over 6,000 new homes, employment, social and physical infrastructure (such as schools and health facilities) and retail development in Paddock Wood centre. These proposals seem destined to have very significant implications for transport along the A264, A228 corridor between Tunbridge Wells, Pembury and Paddock Wood. Additional homes in Pembury, focused behind the High Street and Hastings Road, will further exacerbate the problem.

The National Planning Policy Framework (NPPF) (February 2019) seeks to "promote sustainable transport and patterns of movements, streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places" and the Parish Council does not believe that The Plan will deliver this requirement.

The A264 Pembury Road already suffers from severe traffic congestion at any time throughout the day, causing knock-on traffic problems for roads such as Pembury High Street, Cornford Lane and both the A21 and A228. Pembury Road traffic congestion (with its associated pollution) needs to be properly addressed (e.g. by the afore-mentioned Woodsgate Corner improvements and Pembury Road roundabout in lieu of Halls Hole Road traffic lights) before there are any new major developments in Pembury.

Extra traffic within Pembury will potentially impact on the safety of road users and pedestrians. We would like there to be well executed traffic calming measures, including official 20 mph speed restrictions by the Primary School, possibly extended throughout Pembury.

We would dispute that there is capacity for the additional traffic generated by over 250 new homes in this area. The existing road network currently compromises the safe and free flow of traffic and therefore the additional traffic movements caused by the new homes will only make the situation worse.

The junction of Hastings Road and the A21 at Bo Peep Corner is a notorious accident blackspot. Insufficient signage for the entrance at the junction may have played a part in the recent fatality after a road traffic accident. Speeding vehicles through the village are a regular occurrence. Additional houses here will compromise road safety to an unacceptable level.

Problems on the A21 inevitably lead to rat-running through the country lanes in and around Pembury such as Kings Toll Road and Romford Road. The current problems experienced here will get significantly worse as a result of the proposed developments and mitigation must be put in place to address this problem.

We note that the possible full route of the Colts Hill Bypass would, if built, join the existing A228 at the junction with Maidstone Road to the north of Pembury village. The cumulative effect of traffic generated from Colts Hill to the A21 from the large, proposed developments in Capel and Paddock Wood and elsewhere needs to be modelled to show the impact on the A21 junctions and Woodsgate Corner before we can comment further.

The Parish Council remains concerned about the ability of ambulances to safely negotiate around congestion at Woodsgate Corner and the A21 slip roads with such significant amount of development



proposed. The hospital has major Accident and Emergency and Trauma units for a wide geographical area and access must be maintained at all times.

## 2.2. Air Pollution

Most of the proposed housing (\*sites PE1, 2, 3, also PE6) will back on to the A21 and be affected more with poorer air quality than existing houses. It is also likely that increased traffic from the additional development in Pembury, Capel and Paddock Wood will lead to increased air pollution. Stationary traffic at Woodsgate Corner will also contribute to the problem. The Parish Council request that current base line air quality is assessed (in post lockdown normal times for accuracy), particularly at Woodsgate Corner and along the A21, in order to monitor the air quality in future.

\*These sites are also likely to be affected by noise pollution mainly emanating from the A21, such that environmentally friendly buffer zones should be incorporated in order to mitigate this as far as possible.

## 2.3. Parking

There is currently a dire shortage of on/off-street car parking available within Pembury, which discourages people from being able to make use of various outlets so trade is affected. Any new housing developments should provide sufficient car parking for their new occupiers which should comply with or, preferably, exceed the Kent Design Guide Interim Guidance Note 3. Pembury is a rural village and residents rely on their cars.

We would like to see additional parking created near the Village Hall (site PE1 suggests up to 30 spaces, but this may not be enough for future demand) and at the Hospital\* as overspill parking from both sites currently creates significant problems on Pembury High Street and adjacent roads. (\*We note the current undetermined application for a training building alongside the Hospital if, as it appears, there is insufficient parking, will only exacerbate parking problems in the vicinity of the hospital).

## 2.4. Medical Facilities

An inevitable consequence of so many extra households (plus all the residents who will occupy the proposed care type homes) would be additional pressure on the already limited local medical resources. We are concerned that there has not been enough research in regard to the number of new patients generated and what extra medical facilities will be needed. We hear complaints from residents about the difficulties of booking an appointment at present. We surmise that our GPs will need to extend their current surgery by two or three consultation rooms and associated additional staffing requirements, all of which will require extra funding.

The Hospital struggles to service West Kent's swelling populace and demand may accelerate unsustainably when one factors in the effect of the Capel and Paddock Wood developments. Current waiting times are at unacceptable levels, not helped of course by the Covid pandemic.

The most recent Care Quality Commission (CQC) report published in March 2018 states that "from August 2016 to July 2017 the trust reported 364 "black breaches" (at Tunbridge Wells Hospital), with an upward trend over the period. A black breach is said to have occurred when the emergency department is unable to take over the care of a patient and release the ambulance crew to attend other jobs within 60 minutes of their arrival. It goes without saying that the hospital will require significant investment into the expansion to cope with the increased population.

## 2.5. Schooling

Pembury's Primary School should be consulted to ensure they can cope with the growth in population proposed and that their needs are met. Any increase in pupil numbers will have a negative impact on road safety, and parking and mitigation measures are required. The proximity of the school to the junction from Church Road onto Maidstone Road is also a concern especially as the proposed development (PE4) at Downingbury Farm would be accessed via Church Road.

## 2.6. Public Transport

Local bus services are insufficient to encourage less car usage in a rural village. They need to be more frequent, with better services to run later into the evening. Existing services stop before 7pm Monday to Saturday and by 4pm on a Sunday when there is a greatly reduced service.

## 2.7. Sewerage

We are concerned (as are local residents) that the large number of houses planned for sites PE1, PE2 and PE3 could overstretch Pembury's existing sewerage system which has already shown some signs

of strain. Also, development of site PE4 could exacerbate the sewerage problems already existent in the lower part of the village.

Additionally, there have been concerns expressed about surface water drainage issues, particularly at site PE3 which is difficult to drain. It is therefore essential that in-depth assessments of required sewerage and drainage capacity is carried out prior to development commencing, and if there is a deficit in the current systems this will need to be addressed.

## 2.8. Retail

As stated in our response to the Draft Local Plan, it is imperative that Pembury retains its local supermarket at Woodgate Corner; there was much concern about its future should the motor village proposal have progressed.

## 2.9. Cycling

We note favourably the proposal for an east-west cycle route through allocated sites PE1, PE2 and PE3, with safe access and egress with regard to junctions with the road system.

## 2.10 Sport and Recreation

The Parish Council is particularly concerned at the suggestion that Section 106 contributions from Pembury would be diverted to the mooted Hawkenbury Sports Hub and other recreation and play areas on the site. Both the Parish Council and Pembury Athletic Youth Football Club (PAYFC) consider this site would be unreasonably difficult for Pembury children to access as it is located on the opposite side of Tunbridge Wells.

PAYFC have previously commented on the problems that would occur. Every route that children could use to travel to the sports hub and recreation grounds is notoriously congested. The A264 into Tunbridge Wells, Halls Hole Road, and Cornford Lane, which is a narrow, often single-track, rural lane renowned as a rat-run, are most likely to be made worse by the significant development proposed in this part of the borough. Therefore, contributions for sports and recreation provision for Pembury residents should ideally focus on Pembury itself.

The Plan's Overview acknowledges the lack of sufficient open space, sport and recreation provision within Pembury. It is vital that the Borough addresses these issues bearing in mind the extra demand from new residents living in the village as a result of the proposed developments. (See comments below about loss of open space in site PE3)

## 2.11 Environmental issues

The Parish Council want TWBC to pay high regard to measures to mitigate against the Climate Emergency in their Local Plan. The NPPF requires that the planning system should "support the transition to a low carbon future" and "contribute to radical reductions in greenhouse gas emissions". All development should be required to support this aim.

### 1 **Section 106 Contributions**

We completely support the principle of developers being required to mitigate the impact of their developments by making appropriate Section 106 contributions. The Parish Council consider that developers should be obliged to make a contribution rather than this be an expectation. We are also concerned that developers will try to avoid many contributions due to "lack of viability".

As so much of the development is proposed in this part of the borough, Pembury Parish Council believe that the majority of Section 106 contributions should be focused within our parish to mitigate against the development.

For such developments that might proceed within Pembury, we would particularly want to include the following as beneficiaries of Section 106 contributions:

3.1 Highways Improvements particularly at the A21 junctions, Woodgate Corner and Bo Peep Corner; improvements to cycle routes and speed reduction initiatives **within Pembury**.

3.2 Primary School Education

3.3 Contribution for Secondary School education

3.4 Health and medical facilities

3.5 Provision of amenity/natural green spaces; children's and youth play spaces **within Pembury**

3.6 Improvements to public woodlands **within Pembury**

3.7 Improvements to public transport provision

3.8 Improved sports and recreation facilities **within Pembury**.

## **1 Allocated Sites**

Taking each allocated site in turn, our updated comments are as follows:

### 4.1. AL/PE1 Land Rear of Pembury High Street

The main problem here is determining the most appropriate access to Pembury High Street. There had previously been a suggestion that this could be via the narrow driveway to the Village Hall (in combination with no. 51 High Street), we would reiterate that the Parish own that existing driveway and would not consider allowing vehicle access along it to the land behind on safety grounds.) We note that the Site Layout Plan now shows an indicative vehicle access point at 55 High Street, this being the Parish's preferred access point, but it is understandable that the precise location needs to be informed by a traffic assessment.

We are pleased that the site now has additional parking provision of c.30 spaces, but would prefer more to satisfy future demand, to serve the village hall and wider public, with separate pedestrian access to the High Street. We also favourably note that the proposed density of housing has been reduced and that an east-west cycle route is proposed, which we regard as essential.

Nevertheless, we still regret the loss of MGB and development in the AONB and retain significant concerns about the impact onto the existing road network.

### 4.2. AL/PE2 Land at Hubbles Farm

Again, the suggested access point is problematic as it is opposite Belfield Road which is a dangerous junction. The sight lines are not good and egress from the site to the narrow Hastings Road is dangerous.

We strongly support the intention that land is to be safeguarded for an extension of the cemetery. We favourably note the small reduction of the proposed housing density and that, if feasible, an east-west cycle route is proposed.

As before we regret the loss of MGB and development in the AONB and retain significant concerns about the impact onto the existing road network.

### 4.3. AL/PE3 Land south and west of Hastings Road

It is still not clear where the access point would be, but as previously stated it seems imperative that the A21 junction (with Hastings Road and Henwood Green Road) is completely remodelled to allow for safe egress and access of the proposed development site.

We favourably note the small reduction of the proposed housing density and that, if feasible, an east-west cycle route is proposed. The Site Layout Plan seems to show a proposed open space and landscape buffer. We would want this area safeguarded given that at present the majority of the land has for many years been informally used for recreation by the local community.

We regret the loss of MGB and development in the AONB, moreover any significant loss of open space amenity would be unacceptable.

### 4.4. AL/PE4 Land at Downingbury Farm

We favourably note that there is no longer any business use proposed on the site, replaced by the safeguarding of some MGB land for possible future expansion of the Hospice.

There are still concerns that the residential dwellings would be accessed off Church Road. The precise access point will need to be chosen carefully.

### 4.5. AL/PE5 Land at Sturgeons

Given that planning permission has already been granted for housing on this site, with work seemingly about to start, we make no further comment.

### 4.6. AL/PE6 Woodsgate Corner

Bearing in mind the overwhelming public and Pembury Parish Council opposition to the original proposed use of this site for a huge car showroom and workshop complex, we were naturally delighted when TWBC refused the associated planning application.

We reluctantly accept that the site will not remain undeveloped and that there does not appear to be an economic case for part of the site to be used for Park and Ride. In this circumstance the proposed allocation for specialist housing for older people and others with care needs is definitely preferable. Even so, we have some concerns about traffic generation in an already congested area, so it is essential that the conclusions of the proposed traffic assessment should be taken into account when determining suitable mitigation measures for the transport network.

#### 4.7 AL/PE7 Land at Cornford Court

Given that planning permission has already been granted (albeit no work yet commenced), we make no comment beyond recording that we objected to the application.

#### 4.8 AL/PE8 Owlsnest, Tonbridge Road

Given that planning permission has already been granted, we make no comment.

### 1 **In Conclusion**

Whilst we understand that TWBC is in a difficult position trying to allocate sites to match arbitrary Government imposed targets for housing, we do not wish to see Pembury's fragile infrastructure overwhelmed by an unsustainable, excessive allocation of housing.

We resent the significant loss of irreplaceable MGB that these allocations represent and the lack of relevant mitigation within the parish.

We have significant concerns about the highway network's ability to cope with increased traffic (generated by developments in Pembury, Capel and Paddock Wood) and the lack of strategic planning to mitigate against the proposed development in the Draft Pre-Submission Local Plan.

Where any new housing is permitted, we would want the essential infrastructure to be in place first, for issues such as density, access and egress, traffic etc., to be fully considered. Wherever possible, the relevant sites should include public open spaces and the environment protected and enhanced (e.g. with landscaping and tree planting).

In order to address climate change issues, building plans need to include clear and definite ways in which developers build for the future. Renewable energy is a major issue and various heat sources need to be essential planning requirements, not just suggestions.

The NDP for Pembury, once adopted, will supplement the Local Plan and hold developers (and the Borough as the Planning authority) to account in respect of future developments in our parish. Development on sites previously within the MGB/AONB should be developed in line with adopted High Weald AONB Beauty Design Guide with housing densities appropriate for MGB/AONB land.

Pembury is still a clearly defined village; it would be an irreversible mistake to allow any ill-considered developments that would have the effect of Pembury losing its identity and becoming a suburb of Tunbridge Wells.

### **Question 7**

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**If responder hasn't ticked an option on this box, Not Stated data inputter to tick 'not stated' box.**

## Comment

Consultee	Mr Terry Cload [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Pembury ROYAL TUNBRIDGE WELLS [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Terry Cload [REDACTED]
Comment ID	PSLP_344
Response Date	24/05/21 17:48
Consultation Point	Policy PSTR/PE 1 The Strategy for Pembury parish ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.2
Question 1	
Respondent's Name and/or Organisation	Mr T A Cload
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy PSTR/PE 1	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know

#### Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound . It is not justified because:

#### Question 5

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##### **Strategy for Pembury parish – Policy PSTR/PE1**

I do not agree with the excessive target of 389-417 new dwellings for Pembury, the majority of which are in the MGB and High Weald AONB. There are no proposals to replace lost MGB land elsewhere and land lost to development within the AONB is irreplaceable.

Genuine 'exceptional circumstances' do not exist to permit the loss of irrecoverable countryside for housing, including nearly 6% of MGB borough-wide. 'Exceptional circumstances' is just a surrogate phrase for diktat by central government.

If the proposed scale of development is accepted there will be concomitant demands on the local infrastructure. Minimal developer contributions barely address the increased demands for road improvements, health facilities, educational services and recreational amenities. It will create huge problems and bills for local authorities and residents that are not acceptable.

#### Question 6

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Development should be strictly limited to brownfield sites and sites outside the perimeter of the High Weald AONB. Infrastructure improvements should be fully funded by developers and completed concurrently with developments.

#### Question 7

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No, I do not wish to participate in examination hearing session(s)

**Future Notifications**

**Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:**

Yes, I wish to be notified of future stages of the Local Plan

## Comment

Consultee	Julie Davies [REDACTED]
Email Address	[REDACTED]
Company / Organisation	CPRE Kent
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	CPRE Kent [REDACTED]
Comment ID	PSLP_577
Response Date	28/05/21 12:07
Consultation Point	Policy PSTR/PE 1 The Strategy for Pembury parish ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.1
Question 1	
Respondent's Name and/or Organisation	CPRE Kent
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PSTR/PE1	
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Do you consider that the Local Plan:	
Is legally compliant	Yes
Is sound	No



Complies with the Duty to Cooperate

Don't know

#### Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not effective
- . It is not justified
- . It is not consistent with national policy

#### Question 5

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CPRE is opposed to building in the AONB or the green belt unless it has been demonstrated that there are exceptional circumstances, which we do not believe to be the case here.

Please see our responses to policies STR1, STR2, STR3, STR5, STR6, STR7, STR9, H2 and TP3.

This policy, through the Limits to Built Development that it sets, the sites it allocates and the density per hectare it provides for on green field sites, allocates major development on AONB land to an unnecessary extent, and removes an unnecessarily large amount of land from the green belt. This conflicts with paragraphs 137, 138 and 172 of the NPPF and hence is not consistent with national policy, which requires all other reasonable options for meeting the identified need for development to have been examined, and density of development to be optimised.

If the number of dwellings allocated to Pembury is necessary, then with increased density on sites AL/PE1 and 2, which are more sustainably located in relation to the village centre's facilities, it would appear that the housing allocated for Pembury could be accommodated without using the sites proposed for allocation under AL/PE3 and AL/PE 4, which are green field sites further from the settlement's centre.

Please see our comments on AL/PE1, 2, 3 and 4 for further detail.

Moreover, there can be no confidence that under the allocation policies as presently drafted the proposed improvements to public accessibility of remaining green belt land which are alleged to be an exceptional circumstance justifying the removal of some of the sites from the green belt will actually materialise, since the wording of this policy only says that the Council will "seek contributions to" "improvements to cycle routes and cycle corridors".

Unless the Council proposes to use its compulsory powers of creation under S26 of the Highways Act 1980 to upgrade Public Footpath WT240 to bridleway (which will enable use by cyclists), there can be no assurance that the proposed recreation facilities at Hawkenbury will be accessible by a sufficiently direct, safe off-road active travel route to make them in any way a viable option for the residents of Pembury.

In response to the Regulation 18 consultation, Kent County Council's Public Rights of Way and Access Service requested "that PRoW enhancements are also included in the list of expected contributions, to mitigate the impact of future development". The failure to include PRoW enhancements as requested by KCC suggests a failure in the Duty to Co-operate.

We note from comments made at Regulation 18 stage by other parties that there has been a history of waste water flooding in parts of Pembury, yet in the Duty to Co-operate Statement there appears to be no record of consultation with Southern Water concerning the development planned at Pembury,

and there appear to be no plans or policies to ensure that the additional development will not exacerbate this flooding.

Although the policy provides for seeking contributions to primary and secondary education, it appears from the Sustainability Appraisal that no additional primary school places are proposed to be provided within Pembury to serve the new housing. As we understand that the existing Pembury village school is already oversubscribed, in this respect also we consider the policy unsound.

We do, however, agree with the Council that the sites that it does not propose to allocate are either unsuitable for development or unlikely to provide sufficient dwellings to qualify for allocation.

## Question 6

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

**Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan 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.**

- 1 Remove AL/PE3 and AL/PE4 from the proposed Limits to Built Development.
- 2 Remove AL/PE3 and AL/PE 4 from the proposed residential allocations.
- 3 Require contributions to public rights of way enhancements both in kind and financial
- 4 Include a policy to use the Council's powers under S26 of the Highways Act 1980 to upgrade WT240 to bridleway.
- 5 Provide for new primary school places within the village.

## Question 7

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

**If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?**      Yes, I wish to participate in hearing session(s)

## Question 7a

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

**If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:**

To test soundness and discuss necessary modifications.

## Question 8

**If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.**

Education is scored positively for this policy and for all allocation sites (except for the allocation for elderly housing). This is incomprehensible, given the statement in the SA that "The score for the education objective is a combination of the adverse effects that come from the cumulative pressures that the new dwellings could place on the existing school which does not have room for expansion".

Land use should be given lower scores than in the SA because not only are greenfield sites being built over but also the relatively low housing densities fail to make efficient use of land; thus they lead to a failure to protect soils on other greenfield sites.

We agree with the Council that the sites that it does not propose to allocate are either unsuitable for development or unlikely to provide sufficient dwellings to qualify for allocation.

### **Future Notifications**

**Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:**

Yes, I wish to be notified of future stages of the Local Plan

## Comment

Consultee	Pauline Hawker [REDACTED]
Email Address	[REDACTED]
Company / Organisation	St Peter's Church Pembury
Address	- Pembury -
Event Name	Pre-Submission Local Plan
Comment by	St Peter's Church Pembury [REDACTED] [REDACTED]
Comment ID	PSLP_906
Response Date	01/06/21 21:16
Consultation Point	Policy PSTR/PE 1 The Strategy for Pembury parish ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Pauline Hawker, St Peter's Church Pembury
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

**Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.**

Policy PSTR/PE 1 The Strategy for Pembury parish

**Question 4a**

**If you consider that the Local Plan is not sound, please answer this question.**

**Do you consider that the Local Plan is not sound because:**

**Question 5**

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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**Local Plan Pre-Planning submission – Pembury**

**The Local Plan does not appear to include an S106 agreement to provide funds to support any new community facilities such as a new Community Hall in respect of which planning permission has already been granted or any development levy for this purpose for the benefit of the wider community.**

**Proposed Community Hall at St Peter's Pembury- Ref 20/02674/Full**

St Peter's church, Hastings Road, Pembury, one of the Anglican Churches serving the village of Pembury (population 6,500 and growing) , has obtained planning permission for a community hall attached to the rear of the Church . the proposed building will be a light, airy, modern, carbon neutral building with its own independent entrance, heating, toilets kitchen facilities and parking. It will have a capacity for approximately 80 people, which meets the needs in the village for a medium sized facility, and is intended for use 95% by the community and 5% by St Peter's church, mainly on a Sunday.

Consultations with other community halls in the village has shown that, in normal non-covid times, all the other facilities are over subscribed at popular times. An ongoing survey of residents in the community has revealed an overwhelming need for opportunities to alleviate loneliness across all age ranges, for instance, older people have expressed a wish for a second lunch club (the Baptist Church organise one) and young mothers want a second Mums and Tots group or children's Centre, together with opportunities for all ages to join in activities that will enable greater social interaction, support those with mental health difficulties and provide more groups for young people to enjoy, such as an active youth club.. With more development planned for the village, the need for more community facilities will be all the greater and the proposed new community hall in Hastings Road, will be well within walking distance of most of the proposed new development.

The Purpose of this New Community Hall, is to provide physical infrastructure for a range of initiatives to help address some of the key Wellbeing concerns identified in the growing Pembury Community.

These initiatives will be driven by church, faith and other secular partners, working with specialist charities or statutory providers as appropriate, to utilise the proposed space to support the needs of the community as highlighted by village surveys, such as:

- . those with mental health challenges, particularly forms of dementia, depression and anxiety, or physical disabilities, through more social contact and engagement in relevant activities;
- . those carers of the house bound through a meeting place and social contact;
- . alleviation of loneliness across all age groups through social and activity groups;
- . social engagement and activity challenges tailored to age groups, including school holiday playschemes, parents of younger children, Youth groups and senior residents;
- . cultural events, including concerts and exhibitions, as a village centre that the local community can engage with to both deliver and experience;
- . provision of 'hospitality' facilities for key community services at the Church, including Funerals, Weddings, Baptisms and the popular Christmas services for local Schools and the wider community.

We understand there is no provision in the local plan for extending medical services. The new community hall would be ideal for medical clinics such as antenatal clinics if needed.

The congregation of St Peters has raised approximately £100,000 to date , which has enabled the appointment of a professional team to draw up the plans and take the project to planning permission. Thanks to the financial support of Kent County Councillor Paul Barrington-King, we have been able to appoint a design team to study the site , draw up more detailed plans, and obtain a Quantity Surveyor valuation of the project cost, which is anticipated to be in the region of £925,000.

Approximately half of this amount needs to be raised before we can approach Grant Making Trusts.

Further fundraising for the community hall has been hampered by covid restrictions and the fact that the church itself is currently having to fundraise to repair urgently the church tower and replace its AV system.

We request consideration for any S106 support for this facility that will benefit the people of Pembury for many years to come.

The need for this new building should be a priority for S106 agreements linked to the grant of any future development permissions and provision for this should be included in the Local Plan which recognises the need for enhanced facilities in the village over the immediate and longer term future.

#### **Question 7**

***Please note*** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

**If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?**

## Comment

Consultee	Sarah Clarke [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Pembury [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Sarah Clarke [REDACTED]
Comment ID	PSLP_1036
Response Date	02/06/21 23:45
Consultation Point	Policy PSTR/PE 1 The Strategy for Pembury parish ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Sarah Clarke
Question 3	
To which part of the Local Plan does this representation relate?	Policy

### Question 3a

**Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.**

Policy PSTR/PE 1 The Strategy for Pembury parish

*[TWBC: This representation has been input against Policies PSTR/PE1, AL/PE 3 and AL/PE 4 – see Comment Numbers PSLP\_1036, PSLP\_1039 and PSLP\_1040]*

### Question 4a

**If you consider that the Local Plan is not sound, please answer this question.**

**Do you consider that the Local Plan is not sound because:**

#### **Question 5**

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Tunbridge Wells Borough Council Consultation on the Local Plan Pre Submission – Regulation 19 - Pembury

In November 2019 I submitted to the Borough Council my comments on the Local Plan; and as a result I have been advised of the option to file further comments on or before June 4 2021, which I now address. I have had sight of the response by Pembury Parish Council filed earlier this month which I fully support.

#### **The Local Plan consultation. 2019-2020**

Following the consultation a revised local Plan was submitted for further comment and consultation which included new designations for the land at Woodsgate Corner on the A 264 adjacent to Tesco's, and the removal of designation of commercial use at Downingbury Farm.

However the replacement proposal for the land at Woodsgate now proposes a care/nursing facility with between 80 and 120 residential units, certain of which are to be affordable. We are now also advised of the proposal to site a Medical School for the University of Kent at the Tunbridge Wells Hospital at Pembury for which student accommodation will be necessary, the number of eventual occupants is not identified.

#### **General comments on the Local Plan - Infrastructure**

Reading the original documents and now the revised Local Plan, it is clear that this area of West Kent is to be subject to the most substantial increase in housing provision in areas of Outstanding Natural Beauty, the High Weald and in the Green Belt. The current massive explosion of housing development at Paddock Wood is an indication of the absence of proper consideration of the potential issues raised in the current version of the plan. The plan does not include any overall guidance or proposals to address the issues of transport, medical care, infrastructure i.e. the provision of adequate water supply and waste water disposal, flooding mitigation, to name but the most apparent. The area to the Eastern boundary of Tunbridge Wells immediately appears as a dumping ground to provide the Borough Council's housing quota without any consideration of the impact on the existing communities and parishes. There seems to have been no joined-up thinking on the provision of infrastructure; rather that the designations/allocations will be subject to assessment when allocated!

#### **Transport**

The town centre of Tunbridge Wells is at risk of being strangled. The retail and hospitality sector has been decimated by the Covid pandemic lockdowns. Now the sectors are re-opening the transport problems which were clear in 2019 and before, have now become critical. For a journey between Pembury and the Town Centre on the A 264 to take 50 minutes by car as it did on May 28 mid -morning is ludicrous, when to that traffic problem it is now proposed to add the potential for thousands more road journeys, increased pollution and an inability to access local services.

The Green Belt is being ravaged to satisfy an allocation which cannot be justified. Pembury is on the main north/south route of the A21, with local lanes being the subject of destructive overspill when the A21 cannot deal with the level of traffic; the A264 is the main feeder route from the Medway towns. Neither have any effective projected improvements to cope with increased traffic movement, the problem will only get worse. Whilst the absence of a motor village at Woodsgate is welcomed, its



replacement will also have traffic consequences. However the proposed sites AL/PE/1 (50/60 dwellings), AL/PE/2 (80 dwellings) and AL/PE/3(80 dwellings) together with AL/PE/4 (25 dwellings) all have as part of the rationales for their use a reliance on walking and cycling.

With respect to the planners, the infrastructure documents make no mention of managing the increased households and their actual transport needs. Over 240 new dwellings without those for which permission has already been granted will result in increased traffic movements on Hastings Road, High Street, Lower Green Road/Maidstone Road and eventually A 21 and A 264. This is without the transport impact of the up to 9,000 dwellings in Paddock Wood, Capel and Tudeley and an indication on how traffic flow from these areas will be managed. The A 21 bypass completed in 1984 and the improvements to the A 228 again to by-pass the village were intended to alleviate traffic bottlenecks and congestion, the current proposed housing allocations could lead to these problems recurring.

### **Water, sewerage, waste water and flooding**

Having read the submissions of Southern Water on the 4 sites proposed for development in Pembury, it is clear that to serve the increased allocations, substantial improvements will be needed before the waste water and sewerage systems can effectively support the increased dwellings. The authority seeks to rely on the new infrastructure charge, although reference is made in the local plan infrastructure documents to s. 106 agreements.

The representations of the supplier of water, South East Water, also make it clear that to service the proposed allocated dwellings capacity will need to be increased. Water is a finite and precious resource, yet the Borough's housing plans are reliant on someone else finding a delivery strategy!

In both cases the issues need to be addressed before any form of construction can be permitted, otherwise Pembury will be faced with the same supply and drainage problems which occurred in the 1960/1970s and continue to this day in part of the village.

Both the sites AL/PE 2 and 3 are at a higher level than Hastings Road, AL/PE 3 significantly so, with potential increased problems of water penetration into the existing houses on Hastings Road. Nothing is proposed to alleviate this.

### **Education**

The list of primary schools in the Borough itself and in the surrounding towns and villages set out in the supporting documents does not identify the existing primary school in Pembury. The last period of development in Pembury caused the construction of temporary classrooms in the grounds of the school. No mention is made of this.

### **Health**

Since the publication of the revised site allocations including the change of policy for Woodsgate Corner, it has become clear that with the increase in beds in the care sector, Pembury is likely to have more than the projected 13% increase in population. It is not clear whether the Primary Care network has been consulted on and/or responded to the additional proposals generally and the specific belief that the Waterfield Surgery can simply be extended.

### **The Sites – AL/PE 3 and 4**

For many reasons, the increased number of dwellings causes great concern, the change in character of a community which has functioned reasonably well and the lack of any actual proposals to alleviate such increase. All result in a loss of Green Space, particularly precious as once lost it cannot be replaced.

AL/PE 3 if used for construction will completely change the character of the Bo Peep end of the village in Hastings Road, as even with A 21 buffers, the land, which is significantly higher, will be visible from both north and south.

AL/PE 4 will be to the rear of The Hospice in the Weald with access proposed via Church Road, a barely navigable road at most times. Good visibility splays don't solve the problem.

### **Conclusion**

Whilst appreciating the decision for increased housing is one imposed by central government, the Borough's Local Plan should be sustainable, acceptable and realistic. Pembury has an allocation of significant numbers, but within the Local Plan no mention is made of the potential impact on Pembury

of the major allocations on its boundary with Paddock Wood and Capel. These neighbouring substantial allocations are likely to have an impact on infrastructure issues addressed above.

#### **Question 7**

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**If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?**

## Comment

Consultee	James Whitehorn [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Pembury [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	James Whitehorn [REDACTED]
Comment ID	PSLP_1116
Response Date	03/06/21 13:35
Consultation Point	Policy PSTR/PE 1 The Strategy for Pembury parish ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.5
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	James Whitehorn
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

**Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.**

Policy PSTR/PE 1 The Strategy for Pembury parish

Paragraph No(s) 5.659 & 5.664

Policies Map (Inset Map No(s)) 64

*[TWBC: this representation has been input against Policies PSTR/PE 1 and AL/PE 1 - please see Comment Numbers PSLP\_1116 and PSLP\_1119]*

**Question 4**

**Do you consider that the Local Plan:**

<b>Is legally compliant</b>	Yes
<b>Is sound</b>	No
<b>Complies with the Duty to Cooperate</b>	Yes

#### **Question 4a**

**If you consider that the Local Plan is not sound, please answer this question.**

**Do you consider that the Local Plan is not sound because:** . It is not justified

#### **Question 5**

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**Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.**

**PSTR/PE1 & 5.659** – I do not accept that this is an appropriate strategy as there is no proven need for 389-417 new dwellings in the village of Pembury. These proposals should not outweigh the merits of preserving the Green Belt and AONB, especially on site AL/PE1 which is partly inside and more generally abutting the Conservation Area. The fact that the Chestnut Walk development was allowed on appeal should not afford an excuse to compound the problem with further development in this area. However in the event that this principle is not admitted I would make the following observations about site AL/PE1:

**5.664** - The 2nd requirement for this policy re additional parking 'to serve the adjacent village hall and the wider public' is not justified. This new proposal for a facility to include public car parking was not mentioned in the Draft Local Plan. It is not an appropriate strategy for the following reasons:

1] The inclusion of a few public parking spaces on the site would not provide enough benefit to form a significant part of the required exceptional circumstances for construction of 50-60 houses on the Green Belt. 2] The site is in any case too far from the centre of Pembury to assist with the wider demand for public parking in the village. 3] It would be very difficult for the many different village hall users to find their way to a vehicular car park entrance via the development site.

If the car park was exclusively an overspill car park for village hall users this could be achieved far better with a one way system, IN from the existing village hall car park and OUT via the development access road. This would still achieve some wider benefit for the village as it would reduce the amount of on-street parking in the High Street when the village hall is busy.

If the car park was exclusively for village hall users it would be safe enough for them to share the relatively narrow vehicular entrance with pedestrians going to and from the entrance to the hall. Creating a pedestrian link for the wider public is an unnecessary complication with little benefit in terms of walking distance compared to using the proposed development access road.

In addition to the 40m deep landscape buffer adjacent to the A21, the scheme should incorporate a landscape buffer of approximately 10m deep between the existing Conservation Area boundary and the new housing. This would help mitigate the impact of the development on the existing properties within the Conservation Area.

#### **Question 6**

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**Suggested revised wording of AL/PE1:**

**2]** There shall be additional overspill parking provision of approximately 30 spaces within the design of the scheme, to serve the adjacent village hall, the area for which is shown indicatively on the site layout plan. Vehicular access to this shall be IN from the existing village hall car park and OUT via the development site itself.

**6]** The layout of the scheme shall include a landscape buffer of approximately 40m deep adjacent to the A21 (in addition to the existing vegetation along the A21) and a landscape buffer of approximately 10m deep between the existing East/West Conservation Area boundary and the new housing, as shown indicatively on the site layout plan.

**Question 7**

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

**If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?** . No, I do not wish to participate in examination hearing session(s)

**Future Notifications**

**Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:** Yes, I wish to be notified of future stages of the Local Plan

# Supporting Information File Ref No: SI\_105

## Comment

Agent	Ms Polly Canning [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Kember Loudon Williams
Address	[REDACTED] [REDACTED] ROYAL TUNBRIDGE WELLS [REDACTED]
Consultee	Mr Richard Barnes [REDACTED]
Company / Organisation	Richard Barnes (Farms) Limited
Address	Unknown Unknown Unknown
Event Name	Pre-Submission Local Plan
Comment by	Richard Barnes (Farms) Limited [REDACTED] [REDACTED]
Comment ID	PSLP_1812
Response Date	03/06/21 16:51
Consultation Point	Policy PSTR/PE 1 The Strategy for Pembury parish ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.5
Files	<a href="#">PSLP_1809, 1811-1812_KLW_for_R_Barnes_SI_Representation.pdf</a>
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Richard Barnes (Farms) Limited
Question 2	
Agent's Name and Organisation (if applicable)	Kember Loudon Williams Ltd
Question 3	

To which part of the Local Plan does this representation relate?

Policy

### Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy PSTR/PE 1 The Strategy for Pembury parish

Policies Map (Inset Map No(s)) 29

[TWBC: for further comments, please see Comment Numbers PSLP\_1809, 1811 and 1812]

### Question 4

Do you consider that the Local Plan:

Is sound

No

### Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

### Question 5

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

#### Introduction and Background

Our client owns land at Stone Court Farm (from hereon in referred to as "the Site") which is positioned on the north-eastern side of Pembury. It is positioned in the Green Belt but it is one of the only areas around Pembury that is **not** located in an Area of Outstanding Natural Beauty. It adjoins the Limits to Built development and is well related to the village core area. It is considered entirely suitable for residential development. Importantly, it is also available now and could be delivered within the next 5 years.

The purpose of this submission therefore is to request the release of the site from the Green Belt (like Tunbridge Wells Borough Council have done for 6 other sites in Pembury) and to allocate the land for housing. Submissions are therefore being made in relation to:

- . Policy STR1: The Development Strategy;
  - . Policy STR9: The Green Belt;
  - . Policy PSTR/PE1: The Strategy for Pembury Parish
- Policy PSTR/PE1: The Strategy for Pembury Parish

Significant growth is proposed in Pembury with between 389-417 units being built out across eight sites. The boundary for the Limits to Built Development will be adjusted and reductions are proposed in the area of Green Belt.

It is right that Pembury should grow to accommodate some of the pressing need for housing in the Borough. It is a thriving and sustainable settlement which employment opportunities nearby (not least with the hospital) and good transport links. However, we believe that there should be a further site allocated for housing: Land at Stone Court Farm.

Below is a copy of map taken from the Sustainability Appraisal of the Pre-Submission Local Plan, showing the location of the subject site along with the proposed allocated sites in Pembury.

*[TWBC: for map, please see full representation attached as a supporting document]*

Another allocation in Pembury would further assist with helping the Council meet additional housing requirements which have yet to be properly accounted for when taking into account unmet need from neighbouring authorities (see KLV comments on Policy STR1: The Development Strategy).

Furthermore, there are no deliverability constraints and so the site could forward for straight away. This is an important consideration when the three largest allocations for housing (AL/PE 1, PE 2 and PE3) which together result in a cumulative figure of 220 + units are all within multiple ownership. Reliance on these sites will inevitably take a long time to come forward and so consequently, suitable smaller additional sites that are available now should also be allocated.

#### Site Selection Process Concerns

We have concerns about the ways in which the SHELAA went about assessing this site, believing that the subject site has been unfairly judged. In particular, the failure to take on the technical highway information suggest to us that the Plan is not justified and has not been properly prepared.

As part of the Regulation 18 consultation stage in 2019, we put forward a strong and credible planning case to include the Site as a housing allocation within the Local Plan. A copy of the submission has been attached for ease of reference. We also provided technical evidence from a well-established highways consultancy demonstrating how the site could be accessed. The Transport Statement confirmed that the proposed access arrangements were acceptable and gave recommendations to the improvements that could be made to Stone Court Lane to make the site more accessible for pedestrians and mobility scooters. Despite providing evidence to demonstrate that the highway issues could be addressed the Council have still dismissed the site.

The Council have assessed the site in the Strategic Housing and Economic Land Availability Assessment (January 2021) Site Reference 354 and have deemed the site unsuitable for two main reasons:

- . Green Belt concerns;
- . Appropriate means of access.

Below is an extract from the SHELAA January 2021 assessment sheet for ease of reference.

*[TWBC: for extract, please see full representation attached as a supporting document]*

The rationale for not taking the site forward seems somewhat perverse when a considerable number of other sites in Pembury in the Green Belt are being released. Furthermore, these draft allocations also have the added constraint of being located in an Area of Outstanding Natural Beauty. The subject site on the other hand is one of the only sites available for development that is not in the AONB.

The National Planning Policy Framework explains that planning policies should protect and enhance valued landscapes in a manner commensurate with their statutory status and specifically states at Paragraph 171 that plans should “allocate land with the least environmental or amenity value”. **This is a clear failure to follow this process, with the Council favouring other sites in Pembury which are in the AONB above the subject which is not.**

The Development Strategy Topic Paper (February 2021) which is a supporting document to the Regulation 19 version of the Plan sets out the reasons why there are exceptional circumstances to alter the boundaries of the Green Belt. Five exceptional circumstances are given at Paragraph 6.201, one of which is “Individual site allocations located on the edge of settlements” (Page 67). Under this heading the text reads:

*“Individual (mainly smaller scale) sites have been identified as logical extensions to the existing LBD of a settlement, or as a ‘rounding off’ small local adjustment to the Green Belt boundary (and in some*



*cases providing a stronger Green Belt boundary), and where all other planning considerations support the allocation, facilitating development in a sustainable location. For example, the release of Green Belt land at a number of locations at Pembury will provide a range of development opportunities, including housing and community facilities in a sustainable location”.*

It is considered that the subject Site meets the criteria above. It represents a logical extension to the existing Limits to Built Development of Pembury and is in a sustainable location.

Furthermore, it is important to note that the consents given to converting the former fruit farm buildings on the boundary edge of the Site (LPA Ref: 19/01696/FULL & 19/01430/PNQCLA) have now all been implemented. An image of this development is provided below.

*[TWBC: for image, please see full representation attached as a supporting document]*

This new residential development along with the road providing access to it (Stone Court Lane) are clear strong defensible boundaries to any settlement expansion, thus protecting from future incursion into the Green Belt. Any development on this site would therefore effectively act as infill development up to these boundaries.

In addition, it should be noted that directly to the northeast of Pembury there are no settlements for several miles so there would be no future merger of settlements.

*[TWBC: for site plan, please see full representation attached as a supporting document]*

Policy ST1 provides for some reductions in the area of the Green Belt around Pembury “*where an effective long-term Green Belt is maintained*”. In this instance, it is clear that an effective long-term Green Belt can be maintained and as such we ask that this site is reconsidered for Green Belt release.

The site assessment refers to the site as having grade 2 agricultural soils but in reality, there is no agricultural potential for the site. There are no longer any buildings to support the agricultural use and there is no prospect of the site being used in the future. The site is vacant and the former agricultural buildings on the edge of the site have now been converted to a residential use.

The site assessment also refers to negative scores being given to air quality due to distance to local facilities and reliance on the private car. But again, this directly contradicts the specialist and technical evidence which was submitted as evidence as part of our Regulation 18 Representations where a specific section of the Highway Statement (Section 2) set out the sustainability credentials of the site, highlighting inter alia that:

- . It lies approximately 800m walking and cycling distance from the centre of Pembury.
- . That local facilities including a doctors surgery, library, school, village store, public house and takeaways are within 800m of the site.
- . That there are excellent bus based public transport services available within a very short walk of the site with the nearest bus stops to the site are approximately 200m from the site.

Overall, therefore, this submission objects to the way in which the draft Plan has been prepared finding that the housing allocations have not been chosen on the basis of a robust and transparent process.

## Question 6

**Please note:** *In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.*

*After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.*

**Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan 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.**

To ensure that the Plan is justified and fair, it is crucial that the Council reassesses Site 354 (Stone Court Farm) based on the detailed and up to date highway information provided.

Following this assessment process, Land at Stone Court Farm (Site 354 SHELAA) should be allocated for housing in the Plan for up to 40 - 50 dwellings and the site should be removed from the Green Belt.

Inset Map 29 should be amended to show an allocation for residential development at Stone Court Farm. The boundary representing the Limits to Built Development on Inset Map 29 should also be amended to include Stone Court Farm.

Housing numbers in Pembury should be increased from 389-417 to 429 -467 to accommodate this additional site.

#### Question 7

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

**If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?** . Yes, I wish to participate in hearing session(s)

#### Question 7a

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

**If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:**

In order for the Plan to be found sound.

#### Question 8

**If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.**

For the reasons set out above we do not believe the Sustainability Assessment for Site Reference 354 Stone Court Farm, Stone Court Lane, Pembury is sound.

The NPPF states that in order for a Plan to be found sound, it must, inter alia, be justified. The negative scores attributed towards Site 354 (particularly in relation to distance to local road network, air quality scores and the loss of agricultural soil) are not fair and are not justified.

Technical evidence has been provided to the Council to demonstrate that the site is located in a sustainable location and within easy walking distance of a large number of facilities. It also shows how improvements could be made to Stone Court Lane to make it user friendly for those with mobility problems. The Sustainability Assessment scoring system needs to be reviewed in light of this technical evidence.

Furthermore, the Sustainability Appraisal is wrong to attribute no greater weight to the site's status outside of the AONB.

**If you would like to attach a file in support of your comments, please upload it here.** [PSLP 1809, 1811-1812 KLV for R Barnes SI Representation.pdf](#)

#### Future Notifications

**Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:** Yes, I wish to be notified of future stages of the Local Plan

# Supporting Information File Ref No: SI\_125

## Comment

Agent	Abraham Laker [REDACTED]
Email Address	[REDACTED]
Company / Organisation	MRPP
Address	21 Buckingham Street London WC2N 6EF
Consultee	[REDACTED]
Company / Organisation	Tesco Stores Ltd
Address	Cirrus Building Shire Park WELWYN GARDEN CITY AL7 1AB
Event Name	Pre-Submission Local Plan
Comment by	Tesco Stores Ltd [REDACTED]
Comment ID	PSLP_1927
Response Date	04/06/21 12:25
Consultation Point	Policy PSTR/PE 1 The Strategy for Pembury parish ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.4
Files	<u><a href="#">PSLP_1921-1930 (not inclusive)_MRPP for Tesco SI.pdf</a></u>
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Tesco Stores
Question 2	
Agent's Name and Organisation (if applicable)	MRPP
Question 3	

To which part of the Local Plan does this representation relate?

Policy

#### Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy PSTR/PE 1 The Strategy for Pembury parish

Map 27, Map 67

*[TWBC: this representation has been input against Policies STR 1, STR 6, AL/PE 6, EN 15, PSTR/PE 1, STR/SS 1 and STR/SS 2 – see Comment Numbers PSLP\_1921, PSLP\_1923, PSLP\_1924, PSLP\_1926, PSLP\_1927, PSLP\_1928 and PSLP\_1930. Full copy of representation attached as supporting information]*

#### Question 4

Do you consider that the Local Plan:

Is legally compliant

Don't know

Is sound

Don't know

Complies with the Duty to Cooperate

Don't know

#### Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

#### Question 5

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

#### REPRESENTATIONS ON BEHALF OF TESCO STORES LIMITED TOWN AND COUNTRY PLANNING (LOCAL PLANNING) REGULATIONS 2012 TUNBRIDGE WELLS (REGULATION 19) LOCAL PLAN CONSULTATION

As you know, we act on behalf of Tesco Stores Ltd, in respect of their various interests in Tunbridge Wells Borough and respond on their behalf to the Regulation 19 Tunbridge Wells Local Plan consultation, under the following headings.

##### **Background**

MRPP has extensive knowledge of both Tesco's activities in the Borough and the present (and historic) formalisation of planning policy in the Borough. We welcome the opportunity to engage with the emerging Local Plan and do so positively both in terms of representing our client's interests, and in terms of helping the Council to formulate effective policies which support development for the benefit of the Borough's businesses and residents.

Tesco Stores Ltd engaged with various components of the adopted Local Plan, both in terms of the development needs identified in the existing Core Strategy (primarily in relation to retail capacity) and the treatment of its various interests in the Borough in the subsequent Site Allocations DPD. We have, on their behalf, thoroughly reviewed the Reg 19 Local Plan and have sought to respond only to those policies and issues which directly or indirectly affect their property interests. We trust that this targeted approach assists officers, who will find our comments generally supportive, subject to several clarifications regarding evidence and the justification for designations, allocations and policies.

For ease, we set out our representations in a single letter and have, for each relevant policy or supporting text, used the Council's recommended responses (i.e. objection, support, support with conditions, or general observation). We have also set out some basic background to our client's presence in the Borough.

### **Tesco in Royal Tunbridge Wells**

Tesco has been represented in Royal Tunbridge Wells since 1969 when its store at 29 Grosvenor Road first opened. Tesco has continued to serve the community, uninterrupted, since then and has subsequently enhanced its presence to now include:

- Supermarket Format – Woodsgate Corner (Pembury)
- Metro Format – Grosvenor Road, Tunbridge Wells
- Rye Road, Hawkhurst
- Express Format - St. Johns Road (Tunbridge Wells), London Road (Southborough) and Commercial Road (Paddock Wood)
- One Stop Format – Badsell Road (Five Oak Green), Forest Road (Hawkenbury)

It is well documented that Tesco, having secured planning permission for a substantial replacement superstore at Pembury, took the difficult decision not to implement this, arising from significant changes in the convenience shopping sector and other local factors. However, several of its stores, including Pembury, have undergone improvements as part of the firm's 'refresh' programme, with a greater focus on customers, merchandising and the quality of the retail environment.

### **Responses to Policies**

#### **Policy PSTR/PE1 - The Strategy for Pembury Parish (support)**

Tesco widely supports the strategy for Pembury Parish, particularly the allocation AL/PE 6, for the Woodsgate Corner, Pembury (See our response to AL/PE 6) and the proposed highway improvement and mitigation measures, which include the improvement to the crossroads at Woodgate Corner. These improvements will benefit visitors to the Tesco superstore in Pembury as well as the future development on the adjacent allocated site AL/PE6.

## **Question 7**

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

**If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?**      Yes, I wish to participate in hearing session(s)

## **Question 7a**

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

**If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:**

We reserve the right to attend any hearing sessions on the topic matters we have commented on accompanying written representations should the Inspector need to raise any questions during the Local Plan Examination.

## Future Notifications

**Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:**

Yes, I wish to be notified of future stages of the Local Plan

## Comment

Consultee	Mr Neil Franklin ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] Tunbridge Wells TN2 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Neil Franklin ([REDACTED])
Comment ID	PSLP_1946
Response Date	03/06/21 18:17
Consultation Point	Policy PSTR/PE 1 The Strategy for Pembury parish ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Neil Franklin
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

**Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.**

Policy PSTR/PE 1 The Strategy for Pembury parish

**Question 4a**

**If you consider that the Local Plan is not sound, please answer this question.**

**Do you consider that the Local Plan is not sound because:**

## Question 5

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

**Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.**

I believe that the proposed Local Plan is not fit for purpose. A lot has changed since this was first prepared. Under the Government's levelling-up agenda, more emphasis is to be placed on the north of England, so more development should be focussed there.

I believe that pressure should be put on the Government to reduce the requirements for development for councils in the south of England and especially in Kent (where the Government seems intent on destroying any remaining quality of life for current residents) and more especially affecting Tunbridge Wells borough.

Apart from the above, the currently-proposed plan still includes development proposals in the Metropolitan Green Belt where there appears to be no exceptional circumstances to justify it and also within the High Weald AONB. I do not believe there are any justifications for nibbling away at either of these areas. If any development is allowed in the Green Belt, then at least the affected area should be replaced in some way nearby.

I still feel that most of the proposed developments for Pembury parish are wrong and badly thought out. One example is the proposals for housing at Downingbury Farm (AL/PE 4) with access from the narrow, congested (especially at school times) south end of Church Road. Of course, I welcome the removal of the business area behind Downingbury Farm from the plan. In addition, the sites off Hastings Road (AL/PE 2 and AL/PE 3) are equally unacceptable – any developments accessed via the obstacle course called Hastings Road will just add to the difficulty of traversing that particular road section.

I have read the representations made by Pembury Parish Council and I must say that I support all they have said, except that (although there is a need for a by-pass of Colt's Hill on the A228), any new off-line road here must keep the loss of countryside to an absolute minimum and not carve-through the fields unnecessarily or ruin or blight as much of this countryside as seems to be proposed.

## Question 7

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

**If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?**

For office use only

**If responder hasn't ticked an option on this box, data inputter to tick 'not stated' box.** Not Stated



# Supporting Information File Ref No: SI\_133

## Comment

Consultee	Mr David Hanes ( [REDACTED] )
Email Address	[REDACTED]
Company / Organisation	The Pembury Society
Address	[REDACTED] [REDACTED] Tunbridge Wells TN2 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	The Pembury Society (Mr David Hanes - [REDACTED])
Comment ID	PSLP_1997
Response Date	03/06/21 22:38
Consultation Point	Policy PSTR/PE 1 The Strategy for Pembury parish ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.6
Files	<a href="#">PSLP_1997-2001_The Pembury Society_SI(not inclusive).pdf</a>
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	The Pembury Society
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy PSTR/PE 1 The Strategy for Pembury parish

*[TWBC: this representation has been input against Policies PSTR/PE 1, Section 3 - Vision & Objectives, STR 5 and STR 6 – see Comment Numbers PSLP\_1997, PSLP\_1998, PSLP\_2000 and PSLP\_2001. Full response attached as Supporting Information]*

#### Question 4a

**If you consider that the Local Plan is not sound, please answer this question.**

**Do you consider that the Local Plan is not sound because:**

#### Question 5

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

*After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.*

**Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.**

On behalf of The Pembury Society, I write to register its formal response to the Draft Pre-Submission Local Plan ('Local Plan').

We are aware of the response from Pembury Parish Council dated 11 May, which we endorse in its entirety, but subject to further observations we would make as follows (para numbers as per Parish letter):

- 1 **Para 2.1** We strongly endorse the suggestion for 20 mph speed restrictions by the school and would support such a limit throughout the village. In addition the "rat-runs" of Cornford Lane and, in recent days, Romford Road/Foxhole Lane/Kings Toll need to be addressed urgently. The Kippings Cross A21 congestion arises frequently and the Pembury Bo-Peep turnoff is used by a continuous stream of fast traffic down these very narrow country roads, which have frequent walkers, cyclists and horse riders.
- 2 **Para 2.3** We agree that 30 spaces at the village hall is not enough. The Hall seats approx. 2000, and all roads in the vicinity have yellow lines. We would suggest it should have a minimum of 60 spaces. We would also suggest that parking problems at the Bo-Peep end of Hastings Road, where many houses have no off-street facilities, could be alleviated by the provision of a further car park in PE3.
- 3 **Para 2.5** Pembury is a village and there must be sufficient places at Pembury Primary School to accommodate all the children of the Parish. This would also reduce traffic movements in the area. We note that about 260 of the proposed new houses are likely to be for families and, therefore an additional form per year may be required, and must be planned for.
- 4 **Para 2.6** If car use is to be discouraged a far better public bus service has to be implemented, extended daily hours must be provided with greater frequency and better routing (eg there is no direct service from Pembury to North Farm retail park).
- 5 **Para 3.1 to 3.8** We wish to emphasize the importance of these S106 allocations.
- 6 **Para 4.3** As stated above we would like to see the provision of a car park for local residents who have no off-street car parking facilities.
- 7 **Para 4.4** We have strong reservations about access into the proposed development from Church Road, and would like alternative access provision to be made on to Maidstone Road.

#### SUMMARY

- 1 The Local Plan concentrates on achieving and ticking a box regarding Government objectives in order to meet a calculated housing need, while we note that such number mechanisms are already being seen as flawed. Should Government pursue the strategy of levelling between north and south, 'Northern Powerhouse', it is possible that the housing needs in the south-east may need to be re-assessed downwards.

- 2 The Local Plan majors on development and development sites in order to achieve numbers and has little to do with the aspirations of the people of the Borough.
- 3 While the Local Plan does seek to detail all the relative aspects to be considered in relation to development sites, Neighbourhood Development Plans urgently need to be developed with relative local support, ensuring that each community has such housing as is beneficial and sustainable, in the context of each community's needs, available employment, enhanced infrastructure and supporting services.
- 4 While it promotes the use of "active travel", the impact of essential travel as opposed to leisure use is, in our view, highly suspect and vehicle use is likely to increase. This necessitates a much deeper look at long term highway strategy, which should be part of this Local Plan.
- 5 The enhancement of Tunbridge Wells for tourism, leisure, artistic and cultural amenities, as well as shopping experience, will only come about with renewed vision, and a major scheme to remove road congestion such as a ring road.
- 6 Finally, we would like transparency on the financial aspects of the proposed site developments, and the vision that arises from the use of the extra rateable value, which on the basis of say 12,200 dwellings (alone), amounts to £18,300,000 pa by the end of the Local Plan period, 2038, at current values.

#### **Question 7**

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

**If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?**

## Supporting Information File Ref No: SI\_156

### Comment

Consultee	Strategic Planning ( [REDACTED] )
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) ( Strategic Planning - [REDACTED] )
Comment ID	PSLP_2218
Response Date	04/06/21 16:56
Consultation Point	Policy PSTR/PE 1 The Strategy for Pembury parish ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.4
Files	<a href="#">Kent County Council-full representation.pdf</a>
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	Policy PSTR/PE 1 The Strategy for Pembury parish

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP\_2164), Section 2 (PSLP\_2168), Section 3 (PSLP\_2169), Policies STR1 (PSLP\_2170), STR2 (PSLP\_2171), STR4 (PSLP\_2172), STR5 (PSLP\_2174), STR7 (PSLP\_2175), STR8 (PSLP\_2176), Section 5 (PSLP\_2177), Section 5: Royal Tunbridge Wells (PSLP\_2178), Policies AL/RTW1 (PSLP\_2180), AL/RTW5 (PSLP\_2181), AL/RTW7 (PSLP\_2183), AL/RTW14 (PSLP\_2184), AL/RTW17 (PSLP\_2185), AL/RTW21 (PSLP\_2187), STR/SO1 (PSLP\_2188), AL/SO1 (PSLP\_2190), Strategic Sites (PSLP\_2192), STR/SS1 (PSLP\_2193), STR/SS2 (PSLP\_2195), STR/SS3 (PSLP\_2196), STR/PW1 (PSLP\_2199), AL/PW1 (PSLP\_2200), STR/CA1 (PSLP\_2201), AL/CRS1 (PSLP\_2202), AL/CRS2 (PSLP\_2203), AL/CRS3 (PSLP\_2204), AL/CRS4 (PSLP\_2205), AL/CRS6 (PSLP\_2206), AL/CRS7 (PSLP\_2207), STR/HA1 (PSLP\_2208), PSTR/BE1 (PSLP\_2209), PSTR/BI 1 (PSLP\_2210), PSTR/BM1 (PSLP\_2211), PSTR/FR1 (PSLP\_2212), PSTR/GO1 (PSLP\_2213), PSTR/HO1 (PSLP\_2214), AL/HO1 (PSLP\_2215), PSTR/LA1 (PSLP\_2216), AL/LA1 (PSLP\_2217), PSTR/PE1 (PSLP\_2218), AL/PE4 (PSLP\_2219), PSTR/RU1 (PSLP\_2220), PSTR/SA1 (PSLP\_2221), AL/SA1 (PSLP\_2222), PSTR/SP1 (PSLP\_2223), EN1 (PSLP\_2224), EN3 (PSLP\_2225), EN4 (PSLP\_2226), EN5 (PSLP\_2227), EN8 (PSLP\_2228), EN9 (PSLP\_2229), EN10 (PSLP\_2230), EN12 (PSLP\_2231), EN13 (PSLP\_2232), EN14 (PSLP\_2233), EN18 (PSLP\_2234), EN19 (PSLP\_2235), EN20 (PSLP\_2236), EN25 (PSLP\_2237), EN26 (PSLP\_2238), H1 (PSLP\_2239), H3 (PSLP\_2240), H7 (PSLP\_2241), ED1 (PSLP\_2242), ED2 (PSLP\_2243), ED3 (PSLP\_2244), ED4 (PSLP\_2245), ED5 (PSLP\_2246), ED6 (PSLP\_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP\_2248), Policies TP1 (PSLP\_2249), TP2 (PSLP\_2250), TP3 (PSLP\_2251), TP4 (PSLP\_2252), TP5 (PSLP\_2253), TP6 (PSLP\_2254), OSSR1 (PSLP\_2255), Appendix 4 (PSLP\_2256) and Evidence Base (whole Plan) (PSLP\_2257)

#### Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

#### Question 5

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

**Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.**

The County Council has set out its full response to the consultation in the attached Appendix. Comments are linked to relevant policies where appropriate.

#### Public Rights of Way

The County Council requests reference is made to the local PRoW opportunities that exist to ensure connectivity in the area and opportunities active travel.

#### Question 6

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

**Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan 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 County Council has set out its full response to the consultation in the attached Appendix. Comments are linked to relevant policies where appropriate.

#### **Question 7**

***Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.***

**If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?**

#### **Question 7a**

***Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.***

**If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:**

The County Council may wish to attend hearing sessions in respect of its statutory and non statutory functions.

#### **Future Notifications**

**Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:**

Yes, I wish to be notified of future stages of the Local Plan

## Supporting Information File Ref No: SI\_157

### Comment

Agent	Mr Jonathan Buckwell ( [REDACTED] )
Email Address	[REDACTED]
Company / Organisation	DHA Planning Ltd
Address	Eclipse House Eclipse Park MAIDSTONE ME14 3EN
Consultee	( [REDACTED] )
Email Address	[REDACTED]
Company / Organisation	Countryside Properties
Address	Countryside House The Drive BRENTWOOD CM13 3AT
Event Name	Pre-Submission Local Plan
Comment by	Countryside Properties ( [REDACTED] )
Comment ID	PSLP_2265
Response Date	02/06/21 11:41
Consultation Point	Policy PSTR/PE 1 The Strategy for Pembury parish ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.4
Files	<a href="#">DHA Planning for Countryside Properties-full representation Pembury.pdf</a>
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Countryside Properties
Question 2	
Agent's Name and Organisation (if applicable)	DHA Planning

### Question 3

To which part of the Local Plan does this representation relate? Policy

### Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy PSTR/PE 1 The Strategy for Pembury parish

[TWBC: the full representation attached has been divided between Vision and Strategic Objectives (PSLP\_2263), Policies STR1 (PSLP\_2264), PSTR/PE1 (PSLP\_2265), AL/PE3 (PSLP\_2266), STR9 (PSLP\_2267) and Development Management Policies (PSLP\_2268)

### Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

### Question 5

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

**Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.**

#### 1.1 Introduction

1.1.1 These representations have been prepared by DHA Planning on behalf of Countryside Properties (hereafter referred to as Countryside) in respect of the Tunbridge Wells Borough Council Regulation 19 Local Plan consultation.

1.1.2 These representations relate to land at Pembury, which Countryside is promoting for residential redevelopment as part of the wider development plan review.

1.1.3 Based on the current national and local planning context, we consider this this land to be suitable for development.

#### 1.2 Background

1.2.1 Tunbridge Wells Borough Council (TWBC) has produced a new Local Plan to guide future development within the borough. As the Council is now satisfied that it has a sound plan it proposes to submit the plan for Independent Examination following completion of this final round of consultation.

1.2.2 Once submitted, the Local Plan will be examined by an Inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is 'sound'. In this regard, the Government published a revised NPPF in February 2019, which provides that to be "sound" a local plan must be:

- Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- Justified – an appropriate strategy, taking into account the



reasonable alternatives, and based on proportionate evidence;• Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and• Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework.

1.2.3 This submission comment on the plan having regard to these tests of soundness.

### 1.3 Legal Compliance

1.3.1 In terms of legal compliance, the main requirements for the early stages of Local Plan consultation are in relation to:

- planning for community engagement;• the sustainability appraisal (including consultation with the statutory environment consultation bodies);• identifying significant cross boundary and inter-authority issues; and• ensuring that the plan rests on a credible evidence base, including meeting the Act's requirement for keeping matters affecting the development of the area under review.

1.3.2 The Council has undertaken public consultation at various stages. Furthermore, it has liaised with the development industry via Agents Forums and as such we raise no objection to this aspect of legal compliance.

1.3.3 From a wider perspective, we are concerned about the degree to which the Council has complied with the statutory framework for preparing a new plan, albeit we will reserve our position on this matter until all final consultation documentation and statements of common ground have been published.

### 1.4 Assessment of Soundness

1.4.1 The TWBC Draft Local Plan (herein referred to as 'the plan') sets out the spatial vision, strategic objectives, and overarching development strategy for the borough. It details overarching place shaping policies for each parish and settlement, as well as site specific allocations to deliver the strategy and detailed policies to be applied to all new development.

1.4.2 The plan will set the agenda for development across the borough to 2038 and replace the current Development Plan, which comprises the Local Plan 2006 (saved policies), the Core Strategy 2010, and the Site Allocations Local Plan 2016.

1.4.3 This representation comments on the following elements of the plan:

- Vision and Strategic Objectives;• Development Strategy and Strategic Policies;• Place Shaping Policies; and• Development Management Policies.

### Place Shaping Policies

1.4.63 The place shaping policies establish the spatial priorities for different areas in the borough, organised according to non-parish and parish areas. For each area, there is an overarching policy that development should adhere to and details are provided for individual allocated sites that will deliver the quantum of development proposed. The site-specific allocations provide both strategic and development management guidance.

### Policy PSTR/PE1

Policy PSTR/PE1 sets the proposed strategy for Pembury and states that Approximately 389 to 417 net new dwellings will be allocated for the parish, of which 54 have planning permission.

[TWBC: see full representation attached for extract of proposed proposal map for Pembury].

1.4.64 Countryside **SUPPORTS** the aims and objectives of Policy PSTR1/PE1 subject to the **COMMENT** that the wording of Bullet Point 3 should be slightly amended to state that "Where justified, seek developer contributions..."

### 1.5 Summary and Conclusions

1.5.1 In summary, this representation has been prepared on behalf of Countryside Properties in response to the Tunbridge Wells Borough Council Pre-submission Local Plan Consultation. The purpose being to provide comment on the Council's proposed development strategy ahead of Examination.

1.5.2 We support the aspiration to meet housing need in full and consider that a dispersed growth strategy represents the optimum means to achieve this. Nonetheless, we consider that the Local Plan strategy as a whole relies heavily on the delivery of strategic sites that would require the provision of supporting infrastructure. Moreover, the Council have applied overly optimistic projections to the delivery of housing for the extension of Paddock Wood and the Tudeley Garden Village.

## Question 6

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

**Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan 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.**

1.4.64 Countryside **SUPPORTS** the aims and objectives of Policy PSTR1/PE1 subject to the **COMMENT** that the wording of Bullet Point 3 should be slightly amended to state that “Where justified, seek developer contributions...”

## Question 7

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

**If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?**

## Comment

Consultee	Mr Douglas Carroll ( [REDACTED] )
Email Address	[REDACTED]
Address	[REDACTED] WILMSLOW SK9 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Douglas Carroll ( [REDACTED] )
Comment ID	PSLP_2329
Response Date	01/06/21 15:22
Consultation Point	Policy PSTR/PE 1 The Strategy for Pembury parish ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Respondent's Name and/or Organisation	Douglas Carroll
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

**Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.**

Policies relevant to submission:-

STR's 1, 9,10.

EN Nos. 12, 19'

Housing Policies impacted:-

H1,H2,H3, H6, H8.

Employment Development:-

ED 1, ED 8.

Inset Map 29.

[TWBC: this representation made against Policy STR1 (PSLP\_801) has been duplicated at PSTR/PE1 (see PSLP\_2329)]

#### Question 4

Do you consider that the Local Plan:

Is legally compliant Yes

Is sound Yes

Complies with the Duty to Cooperate Yes

#### Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

#### Question 5

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

I am entirely happy with the way I have been kept informed about the Local Plan's development and the opportunities provided to me to make my inputs.

#### Question 6

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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**Note .** This is an edited and improved version initially submitted to Tunbridge Wells Borough Council's Planning Department on 12th November, 2019 in response to their 'Call for Sites' programme first announced in 2017.

REF : Land in Pembury village registered as Site No.304.

Land Registry Title No. K50612.

Owner - Douglas Carroll.

**The site was not included in the original approved list on Council's 'Call for Sites' list.**

**The site should be reconsidered in line with the latest version of the Local Plan.**

#### SUSTAINABILITY FOR HOUSING.

All of the Borough Council's requirements for building a sustainable housing development will be met in his area of Pembury. The 'sticking points' mentioned in my previous submission should now no longer exist:-

We already have a 'farmyard' metal gate at the southern end of the plot providing access off the A228. Southern Water, who have their own key, continue use it when servicing the main drains which pass east/west across the land to the hotel area.

A safer access off the A228 should now be considered as the local plan has introduced

- a) the requirement to make improvements to the Woodsgate Corner cross roads and
- b) to improve the A228 itself inviting more dual carriageway.

Therefore an entrance from the A228 to either the southside or to the north of the property adjacent to Marshleyharbour woods would both become very feasible options adhering to all Highway safety rules.

#### **Previous objections:-**

- 1 Land of Outstanding Natural Beauty. The land in question, designated as Plot 304, has also been designated as land of outstanding natural beauty. It used to be a meadow when it was part of the Dower House, garden and woodland. The 13 acre estate belonged to my grandmother, Mrs Irene Bird. I spent my early years there and went to school locally. Every year, the family used to bring in the hay. There also used to be a caravan parked on it. Plot 304 had no formal trees growing on it at all.
- 2 Green Belt. Since the A228 (formerly the B2015) was constructed to run through the property to Paddock Wood and beyond, it has added enormous amounts to the local and national economy over time. With increased employment forecasted and an improved economic and social outlook forecasted, the plan should now disregard the 'Green Belt' designation and seriously reconsider this available land for development. The Strategy of Pembury PSTR/PE1 adds weight to my submission. Providing 24 to 33 new dwellings, it would provide the perfect 'Infil' between Pembury village and the Hotel and the developing hospital beyond that. Different types of housing as per Policy numbers H6 and H8 could also be considered.

#### **The sustainable 'plus points' are:-**

A) A new development designed to meet all planning requirement, properly landscaped and providing adequate parking, loading and turning for all vehicles as will be shown in the plans.

B) There are growing job opportunities in the Pembury area, along the A21 and the A228 adjacent the proposed new development.

C) All three possible objections 1, 2 and 3, previously put forward by the council can now be overcome.

D) All Utility connections from telecommunication to mains drainage are already available in this area and ready for connecting.

E) Land clearance in preparation for building to commence would be a straightforward operation. There are no protected trees as this site once a meadow when part of the Pembury Dower House estate.

F) there are excellent transportation links already in place.

G) There would be no noise, loss of light or pollution hindrances caused to either the local residents in the next door estate to the east nor the hotel to the west.

H) To the south is Woodsgate Corner and a large 24 hour Supermarket store just beyond. All essential public services, Pembury village shops, pubs, amenities and social life are on the doorstep with a Garden Centre and of course Pembury Hospital just minutes away.

I) Due to the size of the proposed estate (24 to 33 dwellings), there would be very little impact on traffic volumes in this area.

### Question 7

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**If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?**

No, I do not wish to participate in examination hearing session(s)

### Question 7a

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

**If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:**

Should I need to be contacted to clarify and aspects of my submission, please contact me on xxx xxx [TWBC: phone number redacted but retained in records].

### Question 8

**If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.**

All included in Question 6.

### Future Notifications

**Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:**

Yes, I wish to be notified of future stages of the Local Plan

# **Local Plan Regulation 19 representations in document order**

**Comments on Section 5: Place  
Shaping Policies: Pembury: Policy  
AL/PE 1: Land rear of High Street and  
west of Chalket Lane**

## Comment

Consultee	Ms Helen Munro [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Pembury Parish Council
Address	Parish Council Offices Lower Green Recreation Ground Pembury, Tunbridge Wells TN2 4DZ
Event Name	Pre-Submission Local Plan
Comment by	Pembury Parish Council (Ms Helen Munro [REDACTED])
Comment ID	PSLP_182
Response Date	11/05/21 16:02
Consultation Point	Policy AL/PE 1 Land rear of High Street and west of Chalket Lane ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Pembury Parish Council
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

**Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.**

Policy PSTR/PE 1 The Strategy for Pembury parish  
Allocation Policy Number A/L PE1

**Question 4a**



If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

#### Question 5

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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**Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.**

[TWBC: this comment is part of Pembury Parish Council's whole representation - see PSLP\_180]

##### 4.1. AL/PE1 Land Rear of Pembury High Street

The main problem here is determining the most appropriate access to Pembury High Street. There had previously been a suggestion that this could be via the narrow driveway to the Village Hall (in combination with no. 51 High Street), we would reiterate that the Parish own that existing driveway and would not consider allowing vehicle access along it to the land behind on safety grounds.) We note that the Site Layout Plan now shows an indicative vehicle access point at 55 High Street, this being the Parish's preferred access point, but it is understandable that the precise location needs to be informed by a traffic assessment.

We are pleased that the site now has additional parking provision of c.30 spaces, but would prefer more to satisfy future demand, to serve the village hall and wider public, with separate pedestrian access to the High Street. We also favourably note that the proposed density of housing has been reduced and that an east-west cycle route is proposed, which we regard as essential.

Nevertheless, we still regret the loss of MGB and development in the AONB and retain significant concerns about the impact onto the existing road network.

#### Question 7

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

**If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?**

For office use only

**If responder hasn't ticked an option on this box, data inputter to tick 'not stated' box.** Not Stated

## Comment

Consultee	Julie Davies [REDACTED]
Email Address	[REDACTED]
Company / Organisation	CPRE Kent
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	CPRE Kent [REDACTED]
Comment ID	PSLP_578
Response Date	28/05/21 12:13
Consultation Point	Policy AL/PE 1 Land rear of High Street and west of Chalket Lane ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.1
Question 1	
Respondent's Name and/or Organisation	CPRE Kent
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
AL/PE1	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Yes
Is sound	No

Complies with the Duty to Cooperate

Don't know

#### Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not justified
- . It is not consistent with national policy

#### Question 5

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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**Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.**

Please see our response to PSTR/PE1 and the responses to Strategic policies listed there.

CPRE is opposed to building in the AONB or the green belt unless exceptional circumstances have been demonstrated, which we do not believe to be the case here. The NPPF requires all other reasonable options for meeting the identified need for development to have been examined, and density of development to be optimised.

If it is proved, which we question, that the number of dwellings allocated to Pembury is necessary and cannot be accommodated without using AONB and green belt land, then it is essential that any development on such land is used at a highly efficient density, in order to minimise the need to build over other AONB and green belt countryside. This allocation appears to have a density of approximately 16 dph of developable land, which is an inefficient use of land and is far below the densities the Government's draft design code suggests for housing close to a settlement's centre.

Points 3, 4 and 5 are far too tentatively worded ("explore and where feasible provide for", "consider opportunities for", "if feasible") and hence are unlikely to produce the improvements to public access that are necessary to compensate for the site's removal from the Green Belt and to make the new housing sustainable in terms of active travel.

Point 7 is also too vaguely worded. If the allocation is expected to provide a children's playspace, the policy should say so clearly.

#### Question 6

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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**Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan 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.**

Either delete the allocation or substantially increase the housing density.

Point 3, delete "explore and where feasible".

Point 4, delete “should consider opportunities for” and insert “will be required to provide”. After “Hawkenbury”, delete “. If feasible development shall contribute to the provision of this cycle route” and insert “.”.

Point 5, delete “consider opportunities for the upgrading of” and insert “upgrade”.

## Question 7

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**If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?** . Yes, I wish to participate in hearing session(s)

## Question 7a

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

**If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:**

To test soundness and discuss necessary modifications

## Question 8

**If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.**

Education is scored positively for this policy and for all allocation sites (except for the allocation for elderly housing). This is incomprehensible, given the statement in the SA that “The score for the education objective is a combination of the adverse effects that come from the cumulative pressures that the new dwellings could place on the existing school which does not have room for expansion”.

Land use should be given lower scores than in the SA because not only are greenfield sites being built over but also the relatively low housing densities fail to make efficient use of land; thus they lead to a failure to protect soils on other greenfield sites.

We agree with the Council that the sites that it does not propose to allocate are either unsuitable for development or unlikely to provide sufficient dwellings to qualify for allocation.

## Future Notifications

**Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:** Yes, I wish to be notified of future stages of the Local Plan

## Comment

Consultee	Claire Knoops [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Pembury Village Hall Management Committee
Address	Pembury Village Hall 49 High Street Pembury TN2 4PH
Event Name	Pre-Submission Local Plan
Comment by	Pembury Village Hall Management Committee [REDACTED]
Comment ID	PSLP_834
Response Date	28/05/21 20:01
Consultation Point	Policy AL/PE 1 Land rear of High Street and west of Chalket Lane ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.8
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Claire Knoops, Pembury Village Hall Management Committee
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

**Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.**

Policy AL/PE 1 Land rear of High Street and west of Chalket Lane

Paragraph Number 5.665

Policies Map (Inset Map No(s)) Map 64

#### Question 4

Do you consider that the Local Plan:

Is legally compliant	Yes
Is sound	No
Complies with the Duty to Cooperate	Yes

#### Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because: . It is not justified

#### Question 5

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**Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.**

The Pembury Village Hall Management Committee considers that the 2nd requirement for this policy re additional parking 'to serve the adjacent village hall and the wider public' is not justified. This new proposal for a facility to include public car parking was not mentioned in the Draft Local Plan. PVHMC considers it is not an appropriate strategy because:

- (a) the site is too far from the centre of the village to meet the wider demand for public parking,
- (b) the public parking spaces would be used by residents of the new houses instead,
- (c) it would be impractical to manage the village hall car park extension on this basis,
- (d) it would be difficult for the many different village hall users to find their way to a vehicular car park access via the development site,
- (e) the proposed arrangement is not in the interests of village hall users,
- (f) the inclusion of a few public parking spaces on this site would not provide enough benefit to form a significant part of the required exceptional circumstances for construction of 50-60 dwellings on the Green Belt.

If the facility was exclusively an overspill car park for village hall users only this could be achieved far better with a one way system, IN from the existing village hall car park and OUT via the development access road. It would still be of some wider benefit for the village as it would help reduce the amount of on-street parking in the High Street when the hall is busy.

Creating a pedestrian link for the wider public is an unnecessary complication with very little benefit in terms of walking distance compared to using the development access road. There is enough room for hall users to drive carefully and safely past pedestrians walking back up to the entrance to the hall.

#### Question 6

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

*After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.*

**Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan 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.**

Suggested revised wording of AL/PE1, section 2:

There shall be additional overspill parking provision of approximately 30 spaces within the design of the scheme, to serve the adjacent village hall, the area for which is shown indicatively on the site layout plan. This land shall be transferred to the Trustees of Pembury Village Hall upon completion. Vehicular access to this shall be IN from the existing village hall car park and OUT via the development site itself, thereby enabling children and other hall users to be dropped off safely at the entrance to the hall rather than in the High Street.

#### **Question 7**

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

**If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?**      Yes, I wish to participate in hearing session(s)

#### **Question 7a**

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

**If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:**

The revisions of the Draft Local Plan Policy AL/PE1 contained in the Pre-submission Local Plan would have a material adverse impact on the management of Pembury Village Hall.

The development should only include an overspill car park for the village hall, whose Trustees do not accept that public parking spaces on this site would provide enough benefit to justify the exceptional circumstances for construction of 50-60 dwellings on the Green Belt.

#### **Future Notifications**

**Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:**      Yes, I wish to be notified of future stages of the Local Plan

## Comment

Consultee	James Whitehorn [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Pembury [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	James Whitehorn [REDACTED]
Comment ID	PSLP_1119
Response Date	03/06/21 13:35
Consultation Point	Policy AL/PE 1 Land rear of High Street and west of Chalket Lane ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	James Whitehorn
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

**Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.**

Policy AL/PE 1 Land rear of High Street and west of Chalket Lane

Paragraph No(s) 5.659 & 5.664

Policies Map (Inset Map No(s)) 64

*[TWBC: this representation has been input against Policies PSTR/PE 1 and AL/PE 1 - please see Comment Numbers PSLP\_1116 and PSLP\_1119]*

**Question 4**



**Do you consider that the Local Plan:**

<b>Is legally compliant</b>	Yes
<b>Is sound</b>	No
<b>Complies with the Duty to Cooperate</b>	Yes

#### **Question 4a**

**If you consider that the Local Plan is not sound, please answer this question.**

**Do you consider that the Local Plan is not sound because:** . It is not justified

#### **Question 5**

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

**Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.**

**PSTR/PE1 & 5.659** – I do not accept that this is an appropriate strategy as there is no proven need for 389-417 new dwellings in the village of Pembury. These proposals should not outweigh the merits of preserving the Green Belt and AONB, especially on site AL/PE1 which is partly inside and more generally abutting the Conservation Area. The fact that the Chestnut Walk development was allowed on appeal should not afford an excuse to compound the problem with further development in this area. However in the event that this principle is not admitted I would make the following observations about site AL/PE1:

**5.664** - The 2nd requirement for this policy re additional parking 'to serve the adjacent village hall and the wider public' is not justified. This new proposal for a facility to include public car parking was not mentioned in the Draft Local Plan. It is not an appropriate strategy for the following reasons:

1] The inclusion of a few public parking spaces on the site would not provide enough benefit to form a significant part of the required exceptional circumstances for construction of 50-60 houses on the Green Belt. 2] The site is in any case too far from the centre of Pembury to assist with the wider demand for public parking in the village. 3] It would be very difficult for the many different village hall users to find their way to a vehicular car park entrance via the development site.

If the car park was exclusively an overspill car park for village hall users this could be achieved far better with a one way system, IN from the existing village hall car park and OUT via the development access road. This would still achieve some wider benefit for the village as it would reduce the amount of on-street parking in the High Street when the village hall is busy.

If the car park was exclusively for village hall users it would be safe enough for them to share the relatively narrow vehicular entrance with pedestrians going to and from the entrance to the hall. Creating a pedestrian link for the wider public is an unnecessary complication with little benefit in terms of walking distance compared to using the proposed development access road.

In addition to the 40m deep landscape buffer adjacent to the A21, the scheme should incorporate a landscape buffer of approximately 10m deep between the existing Conservation Area boundary and the new housing. This would help mitigate the impact of the development on the existing properties within the Conservation Area.

#### **Question 6**

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

**Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan 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.**

**Suggested revised wording of AL/PE1:**

**2]** There shall be additional overspill parking provision of approximately 30 spaces within the design of the scheme, to serve the adjacent village hall, the area for which is shown indicatively on the site layout plan. Vehicular access to this shall be IN from the existing village hall car park and OUT via the development site itself.

**6]** The layout of the scheme shall include a landscape buffer of approximately 40m deep adjacent to the A21 (in addition to the existing vegetation along the A21) and a landscape buffer of approximately 10m deep between the existing East/West Conservation Area boundary and the new housing, as shown indicatively on the site layout plan.

**Question 7**

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

**If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?**

No, I do not wish to participate in examination hearing session(s)

**Future Notifications**

**Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:**

Yes, I wish to be notified of future stages of the Local Plan

## Comment

Consultee	Ms Claire Tester [REDACTED]
Email Address	[REDACTED]
Company / Organisation	High Weald AONB Unit
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	High Weald AONB Unit [REDACTED]
Comment ID	PSLP_1441
Response Date	04/06/21 13:10
Consultation Point	Policy AL/PE 1 Land rear of High Street and west of Chalket Lane ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.7
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	High Weald AONB Unit
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

**Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.**

Policy AL/PE 1 Land rear of High Street and west of Chalket Lane

*[TWBC: this representation has been input against Policies STR 1, AL/HA 4, AL/PE 1, AL/PE 2 and AL/PE 3 – see Comment Numbers PSLP\_1434, PSLP\_1440, PSLP\_1441, PSLP\_1442 and PSLP\_1443]*

**Question 4**

**Do you consider that the Local Plan:**

Is sound

No

#### Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

.	It is not justified
.	It is not consistent with national policy

#### Question 5

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

**Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.**

Please see representation on STR1.

[TWBC: as follows]

#### **HWAONB Unit Representation on STR1 – The Development Strategy**

##### **1.0 General Comments**

1.1 The High Weald AONB Unit acknowledges that Tunbridge Wells Borough Council has sought to address the Unit's previous representations in its preparation of the Regulation 19 Local Plan. In particular we welcome the following:

- The assessment of whether potential allocation sites in the AONB constitute major development, and whether they meet the NPPF 172 tests;
- The reduction in the number of major development sites in the AONB and the reduction in the scale of some of the sites retained; and
- The amendments to a number of development management policies in response to the Unit's comments at Regulation 18 stage.

1.2 However, the Unit remains concerned about the overall level of development being proposed within the AONB and the impact of the retained major development sites. Whilst it appreciates the additional evidence the Borough Council has produced to justify these sites (such as the Landscape and Visual Impact Assessment, the AONB Setting Analysis Report and the Grassland Survey) it has significant issues with the assumptions and outcomes of these studies. The following statement sets out why the Unit believes that this approach is not justified and is contrary to national policy and guidance. It also explains why it believes that the proposed development strategy of the Local Plan would have a severe detrimental impact on the purposes for which the AONB was designated.

##### **2.0 The High Weald AONB**

2.1 The High Weald was designated in 1983 as an Area of Outstanding Natural Beauty. It is an exceptionally beautiful medieval landscape covering 564 square miles across the counties of East and West Sussex, Kent and Surrey.

2.2 The High Weald AONB Joint Advisory Committee was established in 1989 and is a partnership of 15 local authorities, Defra, Natural England and organisations representing farming, woodland, access and community interests. The JAC is responsible for publishing and monitoring the statutory AONB Management Plan. The JAC is supported by a small, dedicated staff team, the High Weald AONB Unit, which provides advice on how to conserve and enhance the AONB. The advice provided by the AONB Unit assists public bodies and statutory undertakers to meet their duty as set out in Section 85 of the Countryside and Rights of Way Act 2000 to have regard to the purpose of conserving and enhancing the natural beauty of AONBs in making decisions that affect it.

2.3 The High Weald AONB Unit is an advisory body not a local planning authority and it has no statutory powers. The AONB Unit is not a statutory consultee on planning matters, but offers advice based on the statutory High Weald AONB Management Plan, which has been adopted by all partner authorities, as 'their policy for the management of the area and for the carrying out of their functions in relation to it'.

### 3.0 National Policy and Guidance in Relation to AONBs

3.1 The National Planning Policy Framework (NPPF) paragraph 172 requires great weight to be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas. The scale and extent of development within these designated areas should be limited.

3.2 In the event that the decision-maker concludes that development is 'major' in terms of its impact on the AONB, paragraph 172 of the NPPF states that "Planning permission should be refused for major development<sup>55</sup> other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy; b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated".

3.3 Footnote 55 says: "For the purposes of paragraphs 172 and 173, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined".

3.4 NPPF paragraph 11 explains the presumption in favour of sustainable development. It says that local planning authorities should provide for objectively assessed needs for housing and other uses, as well as any unmet needs from neighbouring areas, unless **"the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area"**. The assets referred to are listed in footnote 6 and include Areas of Outstanding Natural Beauty. The most relevant policy in the Framework for AONBs is paragraph 172 as above.

3.5 Planning Practice Guidance, revised July 2019, states "The National Planning Policy Framework makes clear that the scale and extent of development in these areas should be limited, in view of the importance of conserving and enhancing their landscapes and scenic beauty. Its policies for protecting these areas may mean that it is not possible to meet objectively assessed needs for development in full through the plan-making process, and they are unlikely to be suitable areas for accommodating unmet needs from adjoining (non-designated) areas. Effective joint working between planning authorities covering designated and adjoining areas, through the preparation and maintenance of statements of common ground, is particularly important in helping to identify how housing and other needs can best be accommodated..." Paragraph: 041 Reference ID: 8-041-20190721.

3.6 On 16 December 2020 the government announced how it would be responding to widespread concern about its proposals to amend the standard method for calculating housing need. This response confirmed that the Government would not be progressing these changes, but rather would be retaining the existing standard method for most local planning authorities and boosting supply by increasing the housing numbers of the 20 largest cities in England by 35%. The Government's response included the following statements:

"we heard suggestions in the consultation that in some places the numbers produced by the standard method pose a risk to protected landscapes and Green Belt. **We should be clear that meeting housing need is never a reason to cause unacceptable harm to such places.** But harm or homes is not a binary choice. We can plan for well designed, beautiful homes, with access to the right infrastructure in the places where people need and want to live while also protecting the environment and green spaces communities most value".

"Many respondents to the consultation were concerned that the 'targets' provided by the standard method were not appropriate for individual local authority areas. **Within the current planning system**

**the standard method does not present a ‘target’ in plan-making, but instead provides a starting point for determining the level of need for the area, and it is only after consideration of this, alongside what constraints areas face, such as the Green Belt, and the land that is actually available for development, that the decision on how many homes should be planned for is made. It does not override other planning policies, including the protections set out in Paragraph 11b of the NPPF** or our strong protections for the Green Belt. It is for local authorities to determine precisely how many homes to plan for and where those homes most appropriately located. In doing this they should take into account their local circumstances and constraints. In order to make this policy position as clear as possible, we will explore how we can make changes through future revisions to the National Planning Policy Framework, including whether a renaming of the policy could provide additional clarity”. 3.7 The above statements do not change existing policy, but reaffirm the existing situation in the NPPF that the housing need numbers produced by the standard method are just a starting point and not a target. 70% of Tunbridge Wells borough is within the High Weald AONB, and yet, the Regulation 19 Local Plan is predicated on the Borough Council meeting its full housing need figure of 678 dwellings per year, or some 12,200 over the plan period of 2020 to 2038. This has severe repercussions for the AONB and prevents the Local Plan from conserving and enhancing its natural beauty.

## 5.0 Major Development in the High Weald AONB

### The Major Development Sites

5.1 Appendix 2 and 3 of the Development Strategy Topic Paper provides the justification for why some of the proposed allocation sites have been considered ‘major development’ in the terms of paragraph 172 of the NPPF and some are not. This assessment has been carried out in a transparent way, and the NPPF makes it clear that whether a development is major or not is a matter for the decision-maker.

5.2 The sites identified as major are as follows:

AL/RTW16 Land at Spratsbrook Farm	120 dwellings	(As the developable part of the site is outside the AONB it is considered that this should be treated as a site in the setting of the AONB rather than major development within it)
AL/RTW17 Longfield Road, Tunbridge Wells	80,000sqm	employment
AL/CRS1&2 Brick Kiln Farm & Corn Valley	215-225 dwellings	AL/CRS3 Turnden, Cranbrook
200-204 dwellings	AL/HA1 The White House, Hawkhurst	43
apartments	AL/HA4 Copthall Avenue, Hawkhurst	70-79 dwellings
AL/HA4 Copthall Avenue, Hawkhurst	70-79 dwellings	AL/BM1 Maidstone Road, Brenchley
45 dwellings	AL/PE1,2&3 Pembury	210-220 dwellings
<b>903-936 dwellings</b>		

5.3 Some of the above sites already have status in the planning system as follows:

- AL/CRS1&2 Brick Kiln Farm & Corn Valley: These sites were allocated in the 2016 DPD and 180 dwellings at Brick Kiln Farm has outline planning permission;
- AL/CRS3 Turnden, Cranbrook: 36 dwellings already granted full planning permission on the farmstead part of the site;
- AL/HA1 The White House, Hawkhurst: planning permission already granted for 43 retirement apartments;
- AL/BM1 Maidstone Road, Brenchley: outline and reserved matters permission already granted for 45 dwellings.

5.4 The dwellings proposed on major development sites in the AONB with no current planning status are:

- AL/CRS3 Turnden, Cranbrook 164-168 dwellings
- AL/HA4 Copthall Avenue, Hawkhurst 70-79 dwellings
- AL/PE1,2&3 Pembury 210-220 dwellings
- **Total 444-467 dwellings**

5.5 It should be noted that option GS2 in the Sustainability Appraisal assumes that reducing development below the housing need to one that does not involve any major development in the High Weald AONB would result in the scale of housing being reduced by between 1,600 - 2000 dwellings (17% of housing need for 11,526). It is not clear where this number comes from. It is the Unit's understanding that sites already allocated in an adopted Plan or granted outline or full planning permission would go ahead even if all major development sites in the AONB were removed from this Local Plan. Therefore the reduction in housing numbers would be 444-467 dwellings, or about 4% of 11,526.

### The Major Development Tests

5.6 As quoted in paragraph 3.2 above, NPPF 172 says that “Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest” and provides a number of tests for the consideration of

such applications. Whilst the wording of this paragraph does not refer to allocations at the plan-making stage, if these tests are not applied at this stage there is a significant risk that allocations will not be deliverable, which would conflict with the test of soundness on effectiveness.

5.7 The Unit believes that the proposed major development allocations fail the NPPF 172 tests for the following reasons:

- **The need for the development:** the Borough Council argues that the high housing need for the area necessitates major development in the AONB. However, this argument is circular. If the conservation and enhancement of the AONB was given great weight as required by NPPF 172 then the housing requirement figure for the Borough would be adjusted downwards to reflect the fact that 70% of the area is AONB, and there would be no 'necessity' to locate large amounts of development within the AONB.

- **Developing outside the designated area, or meeting the need for it in some other way:** Even if it is necessary to allocate some development within the AONB that does not mean that such provision should be in the form of major development sites. As explained below, the High Weald landscape is small scale in character and can accommodate small scale development successfully without damaging its natural beauty.

- **Any detrimental effect on the environment:** this is explored in more detail below.

### **The Impact of Major Development on the AONB**

5.8 National policy and legislation requires decision-makers to have regard and give great weight to conserving and enhancing the natural beauty of AONBs. In the High Weald this natural beauty is defined in the AONB Management Plan's Statement of Significance, which identifies five defining components of character that have made the High Weald a recognisably distinct and homogenous area for at least the last 700 years.

1. Geology, landform and water systems – a deeply incised, ridged and faulted landform of clays and sandstone with numerous gill streams. 2. Settlement – dispersed historic settlement including high densities of isolated farmsteads and late Medieval villages founded on trade and non-agricultural rural industries. 3. Routeways – a dense network of historic routeways (now roads, tracks and paths). 4. Woodland – abundance of ancient woodland, highly interconnected and in smallholdings. 5. Field and Heath – small, irregular and productive fields, bounded by hedgerows and woods, and typically used for livestock grazing; with distinctive zones of lowland heaths, and inned river valleys.

Other equally important characteristics are also identified in the Management Plan under sections on the land-based economy and related rural life and 'other qualities'.

5.9 The objectives for the settlement component are:

- Objective S1: To reconnect settlements, residents and their supporting economic activity with the surrounding countryside;
- Objective S2: To protect the historic pattern and character of settlement;
- and • Objective S3: To enhance the architectural quality of the High Weald and ensure development reflects the character of the High Weald in its scale, layout and design.

5.10 One of the actions for objective S2 is to "Seek to prioritise the delivery of new housing primarily through small-scale development and a mix of housing sizes that responds to local needs". Small scale carefully designed development can be accommodated successfully in this landscape whilst retaining its character, but large-scale developments are much more challenging to integrate successfully without detrimental effects. It is the view of the High Weald AONB Unit that major development cannot be accommodated within the AONB without damaging the essentially human scale character of the area or the purposes of the designation.

5.11 The 5 core components derive from the natural geology, topography and soils of the area and how people have used them over the centuries. Unlike the historically communally farmed landscapes of the Midlands which the national planning system is based on, the High Weald does not have nucleated towns and villages that are separated by open unoccupied countryside where any development would be 'isolated'. Instead it is based on a high density of medieval farmsteads most of which were farmed 'in severalty' – that is by individual families rather than as part of wider estates or communal systems. They were dispersed across the High Weald, surrounded by enough land to support a family and managed as mixed farms to suit the soil conditions and topography and to maximise self-sufficiency. Trees and hedges were an important component of the farming systems and fields were often carved out of woodland by hand (assarts) resulting in their characteristic small and irregular

shape. The challenging topography and soil conditions, which are suited to growing trees and grass rather than crops, mean that the High Weald has retained its Medieval character, with its small fields and woodland shaws, and its high density of historic routeways.

5.12 This history is important because it explains the human scale of the landscape components which comprise the natural beauty of the High Weald and the importance of the dispersed settlement pattern created by the farmsteads. Hamlets, villages and small towns evolved in the late Medieval period and onwards at the intersection of routeways and around commons to facilitate trading between farmsteads and the creation of small industries and crafts. Whilst these settlements are more consolidated, many have farmsteads on their outskirts and it is particularly important to maintain the separation between these two different settlement types so that the historic landscape remains legible for future generations. Continually adding to the larger villages and towns threatens this historic character, especially when it subsumes these adjacent farmsteads. Large-scale developments sit uncomfortably in this landscape because they overlap historic field systems and dominate the small scale historic settlement pattern. Whilst retaining field boundaries and historic features within new developments is important, it cannot overcome the basic incompatibility of locating large scale development within such a small scale landscape. It therefore inevitably fails to conserve and enhance the natural beauty of the AONB.

### **Landscape and Visual Impact Assessment**

5.13 Following the Regulation 18 consultation the Borough Council commissioned Hankinson Duckett Associates to undertake a Landscape and Visual Impact Assessment of 21 potential allocation sites in the AONB. The AONB Unit was consulted on the brief to these consultants but not on the outcome of the work.

5.14 Appendix B to this submission identifies the detailed concerns with this work. Whilst it has a particular focus on the proposed site at Turnden, the concerns about the overall approach apply to all of the major development sites proposed in the AONB in the Regulation 19 Plan. These can be broadly summarised as follows:

- The Assessment consistently downgrades impact on the AONB;
- The imprecise method encourages operator bias and its opaque nature discourages scrutiny;
- The site assessments are inconsistent, partial, unsubstantiated and peppered with loaded phrases;
- There is a visual bias across the assessments with the impact on landscape as a resource being significantly underplayed;
- The cumulative effects of development under each site assessment section do not deal in specifics and when they do they focus almost entirely on visual effects – separation, viewpoints and planting – rather than landscape effects such as the loss of soils; field systems and their potential for biodiversity or food production; rurality, dark skies, tranquillity or other perceptual qualities.

5.15 For the reasons detailed above and in Appendix B it is considered that this LVIA should not be relied upon and it should be accepted that major development within the AONB will have a severe detrimental impact on the natural beauty of the High Weald.

## **6.0 Development in the Setting of the AONB**

6.1 Even if Growth Strategy 2 was followed and the uncommitted major development sites in the AONB removed from the Local Plan, the remaining growth proposed would still have a significant impact on the designated area. This is because only 30% of the Borough is outside of the AONB so attempting to meet all or nearly all of the housing need figure puts tremendous pressure on this area, including where it abuts or is close to the AONB boundary. Developments outside but affecting the AONB include:

- Paddock Wood / land east of Capel Parish 3,490-3,590 dwellings
- Tudeley Garden Village 2,800 dwellings
- Horsmonden 240-320 dwellings
- Spratsbrook Farm, Tunbridge Wells 120 dwellings
- Benenden Hospital 47-50 dwellings

6.2 The Borough Council commissioned Hankinson Duckett Associates to produce an 'AONB Setting Analysis Report'. Whilst the work that has gone into this study is appreciated, the Unit was not consulted on its methodology or outcomes. The study focuses primarily on the inter-visibility of developments and direct impacts and does not address the wider impacts of accommodating this level of growth so close to the boundary of the AONB. These impacts include:

- Increased visitor numbers to the AONB placing pressure on its recreational facilities and infrastructure;
- Increased traffic travelling through the AONB to access the new developments and the highway 'improvements' required to accommodate this;
- Loss of tranquillity arising from the above;
- Increase



in air pollution arising from the above; • Light pollution from developments on the edge of the AONB and from highway improvements which require to be lit.

6.3 The above impacts would be reduced if the overall housing number was reduced to reflect the 70% of the Borough which lies within the AONB rather than trying to meet the full housing need by squeezing as much as possible into the remaining area. This statement focuses on the impact of this strategy on the AONB because that is the Unit's remit. However, this does not mean we are blind to the devastating impact of the planned level of growth on the area outside of the AONB, much of which is Green Belt and/or Low Weald countryside which is highly valued by its residents.

## 7.0 Conclusion

7.1 The High Weald AONB Unit believes that the overall level of development proposed and the major development sites allocated in the AONB are not justified and are contrary to national policy and guidance. The proposed development strategy of the Local Plan would have a severe detrimental impact on the purposes for which the AONB was designated and would fail to conserve and enhance this national asset. It is therefore recommended that there is a reduction in the overall housing figure and that all the major development sites in the AONB be deleted from the Local Plan.

## Question 7

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

**If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?** . Yes, I wish to participate in hearing session(s)

## Question 7a

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

**If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:**

To advise the Inspector on matters relating to the High Weald AONB. The Partnership is the body with responsibility for advising those with a duty to have regard to conserving and enhancing the AONB under Section 85 of the Countryside and Rights of Way Act.

## Question 8

**If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.**

Please see representation on STR1 [TWBC: As follows]

4.0 The Sustainability Appraisal

4.1 The Sustainability Appraisal is the main tool by which the Borough Council assesses the options for the level of growth and its distribution, and selects its development strategy. NPPF paragraph 32 says that "Local plans and spatial development strategies should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements" and paragraph 35 says that Plans are 'sound' if they meet the tests, including "Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence".

4.2 The Sustainability Appraisal for the Regulation 19 Local Plan assesses a number of growth options against sustainability objectives. Appendix A to this statement shows the scores and commentary for two of these options:

- GS13 - The strategy reflected in the Regulation 19 Local Plan; and
- GS2 - A strategy which reduces development below the housing need to one that does not involve any major development in the High Weald AONB.

This exercise has been carried out to understand the reasoning behind the selection of the Local Plan strategy compared to the option that most closely aligns to the AONB Unit's position, albeit it doesn't address its concerns about the impact of overall levels of growth on the setting of the AONB.

4.3 Appendix 1 demonstrates the following:

- That the economic objectives are double-counted in the assessment by the application of two objectives on business growth and employment and no account is taken of the benefit the AONB brings to the tourism industry;
- That the perceived impact of strategies on areas of deprivation is double-counted in the assessment by the application of two objectives on health and deprivation and no account is taken of the need for such areas to have good access to the countryside which would be lost to major development under GS13;
- That the assessment of the impact of option GS2 on climate change is clearly incorrect and conflicts with the commentary. This option will be much more positive for the climate change objective than GS13, not just because of reductions in transport and carbon emissions from new dwellings but due to the carbon sequestration function of soils and natural habitats;
- The heritage score for GS2 should be positive to reflect the heritage value of the landscape itself (medieval field systems etc) which would be impacted less under GS2 than GS13. Heritage is not just about listed buildings and conservation areas;
- Whilst it is agreed that GS2 would have a less positive impact on housing than GS13, the suggestion that building more dwellings in the AONB would reduce house prices is unsubstantiated and goes against known evidence. To meet housing needs in the AONB requires more genuinely affordable housing not more £300k+ houses. It is also noted in paragraph 5.5 below that the reduction in housing numbers for this option appears to have been over-estimated, which would affect the relative scores for this objective;
- Landuse - this objective is supposed to be about protecting soils, and reusing previously developed land and buildings. Instead the scoring seems to focus on impacts on the greenbelt. Since most of the major development sites in the AONB are on greenfield land GS2 should score much more positively than GS13;
- The landscape score for GS2 should be much more positive because it significantly reduces the harm to the AONB, which has the highest planning status in respect of landscape and scenic beauty. This is the only objective which mentions the AONB, and does so alongside all other landscape impacts, diluting its importance in the overall assessment of sustainability whereas the NPPF requires that AONBs be given 'great weight';
- Travel - As the only difference between GS2 and GS13 is the omission of major development sites in the AONB, which as the commentary says will be in areas where alternative transport modes are not popular or viable, the score for GS2 should be more positive for the travel objective than GS13 rather than the opposite as shown.
- Water - If the score is not significantly affected by reduction in growth in the AONB as per the commentary then it should be the same for GS2 and GS13.

4.4 If the above inaccuracies and inconsistencies in the scoring were corrected then GS2 would score more positively overall than the strategy selected for the Regulation 19 Local Plan.

## Future Notifications

**Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:**

Yes, I wish to be notified of future stages of the Local Plan
---

# Supporting Information File Ref No: SI\_76

## Comment

Consultee	[REDACTED]
Email Address	[REDACTED]
Company / Organisation	Natural England
Address	International House Dover Place ASHFORD TN23 1HU
Event Name	Pre-Submission Local Plan
Comment by	Natural England [REDACTED]
Comment ID	PSLP_1465
Response Date	04/06/21 13:41
Consultation Point	Policy AL/PE 1 Land rear of High Street and west of Chalket Lane ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.5
Files	<a href="#">PSLP_1444_Natural England_SI.pdf</a>
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Natural England
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

**Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.**

Policy AL/PE 1 Land rear of High Street and west of Chalket Lane

*[TWBC - Full representation attached as Supplementary Information]*

*[TWBC: This representation has been input against Policies PSTR1, AL/RTW17, AL/CRS 1, AL/CRS 2, AL/CRS 3, AL/HA 4, AL/BM 1, AL/PE 1, AL/PE 2, AL/PE 3, AL/RTW 16, STR/SS1, STR/SS3, EN11,*

Section 3, STR 8, Section 5, EN1, EN9, EN10, EN12, EN13, EN14 AND EN19 – see Comment Numbers PSLP\_1444, PSLP\_1459, PSLP\_1460, PSLP\_1462, PSLP\_1489, PSLP\_1463, PSLP\_1464, PSLP\_1465, PSLP\_1466, PSLP\_1467, PSLP\_1468, PSLP\_1469, PSLP\_1470, PSLP\_1472, PSLP\_1478, PSLP\_1480, PSLP\_1481, PSLP\_1482, PSLP\_1483, PSLP\_1484, PSLP\_1485, PSLP\_1486, PSLP\_1487, PSLP\_1488]

#### Question 4

Do you consider that the Local Plan:

Is legally compliant	Yes
Is sound	No
Complies with the Duty to Cooperate	Yes

#### Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	<input type="checkbox"/> It is not justified
	<input type="checkbox"/> It is not consistent with national policy

#### Question 5

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

#### Appendix 2: Major development allocations within the High Weald AONB

Our core reason for considering the local plan as unsound is due to the proposed allocations within the AONB that have been defined by TWBC as major development. These include some sites that have been granted planning permission without the support of an allocation in the adopted local plan and we continue to object to the draft allocations for major development.

Natural England objects to the inclusion of these major development allocations sites within the AONB because we consider that these policies fail the test of soundness (see our Soundness comments above). We therefore recommend that alternative approaches are taken that avoid impacts on the designated landscape. Our specific comments regarding these allocations are outlined as follows:

**AL/PE1 - Land rear of High Street and west of Chalket Lane;**

**AL/PE2 - Land at Hubbles Farm and south of Hastings Road;**

**AL/PE3 - Land north of the A21, south and west of Hastings Road**

Whilst these three sites, individually, are not identified as major development by TWBC, they are considered to cumulatively represent major development. Natural England therefore objects their inclusion as allocations, but we consider that they may be more acceptable if their size and scale are reduced such that, taken together, they no longer represent major development.

#### Question 6

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

**Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan 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.**

Natural England welcomes the reduction in scale and number of major development site allocations within the AONB since the Regulation 18 stage of the draft local plan, but we do not consider the current draft local plan to be sound and have highlighted our reasons in our full response letter for this regarding the remaining major development allocations within the AONB. We advise that these allocations should not be pursued, and alternative options should continue to be explored. While we have objected to major development proposed within the AONB, we remain committed to the plan-led scrutiny of the proposals to ensure soundness of approach, which enhances the High Weald's highly valuable and special landscape for future generations. We wish to work with TWBC to help ensure the best possible outcomes for the AONB and the environment.

#### Question 7

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

**If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?** . Yes, I wish to participate in hearing session(s)

#### Question 7a

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

**If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:**

Natural England are a statutory consultee for local plan consultations and, under the CROW Act, have powers regarding AONBs. The development strategy and major development allocations within the AONB are the core reason for why we consider the local plan as unsound.

In addition, Natural England objected to a planning proposal (20/00815/FULL) for the Turnden Farm site (AL/CRS 3) in 2020 and requested that the decision by TWBC to approve the development was called in by the Secretary of State. The proposal is now subject to a Public Inquiry which Natural England is engaged in as a Rule 6 party.

#### Question 8

**If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.**

Appendix 3: Sustainability Appraisal

There are several alternative growth strategy options within the Sustainability Appraisal (SA) and the Council has chosen a growth strategy with significant negative landscape impacts. Natural England's

view is that the preferred approach should afford sufficient weight to environmental factors. This is supported by NPPF Paragraph 8 which states that economic, environmental and social objectives need to be pursued in mutually supportive ways to support net gains across each of these objectives. Paragraph 32 also states that (emphasis added):

‘Local plans and spatial development strategies should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements (The reference to relevant legal requirements refers to Strategic Environmental Assessment. Neighbourhood plans may require Strategic Environmental Assessment, but only where there are potentially significant environmental effects.’).

This should demonstrate how the plan has addressed relevant economic, social and environmental objectives (including opportunities for net gains). Significant adverse impacts on these objectives should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where significant adverse impacts are unavoidable, suitable mitigation measures should be proposed (or, where this is not possible, compensatory measures should be considered). However, the SA appears to prioritise social and economic considerations over environmental ones as Section 6.2.19 states:

‘The term ‘preferable’ is used in this sense to mean the option that has the highest scores for the economic and social pillars, and the least negative scores for the environmental pillar’

We also refer to Paragraph 11(b) of the NPPF which states that:

“b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area;”

Given the provisions of paragraph 11 (and consequently paragraph 172), we consider that the weight afforded to protecting nationally designated landscapes has not been sufficiently considered as part of exploring alternative options and the environmental value of the AONB has been underestimated.

It is our view that significant impacts have not been avoided as far as possible and, as outlined in other sections, we advise that major development within the AONB has not been appropriately justified.

Given the above, we are concerned that the underpinning assessment and recommendations of the SA are not giving an appropriate level of consideration for the environmental benefits associated with alternative growth strategies, especially given the great weight that should be afforded to designated landscapes.

Natural England has significant concerns that the SA underestimates the value of avoiding major development within the AONB and the scale of impact of including it. The chosen growth strategy achieves a very positive score (‘+++’) for housing as it assumes it will meet standard housing need and local housing needs across the borough. However, it scores neutral or negative scores for environmental factors, including ‘slightly negative’ (‘-’) for Landscape, despite the scale and size of major developments directly within the AONB and its setting including the large strategic sites at Tudeley and Paddock Wood.

As outlined in other sections of this letter, our view is that we consider that securing effective enhancement and mitigation measures for major development within the AONB is very challenging and therefore scores for environmental/landscape factors are likely to be overstated in the SA conclusions. Similarly, the SA finds that sites such as Turnden (AL/CRS 3) are still allocated despite scoring a very negative score for landscape (Appendix J, Page 321).

Furthermore, for Growth Strategy 2 (no major development within the AONB), climate change is scored as negative (‘-’ in table 14) despite having lower growth in the AONB and Borough compared with Growth Strategy 13 (adopted approach for Pre-Submission Local Plan) which includes higher growth and major development within the AONB but only scores slightly negatively for climate change (‘-’ in table 25). It is our view that Growth Strategy 2 would reduce carbon emissions associated with transport and new dwellings as well as carbon sequestration (which is not mentioned in the SA) when compared with Growth Strategy 13.

Given the scale of development within the AONB and its setting in the chosen growth strategy, we also question the neutral score given for biodiversity. While we support biodiversity net-gain, approaches should be in addition to applying the mitigation hierarchy which should aim to avoid negative impacts on biodiversity in the first instance. As the SA states that nature conservation designations are more common in the AONB, we advise that any benefits for biodiversity (including those which contribute to the neutral score for the chosen growth strategy) are interpreted with some caution.

Finally, point 3.2.8 does not reflect the findings of the HRA and mitigation proposed for Ashdown Forest

SPA (see the HRA section below). We advise this section of the SA is amended to reflect the findings of the HRA.

### **Future Notifications**

**Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:**

Yes, I wish to be notified of future stages of the Local Plan

## Comment

Consultee	Lady Elizabeth Akenhead [REDACTED]
Email Address	[REDACTED]
Company / Organisation	British Horse Society
Address	[REDACTED] [REDACTED] TONBRIDGE [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	British Horse Society [REDACTED] [REDACTED]
Comment ID	PSLP_1535
Response Date	04/06/21 16:32
Consultation Point	Policy AL/PE 1 Land rear of High Street and west of Chalket Lane ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	British Horse Society
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/PE 1 Land rear of High Street and west of Chalket Lane

Question 4

Do you consider that the Local Plan:



Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know

#### Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because: . It is not justified

#### Question 5

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

**Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.**

Requirements 4 and 5 of the policy should not merely be to "consider opportunities for" but to provide for these improved active travel facilities.

(An application has been made for a Definitive Map Modification Order which would have the effect of confirming the historic bridleway status of Chalket Lane WT240 (currently on the definitive map as a footpath which becomes a bridleway at the parish border) but it should not be necessary to await the outcome of this. If an agreement could be reached with the landowners to dedicate it, this would avoid a great deal of trouble. Alternatively, if the landowners are unwilling to dedicate and historic rights are not proved, the Council should be prepared to use its powers under S26 of the Highways Act 1980 to create a bridleway or restricted byway on grounds of need, since this is an important link between Pembury and the new recreation hub at Hawkenbury).

The east-west cycle route proposed in requirement 3 should also be made available for horse riders, by being dedicated as a bridleway or restricted byway. Here too the Council should be prepared to use its powers of bridleway or restricted byway creation.

#### Question 6

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Requirements 4 and 5 of the policy should not merely be to “consider opportunities for” but to provide for these improved active travel facilities, and the policy should make it clear that the Council will if necessary use its power to create a bridleway or restricted byway.

The east-west cycle route proposed in requirement 3 should be a bridleway or restricted byway and the Council should make clear its intention to use its powers of creation if necessary.

#### Question 7

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

**If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?** . Yes, I wish to participate in hearing session(s)

#### Question 7a

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

**If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:**

To discuss means of achieving the active travel which needs to underpin this development

#### Future Notifications

**Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:** Yes, I wish to be notified of future stages of the Local Plan

# **Local Plan Regulation 19 representations in document order**

**Comments on Section 5: Place  
Shaping Policies: Pembury: Policy  
AL/PE 2: Land at Hubbles Farm and  
south of Hastings Road**

## Comment

Consultee	Ms Helen Munro [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Pembury Parish Council
Address	Parish Council Offices Lower Green Recreation Ground Pembury, Tunbridge Wells TN2 4DZ
Event Name	Pre-Submission Local Plan
Comment by	Pembury Parish Council (Ms Helen Munro - [REDACTED])
Comment ID	PSLP_184
Response Date	11/05/21 16:02
Consultation Point	Policy AL/PE 2 Land at Hubbles Farm and south of Hastings Road ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.5
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Pembury Parish Council
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

**Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.**

Policy PSTR/PE 1 The Strategy for Pembury parish  
Allocation Policy Number A/L PE2

**Question 4a**

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

#### Question 5

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

**Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.**

[TWBC: this comment is part of Pembury Parish Council's whole representation - see PSLP\_180]

#### 4.2. AL/PE2 Land at Hubbles Farm

Again, the suggested access point is problematic as it is opposite Belfield Road which is a dangerous junction. The sight lines are not good and egress from the site to the narrow Hastings Road is dangerous.

We strongly support the intention that land is to be safeguarded for an extension of the cemetery. We favourably note the small reduction of the proposed housing density and that, if feasible, an east-west cycle route is proposed.

As before we regret the loss of MGB and development in the AONB and retain significant concerns about the impact onto the existing road network.

#### Question 7

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

**If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?**

For office use only

If responder hasn't ticked an option on this box, Not Stated  
data inputter to tick 'not stated' box.

## Comment

Consultee	Julie Davies [REDACTED]
Email Address	[REDACTED]
Company / Organisation	CPRE Kent
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	CPRE Kent [REDACTED]
Comment ID	PSLP_580
Response Date	28/05/21 12:49
Consultation Point	Policy AL/PE 2 Land at Hubbles Farm and south of Hastings Road ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.1
Question 1	
Respondent's Name and/or Organisation	CPRE Kent
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
AL/PE2	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Yes
Is sound	No

Complies with the Duty to Cooperate

Don't know

#### Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not justified
- . It is not consistent with national policy

#### Question 5

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Please see our response to PSTR/PE1 and the responses to Strategic policies listed there.

CPRE is opposed to building in the AONB or the green belt unless exceptional circumstances have been demonstrated, which we do not believe to be the case here. The NPPF requires all other reasonable options for meeting the identified need for development to have been examined, and density of development to be optimised.

If it is proved, which we question, that the number of dwellings allocated to Pembury is necessary and cannot be accommodated without using AONB and green belt land, then it is essential that any development on such land is used at a highly efficient density, in order to minimise the need to build over other AONB and Green Belt countryside. This allocation appears to have a density of approximately 21 dph of developable land, which is an inefficient use of land and is well below the densities the Government's draft design code suggests for housing relatively close to a settlement's centre.

Points 6, 7 and 8 are far too tentatively worded ("explore and where feasible provide for", "consider opportunities for", "if feasible") and hence are unlikely to produce the improvements to public access that are necessary to compensate for the site's removal from the green belt and to make the new housing sustainable in terms of active travel.

#### Question 6

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

**Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan 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.**

Either delete the allocation or substantially increase the housing density.

Point 6, delete "explore and where feasible".

Point 7, delete “should consider opportunities for” and insert “will be required to contribute to”. After “Hawkenbury”, delete “. If feasible development shall contribute to the provision of this cycle route” and insert “,”

Point 8, delete “consider opportunities for” and insert “contribute to”.

#### Question 7

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

**If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?** . Yes, I wish to participate in hearing session(s)

#### Question 7a

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

**If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:**

To test soundness and discuss necessary modifications.

#### Question 8

**If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.**

Education is scored positively for this policy and for all allocation sites (except for the allocation for elderly housing). This is incomprehensible, given the statement in the SA that “The score for the education objective is a combination of the adverse effects that come from the cumulative pressures that the new dwellings could place on the existing school which does not have room for expansion”.

Land use should be given lower scores than in the SA because not only are greenfield sites being built over but also the relatively low housing densities fail to make efficient use of land; thus they lead to a failure to protect soils on other greenfield sites.

We agree with the Council that the sites that it does not propose to allocate are either unsuitable for development or unlikely to provide sufficient dwellings to qualify for allocation.

#### Future Notifications

**Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:** Yes, I wish to be notified of future stages of the Local Plan



## Comment

Consultee	[REDACTED]
Email Address	[REDACTED]
Company / Organisation	Southern Water Services Plc
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Southern Water Services Plc [REDACTED]
Comment ID	PSLP_1230
Response Date	03/06/21 15:31
Consultation Point	Policy AL/PE 2 Land at Hubbles Farm and south of Hastings Road ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Southern Water
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy AL/PE 2 Land at Hubbles Farm and south of Hastings Road	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Yes

Is sound	Yes
Complies with the Duty to Cooperate	Yes

#### Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

#### Question 5

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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**Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.**

Southern Water is the statutory wastewater undertaker for Pembury. As such, we have undertaken a preliminary assessment of the capacity of our existing infrastructure and its ability to meet the forecast demand for this proposal. Our previous assessment of the site was only valid for 12 months due to our sewer network constantly evolving as new development connects upstream which will affect the available capacity downstream. The assessment reveals that existing local sewerage infrastructure to the site has limited capacity to accommodate the proposed development. Limited capacity is not a constraint to development provided that planning policy and subsequent conditions ensure that occupation of the development is phased to align with the delivery of new wastewater infrastructure.

Proposals for 80 dwellings at this site will generate a need for reinforcement of the wastewater network in order to provide additional capacity to serve the development. This reinforcement will be provided through the New Infrastructure charge to developers, and Southern Water will need to work with site promoters to understand the development program and to review whether the delivery of network reinforcement aligns with the occupation of the development. Connection of new development at this site ahead of new infrastructure delivery could lead to an increased risk of flooding unless the requisite works are implemented in advance of occupation.

Southern Water has limited powers to prevent connections to the sewerage network, even when capacity is limited. Planning policies and conditions, therefore, play an important role in ensuring that development is coordinated with the provision of necessary infrastructure, and does not contribute to pollution of the environment, in line with paragraph 170(e) of the revised National Planning Policy Framework (NPPF) (2019).

#### Question 6

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

**Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan 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.

In consideration of the above, we recommend the following criterion for Policy AL/PE 2

Occupation of development will be phased to align with the delivery of sewerage infrastructure, in liaison with the service provider.

**Question 7**

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

<b>If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?</b>	<input type="checkbox"/> No, I do not wish to participate in examination hearing session(s)
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**Future Notifications**

<b>Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:</b>	<input type="checkbox"/> Yes, I wish to be notified of future stages of the Local Plan
--	--

## Comment

Consultee	Ms Bridget Fox [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Woodland Trust
Address	Kempton Way Grantham NG31 6LL
Event Name	Pre-Submission Local Plan
Comment by	Woodland Trust [REDACTED]
Comment ID	PSLP_1426
Response Date	04/06/21 16:31
Consultation Point	Policy AL/PE 2 Land at Hubbles Farm and south of Hastings Road ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.2
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Woodland Trust
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy AL/PE 2 Land at Hubbles Farm and south of Hastings Road	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Yes

Is sound

Don't know

Complies with the Duty to Cooperate

Don't know

#### Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because: . It is not consistent with national policy

#### Question 5

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

**Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.**

We previously expressed concerns at this site allocation as it was adjacent to an unnamed area of ASNW at TQ62994034.

#### Question 6

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

**Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan 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.**

Where development sites are adjacent to ancient woodland, we recommend that as a precautionary principle, a minimum 50 metre buffer should be maintained between a development and the ancient woodland, including through the construction phase, unless the applicant can demonstrate very clearly how a smaller buffer would suffice. A larger buffer may be required for particularly significant engineering operations, or for after-uses that generate significant disturbance.

Buffer zones can form part of the accessible natural green space required for future residents.

This will improve compliance with national policy by protecting the ancient woodland from loss or fragmentation and from harmful effects of pollution or encroachment on root areas. It will also make a positive contribution to requirements for net gain and nature recovery.

#### Question 7

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

**If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?**

Yes, I wish to participate in hearing session(s)

**Question 7a**

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

**If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:**

The Woodland Trust is the UK's leading woodland conservation charity with specific expertise on the management and protection of ancient woodland.

## Comment

Consultee	Ms Claire Tester [REDACTED]
Email Address	[REDACTED]
Company / Organisation	High Weald AONB Unit
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	High Weald AONB Unit [REDACTED]
Comment ID	PSLP_1442
Response Date	04/06/21 13:10
Consultation Point	Policy AL/PE 2 Land at Hubbles Farm and south of Hastings Road ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.5
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	High Weald AONB Unit
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

**Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.**

Policy AL/PE 2 Land at Hubbles Farm and south of Hastings Road

*[TWBC: this representation has been input against Policies STR 1, AL/HA 4, AL/PE 1, AL/PE 2 and AL/PE 3 – see Comment Numbers PSLP\_1434, PSLP\_1440, PSLP\_1441, PSLP\_1442 and PSLP\_1443]*

**Question 4**

**Do you consider that the Local Plan:**

Is sound

No

#### Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

.	It is not justified
.	It is not consistent with national policy

#### Question 5

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

**Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.**

Please see representation on STR1.

[TWBC: as follows]

#### **HWAONB Unit Representation on STR1 – The Development Strategy**

##### **1.0 General Comments**

1.1 The High Weald AONB Unit acknowledges that Tunbridge Wells Borough Council has sought to address the Unit's previous representations in its preparation of the Regulation 19 Local Plan. In particular we welcome the following:

- The assessment of whether potential allocation sites in the AONB constitute major development, and whether they meet the NPPF 172 tests;
- The reduction in the number of major development sites in the AONB and the reduction in the scale of some of the sites retained; and
- The amendments to a number of development management policies in response to the Unit's comments at Regulation 18 stage.

1.2 However, the Unit remains concerned about the overall level of development being proposed within the AONB and the impact of the retained major development sites. Whilst it appreciates the additional evidence the Borough Council has produced to justify these sites (such as the Landscape and Visual Impact Assessment, the AONB Setting Analysis Report and the Grassland Survey) it has significant issues with the assumptions and outcomes of these studies. The following statement sets out why the Unit believes that this approach is not justified and is contrary to national policy and guidance. It also explains why it believes that the proposed development strategy of the Local Plan would have a severe detrimental impact on the purposes for which the AONB was designated.

##### **2.0 The High Weald AONB**

2.1 The High Weald was designated in 1983 as an Area of Outstanding Natural Beauty. It is an exceptionally beautiful medieval landscape covering 564 square miles across the counties of East and West Sussex, Kent and Surrey.

2.2 The High Weald AONB Joint Advisory Committee was established in 1989 and is a partnership of 15 local authorities, Defra, Natural England and organisations representing farming, woodland, access and community interests. The JAC is responsible for publishing and monitoring the statutory AONB Management Plan. The JAC is supported by a small, dedicated staff team, the High Weald AONB Unit, which provides advice on how to conserve and enhance the AONB. The advice provided by the AONB Unit assists public bodies and statutory undertakers to meet their duty as set out in Section 85 of the Countryside and Rights of Way Act 2000 to have regard to the purpose of conserving and enhancing the natural beauty of AONBs in making decisions that affect it.



2.3 The High Weald AONB Unit is an advisory body not a local planning authority and it has no statutory powers. The AONB Unit is not a statutory consultee on planning matters, but offers advice based on the statutory High Weald AONB Management Plan, which has been adopted by all partner authorities, as 'their policy for the management of the area and for the carrying out of their functions in relation to it'.

### 3.0 National Policy and Guidance in Relation to AONBs

3.1 The National Planning Policy Framework (NPPF) paragraph 172 requires great weight to be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas. The scale and extent of development within these designated areas should be limited.

3.2 In the event that the decision-maker concludes that development is 'major' in terms of its impact on the AONB, paragraph 172 of the NPPF states that "Planning permission should be refused for major development<sup>55</sup> other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy; b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated".

3.3 Footnote 55 says: "For the purposes of paragraphs 172 and 173, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined".

3.4 NPPF paragraph 11 explains the presumption in favour of sustainable development. It says that local planning authorities should provide for objectively assessed needs for housing and other uses, as well as any unmet needs from neighbouring areas, unless **"the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area"**. The assets referred to are listed in footnote 6 and include Areas of Outstanding Natural Beauty. The most relevant policy in the Framework for AONBs is paragraph 172 as above.

3.5 Planning Practice Guidance, revised July 2019, states "The National Planning Policy Framework makes clear that the scale and extent of development in these areas should be limited, in view of the importance of conserving and enhancing their landscapes and scenic beauty. Its policies for protecting these areas may mean that it is not possible to meet objectively assessed needs for development in full through the plan-making process, and they are unlikely to be suitable areas for accommodating unmet needs from adjoining (non-designated) areas. Effective joint working between planning authorities covering designated and adjoining areas, through the preparation and maintenance of statements of common ground, is particularly important in helping to identify how housing and other needs can best be accommodated..." Paragraph: 041 Reference ID: 8-041-20190721.

3.6 On 16 December 2020 the government announced how it would be responding to widespread concern about its proposals to amend the standard method for calculating housing need. This response confirmed that the Government would not be progressing these changes, but rather would be retaining the existing standard method for most local planning authorities and boosting supply by increasing the housing numbers of the 20 largest cities in England by 35%. The Government's response included the following statements:

"we heard suggestions in the consultation that in some places the numbers produced by the standard method pose a risk to protected landscapes and Green Belt. **We should be clear that meeting housing need is never a reason to cause unacceptable harm to such places.** But harm or homes is not a binary choice. We can plan for well designed, beautiful homes, with access to the right infrastructure in the places where people need and want to live while also protecting the environment and green spaces communities most value".

"Many respondents to the consultation were concerned that the 'targets' provided by the standard method were not appropriate for individual local authority areas. **Within the current planning system**

**the standard method does not present a ‘target’ in plan-making, but instead provides a starting point for determining the level of need for the area, and it is only after consideration of this, alongside what constraints areas face, such as the Green Belt, and the land that is actually available for development, that the decision on how many homes should be planned for is made. It does not override other planning policies, including the protections set out in Paragraph 11b of the NPPF** or our strong protections for the Green Belt. It is for local authorities to determine precisely how many homes to plan for and where those homes most appropriately located. In doing this they should take into account their local circumstances and constraints. In order to make this policy position as clear as possible, we will explore how we can make changes through future revisions to the National Planning Policy Framework, including whether a renaming of the policy could provide additional clarity”. 3.7 The above statements do not change existing policy, but reaffirm the existing situation in the NPPF that the housing need numbers produced by the standard method are just a starting point and not a target. 70% of Tunbridge Wells borough is within the High Weald AONB, and yet, the Regulation 19 Local Plan is predicated on the Borough Council meeting its full housing need figure of 678 dwellings per year, or some 12,200 over the plan period of 2020 to 2038. This has severe repercussions for the AONB and prevents the Local Plan from conserving and enhancing its natural beauty.

## 5.0 Major Development in the High Weald AONB

### The Major Development Sites

5.1 Appendix 2 and 3 of the Development Strategy Topic Paper provides the justification for why some of the proposed allocation sites have been considered ‘major development’ in the terms of paragraph 172 of the NPPF and some are not. This assessment has been carried out in a transparent way, and the NPPF makes it clear that whether a development is major or not is a matter for the decision-maker.

5.2 The sites identified as major are as follows:

AL/RTW16 Land at Spratsbrook Farm	120 dwellings (As the developable part of the site is outside the AONB it is considered that this should be treated as a site in the setting of the AONB rather than major development within it)
AL/RTW17 Longfield Road, Tunbridge Wells	80,000sqm employment
AL/CRS1&2 Brick Kiln Farm & Corn Valley	215-225 dwellings
AL/CRS3 Turnden, Cranbrook	200-204 dwellings
AL/HA1 The White House, Hawkhurst	43
AL/HA4 Copthall Avenue, Hawkhurst	70-79 dwellings
AL/BM1 Maidstone Road, Brenchley	210-220 dwellings
AL/PE1,2&3 Pembury	45 dwellings
<b>903-936 dwellings</b>	

5.3 Some of the above sites already have status in the planning system as follows:

- AL/CRS1&2 Brick Kiln Farm & Corn Valley: These sites were allocated in the 2016 DPD and 180 dwellings at Brick Kiln Farm has outline planning permission;
- AL/CRS3 Turnden, Cranbrook: 36 dwellings already granted full planning permission on the farmstead part of the site;
- AL/HA1 The White House, Hawkhurst: planning permission already granted for 43 retirement apartments;
- AL/BM1 Maidstone Road, Brenchley: outline and reserved matters permission already granted for 45 dwellings.

5.4 The dwellings proposed on major development sites in the AONB with no current planning status are:

- AL/CRS3 Turnden, Cranbrook 164-168 dwellings
- AL/HA4 Copthall Avenue, Hawkhurst 70-79 dwellings
- AL/PE1,2&3 Pembury 210-220 dwellings
- **Total 444-467 dwellings**

5.5 It should be noted that option GS2 in the Sustainability Appraisal assumes that reducing development below the housing need to one that does not involve any major development in the High Weald AONB would result in the scale of housing being reduced by between 1,600 - 2000 dwellings (17% of housing need for 11,526). It is not clear where this number comes from. It is the Unit's understanding that sites already allocated in an adopted Plan or granted outline or full planning permission would go ahead even if all major development sites in the AONB were removed from this Local Plan. Therefore the reduction in housing numbers would be 444-467 dwellings, or about 4% of 11,526.

### The Major Development Tests

5.6 As quoted in paragraph 3.2 above, NPPF 172 says that “Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest” and provides a number of tests for the consideration of

such applications. Whilst the wording of this paragraph does not refer to allocations at the plan-making stage, if these tests are not applied at this stage there is a significant risk that allocations will not be deliverable, which would conflict with the test of soundness on effectiveness.

5.7 The Unit believes that the proposed major development allocations fail the NPPF 172 tests for the following reasons:

- **The need for the development:** the Borough Council argues that the high housing need for the area necessitates major development in the AONB. However, this argument is circular. If the conservation and enhancement of the AONB was given great weight as required by NPPF 172 then the housing requirement figure for the Borough would be adjusted downwards to reflect the fact that 70% of the area is AONB, and there would be no 'necessity' to locate large amounts of development within the AONB.

- **Developing outside the designated area, or meeting the need for it in some other way:** Even if it is necessary to allocate some development within the AONB that does not mean that such provision should be in the form of major development sites. As explained below, the High Weald landscape is small scale in character and can accommodate small scale development successfully without damaging its natural beauty.

- **Any detrimental effect on the environment:** this is explored in more detail below.

### **The Impact of Major Development on the AONB**

5.8 National policy and legislation requires decision-makers to have regard and give great weight to conserving and enhancing the natural beauty of AONBs. In the High Weald this natural beauty is defined in the AONB Management Plan's Statement of Significance, which identifies five defining components of character that have made the High Weald a recognisably distinct and homogenous area for at least the last 700 years.

1. Geology, landform and water systems – a deeply incised, ridged and faulted landform of clays and sandstone with numerous gill streams. 2. Settlement – dispersed historic settlement including high densities of isolated farmsteads and late Medieval villages founded on trade and non-agricultural rural industries. 3. Routeways – a dense network of historic routeways (now roads, tracks and paths). 4. Woodland – abundance of ancient woodland, highly interconnected and in smallholdings. 5. Field and Heath – small, irregular and productive fields, bounded by hedgerows and woods, and typically used for livestock grazing; with distinctive zones of lowland heaths, and inned river valleys.

Other equally important characteristics are also identified in the Management Plan under sections on the land-based economy and related rural life and 'other qualities'.

5.9 The objectives for the settlement component are:

- Objective S1: To reconnect settlements, residents and their supporting economic activity with the surrounding countryside;
- Objective S2: To protect the historic pattern and character of settlement;
- and • Objective S3: To enhance the architectural quality of the High Weald and ensure development reflects the character of the High Weald in its scale, layout and design.

5.10 One of the actions for objective S2 is to "Seek to prioritise the delivery of new housing primarily through small-scale development and a mix of housing sizes that responds to local needs". Small scale carefully designed development can be accommodated successfully in this landscape whilst retaining its character, but large-scale developments are much more challenging to integrate successfully without detrimental effects. It is the view of the High Weald AONB Unit that major development cannot be accommodated within the AONB without damaging the essentially human scale character of the area or the purposes of the designation.

5.11 The 5 core components derive from the natural geology, topography and soils of the area and how people have used them over the centuries. Unlike the historically communally farmed landscapes of the Midlands which the national planning system is based on, the High Weald does not have nucleated towns and villages that are separated by open unoccupied countryside where any development would be 'isolated'. Instead it is based on a high density of medieval farmsteads most of which were farmed 'in severalty' – that is by individual families rather than as part of wider estates or communal systems. They were dispersed across the High Weald, surrounded by enough land to support a family and managed as mixed farms to suit the soil conditions and topography and to maximise self-sufficiency. Trees and hedges were an important component of the farming systems and fields were often carved out of woodland by hand (assarts) resulting in their characteristic small and irregular

shape. The challenging topography and soil conditions, which are suited to growing trees and grass rather than crops, mean that the High Weald has retained its Medieval character, with its small fields and woodland shaws, and its high density of historic routeways.

5.12 This history is important because it explains the human scale of the landscape components which comprise the natural beauty of the High Weald and the importance of the dispersed settlement pattern created by the farmsteads. Hamlets, villages and small towns evolved in the late Medieval period and onwards at the intersection of routeways and around commons to facilitate trading between farmsteads and the creation of small industries and crafts. Whilst these settlements are more consolidated, many have farmsteads on their outskirts and it is particularly important to maintain the separation between these two different settlement types so that the historic landscape remains legible for future generations. Continually adding to the larger villages and towns threatens this historic character, especially when it subsumes these adjacent farmsteads. Large-scale developments sit uncomfortably in this landscape because they overlap historic field systems and dominate the small scale historic settlement pattern. Whilst retaining field boundaries and historic features within new developments is important, it cannot overcome the basic incompatibility of locating large scale development within such a small scale landscape. It therefore inevitably fails to conserve and enhance the natural beauty of the AONB.

### **Landscape and Visual Impact Assessment**

5.13 Following the Regulation 18 consultation the Borough Council commissioned Hankinson Duckett Associates to undertake a Landscape and Visual Impact Assessment of 21 potential allocation sites in the AONB. The AONB Unit was consulted on the brief to these consultants but not on the outcome of the work.

5.14 Appendix B to this submission identifies the detailed concerns with this work. Whilst it has a particular focus on the proposed site at Turnden, the concerns about the overall approach apply to all of the major development sites proposed in the AONB in the Regulation 19 Plan. These can be broadly summarised as follows:

- The Assessment consistently downgrades impact on the AONB;
- The imprecise method encourages operator bias and its opaque nature discourages scrutiny;
- The site assessments are inconsistent, partial, unsubstantiated and peppered with loaded phrases;
- There is a visual bias across the assessments with the impact on landscape as a resource being significantly underplayed;
- The cumulative effects of development under each site assessment section do not deal in specifics and when they do they focus almost entirely on visual effects – separation, viewpoints and planting – rather than landscape effects such as the loss of soils; field systems and their potential for biodiversity or food production; rurality, dark skies, tranquillity or other perceptual qualities.

5.15 For the reasons detailed above and in Appendix B it is considered that this LVIA should not be relied upon and it should be accepted that major development within the AONB will have a severe detrimental impact on the natural beauty of the High Weald.

## **6.0 Development in the Setting of the AONB**

6.1 Even if Growth Strategy 2 was followed and the uncommitted major development sites in the AONB removed from the Local Plan, the remaining growth proposed would still have a significant impact on the designated area. This is because only 30% of the Borough is outside of the AONB so attempting to meet all or nearly all of the housing need figure puts tremendous pressure on this area, including where it abuts or is close to the AONB boundary. Developments outside but affecting the AONB include:

- Paddock Wood / land east of Capel Parish 3,490-3,590 dwellings
- Tudeley Garden Village 2,800 dwellings
- Horsmonden 240-320 dwellings
- Spratsbrook Farm, Tunbridge Wells 120 dwellings
- Benenden Hospital 47-50 dwellings

6.2 The Borough Council commissioned Hankinson Duckett Associates to produce an 'AONB Setting Analysis Report'. Whilst the work that has gone into this study is appreciated, the Unit was not consulted on its methodology or outcomes. The study focuses primarily on the inter-visibility of developments and direct impacts and does not address the wider impacts of accommodating this level of growth so close to the boundary of the AONB. These impacts include:

- Increased visitor numbers to the AONB placing pressure on its recreational facilities and infrastructure;
- Increased traffic travelling through the AONB to access the new developments and the highway 'improvements' required to accommodate this;
- Loss of tranquillity arising from the above;
- Increase

in air pollution arising from the above; • Light pollution from developments on the edge of the AONB and from highway improvements which require to be lit.

6.3 The above impacts would be reduced if the overall housing number was reduced to reflect the 70% of the Borough which lies within the AONB rather than trying to meet the full housing need by squeezing as much as possible into the remaining area. This statement focuses on the impact of this strategy on the AONB because that is the Unit's remit. However, this does not mean we are blind to the devastating impact of the planned level of growth on the area outside of the AONB, much of which is Green Belt and/or Low Weald countryside which is highly valued by its residents.

## 7.0 Conclusion

7.1 The High Weald AONB Unit believes that the overall level of development proposed and the major development sites allocated in the AONB are not justified and are contrary to national policy and guidance. The proposed development strategy of the Local Plan would have a severe detrimental impact on the purposes for which the AONB was designated and would fail to conserve and enhance this national asset. It is therefore recommended that there is a reduction in the overall housing figure and that all the major development sites in the AONB be deleted from the Local Plan.

### Question 7

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

**If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?** . Yes, I wish to participate in hearing session(s)

### Question 7a

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

**If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:**

To advise the Inspector on matters relating to the High Weald AONB. The Partnership is the body with responsibility for advising those with a duty to have regard to conserving and enhancing the AONB under Section 85 of the Countryside and Rights of Way Act.

### Question 8

**If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.**

Please see representation on STR1 [TWBC: As follows]

4.0 The Sustainability Appraisal

4.1 The Sustainability Appraisal is the main tool by which the Borough Council assesses the options for the level of growth and its distribution, and selects its development strategy. NPPF paragraph 32 says that "Local plans and spatial development strategies should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements" and paragraph 35 says that Plans are 'sound' if they meet the tests, including "Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence".

4.2 The Sustainability Appraisal for the Regulation 19 Local Plan assesses a number of growth options against sustainability objectives. Appendix A to this statement shows the scores and commentary for two of these options:

- GS13 - The strategy reflected in the Regulation 19 Local Plan; and
- GS2 - A strategy which reduces development below the housing need to one that does not involve any major development in the High Weald AONB.

This exercise has been carried out to understand the reasoning behind the selection of the Local Plan strategy compared to the option that most closely aligns to the AONB Unit's position, albeit it doesn't address its concerns about the impact of overall levels of growth on the setting of the AONB.

4.3 Appendix 1 demonstrates the following:

- That the economic objectives are double-counted in the assessment by the application of two objectives on business growth and employment and no account is taken of the benefit the AONB brings to the tourism industry;
- That the perceived impact of strategies on areas of deprivation is double-counted in the assessment by the application of two objectives on health and deprivation and no account is taken of the need for such areas to have good access to the countryside which would be lost to major development under GS13;
- That the assessment of the impact of option GS2 on climate change is clearly incorrect and conflicts with the commentary. This option will be much more positive for the climate change objective than GS13, not just because of reductions in transport and carbon emissions from new dwellings but due to the carbon sequestration function of soils and natural habitats;
- The heritage score for GS2 should be positive to reflect the heritage value of the landscape itself (medieval field systems etc) which would be impacted less under GS2 than GS13. Heritage is not just about listed buildings and conservation areas;
- Whilst it is agreed that GS2 would have a less positive impact on housing than GS13, the suggestion that building more dwellings in the AONB would reduce house prices is unsubstantiated and goes against known evidence. To meet housing needs in the AONB requires more genuinely affordable housing not more £300k+ houses. It is also noted in paragraph 5.5 below that the reduction in housing numbers for this option appears to have been over-estimated, which would affect the relative scores for this objective;
- Landuse - this objective is supposed to be about protecting soils, and reusing previously developed land and buildings. Instead the scoring seems to focus on impacts on the greenbelt. Since most of the major development sites in the AONB are on greenfield land GS2 should score much more positively than GS13;
- The landscape score for GS2 should be much more positive because it significantly reduces the harm to the AONB, which has the highest planning status in respect of landscape and scenic beauty. This is the only objective which mentions the AONB, and does so alongside all other landscape impacts, diluting its importance in the overall assessment of sustainability whereas the NPPF requires that AONBs be given 'great weight';
- Travel - As the only difference between GS2 and GS13 is the omission of major development sites in the AONB, which as the commentary says will be in areas where alternative transport modes are not popular or viable, the score for GS2 should be more positive for the travel objective than GS13 rather than the opposite as shown.
- Water - If the score is not significantly affected by reduction in growth in the AONB as per the commentary then it should be the same for GS2 and GS13.

4.4 If the above inaccuracies and inconsistencies in the scoring were corrected then GS2 would score more positively overall than the strategy selected for the Regulation 19 Local Plan.

## Future Notifications

**Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:**

Yes, I wish to be notified of future stages of the Local Plan
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# Supporting Information File Ref No: SI\_76

## Comment

Consultee	[REDACTED]
Email Address	[REDACTED]
Company / Organisation	Natural England
Address	International House Dover Place ASHFORD TN23 1HU
Event Name	Pre-Submission Local Plan
Comment by	Natural England [REDACTED]
Comment ID	PSLP_1466
Response Date	04/06/21 13:41
Consultation Point	Policy AL/PE 2 Land at Hubbles Farm and south of Hastings Road ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.4
Files	<a href="#">PSLP_1444_Natural England_SI.pdf</a>
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Natural England
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

**Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.**

Policy AL/PE 2 Land at Hubbles Farm and south of Hastings Road

*[TWBC - Full representation attached as Supplementary Information]*

*[TWBC: This representation has been input against Policies PSTR1, AL/RTW17, AL/CRS 1, AL/CRS 2, AL/CRS 3, AL/HA 4, AL/BM 1, AL/PE 1, AL/PE 2, AL/PE 3, AL/RTW 16, STR/SS1, STR/SS3, EN11,*

Section 3, STR 8, Section 5, EN1, EN9, EN10, EN12, EN13, EN14 AND EN19 – see Comment Numbers PSLP\_1444, PSLP\_1459, PSLP\_1460, PSLP\_1462, PSLP\_1489, PSLP\_1463, PSLP\_1464, PSLP\_1465, PSLP\_1466, PSLP\_1467, PSLP\_1468, PSLP\_1469, PSLP\_1470, PSLP\_1472, PSLP\_1478, PSLP\_1480, PSLP\_1481, PSLP\_1482, PSLP\_1483, PSLP\_1484, PSLP\_1485, PSLP\_1486, PSLP\_1487, PSLP\_1488]

#### Question 4

Do you consider that the Local Plan:

Is legally compliant	Yes
Is sound	No
Complies with the Duty to Cooperate	Yes

#### Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	<input type="checkbox"/> It is not justified
	<input type="checkbox"/> It is not consistent with national policy

#### Question 5

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

##### Appendix 2: Major development allocations within the High Weald AONB

Our core reason for considering the local plan as unsound is due to the proposed allocations within the AONB that have been defined by TWBC as major development. These include some sites that have been granted planning permission without the support of an allocation in the adopted local plan and we continue to object to the draft allocations for major development.

Natural England objects to the inclusion of these major development allocations sites within the AONB because we consider that these policies fail the test of soundness (see our Soundness comments above). We therefore recommend that alternative approaches are taken that avoid impacts on the designated landscape. Our specific comments regarding these allocations are outlined as follows:

**AL/PE1 - Land rear of High Street and west of Chalket Lane;**

**AL/PE2 - Land at Hubbles Farm and south of Hastings Road;**

**AL/PE3 - Land north of the A21, south and west of Hastings Road**

Whilst these three sites, individually, are not identified as major development by TWBC, they are considered to cumulatively represent major development. Natural England therefore objects their inclusion as allocations, but we consider that they may be more acceptable if their size and scale are reduced such that, taken together, they no longer represent major development.

#### Question 6



**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

**Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan 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.**

Natural England welcomes the reduction in scale and number of major development site allocations within the AONB since the Regulation 18 stage of the draft local plan, but we do not consider the current draft local plan to be sound and have highlighted our reasons in our full response letter for this regarding the remaining major development allocations within the AONB. We advise that these allocations should not be pursued, and alternative options should continue to be explored. While we have objected to major development proposed within the AONB, we remain committed to the plan-led scrutiny of the proposals to ensure soundness of approach, which enhances the High Weald's highly valuable and special landscape for future generations. We wish to work with TWBC to help ensure the best possible outcomes for the AONB and the environment.

#### Question 7

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

**If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?** . Yes, I wish to participate in hearing session(s)

#### Question 7a

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

**If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:**

Natural England are a statutory consultee for local plan consultations and, under the CROW Act, have powers regarding AONBs. The development strategy and major development allocations within the AONB are the core reason for why we consider the local plan as unsound.

In addition, Natural England objected to a planning proposal (20/00815/FULL) for the Turnden Farm site (AL/CRS 3) in 2020 and requested that the decision by TWBC to approve the development was called in by the Secretary of State. The proposal is now subject to a Public Inquiry which Natural England is engaged in as a Rule 6 party.

#### Question 8

**If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.**

Appendix 3: Sustainability Appraisal

There are several alternative growth strategy options within the Sustainability Appraisal (SA) and the Council has chosen a growth strategy with significant negative landscape impacts. Natural England's

view is that the preferred approach should afford sufficient weight to environmental factors. This is supported by NPPF Paragraph 8 which states that economic, environmental and social objectives need to be pursued in mutually supportive ways to support net gains across each of these objectives. Paragraph 32 also states that (emphasis added):

‘Local plans and spatial development strategies should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements (The reference to relevant legal requirements refers to Strategic Environmental Assessment. Neighbourhood plans may require Strategic Environmental Assessment, but only where there are potentially significant environmental effects.’).

This should demonstrate how the plan has addressed relevant economic, social and environmental objectives (including opportunities for net gains). Significant adverse impacts on these objectives should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where significant adverse impacts are unavoidable, suitable mitigation measures should be proposed (or, where this is not possible, compensatory measures should be considered). However, the SA appears to prioritise social and economic considerations over environmental ones as Section 6.2.19 states:

‘The term ‘preferable’ is used in this sense to mean the option that has the highest scores for the economic and social pillars, and the least negative scores for the environmental pillar’

We also refer to Paragraph 11(b) of the NPPF which states that:

“b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area;”

Given the provisions of paragraph 11 (and consequently paragraph 172), we consider that the weight afforded to protecting nationally designated landscapes has not been sufficiently considered as part of exploring alternative options and the environmental value of the AONB has been underestimated.

It is our view that significant impacts have not been avoided as far as possible and, as outlined in other sections, we advise that major development within the AONB has not been appropriately justified.

Given the above, we are concerned that the underpinning assessment and recommendations of the SA are not giving an appropriate level of consideration for the environmental benefits associated with alternative growth strategies, especially given the great weight that should be afforded to designated landscapes.

Natural England has significant concerns that the SA underestimates the value of avoiding major development within the AONB and the scale of impact of including it. The chosen growth strategy achieves a very positive score (‘+++’) for housing as it assumes it will meet standard housing need and local housing needs across the borough. However, it scores neutral or negative scores for environmental factors, including ‘slightly negative’ (‘-’) for Landscape, despite the scale and size of major developments directly within the AONB and its setting including the large strategic sites at Tudeley and Paddock Wood.

As outlined in other sections of this letter, our view is that we consider that securing effective enhancement and mitigation measures for major development within the AONB is very challenging and therefore scores for environmental/landscape factors are likely to be overstated in the SA conclusions. Similarly, the SA finds that sites such as Turnden (AL/CRS 3) are still allocated despite scoring a very negative score for landscape (Appendix J, Page 321).

Furthermore, for Growth Strategy 2 (no major development within the AONB), climate change is scored as negative (‘-’ in table 14) despite having lower growth in the AONB and Borough compared with Growth Strategy 13 (adopted approach for Pre-Submission Local Plan) which includes higher growth and major development within the AONB but only scores slightly negatively for climate change (‘-’ in table 25). It is our view that Growth Strategy 2 would reduce carbon emissions associated with transport and new dwellings as well as carbon sequestration (which is not mentioned in the SA) when compared with Growth Strategy 13.

Given the scale of development within the AONB and its setting in the chosen growth strategy, we also question the neutral score given for biodiversity. While we support biodiversity net-gain, approaches should be in addition to applying the mitigation hierarchy which should aim to avoid negative impacts on biodiversity in the first instance. As the SA states that nature conservation designations are more common in the AONB, we advise that any benefits for biodiversity (including those which contribute to the neutral score for the chosen growth strategy) are interpreted with some caution.

Finally, point 3.2.8 does not reflect the findings of the HRA and mitigation proposed for Ashdown Forest

SPA (see the HRA section below). We advise this section of the SA is amended to reflect the findings of the HRA.

### **Future Notifications**

**Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:**

Yes, I wish to be notified of future stages of the Local Plan

## Comment

Consultee	Lady Elizabeth Akenhead [REDACTED]
Email Address	[REDACTED]
Company / Organisation	British Horse Society
Address	[REDACTED] [REDACTED] TONBRIDGE [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	British Horse Society [REDACTED] [REDACTED]
Comment ID	PSLP_1536
Response Date	04/06/21 16:32
Consultation Point	Policy AL/PE 2 Land at Hubbles Farm and south of Hastings Road ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.2
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	British Horse Society
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

**Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.**

Policy AL/PE 2 Land at Hubbles Farm and south of Hastings Road

**Question 4**

**Do you consider that the Local Plan:**

Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know

#### Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because: . It is not justified

#### Question 5

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

**Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.**

The east-west cycle route proposed in requirement 6 should also be made available for horse riders, by being dedicated or created as a bridleway or restricted byway.

Requirements 7 and 8 of the policy should not merely be to "consider opportunities for" but to provide for these improved active travel facilities.

(An application has been made for a Definitive Map Modification Order which would have the effect of confirming the historic bridleway status of Chalket Lane WT240 (currently on the definitive map as a footpath which becomes a bridleway at the parish border) but it should not be necessary to await the outcome of this. If an agreement could be reached with the landowners to dedicate it, this would avoid a great deal of trouble. Alternatively, if the landowners are unwilling to dedicate and historic rights are not proved, the Council should be prepared to use its powers under S26 of the Highways Act 1980 to create a bridleway or restricted byway on grounds of need, since this is an important link between Pembury and the new recreation hub at Hawkenbury).

#### Question 6

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

**Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan 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.**

Requirements 7 and 8 of the policy should not merely be to “consider opportunities for” but to provide for these improved active travel facilities, and the policy should make it clear that the Council will if necessary use its power to create a bridleway or restricted byway.

The east-west cycle route proposed in requirement 6 should be a bridleway or restricted byway and the Council should make clear its intention to use its powers of creation if necessary.

#### Question 7

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

**If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?** . Yes, I wish to participate in hearing session(s)

#### Question 7a

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

**If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:**

To discuss means of achieving the active travel which needs to underpin this development

#### Future Notifications

**Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:** Yes, I wish to be notified of future stages of the Local Plan

# Supporting Information File Ref No: SI\_107a-b

## Comment

Agent	Dan Melling [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Barton Willmore
Address	[REDACTED] London [REDACTED]
Consultee	[REDACTED]
Company / Organisation	Obsidian Strategic
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Obsidian Strategic [REDACTED]
Comment ID	PSLP_1836
Response Date	02/06/21 14:55
Consultation Point	Policy AL/PE 2 Land at Hubbles Farm and south of Hastings Road ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.5
Files	<a href="#">PSLP_1836 Barton Willmore for Obsidian Strategic SI-1 Letter of Representation.pdf</a> <a href="#">PSLP_1836 Barton Willmore for Obsidian Strategic SI-2 Indicative Design Plan.pdf</a>
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Obsidian Strategic Asset Management Ltd
Question 2	
Agent's Name and Organisation (if applicable)	Barton Willmore
Question 3	

To which part of the Local Plan does this representation relate? Policy

#### Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/PE 2 Land at Hubbles Farm and south of Hastings Road

#### Question 4

Do you consider that the Local Plan:

Is legally compliant Yes

Is sound No

Complies with the Duty to Cooperate Yes

#### Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because: . It is not effective  
. It is not consistent with national policy

#### Question 5

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

**Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.**

This representation broadly supports the draft Local Plan strategy and in particular the allocation (Policy AL/PE2) of land at Hubbles Farm and South of Hasting Road, Pembury.

However, a minor alteration to the policy would ensure it is fully effective and justified in meeting the soundness tests.

Please see attached statement

[TWBC: the below text is from the statement, which has also been attached to this comment as a supporting document]

#### **TUNBRIDGE WELLS BOROUGH COUNCIL PRE-SUBMISSION LOCAL PLAN**

#### **REPRESENTATIONS BY OBSIDIAN STRATEGIC ASSET MANAGEMENT LIMITED LAND AT HUBBLES FARM AND SOUTH OF HASTINGS ROAD, PEMBURY POLICY AL/PE2**

We act on behalf of Obsidian Strategic Asset Management Limited ('our client') and have been instructed to submit representations to Tunbridge Wells Borough Council (TWBC's) Draft Local Plan (Regulation 19) Consultation ('the Draft Plan'). This follows previous representations submitted to Tunbridge Wells Borough Council's Draft Local Plan (Regulation 18) Consultation in November 2019.

This representation broadly supports the draft Local Plan strategy and in particular the allocation (Policy AL/PE2) of land at Hubbles Farm and South of Hasting Road, Pembury ('the Site') for residential



development. However, our client seeks a minor alteration to the draft policy to ensure it is fully effective and justified in meeting the soundness tests.

### **Site and Policy Context**

The Site currently lies immediately outside the 'Limits to Built Development' (LBD) Boundary of Pembury. It falls within the wider Metropolitan Green Belt, wider High Weald AONB and wider Kent Special Landscape Area. However, it is a relatively contained site with the A21 to the south providing a clear and defensible boundary.

The National Planning Policy Framework (NPPF) is clear that local planning authorities should, through their Local Plans, meet objectively assessed needs unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits (Paragraph 11).

It also confirms at Paragraph 136, that Green Belt boundaries can be altered through the preparation of, or review of, the Local Plan, albeit these should only be altered in exceptional circumstances.

In deciding whether exceptional circumstances exist, local authorities must first consider whether housing needs can be accommodated by:

- a) Making as much use as possible of suitable brownfield sites and underutilised land;
- b) Optimising density of development, including promoting a significant uplift in minimum density standards in town and city centres and other locations well served by public transport; and
- c) discussing with neighbouring authorities about whether they could accommodate some of the identified need for development.

The Draft Local Plan confirms that TWBC has suffered from a significant shortfall in housing supply and experiences acute affordability issues.

We are aware that the Council has undertaken detailed urban capacity work and has had discussions with neighbouring authorities to ascertain whether they could assist in accommodating housing requirements. However, in order to fully address the housing need, it has rightly been concluded that there is a requirement to couple high density development within 'urbanised areas' with the release of Green Belt land.

To this end, the sequential approach has been applied, and exceptional circumstances exist to justify changes to the Green Belt. We support this approach and the clarity of this decision making, which is apparent through the Evidence Base.

### **Green Belt Review**

Having established the need to review Green Belt boundaries to meet housing needs, the Council needs to ensure that it complies with Paragraph 138 of the NPPF and promote sustainable patterns of development, including first looking at previous developed land and/or land that is well served by public transport. It should also set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt Land.

The Site is a sustainable location for development given its accessibility to existing services and facilities within Pembury and the wider Tunbridge Wells area. The sustainable attributes of the Site are considered in further detail below.

Furthermore, as concluded within the Green Belt Review (GBR) Stage Two (July 2017) and the Strategic Housing and Economic Land Availability Assessment (SHELAA) – Jul 2019 (Site Ref 50), the Site (falling within land parcel PE1), performs '*relatively weakly*' in meeting the purposes of the Green Belt. Accordingly, the level of harm resulting from the Sites release from the Green Belt is found to be '*low*', and that '*the A21 would represent a stronger boundary than the existing settlement edge*' in seeking to define boundaries of the Green Belt in stronger and more permanent terms (- objective of Para 139 of the NPPF).

The Stage Three 'Assessment of Green Belt Allocations' (November 2020) provided a more focused assessment of emerging allocations against the five Green Belt purposes, which included consideration of the Site (AL/PE2). This assessment concluded similarly that the release of the Site would '*replace an existing weak Green Belt boundary (rear gardens of residential properties) with a strong boundary (the wooded cutting of the A21)*'.

In addition, it was noted that the proposed AL/PE2 allocation would include a landscape buffer to the south, which would further strengthen this boundary feature and that the presence of this strong boundary will limit the impact of release on adjacent Green Belt land to the south, concluding that the overall level of impact on adjacent Green Belt resulting from the release of AL/PE2 will be negligible.

Finally, the SHELAA (January 2021) also concluded that:

*'The site is sustainably located and would result in only low harm if released from the Green Belt. The scale of development is considered appropriate for its location in the AONB'.*

The basis for this finding was that the Site:

*'...lies partly within/mostly adjacent to the settlement edge, and as such is considered sustainable in that context. The site in conjunction with other sites, lies between the existing settlement and the A21 embankment, and allocation would represent a modest infilling, appropriate in this AONB landscape. Furthermore, these parcels are not well connected with other agricultural land. This combined with low harm if released from the Green Belt means the site is a suitable site'.*

To supplement the above considerations, additional assessment work was carried out within the LBD (September 2019) and Distribution of Development (September 2019) Topic Papers. This set out the possible contributions the proposed allocations (including the Site) can make to Green Belt and AONB objectives in terms of improving access, providing locations for outdoor sport, landscape and visual enhancement, increasing biodiversity and improving damaged and derelict land.

A requirement to safeguard land for the potential future expansion of St Peter's cemetery, in addition to improved accessibility and landscaping, was identified.

Overall, the evidence base demonstrates in a logical and transparent manner why the release of this Site from the Green Belt is a justified decision in seeking to meet the identified housing needs of the Borough.

### **Appropriateness of Additional Development in Pembury**

Pembury is the principal settlement in the parish that includes the areas of Lower Green, Henwood Green, and Romford. It is located approximately 3.4 miles from Royal Tunbridge Wells to the south west, which is defined within the settlement hierarchy (ED 8) as the Primary Regional Town Centre.

As such, Pembury is well positioned to accommodate housing growth for the Borough, in accordance with the Development Strategy outlined at Policy STR1, having regard to its role and function, constraints, and opportunities.

Reflective of its position as the parishes' principal settlement, Pembury has access to a range of key services, including local shops, public houses/restaurants, places of worship, primary schools, and a doctor's surgery. The main Tunbridge Wells Hospital is also located within the parish.

The Council's spatial development strategy for additional housing in Pembury is therefore supported and will provide additional housing in close proximity to services, jobs and community facilities. The requirement to provide affordable housing (identified within the wording of policy AL/PE2) offers a significant opportunity to meet the needs of the local community, including key workers, such as hospital and/or emergency service staff.

Furthermore, Pembury possesses excellent transport connectivity, with High Brooms and Royal Tunbridge Wells mainline rail stations both approximately 3.5 miles from Pembury, and Paddock Wood railway station approximately 4.7 miles from the village.

There are regular bus services that currently run to destinations including Royal Tunbridge Wells, Paddock Wood, and Maidstone. There are also several Public Rights of Way that run through the parish, including within and around Pembury village itself. The National Cycle Route (Sustrans) 18 from Canterbury to Royal Tunbridge Wells (using existing highways) runs through the parish, north of the A21.

Accordingly, Pembury is considered a highly sustainable location within which to locate an appropriate level of housing growth to meet identified needs.

### **Suitability of Site Allocation AL/PE2**

Site allocation AL/PE2 adjoins existing residential properties located to the north of the Site along Hastings Road. To the west lies the cricket pitch and Pembury Cemetery (associated with the Upper

Church of St Peter to the north). To the south lies the A21 within a landscaped cutting. The allocation presents a logical and contained extension to the settlement.

Furthermore, the Site presents an opportunity to facilitate the expansion of the adjacent cemetery, and, along with Policies AL/PE 1 and AL/PE 3, to upgrade the existing footpath/cyclepath network, including the establishment of a bridleway link with PRoW WB43 by upgrading WT240 which runs along Chalket Lane.

The feasibility of developing the Site has already been investigated and a design concept for its development establishes a residential layout surrounding a central green space, with strong landscape buffers comprising the peripheries of the Site. This initial concept has been informed by a landscape visual impact assessment prepared by EnPlan (as required by Policy AL/PE2) and would generate no fundamental landscape impact concerns. The Site is classed as having a low landscape sensitivity. No built development is proposed to the south of the existing Pembury Cemetery as required by the draft Policy.

The Site already benefits from direct vehicular access from Hastings Road and this will be modified to support a 'circular' internal road arrangement. A 'single point of access' junction design on Hastings Road has been produced (by dha Transport) in collaboration with Kent Highways and can satisfactorily accommodate the scale of development proposed.

A Transport Feasibility Study, prepared by dha Transport, has also been undertaken to demonstrate that the traffic impact of the Site (as well as the cumulative impacts of the neighbouring allocations) does not lead to traffic issues on the wider highway network. The conclusions show the highway network can accommodate the development and where overcapacity at junctions has been identified, mitigation can be provided that would deliver a positive impact when compared to the existing traffic situation.

A Flood Risk Assessment (June 2018) prepared by Glanville, confirms the low flood risk potential of the Site. It also identifies the Groundwater Source Protection Zone, which affects only a small proportion to the north of the Site. A drainage strategy can therefore be produced which includes an element of infiltration as well as managed accumulation and discharge.

An Ecological Survey (prepared by Aspect Ecology) has also been produced and demonstrates that there are no significant ecological constraints affecting the Site that would hinder development coming forward. It concludes that the Site offers potential for roosting and foraging bats, dormouse and reptiles, but a well-designed scheme retaining boundary planting (as proposed) and provided enhanced landscaping could provide ecological enhancements and mitigate impacts.

The Site can also achieve appropriate noise criteria for homes. A noise assessment undertaken by Cole Jarman identifies mitigation requirements such as a 3.5m acoustic fence within the southern landscaped boundary (to the north of the A21) will ensure that appropriate internal and external residential noise levels can be achieved.

Finally, sufficient infrastructure capacity has been identified to accommodate the development of the Site and discussions are ongoing with utility providers such as Southern Water to agree an appropriate servicing strategy.

### **Other Site Specific Considerations**

#### Site Capacity

Policy AL/PE 2 allocates the Site for a mixed use scheme including the provision of approximately 80 dwellings, of which 40 percent shall be affordable housing, together with an area to allow the extension of the Pembury Cemetery.

While this allocation is supported, it is considered that, as shown on the enclosed illustrative masterplan, that the Site has capacity to accommodate up to around 120 dwellings if required.

In order to ensure that the opportunity to provide additional housing (should it be required) is not discouraged or lost, it would be more effective for the Policy to state 'no fewer than 80 dwellings' rather than 'approximately 80 dwellings' to make clear this should be a minimum provision.

#### Landscaping

In accordance with the requirement of Policy AL/PE 2 the illustrative layout plan has been informed through the development requirements within the draft policy wording, alongside analysis of the wider

site context, including immediate land uses, setting of adjacent Pembury Conservation Area and landscape impact.

All existing trees and hedgerows on the Site are identified to be retained with further enhanced planting along the southern boundary

The proposals provide an opportunity to contribute to the landscape character of the area and allow enhanced public access.

#### Cycle and Pedestrian Linkages

The design and layout of the scheme has explored a segregated east-west cycle route, connecting with the adjacent site allocation Policies AL/PE 1 and AL/PE 3 and with the existing cycle way network, including the A264 Pembury Road cycle route into Royal Tunbridge Wells town centre. The Policy requirement to contribute towards upgrading the cycle path along Chalket Lane (WT240) and the link to the east side of Royal Tunbridge Wells at Hawkenbury is also supported.

#### Cemetery Expansion

Draft Policy AL/PE 2 seeks to secure a suitable legal mechanism that will allow the provision of land for the expansion of Pembury Cemetery at a time when housing is delivered on the Site.

This is supported in principle and an agreement of a suitable time can be made through a Section 106 Agreement associated with any planning permission.

### **Summary and Conclusions**

Overall, we are supportive of the Council's overarching development strategy, spatial vision and strategic objectives for the borough and welcome the Council's aspirations to address the housing need through the combination of high-density development within 'urbanised areas' and the release of Green Belt Land to provide new strategic development opportunities.

We support this approach and the clarity in which TWBC has pursued the [sequential] requirements of the NPPF (paragraph 137) in demonstrating that exceptional circumstances exist to support Green Belt release in order to meet local housing needs.

We further support the strategy to release Green Belt land at Pembury. Pembury is a highly sustainable location in which appropriate levels of growth can be accommodated. The proposed allocations would also ensure an effective long-term Green Belt is maintained and its boundaries strengthened.

Finally, we support the specific inclusion of site allocation Policy AL/PE2 within the Local Plan as a logical extension to the settlement.

Proposed development at the Site would meet the three overarching objectives of sustainable development (in accordance with the NPPF) as follows:

- . **Economic Benefits** - It will provide local economic benefits including increased population expenditure, construction jobs and expenditure as well as Council tax and new homes bonus receipts for the Council. Resident expenditure will in turn contribute to the vitality of local amenities and services.
- . **Social Benefits** – The proposed development will make a significant and meaningful contribution to meeting local housing needs through the provision of at least 80 units (of which 40% would be affordable homes). The proposed development would also contribute to improvements to community infrastructure through the provision of recreation/open space, land for future cemetery expansion, and enhancement of cycle routes and footpaths.
- . **Environmental Benefits** – The proposed development would utilise land of limited agricultural and environmental value. Enhancement of site buffers and retention of the existing natural environment on the site will provide suitable habitat delivering biodiversity gains.

The Site presents an available, suitable and deliverable opportunity to provide new residential development within a sustainable and accessible location, meeting the objectives and commitments of the Development Plan.

We therefore support Policy AL/PE2. However, in order to ensure that the opportunity to provide additional housing (should it be required) is not discouraged or lost, the first paragraph of the policy should be refined to refer to a minimum provision of 80 dwellings as follows:

*"This site, as defined on the Pembury Policies Map, is allocated for a mixed use scheme. This shall provide residential development providing approximately no fewer than 80 dwellings, of which 40*

*percent shall be affordable housing, and an extension of the Pembury Cemetery on land shown safeguarded on the site layout plan...”*

This will ensure the policy is effective in delivering its requirement of 80 dwellings (and no less) and ensure the policy does not unnecessarily prevent the potential to make more efficient use of land as encouraged and justified by the NPPF (paragraph 8c).

## Question 6

**Please note:** *In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.*

*After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.*

**Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan 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.**

Policy AL/PE2 (first paragraph) should be refined to refer to a minimum provision of 80 dwellings as follows:

*“This site, as defined on the Pembury Policies Map, is allocated for a mixed use scheme. This shall provide residential development providing approximately no fewer than 80 dwellings, of which 40 percent shall be affordable housing, and an extension of the Pembury Cemetery on land shown safeguarded on the site layout plan...”*

This will ensure the policy is effective in delivering its requirement of 80 dwellings (and no less) and ensure the policy does not unnecessarily prevent the potential to make more efficient use of land as encouraged and justified by the NPPF (paragraph 8c).

## Question 7

**Please note** *the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

**If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?**      Yes, I wish to participate in hearing session(s)

## Question 7a

**Please note** *the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

**If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:**

As the promoters of development at AL/PE2 it will important to be able answer any questions relating to this policy.

**If you would like to attach a file in support of your comments, please upload it here.**      [PSLP 1836 Barton Willmore for Obsidian Strategic SI-1 Letter of Representation.pdf](#)

**If you would like to attach a file in support of your comments, please upload it here.**

[PSLP 1836 Barton Willmore for Obsidian Strategic SI-2 Indicative Design Plan.pdf](#)

#### **Future Notifications**

**Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:**

Yes, I wish to be notified of future stages of the Local Plan

# **Local Plan Regulation 19 representations in document order**

**Comments on Section 5: Place  
Shaping Policies: Pembury: Policy  
AL/PE 3: Land north of the A21, south  
and west of Hastings Road**

## Comment

Consultee	Ms Helen Munro [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Pembury Parish Council
Address	Parish Council Offices Lower Green Recreation Ground Pembury, Tunbridge Wells TN2 4DZ
Event Name	Pre-Submission Local Plan
Comment by	Pembury Parish Council (Ms Helen Munro - [REDACTED])
Comment ID	PSLP_185
Response Date	11/05/21 16:02
Consultation Point	Policy AL/PE 3 Land north of the A21, south and west of Hastings Road ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Pembury Parish Council
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

**Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.**

Policy PSTR/PE 1 The Strategy for Pembury parish  
Allocation Policy Number A/L PE3

**Question 4a**



If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

#### Question 5

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

**Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.**

[TWBC: this comment is part of Pembury Parish Council's whole representation - see PSLP\_180]

#### 4.3. AL/PE3 Land south and west of Hastings Road

It is still not clear where the access point would be, but as previously stated it seems imperative that the A21 junction (with Hastings Road and Henwood Green Road) is completely remodelled to allow for safe egress and access of the proposed development site.

We favourably note the small reduction of the proposed housing density and that, if feasible, an east-west cycle route is proposed. The Site Layout Plan seems to show a proposed open space and landscape buffer. We would want this area safeguarded given that at present the majority of the land has for many years been informally used for recreation by the local community.

We regret the loss of MGB and development in the AONB, moreover any significant loss of open space amenity would be unacceptable.

#### Question 7

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

**If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?**

For office use only

**If responder hasn't ticked an option on this box, data inputter to tick 'not stated' box.** Not Stated

## Comment

Consultee	Julie Davies [REDACTED]
Email Address	[REDACTED]
Company / Organisation	CPRE Kent
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	CPRE Kent [REDACTED]
Comment ID	PSLP_582
Response Date	28/05/21 12:54
Consultation Point	Policy AL/PE 3 Land north of the A21, south and west of Hastings Road ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.1
Question 1	
Respondent's Name and/or Organisation	CPRE Kent
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
AL/PE3	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Yes
Is sound	No

Complies with the Duty to Cooperate

Don't know

#### Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not justified
- . It is not consistent with national policy

#### Question 5

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

**Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.**

Please see our response to PSTR/PE1 and the responses to Strategic policies listed there.

CPRE is opposed to building in the AONB or the green belt unless exceptional circumstances have been demonstrated, which we do not believe to be the case here. The NPPF requires all other reasonable options for meeting the identified need for development to have been examined, and density of development to be optimised.

If it is proved, which we question, that the number of dwellings allocated to Pembury is necessary and cannot be accommodated without using AONB and green belt land, then it is essential that any development on such land is used at a highly efficient density, in order to minimise the need to build over other AONB and Green Belt countryside. It appears to us that if AL/PE1 and AL/PE2 were built at an efficient density, then this allocation, which is further from the village centre and hence less sustainable, would not be necessary.

If, however, this allocation is proved to be essential, then as with AL/PE 1 and 2, the wording concerning cycle routes needs to be more effective.

#### Question 6

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Delete policy.

#### Question 7

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

**If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?** Yes, I wish to participate in hearing session(s)

#### Question 7a

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

**If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:**

To test soundness.

#### Question 8

**If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.**

Education is scored positively for this policy and for all allocation sites (except for the allocation for elderly housing). This is incomprehensible, given the statement in the SA that "The score for the education objective is a combination of the adverse effects that come from the cumulative pressures that the new dwellings could place on the existing school which does not have room for expansion".

Land use should be given lower scores than in the SA because not only are greenfield sites being built over but also the relatively low housing densities fail to make efficient use of land; thus they lead to a failure to protect soils on other greenfield sites.

We agree with the Council that the sites that it does not propose to allocate are either unsuitable for development or unlikely to provide sufficient dwellings to qualify for allocation.

#### Future Notifications

**Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:** Yes, I wish to be notified of future stages of the Local Plan

## Comment

Consultee	Mr Stephen Marshall [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Pembury Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Stephen Marshall [REDACTED]
Comment ID	PSLP_937
Response Date	01/06/21 13:18
Consultation Point	Policy AL/PE 3 Land north of the A21, south and west of Hastings Road ( <a href="#">View</a> )
Status	Processed
Submission Type	Other
Version	0.5
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Stephen Marshall
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

**Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.**

Policy AL/PE 3 Land north of the A21, south and west of Hastings Road

Paragraph Numbers: 5.678 and 5.687

Policies Map (Inset Map Number) 66

**Question 4**

**Do you consider that the Local Plan:**

Is legally compliant	Yes
Is sound	No
Complies with the Duty to Cooperate	Yes

#### Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because: . It is not justified

#### Question 5

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

**Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.**

The proposal to allow development of the fields included in the above map is not justified nor practical. Many of the proposed houses will have a very high elevation. The land is situated on a hill. Existing properties on this section of Hastings Road will be overlooked and a high elevation development will have substantial detracting impact on the surrounding area. A vast improvement to the infrastructure will be needed for example to allow substantial increased drainage from the site. Flooding of this Hastings Road section may be a serious repercussion for the road and existing properties on it some of which are situated well below street level, including my own. Flood waters will travel down the steps (next to 123) leading to Stanam Road and therefore has the risk of affecting even more properties, (as I have seen water gush down like a waterfall when drains were blocked in Hastings Road).

Also Hastings Road is already extremely busy with traffic. Parking occurs on both sides of this section of the road making access for buses and large vehicles very difficult. Increased traffic therefore from the development will impact detrimentally on the usage of the road. A single access to the site, probably on or about the Bo Peep corner opposite Henwood Green Road would be a dangerous location with speeding traffic exiting from the A21 turn off to Pembury for example. The proposed Bund to be built on the hilly location immediately adjacent to the A21 will be a blot on the landscape and there is already pollution from the A21 which is likely to increase with the development of some 80 dwelling houses. Having regard to parking, this development will almost certainly lead to more attempted parking on Hastings Road which will create more problems and hazards.

#### Question 6

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

**Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan 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.**

Development of land contained in the above map should be removed from the Local Plan for reasons stated above.

#### **Question 7**

***Please note*** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

**If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?**

No, I do not wish to participate in examination hearing session(s)

#### **Question 8**

**If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.**

See above Section 6

#### **Future Notifications**

**Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:**

Yes, I wish to be notified of future stages of the Local Plan

## Comment

Consultee	Sarah Clarke [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Pembury [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Sarah Clarke [REDACTED]
Comment ID	PSLP_1039
Response Date	02/06/21 23:45
Consultation Point	Policy AL/PE 3 Land north of the A21, south and west of Hastings Road ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Sarah Clarke
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

**Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.**

Policy AL/PE 3 Land north of the A21, south and west of Hastings Road

*[TWBC: This representation has been input against Policies PSTR/PE1, AL/PE 3 and AL/PE 4 – see Comment Numbers PSLP\_1036, PSLP\_1039 and PSLP\_1040]*

**Question 4a**

**If you consider that the Local Plan is not sound, please answer this question.**



**Do you consider that the Local Plan is not sound because:**

#### **Question 5**

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

**Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.**

Tunbridge Wells Borough Council Consultation on the Local Plan Pre Submission – Regulation 19 - Pembury

In November 2019 I submitted to the Borough Council my comments on the Local Plan; and as a result I have been advised of the option to file further comments on or before June 4 2021, which I now address. I have had sight of the response by Pembury Parish Council filed earlier this month which I fully support.

#### **The Local Plan consultation. 2019-2020**

Following the consultation a revised local Plan was submitted for further comment and consultation which included new designations for the land at Woodsgate Corner on the A 264 adjacent to Tesco's, and the removal of designation of commercial use at Downingbury Farm.

However the replacement proposal for the land at Woodsgate now proposes a care/nursing facility with between 80 and 120 residential units, certain of which are to be affordable. We are now also advised of the proposal to site a Medical School for the University of Kent at the Tunbridge Wells Hospital at Pembury for which student accommodation will be necessary, the number of eventual occupants is not identified.

#### **General comments on the Local Plan - Infrastructure**

Reading the original documents and now the revised Local Plan, it is clear that this area of West Kent is to be subject to the most substantial increase in housing provision in areas of Outstanding Natural Beauty, the High Weald and in the Green Belt. The current massive explosion of housing development at Paddock Wood is an indication of the absence of proper consideration of the potential issues raised in the current version of the plan. The plan does not include any overall guidance or proposals to address the issues of transport, medical care, infrastructure i.e. the provision of adequate water supply and waste water disposal, flooding mitigation, to name but the most apparent. The area to the Eastern boundary of Tunbridge Wells immediately appears as a dumping ground to provide the Borough Council's housing quota without any consideration of the impact on the existing communities and parishes. There seems to have been no joined-up thinking on the provision of infrastructure; rather that the designations/allocations will be subject to assessment when allocated!

#### **Transport**

The town centre of Tunbridge Wells is at risk of being strangled. The retail and hospitality sector has been decimated by the Covid pandemic lockdowns. Now the sectors are re-opening the transport problems which were clear in 2019 and before, have now become critical. For a journey between Pembury and the Town Centre on the A 264 to take 50 minutes by car as it did on May 28 mid -morning is ludicrous, when to that traffic problem it is now proposed to add the potential for thousands more road journeys, increased pollution and an inability to access local services.

The Green Belt is being ravaged to satisfy an allocation which cannot be justified. Pembury is on the main north/south route of the A21, with local lanes being the subject of destructive overspill when the A21 cannot deal with the level of traffic; the A264 is the main feeder route from the Medway towns. Neither have any effective projected improvements to cope with increased traffic movement, the problem will only get worse. Whilst the absence of a motor village at Woodsgate is welcomed, its

replacement will also have traffic consequences. However the proposed sites AL/PE/1 (50/60 dwellings), AL/PE/2 (80 dwellings) and AL/PE/3(80 dwellings) together with AL/PE/4 (25 dwellings) all have as part of the rationales for their use a reliance on walking and cycling.

With respect to the planners, the infrastructure documents make no mention of managing the increased households and their actual transport needs. Over 240 new dwellings without those for which permission has already been granted will result in increased traffic movements on Hastings Road, High Street, Lower Green Road/Maidstone Road and eventually A 21 and A 264. This is without the transport impact of the up to 9,000 dwellings in Paddock Wood, Capel and Tudeley and an indication on how traffic flow from these areas will be managed. The A 21 bypass completed in 1984 and the improvements to the A 228 again to by-pass the village were intended to alleviate traffic bottlenecks and congestion, the current proposed housing allocations could lead to these problems recurring.

### **Water, sewerage, waste water and flooding**

Having read the submissions of Southern Water on the 4 sites proposed for development in Pembury, it is clear that to serve the increased allocations, substantial improvements will be needed before the waste water and sewerage systems can effectively support the increased dwellings. The authority seeks to rely on the new infrastructure charge, although reference is made in the local plan infrastructure documents to s. 106 agreements.

The representations of the supplier of water, South East Water, also make it clear that to service the proposed allocated dwellings capacity will need to be increased. Water is a finite and precious resource, yet the Borough's housing plans are reliant on someone else finding a delivery strategy!

In both cases the issues need to be addressed before any form of construction can be permitted, otherwise Pembury will be faced with the same supply and drainage problems which occurred in the 1960/1970s and continue to this day in part of the village.

Both the sites AL/PE 2 and 3 are at a higher level than Hastings Road, AL/PE 3 significantly so, with potential increased problems of water penetration into the existing houses on Hastings Road. Nothing is proposed to alleviate this.

### **Education**

The list of primary schools in the Borough itself and in the surrounding towns and villages set out in the supporting documents does not identify the existing primary school in Pembury. The last period of development in Pembury caused the construction of temporary classrooms in the grounds of the school. No mention is made of this.

### **Health**

Since the publication of the revised site allocations including the change of policy for Woodsgate Corner, it has become clear that with the increase in beds in the care sector, Pembury is likely to have more than the projected 13% increase in population. It is not clear whether the Primary Care network has been consulted on and/or responded to the additional proposals generally and the specific belief that the Waterfield Surgery can simply be extended.

### **The Sites – AL/PE 3 and 4**

For many reasons, the increased number of dwellings causes great concern, the change in character of a community which has functioned reasonably well and the lack of any actual proposals to alleviate such increase. All result in a loss of Green Space, particularly precious as once lost it cannot be replaced.

AL/PE 3 if used for construction will completely change the character of the Bo Peep end of the village in Hastings Road, as even with A 21 buffers, the land, which is significantly higher, will be visible from both north and south.

AL/PE 4 will be to the rear of The Hospice in the Weald with access proposed via Church Road, a barely navigable road at most times. Good visibility splays don't solve the problem.

### **Conclusion**

Whilst appreciating the decision for increased housing is one imposed by central government, the Borough's Local Plan should be sustainable, acceptable and realistic. Pembury has an allocation of significant numbers, but within the Local Plan no mention is made of the potential impact on Pembury

of the major allocations on its boundary with Paddock Wood and Capel. These neighbouring substantial allocations are likely to have an impact on infrastructure issues addressed above.

#### **Question 7**

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

**If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?**

## Comment

Consultee	[REDACTED]
Email Address	[REDACTED]
Company / Organisation	Southern Water Services Plc
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Southern Water Services Plc [REDACTED]
Comment ID	PSLP_1240
Response Date	03/06/21 15:31
Consultation Point	Policy AL/PE 3 Land north of the A21, south and west of Hastings Road ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Southern Water
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
<b>Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.</b>	
Policy AL/PE 3 Land north of the A21, south and west of Hastings Road	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Yes

Is sound	Yes
Complies with the Duty to Cooperate	Yes

#### Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

#### Question 5

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

**Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.**

Southern Water is the statutory wastewater undertaker for Pembury. As such, we have undertaken a preliminary assessment of the capacity of our existing infrastructure and its ability to meet the forecast demand for this proposal. Our previous assessment of the site was only valid for 12 months due to our sewer network constantly evolving as new development connects upstream which will affect the available capacity downstream. The assessment reveals that existing local sewerage infrastructure to the site has limited capacity to accommodate the proposed development. Limited capacity is not a constraint to development provided that planning policy and subsequent conditions ensure that occupation of the development is phased to align with the delivery of new wastewater infrastructure.

Proposals for 80 dwellings at this site will generate a need for reinforcement of the wastewater network in order to provide additional capacity to serve the development. This reinforcement will be provided through the New Infrastructure charge to developers, and Southern Water will need to work with site promoters to understand the development program and to review whether the delivery of network reinforcement aligns with the occupation of the development. Connection of new development at this site ahead of new infrastructure delivery could lead to an increased risk of flooding unless the requisite works are implemented in advance of occupation.

Southern Water has limited powers to prevent connections to the sewerage network, even when capacity is limited. Planning policies and conditions, therefore, play an important role in ensuring that development is coordinated with the provision of necessary infrastructure, and does not contribute to pollution of the environment, in line with paragraph 170(e) of the revised National Planning Policy Framework (NPPF) (2019).

#### Question 6

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

**Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan 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.

In consideration of the above, we recommend the following criterion for Policy AL/PE 3

Occupation of development will be phased to align with the delivery of sewerage infrastructure, in liaison with the service provider.

**Question 7**

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

<b>If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?</b>	<input type="checkbox"/> No, I do not wish to participate in examination hearing session(s)
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**Future Notifications**

<b>Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:</b>	<input type="checkbox"/> Yes, I wish to be notified of future stages of the Local Plan
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## Comment

Consultee	Ms Claire Tester [REDACTED]
Email Address	[REDACTED]
Company / Organisation	High Weald AONB Unit
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	High Weald AONB Unit [REDACTED]
Comment ID	PSLP_1443
Response Date	04/06/21 13:10
Consultation Point	Policy AL/PE 3 Land north of the A21, south and west of Hastings Road ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	High Weald AONB Unit
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

**Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.**

Policy AL/PE 3 Land north of the A21, south and west of Hastings Road

*[TWBC: this representation has been input against Policies STR 1, AL/HA 4, AL/PE 1, AL/PE 2 and AL/PE 3 – see Comment Numbers PSLP\_1434, PSLP\_1440, PSLP\_1441, PSLP\_1442 and PSLP\_1443]*

**Question 4**

**Do you consider that the Local Plan:**

Is sound

No

#### Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

.	It is not justified
.	It is not consistent with national policy

#### Question 5

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

**Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.**

Please see representation on STR1.

[TWBC: as follows]

#### **HWAONB Unit Representation on STR1 – The Development Strategy**

##### **1.0 General Comments**

1.1 The High Weald AONB Unit acknowledges that Tunbridge Wells Borough Council has sought to address the Unit's previous representations in its preparation of the Regulation 19 Local Plan. In particular we welcome the following:

- The assessment of whether potential allocation sites in the AONB constitute major development, and whether they meet the NPPF 172 tests;
- The reduction in the number of major development sites in the AONB and the reduction in the scale of some of the sites retained; and
- The amendments to a number of development management policies in response to the Unit's comments at Regulation 18 stage.

1.2 However, the Unit remains concerned about the overall level of development being proposed within the AONB and the impact of the retained major development sites. Whilst it appreciates the additional evidence the Borough Council has produced to justify these sites (such as the Landscape and Visual Impact Assessment, the AONB Setting Analysis Report and the Grassland Survey) it has significant issues with the assumptions and outcomes of these studies. The following statement sets out why the Unit believes that this approach is not justified and is contrary to national policy and guidance. It also explains why it believes that the proposed development strategy of the Local Plan would have a severe detrimental impact on the purposes for which the AONB was designated.

##### **2.0 The High Weald AONB**

2.1 The High Weald was designated in 1983 as an Area of Outstanding Natural Beauty. It is an exceptionally beautiful medieval landscape covering 564 square miles across the counties of East and West Sussex, Kent and Surrey.

2.2 The High Weald AONB Joint Advisory Committee was established in 1989 and is a partnership of 15 local authorities, Defra, Natural England and organisations representing farming, woodland, access and community interests. The JAC is responsible for publishing and monitoring the statutory AONB Management Plan. The JAC is supported by a small, dedicated staff team, the High Weald AONB Unit, which provides advice on how to conserve and enhance the AONB. The advice provided by the AONB Unit assists public bodies and statutory undertakers to meet their duty as set out in Section 85 of the Countryside and Rights of Way Act 2000 to have regard to the purpose of conserving and enhancing the natural beauty of AONBs in making decisions that affect it.



2.3 The High Weald AONB Unit is an advisory body not a local planning authority and it has no statutory powers. The AONB Unit is not a statutory consultee on planning matters, but offers advice based on the statutory High Weald AONB Management Plan, which has been adopted by all partner authorities, as 'their policy for the management of the area and for the carrying out of their functions in relation to it'.

### 3.0 National Policy and Guidance in Relation to AONBs

3.1 The National Planning Policy Framework (NPPF) paragraph 172 requires great weight to be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas. The scale and extent of development within these designated areas should be limited.

3.2 In the event that the decision-maker concludes that development is 'major' in terms of its impact on the AONB, paragraph 172 of the NPPF states that "Planning permission should be refused for major development<sup>55</sup> other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy; b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated".

3.3 Footnote 55 says: "For the purposes of paragraphs 172 and 173, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined".

3.4 NPPF paragraph 11 explains the presumption in favour of sustainable development. It says that local planning authorities should provide for objectively assessed needs for housing and other uses, as well as any unmet needs from neighbouring areas, unless **"the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area"**. The assets referred to are listed in footnote 6 and include Areas of Outstanding Natural Beauty. The most relevant policy in the Framework for AONBs is paragraph 172 as above.

3.5 Planning Practice Guidance, revised July 2019, states "The National Planning Policy Framework makes clear that the scale and extent of development in these areas should be limited, in view of the importance of conserving and enhancing their landscapes and scenic beauty. Its policies for protecting these areas may mean that it is not possible to meet objectively assessed needs for development in full through the plan-making process, and they are unlikely to be suitable areas for accommodating unmet needs from adjoining (non-designated) areas. Effective joint working between planning authorities covering designated and adjoining areas, through the preparation and maintenance of statements of common ground, is particularly important in helping to identify how housing and other needs can best be accommodated..." Paragraph: 041 Reference ID: 8-041-20190721.

3.6 On 16 December 2020 the government announced how it would be responding to widespread concern about its proposals to amend the standard method for calculating housing need. This response confirmed that the Government would not be progressing these changes, but rather would be retaining the existing standard method for most local planning authorities and boosting supply by increasing the housing numbers of the 20 largest cities in England by 35%. The Government's response included the following statements:

"we heard suggestions in the consultation that in some places the numbers produced by the standard method pose a risk to protected landscapes and Green Belt. **We should be clear that meeting housing need is never a reason to cause unacceptable harm to such places.** But harm or homes is not a binary choice. We can plan for well designed, beautiful homes, with access to the right infrastructure in the places where people need and want to live while also protecting the environment and green spaces communities most value".

"Many respondents to the consultation were concerned that the 'targets' provided by the standard method were not appropriate for individual local authority areas. **Within the current planning system**

**the standard method does not present a ‘target’ in plan-making, but instead provides a starting point for determining the level of need for the area, and it is only after consideration of this, alongside what constraints areas face, such as the Green Belt, and the land that is actually available for development, that the decision on how many homes should be planned for is made. It does not override other planning policies, including the protections set out in Paragraph 11b of the NPPF** or our strong protections for the Green Belt. It is for local authorities to determine precisely how many homes to plan for and where those homes most appropriately located. In doing this they should take into account their local circumstances and constraints. In order to make this policy position as clear as possible, we will explore how we can make changes through future revisions to the National Planning Policy Framework, including whether a renaming of the policy could provide additional clarity”. 3.7 The above statements do not change existing policy, but reaffirm the existing situation in the NPPF that the housing need numbers produced by the standard method are just a starting point and not a target. 70% of Tunbridge Wells borough is within the High Weald AONB, and yet, the Regulation 19 Local Plan is predicated on the Borough Council meeting its full housing need figure of 678 dwellings per year, or some 12,200 over the plan period of 2020 to 2038. This has severe repercussions for the AONB and prevents the Local Plan from conserving and enhancing its natural beauty.

## 5.0 Major Development in the High Weald AONB

### The Major Development Sites

5.1 Appendix 2 and 3 of the Development Strategy Topic Paper provides the justification for why some of the proposed allocation sites have been considered ‘major development’ in the terms of paragraph 172 of the NPPF and some are not. This assessment has been carried out in a transparent way, and the NPPF makes it clear that whether a development is major or not is a matter for the decision-maker.

5.2 The sites identified as major are as follows:

AL/RTW16 Land at Spratsbrook Farm	120 dwellings	(As the developable part of the site is outside the AONB it is considered that this should be treated as a site in the setting of the AONB rather than major development within it)
AL/RTW17 Longfield Road, Tunbridge Wells	80,000sqm employment	
AL/CRS1&2 Brick Kiln Farm & Corn Valley	215-225 dwellings	AL/CRS3 Turnden, Cranbrook
200-204 dwellings	AL/HA1 The White House, Hawkhurst	43
apartments	AL/HA4 Copthall Avenue, Hawkhurst	70-79 dwellings
AL/HA4 Copthall Avenue, Hawkhurst	70-79 dwellings	AL/BM1 Maidstone Road, Brenchley
45 dwellings	AL/PE1,2&3 Pembury	210-220 dwellings
		<b>Total</b>
		<b>903-936 dwellings</b>

5.3 Some of the above sites already have status in the planning system as follows:

- AL/CRS1&2 Brick Kiln Farm & Corn Valley: These sites were allocated in the 2016 DPD and 180 dwellings at Brick Kiln Farm has outline planning permission;
- AL/CRS3 Turnden, Cranbrook: 36 dwellings already granted full planning permission on the farmstead part of the site;
- AL/HA1 The White House, Hawkhurst: planning permission already granted for 43 retirement apartments;
- AL/BM1 Maidstone Road, Brenchley: outline and reserved matters permission already granted for 45 dwellings.

5.4 The dwellings proposed on major development sites in the AONB with no current planning status are:

- AL/CRS3 Turnden, Cranbrook 164-168 dwellings
- AL/HA4 Copthall Avenue, Hawkhurst 70-79 dwellings
- AL/PE1,2&3 Pembury 210-220 dwellings
- **Total 444-467 dwellings**

5.5 It should be noted that option GS2 in the Sustainability Appraisal assumes that reducing development below the housing need to one that does not involve any major development in the High Weald AONB would result in the scale of housing being reduced by between 1,600 - 2000 dwellings (17% of housing need for 11,526). It is not clear where this number comes from. It is the Unit's understanding that sites already allocated in an adopted Plan or granted outline or full planning permission would go ahead even if all major development sites in the AONB were removed from this Local Plan. Therefore the reduction in housing numbers would be 444-467 dwellings, or about 4% of 11,526.

### The Major Development Tests

5.6 As quoted in paragraph 3.2 above, NPPF 172 says that “Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest” and provides a number of tests for the consideration of

such applications. Whilst the wording of this paragraph does not refer to allocations at the plan-making stage, if these tests are not applied at this stage there is a significant risk that allocations will not be deliverable, which would conflict with the test of soundness on effectiveness.

5.7 The Unit believes that the proposed major development allocations fail the NPPF 172 tests for the following reasons:

- **The need for the development:** the Borough Council argues that the high housing need for the area necessitates major development in the AONB. However, this argument is circular. If the conservation and enhancement of the AONB was given great weight as required by NPPF 172 then the housing requirement figure for the Borough would be adjusted downwards to reflect the fact that 70% of the area is AONB, and there would be no 'necessity' to locate large amounts of development within the AONB.

- **Developing outside the designated area, or meeting the need for it in some other way:** Even if it is necessary to allocate some development within the AONB that does not mean that such provision should be in the form of major development sites. As explained below, the High Weald landscape is small scale in character and can accommodate small scale development successfully without damaging its natural beauty.

- **Any detrimental effect on the environment:** this is explored in more detail below.

### **The Impact of Major Development on the AONB**

5.8 National policy and legislation requires decision-makers to have regard and give great weight to conserving and enhancing the natural beauty of AONBs. In the High Weald this natural beauty is defined in the AONB Management Plan's Statement of Significance, which identifies five defining components of character that have made the High Weald a recognisably distinct and homogenous area for at least the last 700 years.

1. Geology, landform and water systems – a deeply incised, ridged and faulted landform of clays and sandstone with numerous gill streams. 2. Settlement – dispersed historic settlement including high densities of isolated farmsteads and late Medieval villages founded on trade and non-agricultural rural industries. 3. Routeways – a dense network of historic routeways (now roads, tracks and paths). 4. Woodland – abundance of ancient woodland, highly interconnected and in smallholdings. 5. Field and Heath – small, irregular and productive fields, bounded by hedgerows and woods, and typically used for livestock grazing; with distinctive zones of lowland heaths, and inned river valleys.

Other equally important characteristics are also identified in the Management Plan under sections on the land-based economy and related rural life and 'other qualities'.

5.9 The objectives for the settlement component are:

- Objective S1: To reconnect settlements, residents and their supporting economic activity with the surrounding countryside;
- Objective S2: To protect the historic pattern and character of settlement;
- and • Objective S3: To enhance the architectural quality of the High Weald and ensure development reflects the character of the High Weald in its scale, layout and design.

5.10 One of the actions for objective S2 is to "Seek to prioritise the delivery of new housing primarily through small-scale development and a mix of housing sizes that responds to local needs". Small scale carefully designed development can be accommodated successfully in this landscape whilst retaining its character, but large-scale developments are much more challenging to integrate successfully without detrimental effects. It is the view of the High Weald AONB Unit that major development cannot be accommodated within the AONB without damaging the essentially human scale character of the area or the purposes of the designation.

5.11 The 5 core components derive from the natural geology, topography and soils of the area and how people have used them over the centuries. Unlike the historically communally farmed landscapes of the Midlands which the national planning system is based on, the High Weald does not have nucleated towns and villages that are separated by open unoccupied countryside where any development would be 'isolated'. Instead it is based on a high density of medieval farmsteads most of which were farmed 'in severalty' – that is by individual families rather than as part of wider estates or communal systems. They were dispersed across the High Weald, surrounded by enough land to support a family and managed as mixed farms to suit the soil conditions and topography and to maximise self-sufficiency. Trees and hedges were an important component of the farming systems and fields were often carved out of woodland by hand (assarts) resulting in their characteristic small and irregular

shape. The challenging topography and soil conditions, which are suited to growing trees and grass rather than crops, mean that the High Weald has retained its Medieval character, with its small fields and woodland shaws, and its high density of historic routeways.

5.12 This history is important because it explains the human scale of the landscape components which comprise the natural beauty of the High Weald and the importance of the dispersed settlement pattern created by the farmsteads. Hamlets, villages and small towns evolved in the late Medieval period and onwards at the intersection of routeways and around commons to facilitate trading between farmsteads and the creation of small industries and crafts. Whilst these settlements are more consolidated, many have farmsteads on their outskirts and it is particularly important to maintain the separation between these two different settlement types so that the historic landscape remains legible for future generations. Continually adding to the larger villages and towns threatens this historic character, especially when it subsumes these adjacent farmsteads. Large-scale developments sit uncomfortably in this landscape because they overlap historic field systems and dominate the small scale historic settlement pattern. Whilst retaining field boundaries and historic features within new developments is important, it cannot overcome the basic incompatibility of locating large scale development within such a small scale landscape. It therefore inevitably fails to conserve and enhance the natural beauty of the AONB.

### **Landscape and Visual Impact Assessment**

5.13 Following the Regulation 18 consultation the Borough Council commissioned Hankinson Duckett Associates to undertake a Landscape and Visual Impact Assessment of 21 potential allocation sites in the AONB. The AONB Unit was consulted on the brief to these consultants but not on the outcome of the work.

5.14 Appendix B to this submission identifies the detailed concerns with this work. Whilst it has a particular focus on the proposed site at Turnden, the concerns about the overall approach apply to all of the major development sites proposed in the AONB in the Regulation 19 Plan. These can be broadly summarised as follows:

- The Assessment consistently downgrades impact on the AONB;
- The imprecise method encourages operator bias and its opaque nature discourages scrutiny;
- The site assessments are inconsistent, partial, unsubstantiated and peppered with loaded phrases;
- There is a visual bias across the assessments with the impact on landscape as a resource being significantly underplayed;
- The cumulative effects of development under each site assessment section do not deal in specifics and when they do they focus almost entirely on visual effects – separation, viewpoints and planting – rather than landscape effects such as the loss of soils; field systems and their potential for biodiversity or food production; rurality, dark skies, tranquillity or other perceptual qualities.

5.15 For the reasons detailed above and in Appendix B it is considered that this LVIA should not be relied upon and it should be accepted that major development within the AONB will have a severe detrimental impact on the natural beauty of the High Weald.

## **6.0 Development in the Setting of the AONB**

6.1 Even if Growth Strategy 2 was followed and the uncommitted major development sites in the AONB removed from the Local Plan, the remaining growth proposed would still have a significant impact on the designated area. This is because only 30% of the Borough is outside of the AONB so attempting to meet all or nearly all of the housing need figure puts tremendous pressure on this area, including where it abuts or is close to the AONB boundary. Developments outside but affecting the AONB include:

- Paddock Wood / land east of Capel Parish 3,490-3,590 dwellings
- Tudeley Garden Village 2,800 dwellings
- Horsmonden 240-320 dwellings
- Spratsbrook Farm, Tunbridge Wells 120 dwellings
- Benenden Hospital 47-50 dwellings

6.2 The Borough Council commissioned Hankinson Duckett Associates to produce an 'AONB Setting Analysis Report'. Whilst the work that has gone into this study is appreciated, the Unit was not consulted on its methodology or outcomes. The study focuses primarily on the inter-visibility of developments and direct impacts and does not address the wider impacts of accommodating this level of growth so close to the boundary of the AONB. These impacts include:

- Increased visitor numbers to the AONB placing pressure on its recreational facilities and infrastructure;
- Increased traffic travelling through the AONB to access the new developments and the highway 'improvements' required to accommodate this;
- Loss of tranquillity arising from the above;
- Increase

in air pollution arising from the above; • Light pollution from developments on the edge of the AONB and from highway improvements which require to be lit.

6.3 The above impacts would be reduced if the overall housing number was reduced to reflect the 70% of the Borough which lies within the AONB rather than trying to meet the full housing need by squeezing as much as possible into the remaining area. This statement focuses on the impact of this strategy on the AONB because that is the Unit's remit. However, this does not mean we are blind to the devastating impact of the planned level of growth on the area outside of the AONB, much of which is Green Belt and/or Low Weald countryside which is highly valued by its residents.

## 7.0 Conclusion

7.1 The High Weald AONB Unit believes that the overall level of development proposed and the major development sites allocated in the AONB are not justified and are contrary to national policy and guidance. The proposed development strategy of the Local Plan would have a severe detrimental impact on the purposes for which the AONB was designated and would fail to conserve and enhance this national asset. It is therefore recommended that there is a reduction in the overall housing figure and that all the major development sites in the AONB be deleted from the Local Plan.

## Question 7

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

**If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?** . Yes, I wish to participate in hearing session(s)

## Question 7a

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

**If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:**

To advise the Inspector on matters relating to the High Weald AONB. The Partnership is the body with responsibility for advising those with a duty to have regard to conserving and enhancing the AONB under Section 85 of the Countryside and Rights of Way Act.

## Question 8

**If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.**

Please see representation on STR1 [TWBC: As follows]

4.0 The Sustainability Appraisal

4.1 The Sustainability Appraisal is the main tool by which the Borough Council assesses the options for the level of growth and its distribution, and selects its development strategy. NPPF paragraph 32 says that "Local plans and spatial development strategies should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements" and paragraph 35 says that Plans are 'sound' if they meet the tests, including "Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence".

4.2 The Sustainability Appraisal for the Regulation 19 Local Plan assesses a number of growth options against sustainability objectives. Appendix A to this statement shows the scores and commentary for two of these options:

- GS13 - The strategy reflected in the Regulation 19 Local Plan; and
- GS2 - A strategy which reduces development below the housing need to one that does not involve any major development in the High Weald AONB.

This exercise has been carried out to understand the reasoning behind the selection of the Local Plan strategy compared to the option that most closely aligns to the AONB Unit's position, albeit it doesn't address its concerns about the impact of overall levels of growth on the setting of the AONB.

4.3 Appendix 1 demonstrates the following:

- That the economic objectives are double-counted in the assessment by the application of two objectives on business growth and employment and no account is taken of the benefit the AONB brings to the tourism industry;
- That the perceived impact of strategies on areas of deprivation is double-counted in the assessment by the application of two objectives on health and deprivation and no account is taken of the need for such areas to have good access to the countryside which would be lost to major development under GS13;
- That the assessment of the impact of option GS2 on climate change is clearly incorrect and conflicts with the commentary. This option will be much more positive for the climate change objective than GS13, not just because of reductions in transport and carbon emissions from new dwellings but due to the carbon sequestration function of soils and natural habitats;
- The heritage score for GS2 should be positive to reflect the heritage value of the landscape itself (medieval field systems etc) which would be impacted less under GS2 than GS13. Heritage is not just about listed buildings and conservation areas;
- Whilst it is agreed that GS2 would have a less positive impact on housing than GS13, the suggestion that building more dwellings in the AONB would reduce house prices is unsubstantiated and goes against known evidence. To meet housing needs in the AONB requires more genuinely affordable housing not more £300k+ houses. It is also noted in paragraph 5.5 below that the reduction in housing numbers for this option appears to have been over-estimated, which would affect the relative scores for this objective;
- Landuse - this objective is supposed to be about protecting soils, and reusing previously developed land and buildings. Instead the scoring seems to focus on impacts on the greenbelt. Since most of the major development sites in the AONB are on greenfield land GS2 should score much more positively than GS13;
- The landscape score for GS2 should be much more positive because it significantly reduces the harm to the AONB, which has the highest planning status in respect of landscape and scenic beauty. This is the only objective which mentions the AONB, and does so alongside all other landscape impacts, diluting its importance in the overall assessment of sustainability whereas the NPPF requires that AONBs be given 'great weight';
- Travel - As the only difference between GS2 and GS13 is the omission of major development sites in the AONB, which as the commentary says will be in areas where alternative transport modes are not popular or viable, the score for GS2 should be more positive for the travel objective than GS13 rather than the opposite as shown.
- Water - If the score is not significantly affected by reduction in growth in the AONB as per the commentary then it should be the same for GS2 and GS13.

4.4 If the above inaccuracies and inconsistencies in the scoring were corrected then GS2 would score more positively overall than the strategy selected for the Regulation 19 Local Plan.

## Future Notifications

**Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:**

Yes, I wish to be notified of future stages of the Local Plan
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# Supporting Information File Ref No: SI\_79

## Comment

<b>Consultee</b>	Mr Nigel Stratton [REDACTED]
<b>Email Address</b>	[REDACTED]
<b>Company / Organisation</b>	Pembury Neighbourhood Plan Steering Group
<b>Address</b>	Lower Green Recreation Ground Lower Green Road Pembury TN2 4DZ
<b>Event Name</b>	Pre-Submission Local Plan
<b>Comment by</b>	Pembury Neighbourhood Plan Steering Group [REDACTED] [REDACTED]
<b>Comment ID</b>	PSLP_1458
<b>Response Date</b>	03/06/21 14:40
<b>Consultation Point</b>	Policy AL/PE 3 Land north of the A21, south and west of Hastings Road ( <a href="#">View</a> )
<b>Status</b>	Processed
<b>Submission Type</b>	Email
<b>Version</b>	0.7
<b>Files</b>	<a href="#">PSLP_1458 Pembury Neighbourhood Plan Steering Group Representation.pdf</a>
<b>Data inputter to enter their initials here</b>	HB
<b>Question 1</b>	
<b>Respondent's Name and/or Organisation</b>	Pembury Neighbourhood Plan Steering Group
<b>Question 3</b>	
<b>To which part of the Local Plan does this representation relate?</b>	Policy
<b>Question 3a</b>	
<b>Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.</b>	Policy AL/PE 3 Land north of the A21, south and west of Hastings Road Paragraph No(s) 5.678 to 5.687

#### Question 4

Do you consider that the Local Plan:

Is legally compliant Yes

Is sound No

Complies with the Duty to Cooperate Yes

#### Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because: . It is not positively prepared  
. It is not justified

#### Question 5

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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**Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.**

This is the formal response from the Pembury Neighbourhood Plan Steering Group to the consultation on the Pre-Submission (Regulation 19) Tunbridge Wells Local Plan.

The comments relate to site AL/PE3, for which there are three concerns. Two concerns relate to how the site has been assessed:

- 1 Value of the western half of the site to the community of Pembury as an area of open space;
- 2 The detrimental impact development on the eastern part of the site would have on local character and the Area of Outstanding Natural Beauty.

The third is a concern about the way in which comments received on the Draft Plan have been considered, in terms of housing numbers within Pembury:

- 1 The significant uplift in housing numbers for Pembury parish since the draft Plan.
- The Steering Group consider that Site AL/PE3 should not be developed. However if unavoidable, the developable area should be significantly reduced to take account of the concerns raised.

#### **About the Pembury Neighbourhood Plan Steering Group**

The Steering Group, comprising both local councillors and volunteers from the local community, was established by the Parish Council in July 2020 to oversee the development of a Neighbourhood Plan for Pembury. To date, it has set up a series of Working Groups, comprising volunteers, who have been exploring issues facing the parish relating to housing, character and design, green spaces and the environment, the local economy, community facilities and local transport. A community survey was undertaken in December 2020 seeking views on the most pressing issues for those living in Pembury.

In addition, the Steering Group has commissioned AECOM to undertake a Design Guidance and Masterplanning exercise, focussing in particular on sites along the A21 that are proposed for allocation in the emerging Local Plan. The findings of this work to date has formed the basis of this response.

Our response focuses in particular on site AL/PE3 (Land south and west of Hastings Road), which has attracted a great deal of debate locally.



Wider concerns are considered to be captured within the response submitted by Pembury Parish Council, which is fully supported by the Neighbourhood Plan Steering Group.

### **Policy AL/3: Land north of the A21, south and west of Hastings Road**

The site has been assessed by the local authority as suitable for development to accommodate approximately 90 dwellings, subject to the findings of additional assessments including on statutory infrastructure, transport, landscape, topography and visual impact.

The Steering Group considers that the assessments of the site to date have not fully considered particular aspects that could impact its suitability for allocation in the Pre-Submission Plan. These aspects relate to the use of the site by the community as an open space and the negative impact development would have on the character and amenity of the village and the wider Area of Outstanding Natural Beauty.

Further details are set out below:

#### **1. Value of the western half of the site to the community of Pembury as an area of open space**

The Neighbourhood Plan process has revealed the considerable significance of the site to the local community as an accessible open space.

The site – particularly the **western** part nearest to the footpath - is extremely well-used by local people for informal recreation including walking and dog-walking, sledging (in winter), and free, creative play for children. This has been the case for many years. There is a public right of way on the western side of the site (WT237) and informal paths around the edge, the use of which has increased considerably as a result of the Covid-19 pandemic, demonstrated by footfall counts and local observations.

The site, particularly towards the southern (east and west) end, is elevated and is the only area of open space within the village where the sunrise and sunset can be seen from one place, with sweeping east-west views across the High Weald. It is appreciated that this use is one of custom but for the other issues discussed below should be considered as protected by designation.

The site is also valued for its health and well-being purposes. Indeed the Government's 25 Year Environment Plan[1] sets out the value of accessible green within communities: "Spending time in the natural environment – as a resident or a visitor – improves our mental health and feelings of wellbeing. It can reduce stress, fatigue, anxiety and depression. It can help boost immune systems, encourage physical activity and may reduce the risk of chronic diseases such as asthma. It can combat loneliness and bind communities together".

The Sustainability Appraisal prepared to support the Pre-Submission Plan considered that development of the site would have a neutral effect on health and well-being; this is disputed in light of the information provided above and in light of the Pre-Submission Plan's overview, which acknowledges the lack of sufficient open space, sport and recreation provision within Pembury. This is particularly important in light of the fact that the Borough Council has not yet adopted the community infrastructure levy, which would have enabled the Parish Council to prioritise expenditure on facilities considered important locally. In the absence of this, there is no guarantee that section 106 monies will either be spent locally or that the community will be able to influence how it is spent.

Whilst public use was not mentioned in relation to this site specifically in the Parish Council's earlier response to the Draft Plan, the need to retain public access was included as a general point relating to all the sites. Since then, however, it has become obvious through observations, replies to local surveys, footpath counts and discussions with the community that many people regularly use and value the land at this location for the purposes of informal recreation. Indeed the opportunity presented by national planning policy to designate local green spaces has led to this part of the site being cited on numerous occasions as a potential candidate for the neighbourhood plan.

The Steering Group are concerned that the contribution of the site to local recreation and amenity was not adequately assessed as part of the site assessment process. Loss of public access to the site - would be sorely felt by the existing and future residents of Pembury.

#### **2. The detrimental impact development on the eastern part of the site would have on local character and the Area of Outstanding Natural Beauty**

To inform the policies of the emerging neighbourhood plan, the Steering Group has commissioned AECOM to undertake work to establish principles for design within Pembury, to reflect local character.

Part of this includes reviewing the proposals for site allocations AL/PE1 to 3, and developing masterplanning, which can inform both the emerging Local Plan and discussions with the site promoters.

The work is being undertaken by a small team headed by Luis Juarez PhD, a principal urban designer with AECOM-URS. His areas of expertise are masterplanning, urban design and design coding, with experience of major regeneration schemes across the UK.

[1] First review of 25 Year Environment Plan published - GOV.UK ([www.gov.uk](http://www.gov.uk))

Having visited the sites, the AECOM team have suggested that, from a design and land-use perspective, the **eastern** part of the site should be considered as unsuitable for development because of the impact development here would have both on the AONB and the character of Pembury. The topography of the site in particular is such that development in this section of the site would be very visible and would negatively impact the AONB.

From observation, it is close to 4 to 5 metres higher than the road level, making the developable area of the site quite visible and exposed. The advice to the Steering Group is that it would be very difficult to minimise this by planting alone, as suggested in Policy AL/PE3. Development on this higher ground would also negatively impact the scale and privacy of the existing houses located lower down on the northern part of Hastings Road.

Furthermore, the advice provided suggests that services and utilities would also be difficult to install given the site's topography. Surface water flooding is already an issue in Pembury and there have been reports of drainage issues in this part of the village.

Finally, pockets of high road noise were recorded within the site assessment for AL/PE3; the eastern part of the site is located closest to the A21 junction with the Henwood Green Road/Hastings Road where noise is likely to be particularly high.

### 3. The significant uplift in housing numbers for Pembury parish since the draft Plan

The Pre-Submission Local Plan has provided a significant uplift in housing allocations within Pembury, when compared with the previous draft Plan: 389-471 new dwellings (Regulation 19) compared to 294-304 dwellings (Regulation 18), as shown below. The columns on the left shows the proposed allocations included in the Draft Local Plan (2018) and the columns on the right show the proposed allocations in the Pre-Submission Plan (2019). There is some cross

*[TWBC: for table, please see full representation attached as a supporting document]*

This constitutes an uplift in dwelling numbers since the previous consultation of between 32% and 55%. The Steering Group question the justification for this. In addition to this, the hospital's proposal for residential training units is in planning discussion now, so could add further dwellings.

Given the overall uplift in housing numbers attributed to Pembury, and for the reasons noted above, the Steering Group would consider site AL/PE3 unsuitable for development.

The Steering Group would be grateful for these comments to be considered by the Borough Council and is also in contact with the site promoter to discuss the emerging neighbourhood plan and how it might impact the site. The very purpose of the neighbourhood plan process is to offer the local community a greater say in the way their community evolves and develops, and it is hoped that their views thus far will be carefully considered.

## **Question 6**

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**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.**

It is acknowledged that any reduction of housing proposed at AL/PE3 may need to be addressed elsewhere in the Plan. The Steering Group, consider that this could be achieved in one of three ways:

Option 1: Identifying alternative sites elsewhere in the Borough, where the housing numbers could be redistributed: This would chime with the Parish Council's response, which underlined the size of and impact of the proposed target for new housing on this Parish, and has expressed the concerns set out above in respect of site AL/PE3.

Option 2: Redistributing the housing allocation to other sites in Pembury - for instance by enabling denser development, where this does not compromise local character, provision of green space and amenity. This could be beneficial in ensuring that a mix of housing is developed within Pembury, to include more affordable homes suited to young couples and families, homes suited to those wishing to down-size, in addition to larger family homes. The need for such a mix has been demonstrated through the neighbourhood plan engagement process to date.

Option 3: Restricting development to the western side of the site AL/PE3: This would retain the sensitive eastern field as open space, which could be offered as community use, to acknowledge the existing use (albeit currently on the western side). Dwellings would need to be sympathetic to local character and amenity in terms of design, height and massing. They would also need to deliver a housing mix to address local housing needs. The community would wish to be involved in this process, for instance using the neighbourhood plan as the vehicle to do so. The provision of cycle access, as set out in the Pre-Submission Plan, would be achievable, linking the space to the other sites proposed along the A21. The tree buffer along the eastern side is very thin along Hastings Road here would need to be improved.

#### **Question 7**

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**If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?** . Yes, I wish to participate in hearing session(s)

#### **Question 7a**

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**If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:**

The Pembury Neighbourhood Plan Steering Group would like to participate in the hearing sessions relating to Pembury. Work on the neighbourhood plan is evolving and we would welcome the opportunity to input into discussions relating to Pembury to:

(a) ensure that evidence collected at the very local level – that may not have been gathered at the strategic level - is considered by the Examiner. This is particularly important, particularly in relation to discussions on the sites, as demonstrated by our submission above, and is a key benefit of the neighbourhood plan process; and

(b) to keep abreast of discussions that will be relevant to our neighbourhood plan, as we seek to synchronise it with the emerging strategic policies of the Local Plan.

**If you would like to attach a file in support of your comments, please upload it here.** [PSLP 1458 Pembury Neighbourhood Plan Steering Group Representation.pdf](#)

## Future Notifications

**Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:**

Yes, I wish to be notified of future stages of the Local Plan

# Supporting Information File Ref No: SI\_76

## Comment

Consultee	[REDACTED]
Email Address	[REDACTED]
Company / Organisation	Natural England
Address	International House Dover Place ASHFORD TN23 1HU
Event Name	Pre-Submission Local Plan
Comment by	Natural England [REDACTED]
Comment ID	PSLP_1467
Response Date	04/06/21 13:41
Consultation Point	Policy AL/PE 3 Land north of the A21, south and west of Hastings Road ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.4
Files	<a href="#">PSLP_1444_Natural England_SI.pdf</a>
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Natural England
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

**Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.**

Policy AL/PE 3 Land north of the A21, south and west of Hastings Road

*[TWBC - Full representation attached as Supplementary Information]*

*[TWBC: This representation has been input against Policies PSTR1, AL/RTW17, AL/CRS 1, AL/CRS 2, AL/CRS 3, AL/HA 4, AL/BM 1, AL/PE 1, AL/PE 2, AL/PE 3, AL/RTW 16, STR/SS1, STR/SS3, EN11,*

Section 3, STR 8, Section 5, EN1, EN9, EN10, EN12, EN13, EN14 AND EN19 – see Comment Numbers PSLP\_1444, PSLP\_1459, PSLP\_1460, PSLP\_1462, PSLP\_1489, PSLP\_1463, PSLP\_1464, PSLP\_1465, PSLP\_1466, PSLP\_1467, PSLP\_1468, PSLP\_1469, PSLP\_1470, PSLP\_1472, PSLP\_1478, PSLP\_1480, PSLP\_1481, PSLP\_1482, PSLP\_1483, PSLP\_1484, PSLP\_1485, PSLP\_1486, PSLP\_1487, PSLP\_1488]

#### Question 4

Do you consider that the Local Plan:

Is legally compliant	Yes
Is sound	No
Complies with the Duty to Cooperate	Yes

#### Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	<input type="checkbox"/> It is not justified
	<input type="checkbox"/> It is not consistent with national policy

#### Question 5

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##### Appendix 2: Major development allocations within the High Weald AONB

Our core reason for considering the local plan as unsound is due to the proposed allocations within the AONB that have been defined by TWBC as major development. These include some sites that have been granted planning permission without the support of an allocation in the adopted local plan and we continue to object to the draft allocations for major development.

Natural England objects to the inclusion of these major development allocations sites within the AONB because we consider that these policies fail the test of soundness (see our Soundness comments above). We therefore recommend that alternative approaches are taken that avoid impacts on the designated landscape. Our specific comments regarding these allocations are outlined as follows:

**AL/PE1 - Land rear of High Street and west of Chalket Lane;**

**AL/PE2 - Land at Hubbles Farm and south of Hastings Road;**

**AL/PE3 - Land north of the A21, south and west of Hastings Road**

Whilst these three sites, individually, are not identified as major development by TWBC, they are considered to cumulatively represent major development. Natural England therefore objects their inclusion as allocations, but we consider that they may be more acceptable if their size and scale are reduced such that, taken together, they no longer represent major development.

#### Question 6

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Natural England welcomes the reduction in scale and number of major development site allocations within the AONB since the Regulation 18 stage of the draft local plan, but we do not consider the current draft local plan to be sound and have highlighted our reasons in our full response letter for this regarding the remaining major development allocations within the AONB. We advise that these allocations should not be pursued, and alternative options should continue to be explored. While we have objected to major development proposed within the AONB, we remain committed to the plan-led scrutiny of the proposals to ensure soundness of approach, which enhances the High Weald's highly valuable and special landscape for future generations. We wish to work with TWBC to help ensure the best possible outcomes for the AONB and the environment.

#### Question 7

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**If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?** . Yes, I wish to participate in hearing session(s)

#### Question 7a

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**If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:**

Natural England are a statutory consultee for local plan consultations and, under the CROW Act, have powers regarding AONBs. The development strategy and major development allocations within the AONB are the core reason for why we consider the local plan as unsound.

In addition, Natural England objected to a planning proposal (20/00815/FULL) for the Turnden Farm site (AL/CRS 3) in 2020 and requested that the decision by TWBC to approve the development was called in by the Secretary of State. The proposal is now subject to a Public Inquiry which Natural England is engaged in as a Rule 6 party.

#### Question 8

**If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.**

Appendix 3: Sustainability Appraisal

There are several alternative growth strategy options within the Sustainability Appraisal (SA) and the Council has chosen a growth strategy with significant negative landscape impacts. Natural England's

view is that the preferred approach should afford sufficient weight to environmental factors. This is supported by NPPF Paragraph 8 which states that economic, environmental and social objectives need to be pursued in mutually supportive ways to support net gains across each of these objectives. Paragraph 32 also states that (emphasis added):

‘Local plans and spatial development strategies should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements (The reference to relevant legal requirements refers to Strategic Environmental Assessment. Neighbourhood plans may require Strategic Environmental Assessment, but only where there are potentially significant environmental effects.’).

This should demonstrate how the plan has addressed relevant economic, social and environmental objectives (including opportunities for net gains). Significant adverse impacts on these objectives should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where significant adverse impacts are unavoidable, suitable mitigation measures should be proposed (or, where this is not possible, compensatory measures should be considered). However, the SA appears to prioritise social and economic considerations over environmental ones as Section 6.2.19 states:

‘The term ‘preferable’ is used in this sense to mean the option that has the highest scores for the economic and social pillars, and the least negative scores for the environmental pillar’

We also refer to Paragraph 11(b) of the NPPF which states that:

“b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area;”

Given the provisions of paragraph 11 (and consequently paragraph 172), we consider that the weight afforded to protecting nationally designated landscapes has not been sufficiently considered as part of exploring alternative options and the environmental value of the AONB has been underestimated.

It is our view that significant impacts have not been avoided as far as possible and, as outlined in other sections, we advise that major development within the AONB has not been appropriately justified.

Given the above, we are concerned that the underpinning assessment and recommendations of the SA are not giving an appropriate level of consideration for the environmental benefits associated with alternative growth strategies, especially given the great weight that should be afforded to designated landscapes.

Natural England has significant concerns that the SA underestimates the value of avoiding major development within the AONB and the scale of impact of including it. The chosen growth strategy achieves a very positive score (‘+++’) for housing as it assumes it will meet standard housing need and local housing needs across the borough. However, it scores neutral or negative scores for environmental factors, including ‘slightly negative’ (‘-’) for Landscape, despite the scale and size of major developments directly within the AONB and its setting including the large strategic sites at Tudeley and Paddock Wood.

As outlined in other sections of this letter, our view is that we consider that securing effective enhancement and mitigation measures for major development within the AONB is very challenging and therefore scores for environmental/landscape factors are likely to be overstated in the SA conclusions. Similarly, the SA finds that sites such as Turnden (AL/CRS 3) are still allocated despite scoring a very negative score for landscape (Appendix J, Page 321).

Furthermore, for Growth Strategy 2 (no major development within the AONB), climate change is scored as negative (‘-’ in table 14) despite having lower growth in the AONB and Borough compared with Growth Strategy 13 (adopted approach for Pre-Submission Local Plan) which includes higher growth and major development within the AONB but only scores slightly negatively for climate change (‘-’ in table 25). It is our view that Growth Strategy 2 would reduce carbon emissions associated with transport and new dwellings as well as carbon sequestration (which is not mentioned in the SA) when compared with Growth Strategy 13.

Given the scale of development within the AONB and its setting in the chosen growth strategy, we also question the neutral score given for biodiversity. While we support biodiversity net-gain, approaches should be in addition to applying the mitigation hierarchy which should aim to avoid negative impacts on biodiversity in the first instance. As the SA states that nature conservation designations are more common in the AONB, we advise that any benefits for biodiversity (including those which contribute to the neutral score for the chosen growth strategy) are interpreted with some caution.

Finally, point 3.2.8 does not reflect the findings of the HRA and mitigation proposed for Ashdown Forest



SPA (see the HRA section below). We advise this section of the SA is amended to reflect the findings of the HRA.

#### **Future Notifications**

**Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:**

Yes, I wish to be notified of future stages of the Local Plan

## Comment

Consultee	Lady Elizabeth Akenhead [REDACTED]
Email Address	[REDACTED]
Company / Organisation	British Horse Society
Address	[REDACTED] [REDACTED] TONBRIDGE [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	British Horse Society [REDACTED] [REDACTED]
Comment ID	PSLP_1538
Response Date	04/06/21 16:32
Consultation Point	Policy AL/PE 3 Land north of the A21, south and west of Hastings Road ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.2
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	British Horse Society
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

**Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.**

Policy AL/PE 3 Land north of the A21, south and west of Hastings Road

**Question 4**

**Do you consider that the Local Plan:**

Is sound

No

#### Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because: . It is not justified

#### Question 5

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Same issues re requirements 7, 8 and 9 as in our representations concerning AL/PE1 and AL/PE2

#### Question 6

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Same modifications to requirements 7, 8 and 9 as in our representations on AL/PE1 and AL/PE2

#### Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

#### Question 7a

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**If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:**

As with AL/PE1 and 2

#### **Future Notifications**

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Yes, I wish to be notified of future stages of the Local Plan

## Comment

Consultee	Mr Andrew Yates ( )
Email Address	
Address	<div></div> <div>Pembury Tunbridge Wells TN2 </div>
Event Name	Pre-Submission Local Plan
Comment by	Mr Andrew Yates ( )
Comment ID	PSLP_2004
Response Date	01/06/21 11:22
Consultation Point	Policy AL/PE 3 Land north of the A21, south and west of Hastings Road ( <a href="#">View</a> )
Status	Processed
Submission Type	Other
Version	0.6
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Mr Andrew Yates
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy AL/PE 3 Land north of the A21, south and west of Hastings Road	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know

Is sound

No

Complies with the Duty to Cooperate

Don't know

#### Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because: . It is not justified

#### Question 5

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Aside of the flood risk and traffic hazard detailed in other representations, the issue with already stretched local civic resources also need to be taken into consideration.

Schools and doctors' surgeries are already at capacity (I speak from personal experience).

No provision has been considered or even suggested by TWBC to make allowances for this.

Without doubt, this proposal has been pushed through very quietly and, without adequate consultation with the local residents and I question the legality of the approval.

Now we are aware we shall ensure that all local residents likely to be impacted by the proposed development are canvassed, fully informed (as TWBC should have done) to ensure everyone is aware of the local impact this might have.

We were only informed by a local neighbour 3 weeks ago of this proposal!!!

I suggest that, any proposed project I development works now be put on hold until all residents are given adequate notification, full development detail and, the opportunity to seek representation.

#### Question 6

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Development of the land contained in the above map should be removed from the Local Plan for reasons stated above.

#### Question 7

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

**If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?**

No, I do not wish to participate in examination hearing session(s)

#### Question 7a

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**If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:**

See above Section 6

#### Question 8

**If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.**

See above Section 6

[TWBC: Comments from Section 6 and 5 stated below for ease of reference]

##### Section 6

Development of the land contained in the above map should be removed from the Local Plan for reasons stated above.

##### Section 5

Aside of the flood risk and traffic hazard detailed in other representations, the issue with already stretched local civic resources also need to be taken into consideration.

Schools and doctors' surgeries are already at capacity (I speak from personal experience).

No provision has been considered or even suggested by TWBC to make allowances for this.

Without doubt, this proposal has been pushed through very quietly and, without adequate consultation with the local residents and I question the legality of the approval.

Now we are aware we shall ensure that all local residents likely to be impacted by the proposed development are canvassed, fully informed (as TWBC should have done) to ensure everyone is aware of the local impact this might have.

We were only informed by a local neighbour 3 weeks ago of this proposal!!!

I suggest that, any proposed project I development works now be put on hold until all residents are given adequate notification, full development detail and, the opportunity to seek representation.

#### Future Notifications

**Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:**

Yes, I wish to be notified of future stages of the Local Plan

## Comment

Consultee	Mr Ahmed Elgamal ( [REDACTED] )
Email Address	[REDACTED]
Address	[REDACTED] Pembury Tunbridge Wells TN2 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Ahmed Elgamal ( [REDACTED] )
Comment ID	PSLP_2007
Response Date	04/06/21 11:32
Consultation Point	Policy AL/PE 3 Land north of the A21, south and west of Hastings Road ( <a href="#">View</a> )
Status	Processed
Submission Type	Other
Version	0.6
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Ahmed Elgamel
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy AL/PE 3 Land north of the A21, south and west of Hastings Road	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know



Is sound

No

Complies with the Duty to Cooperate

Don't know

#### Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because: . It is not justified

#### Question 5

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**Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.**

Aside of the flood risk and traffic hazard detailed in other representations, the issue with already stretched local civic resources also need to be taken into consideration.

Schools and doctors' surgeries are already at capacity with waiting lists (I speak from personal experience).

Also not having enough parking spaces outside the residential address means there will be struggle for the current residents to park outside their own property and struggle for any road users to use the road since it will turn into one lane system.

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We were only informed by a local neighbour 3 weeks ago of this proposal and there were no plan posts or flyers anywhere around the field that suggests that there was a plan permission submitted for this proposal!!!

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**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.**

Development of the land contained in the above map should be removed from the Local Plan for reasons stated above.

#### **Question 7**

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

**If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?**

No, I do not wish to participate in examination hearing session(s)

#### **Question 7a**

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

**If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:**

See above Section 6

#### **Question 8**

**If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.**

See above Section 6

See above Section 6

[TWBC: Comments from Section 6 and 5 stated below for ease of reference]

##### **Section 6**

Development of the land contained in the above map should be removed from the Local Plan for reasons stated above.

##### **Section 5**

Aside of the flood risk and traffic hazard detailed in other representations, the issue with already stretched local civic resources also need to be taken into consideration.

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#### **Future Notifications**

**Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:**

Yes, I wish to be notified of future stages of the Local Plan

# Supporting Information File Ref No: SI\_157

## Comment

Agent	Mr Jonathan Buckwell ( [REDACTED] )
Email Address	[REDACTED]
Company / Organisation	DHA Planning Ltd
Address	Eclipse House Eclipse Park MAIDSTONE ME14 3EN
Consultee	( [REDACTED] )
Email Address	[REDACTED]
Company / Organisation	Countryside Properties
Address	Countryside House The Drive BRENTWOOD CM13 3AT
Event Name	Pre-Submission Local Plan
Comment by	Countryside Properties ( [REDACTED] )
Comment ID	PSLP_2266
Response Date	02/06/21 11:41
Consultation Point	Policy AL/PE 3 Land north of the A21, south and west of Hastings Road ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.4
Files	<a href="#">DHA Planning for Countryside Properties-full representation Pembury.pdf</a>
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Countryside Properties
Question 2	
Agent's Name and Organisation (if applicable)	DHA Planning

### Question 3

To which part of the Local Plan does this representation relate? Policy

#### Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/PE 3 Land north of the A21, south and west of Hastings Road

[TWBC: the full representation attached has been divided between Vision and Strategic Objectives (PSLP\_2263), Policies STR1 (PSLP\_2264), PSTR/PE1 (PSLP\_2265), AL/PE3 (PSLP\_2266), STR9 (PSLP\_2267) and Development Management Policies (PSLP\_2268)

#### Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

#### Question 5

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##### 1.1 Introduction

1.1.1 These representations have been prepared by DHA Planning on behalf of Countryside Properties (hereafter referred to as Countryside) in respect of the Tunbridge Wells Borough Council Regulation 19 Local Plan consultation.

1.1.2 These representations relate to land at Pembury, which Countryside is promoting for residential redevelopment as part of the wider development plan review.

1.1.3 Based on the current national and local planning context, we consider this land to be suitable for development.

##### 1.2 Background

1.2.1 Tunbridge Wells Borough Council (TWBC) has produced a new Local Plan to guide future development within the borough. As the Council is now satisfied that it has a sound plan it proposes to submit the plan for Independent Examination following completion of this final round of consultation.

1.2.2 Once submitted, the Local Plan will be examined by an Inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is 'sound'. In this regard, the Government published a revised NPPF in February 2019, which provides that to be "sound" a local plan must be:

- Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- Justified – an appropriate strategy, taking into account the

reasonable alternatives, and based on proportionate evidence;• Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and• Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework.

1.2.3 This submission comment on the plan having regard to these tests of soundness.

### 1.3 Legal Compliance

1.3.1 In terms of legal compliance, the main requirements for the early stages of Local Plan consultation are in relation to:

- planning for community engagement;• the sustainability appraisal (including consultation with the statutory environment consultation bodies);• identifying significant cross boundary and inter-authority issues; and• ensuring that the plan rests on a credible evidence base, including meeting the Act's requirement for keeping matters affecting the development of the area under review.

1.3.2 The Council has undertaken public consultation at various stages. Furthermore, it has liaised with the development industry via Agents Forums and as such we raise no objection to this aspect of legal compliance.

1.3.3 From a wider perspective, we are concerned about the degree to which the Council has complied with the statutory framework for preparing a new plan, albeit we will reserve our position on this matter until all final consultation documentation and statements of common ground have been published.

### 1.4 Assessment of Soundness

1.4.1 The TWBC Draft Local Plan (herein referred to as 'the plan') sets out the spatial vision, strategic objectives, and overarching development strategy for the borough. It details overarching place shaping policies for each parish and settlement, as well as site specific allocations to deliver the strategy and detailed policies to be applied to all new development.

1.4.2 The plan will set the agenda for development across the borough to 2038 and replace the current Development Plan, which comprises the Local Plan 2006 (saved policies), the Core Strategy 2010, and the Site Allocations Local Plan 2016.

1.4.3 This representation comments on the following elements of the plan:

- Vision and Strategic Objectives;• Development Strategy and Strategic Policies;• Place Shaping Policies; and• Development Management Policies.

#### Place Shaping Policies

1.4.63 The place shaping policies establish the spatial priorities for different areas in the borough, organised according to non-parish and parish areas. For each area, there is an overarching policy that development should adhere to and details are provided for individual allocated sites that will deliver the quantum of development proposed. The site-specific allocations provide both strategic and development management guidance.

#### Policy AL/PE3

1.4.65 Countryside Properties are promoting land at Pembury which is proposed to be allocated under Policy AL/PE3. Countryside fully **SUPPORTS** this allocation.

1.4.66 Countryside have developed a draft illustrative framework plan for the site, which is included as Appendix 1. This demonstrates that a development of 80 units can be achieved whilst taking account of the constraints identified within the policy. In particular it shows that this level of development can be achieved whilst:

- Providing a minimum 23m buffer to the area of ancient woodland in the south of the site;• Maintaining a landscaped buffer ranging between 40-74m between the new built development and the southern boundary of the site;• Maintaining the existing public right of way along the western edge of the site; and• Providing new pedestrian and cycle routes through the site, including an attractive route running entirely within the landscaped buffer across the width of the entire site.

1.4.67 The plans also show an indicative access point to the development. This will be refined for a future planning application submission to be informed by a Transport Assessment as required by the policy.

1.4.68 However, whilst the aims and objectives of the policy are fully supported, we do **COMMENT** that the inclusion of criterion 12 appears to be unnecessary. This states that the applicant should liaise with Southern Water regarding capacity to serve the development, and to provide details of this. Southern Water will of course be consulted on any future application, but they are obliged under the Water Industry Act to provide a connection to the site, which the developer will contribute to through the Infrastructure Charge. As a result, this criterion seeks to deal with a matter which is already satisfactorily addressed through other legislation, and so is unnecessary.

1.4.69 We can also confirm that Countryside are happy to consider opportunities to providing the cycle link sought by criterion 8, so long as this is feasible and viable, and that the costs are also shared by the developers of sites AL/PE1 and AL/PE2 who will equally benefit from such a link.

## **1.5 Summary and Conclusions**

1.5.1 In summary, this representation has been prepared on behalf of Countryside Properties in response to the Tunbridge Wells Borough Council Pre-submission Local Plan Consultation. The purpose being to provide comment on the Council's proposed development strategy ahead of Examination.

1.5.2 We support the aspiration to meet housing need in full and consider that a dispersed growth strategy represents the optimum means to achieve this. Nonetheless, we consider that the Local Plan strategy as a whole relies heavily on the delivery of strategic sites that would require the provision of supporting infrastructure. Moreover, the Council have applied overly optimistic projections to the delivery of housing for the extension of Paddock Wood and the Tudeley Garden Village.

### **Question 7**

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**If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?**

# **Local Plan Regulation 19 representations in document order**

**Comments on Section 5: Place  
Shaping Policies: Pembury: Policy  
AL/PE 4: Land at Downingbury Farm,  
Maidstone Road**



## Comment

Consultee	Ms Helen Munro [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Pembury Parish Council
Address	Parish Council Offices Lower Green Recreation Ground Pembury, Tunbridge Wells TN2 4DZ
Event Name	Pre-Submission Local Plan
Comment by	Pembury Parish Council (Ms Helen Munro - [REDACTED])
Comment ID	PSLP_187
Response Date	11/05/21 16:02
Consultation Point	Policy AL/PE 4 Land at Downingbury Farm, Maidstone Road ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.5
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Pembury Parish Council
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

**Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.**

Policy PSTR/PE 1 The Strategy for Pembury parish  
Allocation Policy Number A/L PE4

**Question 4a**

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

#### Question 5

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[TWBC: this comment is part of Pembury Parish Council's whole representation - see PSLP\_180]

#### 4.4. AL/PE4 Land at Downingbury Farm

We favourably note that there is no longer any business use proposed on the site, replaced by the safeguarding of some MGB land for possible future expansion of the Hospice.

There are still concerns that the residential dwellings would be accessed off Church Road. The precise access point will need to be chosen carefully.

#### Question 7

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**If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?**

For office use only

If responder hasn't ticked an option on this box, Not Stated  
data inputter to tick 'not stated' box.

## Comment

Consultee	Julie Davies [REDACTED]
Email Address	[REDACTED]
Company / Organisation	CPRE Kent
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	CPRE Kent [REDACTED]
Comment ID	PSLP_583
Response Date	28/05/21 12:58
Consultation Point	Policy AL/PE 4 Land at Downingbury Farm, Maidstone Road ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.1
Question 1	
Respondent's Name and/or Organisation	CPRE Kent
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
AL/PE4	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Yes
Is sound	No

Complies with the Duty to Cooperate

Don't know

#### Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not justified
- . It is not consistent with national policy

#### Question 5

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Please see our response to PSTR/PE1 and the responses to Strategic policies listed there.

CPRE is opposed to building in the AONB or the green belt unless exceptional circumstances have been demonstrated, which we do not believe to be the case here. The NPPF requires all other reasonable options for meeting the identified need for development to have been examined, and density of development to be optimised.

If it is proved, which we question, that the number of dwellings allocated to Pembury is necessary and cannot be accommodated without using AONB and green belt land, then it is essential that any development on such land is used at a highly efficient density, in order to minimise the need to build over other AONB and Green Belt countryside. It appears to us that if AL/PE1 and AL/PE2 were built at an efficient density, then this housing allocation, which is further from the village centre and hence less sustainable, should not be necessary. This site is assessed as making a higher contribution to the purposes of the Green Belt than AL/PE1 or AL/PE2. Moreover, the low housing density proposed for this site is a very inefficient use of AONB and green belt greenfield land.

The damaging effects that the additional vehicular traffic this allocation would cause on Church Road and its recreational users also appear to have been overlooked. Church Road is the route used by cyclists and horse riders to reach the bridleway bridge over the A228, enabling access to the bridleways, lanes and woodland in the part of Pembury on the far side of the road.

#### Question 6

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Delete policy.

### Question 7

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**If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?**      Yes, I wish to participate in hearing session(s)

### Question 7a

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**If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:**

To test soundness.

### Question 8

**If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.**

The scores for this site in Table 68 appear to differ quite substantially from the more negative scores given in Appendix R.

The damaging effects that the additional vehicular traffic this allocation would cause on Church Road and its recreational users also appear to have been overlooked.

### Future Notifications

**Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:**      Yes, I wish to be notified of future stages of the Local Plan

## Comment

Consultee	Samuel Bowman [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Samuel Bowman [REDACTED]
Comment ID	PSLP_665
Response Date	29/05/21 01:13
Consultation Point	Policy AL/PE 4 Land at Downingbury Farm, Maidstone Road ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.1
Question 1	
Respondent's Name and/or Organisation	Samuel Bowman
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
AL/PE4	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Yes
Is sound	No
Complies with the Duty to Cooperate	Don't know
Question 4a	

**If you consider that the Local Plan is not sound, please answer this question.**

Do you consider that the Local Plan is not sound because:	It is not justified
	It is not consistent with national policy

### Question 5

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This site lies inside the High Weald AONB and is also located in the Green Belt. As a result, it is necessary that any benefits of proposed development on the site clearly outweigh the significant drawbacks of building on a greenfield area in a rural setting. However, it is clear that, in this case, the proposed development of AONB land is not justified.

The proposal for 25 dwellings on this site represents an unnecessary expansion of housing in this area of Pembury for multiple reasons. Firstly, the construction of 25 houses on a site of this size represents substantial urban sprawl, which is damaging to the rural character of the northern area of Pembury. The situation of the site on Green Belt land - intended to stop urban sprawl and preserve the countryside - requires that the proposed development does not unduly affect the wider countryside surrounding Pembury. In this sense, development on this site is clearly contradictory to paragraph 134 (c) of the National Planning Policy Framework (NPPF), which states that the Green Belt exists 'to assist in safeguarding the countryside from encroachment.' Therefore, for the development to be justified, it would have to demonstrate that construction on this greenfield site is absolutely necessary, as stated in paragraph 144 of the NPPF. It is evident that this is not the case, as there are other sites in the Pembury Parish where higher density dwellings could be constructed with far less damage to both Green Belt and AONB land.

The site in question is also visited by large numbers of migratory fieldfares and redwings in the winter. Both of these birds are featured in Birds of Conservation Concern 4 (BoCC 4), a list compiled by various conservation organisations including the RSPB and the BTO. Furthermore, both birds are placed on the BoCC4 Red list, indicating a severe contraction of at least 50% in the population over the last 25 years. Therefore, it would be completely inappropriate to develop this site, as this would deprive these endangered migratory birds of their vital food sources. Furthermore, it is not possible to accommodate fieldfares and redwings in any possible development, as they require large areas to gather in flocks. As a result, any development on this site would have the effect of eradicating two rare and declining migratory bird species from the surrounding area. This is unjustifiable and this important habitat could not be offset by any replanting schemes. This means that the development proposal clearly falls short of the criteria for developing Green Belt land, as the consequences of losing the important habitat for fieldfares and redwings clearly outweigh any benefits that might be provided by such a sprawling development.

The development would also have a negative impact on the level of traffic in Church Road and the surrounding area. The proposed entrance to the site off of Church Road would be completely inadequate and would consign Church Road to chaos at certain times of day. The road already struggles with large amounts of parked cars and traffic and this proposal would introduce dozens of new vehicles to a road that is not suitable for a large level of traffic. The increase in traffic would also negatively impact the large numbers of walkers and horse riders that use Church Road to access the countryside north of Pembury. Furthermore, the volume of traffic on Lower Green Road and the area surrounding Pembury Primary School, which is already significant around the start and end of the school day, would further increase. This would increase the risks of congestion and have a negative effect on the air pollution levels in the area surrounding the school.

In conclusion, this development proposal falls far short of the necessary requirements for the construction on Green Belt land. Any development on this site would be highly detrimental to the surrounding Church Road area and the High Weald AONB.

#### Question 6

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Removal of Policy AL/PE 4 from the local plan.

#### Question 7

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

<b>If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?</b>	<input type="checkbox"/> No, I do not wish to participate in examination hearing session(s)
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#### Future Notifications

<b>Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:</b>	<input type="checkbox"/> Yes, I wish to be notified of future stages of the Local Plan
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## Comment

**Consultee** Jonathon & Zamira Benthall [REDACTED]  
**Email Address** [REDACTED]  
**Address** [REDACTED] [REDACTED]  
Pembury  
TUNBRIDGE WELLS  
[REDACTED]  
**Event Name** Pre-Submission Local Plan  
**Comment by** Jonathon & Zamira Benthall [REDACTED]  
**Comment ID** PSLP\_697  
**Response Date** 31/05/21 09:12  
**Consultation Point** Policy AL/PE 4 Land at Downingbury Farm,  
Maidstone Road ([View](#))  
**Status** Processed  
**Submission Type** Web  
**Version** 0.3  
**Question 1**

**Respondent's Name and/or Organisation** Jonathan Benthall  
**Question 2**

**Agent's Name and Organisation (if applicable)** n/a  
**Question 3**

**To which part of the Local Plan does this representation relate?** Policies Map  
**Question 3a**

**Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.**

Policy AL/PE4, Map 67 (Downingbury Farm)

**Question 4**

**Do you consider that the Local Plan:**

Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Yes

#### Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because: . It is not consistent with national policy

#### Question 5

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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**Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.**

I fully support the proposal to safeguard the Eastern section of the Downingbury Farm land (coloured pink on Map 67, page 285, Policy AL/PE4) for the potential expansion of the Hospice in the Weald. I have discussed the Hospice's preliminary plans with members of their management team, and conclude on the basis of that discussion that these plans are realistic and that financing should not prove a difficulty.

There are two reasons why I think the Hospice in the Weald's plans should be given the highest priority.

First, it is a highly regarded charity with wide support both within the Borough and beyond, and as far as I know it has attained a high standard of excellence in the services it provides to the very sick and their friends and families.

Second, it has an outstanding record of sensitivity with regard to architecture and landscaping. Indeed, its name "Hospice in the Weald" gives its Trustees the strongest incentive to maintain the rural character of its surroundings to the north.

Having said this, I question the soundness of allowing the western section of the farmland (coloured yellow) – hitherto both Green Belt and AONB – to be allocated for residential buildings. This would substantially, and irreversibly, reduce the acreage of the Downingbury Farm as a viable agricultural entity.

The National Planning Policy Framework, February 2019, Para. 170-B states that

*"Planning policies and decisions should contribute to and enhance the natural and local environment by: .....*

*(B) recognising the intrinsic character and beauty of the countryside, **and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land**, and of trees and woodland."* [Emphasis added.]

At present Downingbury Farm is managed as a fruit farm (apples and soft fruit), partly supported by a farm shop. Looking ahead to the future, there is no reason why the present form of exploitation should continue for ever, as there are other possible alternatives. However, reduction of the land available for fields and orchards would significantly reduce the viability of any farm as an economic unit.

Once concreted over, the land could never revert to agricultural use.

In addition to the reference to the NPPF above, I would draw attention to the importance currently attached by policy makers to the need for local food production, and to minimizing transportation costs – especially post-Brexit and in the light of concerns over climate change. The Prince of Wales has recently spoken out in favour of small family farms.

I suggest that the western (coloured yellow) section of the farmland should be maintained as Green Belt/AONB in order to protect the viability of Downingbury Farm as a medium to long term asset for the community.

I should add that neither I nor my family have any financial interest in the future of the farmland.

## Question 6

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For the reasons set out above:

I suggest that the western (coloured yellow) section of the farmland should be maintained as Green Belt/AONB in order to protect the viability of Downingbury Farm as a medium to long term asset for the community.

## Question 7

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

**If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?**

No, I do not wish to participate in examination hearing session(s)

## Future Notifications

**Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:**

Yes, I wish to be notified of future stages of the Local Plan

## Comment

Consultee	Ian White [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] PEMBURY [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Ian White [REDACTED]
Comment ID	PSLP_985
Response Date	03/06/21 19:30
Consultation Point	Map 67 Site Layout Plan ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.1
Question 1	
Respondent's Name and/or Organisation	Ian white
Question 3	
To which part of the Local Plan does this representation relate?	Paragraph(s)
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
5.131	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know

#### Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because: . It is not justified  
. It is not consistent with national policy

#### Question 5

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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As per my earlier submission, I fully accept the proposal that Safeguards land PE4 (Pink) for the future expansion of the Hospice In The Weald. I believe that the remaining land should not be further developed, rather that it should be preserved as 'Green Land' in order to provide tranquil views for the Hospice residents, in keeping with its 'In The Weald' title.

The Downingbury Farmstead comprises listed buildings and mature trees, which should be preserved and provides a 'soft entrance' to Pembury.

#### Question 6

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Currently, Downingbury Farm has a successful Farm Shop and a variety of apples and soft fruits are grown and sold on site, which I believe should be preserved to support and enhance village life, while reducing the burden of excessive 'food miles'.

#### Question 7

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**If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?**

#### Future Notifications

**Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:**

Yes, I wish to be notified of future stages of the Local Plan

## Comment

Consultee	Sarah Clarke [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Pembury [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Sarah Clarke [REDACTED]
Comment ID	PSLP_1040
Response Date	02/06/21 23:45
Consultation Point	Policy AL/PE 4 Land at Downingbury Farm, Maidstone Road ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.2
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Sarah Clarke
Question 3	
To which part of the Local Plan does this representation relate?	Policy

### Question 3a

**Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.**

Policy AL/PE 4 Land at Downingbury Farm, Maidstone Road

*[TWBC: This representation has been input against Policies PSTR/PE1, AL/PE 3 and AL/PE 4 – see Comment Numbers PSLP\_1036, PSLP\_1039 and PSLP\_1040]*

### Question 4a

**If you consider that the Local Plan is not sound, please answer this question.**

**Do you consider that the Local Plan is not sound because:**

#### **Question 5**

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Tunbridge Wells Borough Council Consultation on the Local Plan Pre Submission – Regulation 19 - Pembury

In November 2019 I submitted to the Borough Council my comments on the Local Plan; and as a result I have been advised of the option to file further comments on or before June 4 2021, which I now address. I have had sight of the response by Pembury Parish Council filed earlier this month which I fully support.

#### **The Local Plan consultation. 2019-2020**

Following the consultation a revised local Plan was submitted for further comment and consultation which included new designations for the land at Woodsgate Corner on the A 264 adjacent to Tesco's, and the removal of designation of commercial use at Downingbury Farm.

However the replacement proposal for the land at Woodsgate now proposes a care/nursing facility with between 80 and 120 residential units, certain of which are to be affordable. We are now also advised of the proposal to site a Medical School for the University of Kent at the Tunbridge Wells Hospital at Pembury for which student accommodation will be necessary, the number of eventual occupants is not identified.

#### **General comments on the Local Plan - Infrastructure**

Reading the original documents and now the revised Local Plan, it is clear that this area of West Kent is to be subject to the most substantial increase in housing provision in areas of Outstanding Natural Beauty, the High Weald and in the Green Belt. The current massive explosion of housing development at Paddock Wood is an indication of the absence of proper consideration of the potential issues raised in the current version of the plan. The plan does not include any overall guidance or proposals to address the issues of transport, medical care, infrastructure i.e. the provision of adequate water supply and waste water disposal, flooding mitigation, to name but the most apparent. The area to the Eastern boundary of Tunbridge Wells immediately appears as a dumping ground to provide the Borough Council's housing quota without any consideration of the impact on the existing communities and parishes. There seems to have been no joined-up thinking on the provision of infrastructure; rather that the designations/allocations will be subject to assessment when allocated!

#### **Transport**

The town centre of Tunbridge Wells is at risk of being strangled. The retail and hospitality sector has been decimated by the Covid pandemic lockdowns. Now the sectors are re-opening the transport problems which were clear in 2019 and before, have now become critical. For a journey between Pembury and the Town Centre on the A 264 to take 50 minutes by car as it did on May 28 mid -morning is ludicrous, when to that traffic problem it is now proposed to add the potential for thousands more road journeys, increased pollution and an inability to access local services.

The Green Belt is being ravaged to satisfy an allocation which cannot be justified. Pembury is on the main north/south route of the A21, with local lanes being the subject of destructive overspill when the A21 cannot deal with the level of traffic; the A264 is the main feeder route from the Medway towns. Neither have any effective projected improvements to cope with increased traffic movement, the problem will only get worse. Whilst the absence of a motor village at Woodsgate is welcomed, its



replacement will also have traffic consequences. However the proposed sites AL/PE/1 (50/60 dwellings), AL/PE/2 (80 dwellings) and AL/PE/3(80 dwellings) together with AL/PE/4 (25 dwellings) all have as part of the rationales for their use a reliance on walking and cycling.

With respect to the planners, the infrastructure documents make no mention of managing the increased households and their actual transport needs. Over 240 new dwellings without those for which permission has already been granted will result in increased traffic movements on Hastings Road, High Street, Lower Green Road/Maidstone Road and eventually A 21 and A 264. This is without the transport impact of the up to 9,000 dwellings in Paddock Wood, Capel and Tudeley and an indication on how traffic flow from these areas will be managed. The A 21 bypass completed in 1984 and the improvements to the A 228 again to by-pass the village were intended to alleviate traffic bottlenecks and congestion, the current proposed housing allocations could lead to these problems recurring.

### **Water, sewerage, waste water and flooding**

Having read the submissions of Southern Water on the 4 sites proposed for development in Pembury, it is clear that to serve the increased allocations, substantial improvements will be needed before the waste water and sewerage systems can effectively support the increased dwellings. The authority seeks to rely on the new infrastructure charge, although reference is made in the local plan infrastructure documents to s. 106 agreements.

The representations of the supplier of water, South East Water, also make it clear that to service the proposed allocated dwellings capacity will need to be increased. Water is a finite and precious resource, yet the Borough's housing plans are reliant on someone else finding a delivery strategy!

In both cases the issues need to be addressed before any form of construction can be permitted, otherwise Pembury will be faced with the same supply and drainage problems which occurred in the 1960/1970s and continue to this day in part of the village.

Both the sites AL/PE 2 and 3 are at a higher level than Hastings Road, AL/PE 3 significantly so, with potential increased problems of water penetration into the existing houses on Hastings Road. Nothing is proposed to alleviate this.

### **Education**

The list of primary schools in the Borough itself and in the surrounding towns and villages set out in the supporting documents does not identify the existing primary school in Pembury. The last period of development in Pembury caused the construction of temporary classrooms in the grounds of the school. No mention is made of this.

### **Health**

Since the publication of the revised site allocations including the change of policy for Woodsgate Corner, it has become clear that with the increase in beds in the care sector, Pembury is likely to have more than the projected 13% increase in population. It is not clear whether the Primary Care network has been consulted on and/or responded to the additional proposals generally and the specific belief that the Waterfield Surgery can simply be extended.

### **The Sites – AL/PE 3 and 4**

For many reasons, the increased number of dwellings causes great concern, the change in character of a community which has functioned reasonably well and the lack of any actual proposals to alleviate such increase. All result in a loss of Green Space, particularly precious as once lost it cannot be replaced.

AL/PE 3 if used for construction will completely change the character of the Bo Peep end of the village in Hastings Road, as even with A 21 buffers, the land, which is significantly higher, will be visible from both north and south.

AL/PE 4 will be to the rear of The Hospice in the Weald with access proposed via Church Road, a barely navigable road at most times. Good visibility splays don't solve the problem.

### **Conclusion**

Whilst appreciating the decision for increased housing is one imposed by central government, the Borough's Local Plan should be sustainable, acceptable and realistic. Pembury has an allocation of significant numbers, but within the Local Plan no mention is made of the potential impact on Pembury

of the major allocations on its boundary with Paddock Wood and Capel. These neighbouring substantial allocations are likely to have an impact on infrastructure issues addressed above.

#### **Question 7**

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**If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?**

## Comment

Consultee	[REDACTED]
Email Address	[REDACTED]
Company / Organisation	Southern Water Services Plc
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Southern Water Services Plc [REDACTED]
Comment ID	PSLP_1210
Response Date	03/06/21 15:31
Consultation Point	Policy AL/PE 4 Land at Downingbury Farm, Maidstone Road ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Southern Water
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy AL/PE 4 Land at Downingbury Farm, Maidstone Road	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Yes

Is sound	Yes
Complies with the Duty to Cooperate	Yes

#### Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

#### Question 5

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**Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.**

Southern Water is the statutory wastewater undertaker for Pembury. As such, we have undertaken a preliminary assessment of the capacity of our existing infrastructure and its ability to meet the forecast demand for this proposal. Our previous assessment of the site was only valid for 12 months due to our sewer network constantly evolving as new development connects upstream which will affect the available capacity downstream. The assessment reveals that existing local sewerage infrastructure to the site has limited capacity to accommodate the proposed development. Limited capacity is not a constraint to development provided that planning policy and subsequent conditions ensure that occupation of the development is phased to align with the delivery of new wastewater infrastructure.

Proposals for 80 dwellings at this site will generate a need for reinforcement of the wastewater network in order to provide additional capacity to serve the development. This reinforcement will be provided through the New Infrastructure charge to developers, and Southern Water will need to work with site promoters to understand the development program and to review whether the delivery of network reinforcement aligns with the occupation of the development. Connection of new development at this site ahead of new infrastructure delivery could lead to an increased risk of flooding unless the requisite works are implemented in advance of occupation.

Southern Water has limited powers to prevent connections to the sewerage network, even when capacity is limited. Planning policies and conditions, therefore, play an important role in ensuring that development is coordinated with the provision of necessary infrastructure, and does not contribute to pollution of the environment, in line with paragraph 170(e) of the revised National Planning Policy Framework (NPPF) (2019).

Our assessment has also revealed that Southern Water's underground infrastructure crosses this site. This needs to be taken into account when designing the site layout. Easements would be required, which may affect the site layout or require diversion. Easements should be clear of all proposed buildings and substantial tree planting.

#### Question 6

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In consideration of the above, we recommend the following criterion for Policy AL/PE 4

Occupation of development will be phased to align with the delivery of sewerage infrastructure, in liaison with the service provider.

Layout is planned to ensure future access to existing wastewater infrastructure for maintenance and upsizing purposes.

#### Question 7

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**If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?**

No, I do not wish to participate in examination hearing session(s)

#### Future Notifications

**Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:**

Yes, I wish to be notified of future stages of the Local Plan

# Supporting Information File Ref No: SI\_80

## Comment

Consultee	Nick Farthing [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Hospice in the Weald
Address	Hospice in the Weald Maidstone Road Tunbridge Wells TN2 4TA
Event Name	Pre-Submission Local Plan
Comment by	Hospice in the Weald [REDACTED]
Comment ID	PSLP_1505
Response Date	04/06/21 13:37
Consultation Point	Policy AL/PE 4 Land at Downingbury Farm, Maidstone Road ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.3
Files	<a href="#">Land north of Hospice in the Weald.jpg</a>
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Hospice in the Weald
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Paragraph 5.691

Policy AL/PE 4 Land at Downingbury Farm, Maidstone Road

Policy Map 67 and Inset Map 29

#### Question 4

Do you consider that the Local Plan:

Is sound

No

#### Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

It is not effective

It is not justified

#### Question 5

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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**Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.**

Draft Policy AL/PE4: Land at Downingbury Farm, Maidstone Road, Pembury allocates land to the West of map 67 for residential development for approximately 25 dwellings (including 40% affordable housing) and safeguards land to the east for the expansion of the Hospice in the Weald (HitW). Our comments relate to both policy AL/PE4, map 67 and accompanying paragraph 5.691.

In our view the Plan is not sound due to Policy AL/PE4 (including map 67) and the reasoning in paragraph 5.691 not being justified, as an alternative, more appropriate and reasonable strategy for the site is available, as explained below. In addition, the plan is not effective due to the requirements in Policy AL/PE4 creating a barrier to deliver the crucial expansion of HitW facilities as detailed below.

We support the draft wording of the supporting text in paragraphs 5.688 – 5.696 in general terms, as it retains land within the allocation to be safeguarded for the HitW, but we strongly object to the reference in 5.691 and parts 5 and 8 of policy AL/PE4 (which are duplications), which state that the delivery of housing should be tied with the provision of land for the HitW expansion.

The HitW's interest and expertise lies in the specialist fields of health and palliative care. It does not extend to the needs and delivery of land for housing and/or the environmental merits or otherwise of introducing housing on the western land parcel of the draft allocation in AL/PE 4. As such, we consider the draft allocation AL/PE4 is ill-conceived in placing both the expansion of the hospice and new housing in jeopardy with the hospice's ability to respond quickly to health and palliative care needs potentially being bound into the vagaries of housing market. This will hinder the hospice's ability to provide the necessary care for patients and to unfold its growth plan at the optimal time. We consider, therefore, that the different land uses should be separate allocations. The housing proposed to the west of the draft allocation is not specialist housing linked to the hospice, it is market housing with an element of affordable housing, which will be developed and accessed independently of the safeguarded land to the East. The two pieces of land are proposed to be separated by a landscape bund, which provides a distinct boundary between the two parcels, and accessed independently.

Discussions between the HitW and the land owner of the safeguarded land are ongoing. The following submissions relate solely to the need / merits of an allocation to safeguard an area of land to support the future needs of the HitW.

At present the parcel of land to the north of the HitW lies within the Green Belt and part of the site is within the Area of Outstanding Natural Beauty. It is important, therefore, that in this period of review and in re-considering the development strategy for the Borough to the 2038 horizon, that all

interests are carefully considered and planned for in advance, including those of the stakeholders of draft allocated sites.

Key to this is foresight and flexibility. In this regard, Part (d) of paragraph 81 of the National Planning Policy Framework (NPPF) requires that planning polices, ‘...be flexible enough to accommodate needs not anticipated in the plan ... and enable a rapid response to changes in economic circumstances.’ Flexibility, therefore, and the ability of land use policies to be able to respond positively to changing physical, economic, social and political circumstances, quite rightly, lie at the heart of the Government’s Framework for growth and change. To these ends we are supportive of the objectives of draft Policy AL/PE4, which recognises the social importance of the HitW to the communities of Kent and East Sussex and directly responds to the unique physical constraints and limitations of the Hospice’s site in Pembury. That said, we have serious reservations of the need/benefit of the land’s inclusion as part of a housing allocation. In the interests of flexibility and to enable the hospice to respond to its medical needs it must be addressed through a separate policy allocation and not tied with a housing allocation. This has a very real potential to hinder and frustrate delivery of the HitW care facilities.

Some background on the HitW, and why the expansion is required:

The Pembury site of the HitW is the hospice’s main base for in-patient care, counselling, bereavement support and education/training – it is critically important too, to support and administer the hospice’s out-reach and medical care services, which cover West Kent and North East Sussex.

The core care facilities offered at Pembury have developed and expanded in response to local demand. Whilst the current operation of the site is manageable, in order to maintain the highest standards of care and provide more care to more people living across the Weald, it is essential that HitW has the facility to be able to expand responsibly and sensitively in Pembury – the village that has become its centre of operation. The current site has reached capacity and within the next 18 months the facilities on the site will need to be improved and expanded, with the possibly of introducing new, ancillary specialist services to provide support for seriously ill children, young people and their families.

There are a number of possibilities for the future of the safeguarded land including a Cottage Hospice, a Childrens Hospice and/or expanded care and service facilities. The introduction of any additional care facilities or a specialist children’s unit would benefit from the existing professional expertise, experienced highly trained staff and volunteers and common facilities such as servicing, storage, café, parking, etc on the main site. The integration of current and future uses, the promotion of dual use facilities and the economies of scale all support the continued and efficient running of the hospice’s core facilities. The Trustees of HitW have discussed the matter at length and confirmed their decision that the integration of facilities and services is key and can only be achieved efficiently through carefully planned expansion at Pembury. The safeguarding of the land to the north provides the flexibility and the facility to achieve this and the Trustees of HitW aim to be ready to make a planning submission within 6-months.

The physical constraints of the Pembury site are such that opportunities for growth are very limited or do not exist at all. The site is triangulated and is bound to the east by Maidstone Road and to the west by the rear gardens of properties fronting onto Elmhurst Avenue: the two converge at the southern-most end of the site. Other than relocating the entire facility or providing further facilities offsite elsewhere – both costly and inefficient solutions – the only growth avenue open to the hospice is to expand sensitively to the north. To that end we are supportive of the Council’s forward-thinking solution to safeguard part of site AL/PE 4 for future growth.

To this end, the inclusion of safeguarded land to the north of the HitW within draft policy AL/PE4 for the future expansion of the Hospice is fully supported. However, the HitW disagree that it should be a requirement of the policy to tie the delivery of housing to the west with the expansion of the Hospice. The two land uses are unrelated. It is essential therefore that one is not reliant on the other for delivery. In view of this, the requirement of parts 5 and 8 of the policy (which are duplications) and paragraph 5.691, to tie the delivery of both the housing and expansion of the Hospice together through a legal agreement, is wholly unreasonable and unnecessary and has the potential to frustrate/hinder the delivery of the HitW’s new facilities.

There is no justification to link the two developments. As such we propose a separate allocation of the land to the east of the allocation, along with associated modifications, as set out below.



## Question 6

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

**Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan 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.**

**Proposed Modification:** Draft Policy AL/PE 4 to be revised (along with Map 67, the Pembury Policies Map – inset Map 29, and paragraph 5.691) to remove reference to the safeguarded hospice land and a new policy to be included within the Submission version of the Local Plan along with a map to accompany the policy relating specifically to the safeguarded land for the expansion of the HITW (as below). The suggested draft wording for such an additional policy could be as follows: (TWBC comment: map included as an attachment to comment)

Land north of Hospice in the Weald

The site, as defined on the Pembury Policies Map is allocated for the potential expansion of the Hospice in the Weald, as indicated on the block plan (in pink), above. Development on the site should accord with the following requirements:

1. Vehicle access is gained via the existing Hospice in the Weald site; 2. The layout and design of any scheme shall give full consideration to the site's edge of village location, being informed by a landscape and visual impact assessment and heritage assessment, providing a suitable and sensitive urban edge to the settlement, including provision of landscape buffers to the north and north west of the site, to protect neighbouring properties and retain existing hedgerows and mature trees. 3. The layout and design of the scheme shall take account of the impact on the setting of heritage assets, including adjacent listed buildings and the Downingbury Farm historic farmstead. 4. Regard should be given to the Groundwater Source Protection Zone affecting the site, in consultation with the Environment Agency.

## Question 7

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

**If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?** . Yes, I wish to participate in hearing session(s)

## Question 7a

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

**If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:**

To properly identify the need for the modifications and to answer any questions on the above comments, if necessary.

## Future Notifications

**Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:**

Yes, I wish to be notified of future stages of the Local Plan

## Comment

Consultee	Lady Elizabeth Akenhead [REDACTED]
Email Address	[REDACTED]
Company / Organisation	British Horse Society
Address	[REDACTED] [REDACTED] TONBRIDGE [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	British Horse Society [REDACTED] [REDACTED]
Comment ID	PSLP_1543
Response Date	04/06/21 16:32
Consultation Point	Policy AL/PE 4 Land at Downingbury Farm, Maidstone Road ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.2
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	British Horse Society
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy AL/PE 4 Land at Downingbury Farm, Maidstone Road	
Question 4	
Do you consider that the Local Plan:	

Is sound

No

#### Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because: . It is not justified

#### Question 5

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

**Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.**

Church Road (which is closed to vehicular traffic further down) is the route horse riders use to access the bridleway bridge across the A228 which links Pembury Village and the bridleways and quiet lanes around Pembury Woods. It is also the route used to access the permissive ride in Marshleyharbour Woods for members of the BHS-affiliated Matfield and District Riders Association. The additional vehicular traffic which would be associated with the access to this development site along Church Road would make the road less safe for horse riders (who may be children) and hence would have a damaging effect on the opportunities there are now to hack out around Pembury. The British Horse Society therefore **objects** to this allocation, unless its access can be redirected to come directly off the Maidstone road.

#### Question 6

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

**Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan 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.**

Delete the allocation or redirect its access to come directly from the Maidstone Road instead of via Church Road.

#### Question 7

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

#### Question 7a

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

**If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:**

To ensure that horseriders' interests are not compromised by this development

#### Question 8

**If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.**

The scores for health, equality and travel should be reduced because of the proposal's impact on the safety of horseriders' exercise and travel. If they no longer feel safe to access the bridleways and Marshleyharbour Woods on horseback they will have to travel by car or horsebox to much more distant facilities.

#### Future Notifications

**Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:** Yes, I wish to be notified of future stages of the Local Plan

# Supporting Information File Ref No: SI\_156

## Comment

Consultee	Strategic Planning ( [REDACTED] )
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) ( Strategic Planning - [REDACTED] )
Comment ID	PSLP_2219
Response Date	04/06/21 16:56
Consultation Point	Policy AL/PE 4 Land at Downingbury Farm, Maidstone Road ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.4
Files	<a href="#">Kent County Council-full representation.pdf</a>
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/PE 4 Land at Downingbury Farm, Maidstone Road

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP\_2164), Section 2 (PSLP\_2168), Section 3 (PSLP\_2169), Policies STR1 (PSLP\_2170), STR2 (PSLP\_2171), STR4 (PSLP\_2172), STR5 (PSLP\_2174), STR7 (PSLP\_2175), STR8 (PSLP\_2176), Section 5 (PSLP\_2177), Section 5: Royal Tunbridge Wells (PSLP\_2178), Policies AL/RTW1 (PSLP\_2180), AL/RTW5 (PSLP\_2181), AL/RTW7 (PSLP\_2183), AL/RTW14 (PSLP\_2184), AL/RTW17 (PSLP\_2185), AL/RTW21 (PSLP\_2187), STR/SO1 (PSLP\_2188), AL/SO1 (PSLP\_2190), Strategic Sites (PSLP\_2192), STR/SS1 (PSLP\_2193), STR/SS2 (PSLP\_2195), STR/SS3 (PSLP\_2196), STR/PW1 (PSLP\_2199), AL/PW1 (PSLP\_2200), STR/CA1 (PSLP\_2201), AL/CRS1 (PSLP\_2202), AL/CRS2 (PSLP\_2203), AL/CRS3 (PSLP\_2204), AL/CRS4 (PSLP\_2205), AL/CRS6 (PSLP\_2206), AL/CRS7 (PSLP\_2207), STR/HA1 (PSLP\_2208), PSTR/BE1 (PSLP\_2209), PSTR/BI 1 (PSLP\_2210), PSTR/BM1 (PSLP\_2211), PSTR/FR1 (PSLP\_2212), PSTR/GO1 (PSLP\_2213), PSTR/HO1 (PSLP\_2214), AL/HO1 (PSLP\_2215), PSTR/LA1 (PSLP\_2216), AL/LA1 (PSLP\_2217), PSTR/PE1 (PSLP\_2218), AL/PE4 (PSLP\_2219), PSTR/RU1 (PSLP\_2220), PSTR/SA1 (PSLP\_2221), AL/SA1 (PSLP\_2222), PSTR/SP1 (PSLP\_2223), EN1 (PSLP\_2224), EN3 (PSLP\_2225), EN4 (PSLP\_2226), EN5 (PSLP\_2227), EN8 (PSLP\_2228), EN9 (PSLP\_2229), EN10 (PSLP\_2230), EN12 (PSLP\_2231), EN13 (PSLP\_2232), EN14 (PSLP\_2233), EN18 (PSLP\_2234), EN19 (PSLP\_2235), EN20 (PSLP\_2236), EN25 (PSLP\_2237), EN26 (PSLP\_2238), H1 (PSLP\_2239), H3 (PSLP\_2240), H7 (PSLP\_2241), ED1 (PSLP\_2242), ED2 (PSLP\_2243), ED3 (PSLP\_2244), ED4 (PSLP\_2245), ED5 (PSLP\_2246), ED6 (PSLP\_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP\_2248), Policies TP1 (PSLP\_2249), TP2 (PSLP\_2250), TP3 (PSLP\_2251), TP4 (PSLP\_2252), TP5 (PSLP\_2253), TP6 (PSLP\_2254), OSSR1 (PSLP\_2255), Appendix 4 (PSLP\_2256) and Evidence Base (whole Plan) (PSLP\_2257)

#### Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

#### Question 5

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

**Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.**

The County Council has set out its full response to the consultation in the attached Appendix. Comments are linked to relevant policies where appropriate.

#### Public Rights of Way

The County Council requests direct reference to Public Footpaths WT218 and WT 217B.

#### Question 6

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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The County Council has set out its full response to the consultation in the attached Appendix. Comments are linked to relevant policies where appropriate.

#### **Question 7**

***Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.***

**If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?**

#### **Question 7a**

***Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.***

**If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:**

The County Council may wish to attend hearing sessions in respect of its statutory and non statutory functions.

#### **Future Notifications**

**Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:**

Yes, I wish to be notified of future stages of the Local Plan



# **Local Plan Regulation 19 representations in document order**

**Comments on Section 5: Place  
Shaping Policies: Pembury: Policy  
AL/PE 5: Land at Sturgeons fronting  
Henwood Green Road**

## Comment

Consultee	Ms Helen Munro [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Pembury Parish Council
Address	Parish Council Offices Lower Green Recreation Ground Pembury, Tunbridge Wells TN2 4DZ
Event Name	Pre-Submission Local Plan
Comment by	Pembury Parish Council (Ms Helen Munro - [REDACTED])
Comment ID	PSLP_190
Response Date	11/05/21 16:02
Consultation Point	Policy AL/PE 5 Land at Sturgeons fronting Henwood Green Road ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Pembury Parish Council
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

**Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.**

Policy PSTR/PE 1 The Strategy for Pembury parish  
Allocation Policy Number A/L PE5

**Question 4a**

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

#### Question 5

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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**Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.**

[TWBC: this comment is part of Pembury Parish Council's whole representation - see PSLP\_180]

#### 4.5. AL/PE5 Land at Sturgeons

Given that planning permission has already been granted for housing on this site, with work seemingly about to start, we make no further comment.

#### Question 7

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

**If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?**

For office use only

**If responder hasn't ticked an option on this box, data inputter to tick 'not stated' box.** Not Stated

## Comment

Consultee	Julie Davies [REDACTED]
Email Address	[REDACTED]
Company / Organisation	CPRE Kent
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	CPRE Kent [REDACTED]
Comment ID	PSLP_584
Response Date	28/05/21 13:00
Consultation Point	Policy AL/PE 5 Land at Sturgeons fronting Henwood Green Road ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.1
Question 1	
Respondent's Name and/or Organisation	CPRE Kent
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
AL/PE5	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Yes
Is sound	Yes

Complies with the Duty to Cooperate

Don't know

#### Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

#### Question 5

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

**Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.**

CPRE supports this allocation. Planning permission has already been granted on this site. The density proposed is much more satisfactory than on PE 1 to 4.

#### Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

#### Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

# **Local Plan Regulation 19 representations in document order**

**Comments on Section 5: Place  
Shaping Policies: Pembury: Policy  
AL/PE 6: Woodsgate Corner, Pembury**

## Comment

Consultee	Ms Helen Munro [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Pembury Parish Council
Address	Parish Council Offices Lower Green Recreation Ground Pembury, Tunbridge Wells TN2 4DZ
Event Name	Pre-Submission Local Plan
Comment by	Pembury Parish Council (Ms Helen Munro - [REDACTED])
Comment ID	PSLP_191
Response Date	11/05/21 16:02
Consultation Point	Policy AL/PE 6 ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Pembury Parish Council
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

**Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.**

Policy PSTR/PE 1 The Strategy for Pembury parish  
Allocation Policy Number A/L PE6

**Question 4a**

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

#### Question 5

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After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

**Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.**

[TWBC: this comment is part of Pembury Parish Council's whole representation - see PSLP\_180]

#### 4.6. AL/PE6 Woodsgate Corner

Bearing in mind the overwhelming public and Pembury Parish Council opposition to the original proposed use of this site for a huge car showroom and workshop complex, we were naturally delighted when TWBC refused the associated planning application.

We reluctantly accept that the site will not remain undeveloped and that there does not appear to be an economic case for part of the site to be used for Park and Ride. In this circumstance the proposed allocation for specialist housing for older people and others with care needs is definitely preferable. Even so, we have some concerns about traffic generation in an already congested area, so it is essential that the conclusions of the proposed traffic assessment should be taken into account when determining suitable mitigation measures for the transport network.

#### Question 7

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

**If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?**

For office use only

If responder hasn't ticked an option on this box, Not Stated  
data inputter to tick 'not stated' box.



## Comment

Consultee	Julie Davies [REDACTED]
Email Address	[REDACTED]
Company / Organisation	CPRE Kent
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	CPRE Kent [REDACTED]
Comment ID	PSLP_585
Response Date	28/05/21 13:05
Consultation Point	Policy AL/PE 6 ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.1
Question 1	
Respondent's Name and/or Organisation	CPRE Kent
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
AL/PE	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Yes
Is sound	Yes
Complies with the Duty to Cooperate	Don't know

#### Question 4a

If you consider that the Local Plan is not sound, please answer this question.

**Do you consider that the Local Plan is not sound because:**

#### Question 5

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

**Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.**

CPRE Kent supports this allocation for specialist housing for older people and others with care needs. It is a site with an existing planning permission and now that it is clearly not needed for Park & Ride it seems an excellent site for the proposed use, given the borough's ageing population. A larger landscape buffer from the A21 than is indicated on the map may, however, be necessary to provide a pleasant environment for the residents.

#### Question 6

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

**Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan 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.**

Amend map 69 to provide a larger landscape buffer from A21

#### Question 7

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

**If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?** . Yes, I wish to participate in hearing session(s)

#### Question 7a

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

**If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:**

Only if objections are to be heard to this allocation

**Future Notifications**

**Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:**

Yes, I wish to be notified of future stages of the Local Plan

# Supporting Information File Ref No: SI\_125

## Comment

Agent	Abraham Laker [REDACTED]
Email Address	[REDACTED]
Company / Organisation	MRPP
Address	21 Buckingham Street London WC2N 6EF
Consultee	[REDACTED]
Company / Organisation	Tesco Stores Ltd
Address	Cirrus Building Shire Park WELWYN GARDEN CITY AL7 1AB
Event Name	Pre-Submission Local Plan
Comment by	Tesco Stores Ltd [REDACTED]
Comment ID	PSLP_1924
Response Date	04/06/21 12:25
Consultation Point	Policy AL/PE 6 ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.4
Files	<u><a href="#">PSLP_1921-1930 (not inclusive)_MRPP for Tesco_SI.pdf</a></u>
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Tesco Stores
Question 2	
Agent's Name and Organisation (if applicable)	MRPP
Question 3	

To which part of the Local Plan does this representation relate?

Policy

#### Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/PE 6

Map 27, Map 67

*[TWBC: this representation has been input against Policies STR 1, STR 6, AL/PE 6, EN 15, PSTR/PE 1, STR/SS 1 and STR/SS 2 – see Comment Numbers PSLP\_1921, PSLP\_1923, PSLP\_1924, PSLP\_1926, PSLP\_1927, PSLP\_1928 and PSLP\_1930. Full copy of representation attached as supporting information]*

#### Question 4

Do you consider that the Local Plan:

Is legally compliant

Don't know

Is sound

Don't know

Complies with the Duty to Cooperate

Don't know

#### Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

#### Question 5

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

#### REPRESENTATIONS ON BEHALF OF TESCO STORES LIMITED TOWN AND COUNTRY PLANNING (LOCAL PLANNING) REGULATIONS 2012 TUNBRIDGE WELLS (REGULATION 19) LOCAL PLAN CONSULTATION

As you know, we act on behalf of Tesco Stores Ltd, in respect of their various interests in Tunbridge Wells Borough and respond on their behalf to the Regulation 19 Tunbridge Wells Local Plan consultation, under the following headings.

#### **Background**

MRPP has extensive knowledge of both Tesco's activities in the Borough and the present (and historic) formalisation of planning policy in the Borough. We welcome the opportunity to engage with the emerging Local Plan and do so positively both in terms of representing our client's interests, and in terms of helping the Council to formulate effective policies which support development for the benefit of the Borough's businesses and residents.

Tesco Stores Ltd engaged with various components of the adopted Local Plan, both in terms of the development needs identified in the existing Core Strategy (primarily in relation to retail capacity) and the treatment of its various interests in the Borough in the subsequent Site Allocations DPD. We have, on their behalf, thoroughly reviewed the Reg 19 Local Plan and have sought to respond only to those policies and issues which directly or indirectly affect their property interests. We trust that this targeted approach assists officers, who will find our comments generally supportive, subject to several clarifications regarding evidence and the justification for designations, allocations and policies.

For ease, we set out our representations in a single letter and have, for each relevant policy or supporting text, used the Council's recommended responses (i.e. objection, support, support with conditions, or general observation). We have also set out some basic background to our client's presence in the Borough.

### **Tesco in Royal Tunbridge Wells**

Tesco has been represented in Royal Tunbridge Wells since 1969 when its store at 29 Grosvenor Road first opened. Tesco has continued to serve the community, uninterrupted, since then and has subsequently enhanced its presence to now include:

- Supermarket Format – Woodsgate Corner (Pembury)
- Metro Format – Grosvenor Road, Tunbridge Wells
- Rye Road, Hawkhurst
- Express Format - St. Johns Road (Tunbridge Wells), London Road (Southborough) and Commercial Road (Paddock Wood)
- One Stop Format – Badsell Road (Five Oak Green), Forest Road (Hawkenbury)

It is well documented that Tesco, having secured planning permission for a substantial replacement superstore at Pembury, took the difficult decision not to implement this, arising from significant changes in the convenience shopping sector and other local factors. However, several of its stores, including Pembury, have undergone improvements as part of the firm's 'refresh' programme, with a greater focus on customers, merchandising and the quality of the retail environment.

### **Responses to Policies**

#### **Policy AL/PE6 – Woodsgate Corner (support with conditions)**

As you may be aware, Hendy Group previously promoted the redevelopment of the site for a Motor Village proposal on surplus land at Pembury. Tesco firmly supported this proposal and wrote to the Council on 15/07/2019 confirming its position.

Following the second Regulation 18 Consultation process in 2019, Hendy Ford submitted a formal planning application ref:19/00884/FULL, for the Motor Village proposal, which was recommended by officers for a grant of planning permission subject to planning conditions and entering into a legal agreement. The application was presented at Planning Committee on 28/10/2020. A motion was proposed by Councillors to approve the application, on the basis that members were satisfied that all relevant planning considerations had been covered within the committee report. This motion was not carried, and a separate motion was proposed by other Councillors to refuse the application, which was upheld resulting in the application being refused planning permission.

The primary reasons for the application's refusal, centred around failing to demonstrate the three overarching objectives of sustainable development within the NPPF, along with failing to demonstrate exceptional circumstances that the development is in the public interest and failing to comply with the AONB test within the paragraph 172 of the NPPF 2019. Subsequently, Hendy Group have now abandoned their intentions to pursue any future development upon this site.

The site is currently being allocated within the emerging local plan under Policy AL/PE6 for extra care accommodation (Class C3)/ residential care home (Class C2). In respect of Policy AL/PE6, Tesco supports the policy criteria subject to the following comments:

- Paragraph 5.731 of Policy AL/PE6 states that Use Class C2 does not count as fully equivalent dwellings for housing supply purposes. The capacity range is identified as 62-80 units net. Therefore, should a Class C2 scheme come forward on the site, the allocation needs to allow for the potential for general needs housing (Class C3) to come forward as well, otherwise the site is not delivering the housing supply anticipated within the Plan period. Flexibility to provide general needs housing (Class C3) as part of a care led (Class C2/C3) scheme is also required, to make efficient use of land should the optional quantum of care accommodation in this location not fully optimise the development potential of the site. This approach is supported by paragraph 117 of the NPPF 2019 to promote the effective use of land in meeting the needs for homes and other uses.

- In this respect Tesco, propose the following amendments (highlighted in bold) to Policy AL/PE6 to allow for the provision of general needs housing (Class C3) in order to contribute towards the housing supply, that has been identified to be delivered from this site during the Plan period:

“...This site, as defined on the Pembury Policies Map, is allocated for provision of specialist housing for older people and others with care needs. The allocation provides for up to 80 units of extra care accommodation (Use Class C3) or up to 120 units of residential care home/nursing care (Use Class C2). **A proportion of general needs housing (Class C3) will also be acceptable to make efficient use of land and contribute to the Council’s housing supply identified from this site during the Plan period...**”.

- The ‘open space and landscape buffer’ shown on the southern edge of the site on Map 67 should be reconsidered to allow the development footprint to be expanded to fully maximise the development potential of the site for housing and C2/C3 care. The developable area should be expanded to reflect the site boundary approved under planning permission 09/01265/FULMJ which established the principle of development within the buffer zone (see attached plan).

- It is welcomed that the allocation AL/PE 6 is included and retained within the new LBD boundary as referenced within the Limits to Built Development Topic Paper for Pre-Submission Local Plan February 2021.

#### Question 7

*Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

**If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?** . Yes, I wish to participate in hearing session(s)

#### Question 7a

*Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

**If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:**

We reserve the right to attend any hearing sessions on the topic matters we have commented on accompanying written representations should the Inspector need to raise any questions during the Local Plan Examination.

#### Future Notifications

**Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:** Yes, I wish to be notified of future stages of the Local Plan

# Supporting Information File Ref No: SI\_140

## Comment

Agent	Miss Katherine Miles ( [REDACTED] )
Email Address	[REDACTED]
Company / Organisation	Pro Vision
Address	The Lodge Highcroft Road Winchester SO22 5GU
Consultee	( [REDACTED] )
Company / Organisation	Cooper Estates Strategic Land
Address	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Cooper Estates Strategic Land ( [REDACTED] )
Comment ID	PSLP_2050
Response Date	04/06/21 16:54
Consultation Point	Policy AL/PE 6 ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.6
Files	<a href="#">Pro Vision for Cooper Estates Strategic Land - full representation with appendices.pdf</a>
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Cooper Estates Strategic Land
Question 2	
Agent's Name and Organisation (if applicable)	Pro Vision
Question 3	



To which part of the Local Plan does this representation relate?

Policy

#### Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/PE 6

#### Question 4

Do you consider that the Local Plan:

Is legally compliant No

Is sound No

Complies with the Duty to Cooperate No

#### Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

#### Question 5

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

**Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.**

Please see the attached representations statement prepared by Pro Vision on behalf of Cooper Estates Strategic Land along with the associated appendices. However in summary we have the following comments:

##### **Duty to Cooperate**

We have significant concern that, given the context of the problems already identified through the respective Examinations of the SDC and TMBC plans, that the TWBC plan, in the same HMA, is at risk of failing the legal test on the specific matter of a lack of strategic, cross-boundary planning to meet housing needs. We consider that the three Councils have failed to engage constructively to resolve the issue of unmet housing needs, and given the findings of the Inspector in respect of the SDC Examination, namely that "The absence of such engagement means that neither the submitted plan nor neighbouring authorities' plan-making processes have been shaped by adequate consideration of how Sevenoaks' full housing need was to be met", the Regulation 19 LP should not proceed to submission. Instead, TWBC should engage directly with SDC and TMBC to work together to address the housing needs of the West Kent Housing Market Area.

##### **Meeting the needs of Older People**

We welcome the recognition by TWBC that there is a specific need for extra care accommodation within the Borough. However, we conclude that insufficient sites are proposed for allocation to meet the identified need. Sites proposed for allocation either will deliver residential care homes / beds instead of extra care accommodation, and/or they may either be undeliverable or with no certainty of deliverability from the evidence available, and in respect of the proposal allocation of the Woodsgate Corner site, even if this site were to come forward for Extra Care housing, the Council itself acknowledges this will not be before 2031 and so therefore this site does nothing to meet the need which is accepted to exist now. We conclude that this need can only be met fully by providing for additional sites through the Local Plan including the land at Sandown Park, Tunbridge Wells.

## **Soundness**

Notwithstanding our concerns about legal compliance, we consider that modifications are required to Paragraph 6.350, and that the Council should not seek through the Local Plan to influence the interpretation of the Use Classes Order. This should be left to the decision-making process, where applications are assessed and determined on their merits and on the facts of the case before the Council at that time. We consider that amendments should be made to Policy H3 to eliminate ambiguity by removing the reference to “units” and insert instead the word “dwellings” to ensure consistency in the policy. We consider that the Plan is also unsound in that there has been no assessment of the viability of seeking affordable housing from C2 residential care community (Extra Care) developments, and so the plan and its evidence base have had no regard to the unique development and operating costs of such developments. The policy is considered to make such developments unviable.

The modifications to the Local Plan suggested on behalf of CESL are necessary to ensure that it would be positively prepared, justified, effective and consistent with national policy.

*[TWBC: the full representation (attached with appendices) has been divided into Duty to Cooperate (whole Plan) (PSLP\_2048), Policy H6 (PSLP\_2049), Policy AL/PE6 (PSLP\_2050), Policy STR/RTW1 (PSLP\_2051) and Policy H3 (PSLP\_2052). As there are many footnotes throughout the representation these have been referenced in a list at the end of each part of the representation].*

## **1.0 Introduction**

1.1 These representations have been prepared by Pro Vision on behalf of Cooper Estates Strategic Land Ltd (CESL). CESL is the owner of the land at Sandown Park, Tunbridge Wells (the Site). Pro Vision are chartered Town Planners, Architects, Urban Designers and Ecologists.

## **Background**

1.2 The Site has previously been promoted to Tunbridge Wells Borough Council (TWBC). The Site features in the 2009 Strategic Housing Land Availability Assessment (SHLAA) in two parcels (See **Appendix 1**): Parcel 55 - the land north of Blackhurst Lane; and Parcel 56 - the land south of Blackhurst Lane).

1.3 For Parcel 55, TWBC concluded in 2009:

- . “the site is very well screened with a woodland border so no significant views into and out of the site”; and
- . “it could be suitable for a sensitive ... development... in a woodland setting”.

1.4 For Parcel 56, TWBC concluded:

- . “the site is very well enclosed by woodland boundary to the north, east and west of the site, but the area to the south, exposed to Pembury Road is open”; and
- . “sensitive...development could be accommodated taking in to account the presence of Ancient Woodland and the need for landscaping to protect the open views to the south”.

1.5 The site was subsequently promoted as an omission site for C2 uses within the processes that culminated in the Site Allocations Local Plan (SALP). This included the submission of comments to the Draft SALP in March 2015 and attendance at the Examination between October and December 2015. This also included a Judicial Review that concluded in February 2017.

1.6 The thrust of the CESL representations, including the Judicial Review, were that:

- 1 the housing need for older persons in the 2010 Core Strategy was not based on a National Planning Policy Framework compliant Full Objectively Assessed Need; and
- 2 there was, at the time of the SALP Examination, an uncontested independent and reliable evidence of quantified existing C2 need for an additional 1,400 specialist dwellings for older persons in the

- Borough between 2013 and 2033 (70 units per annum) in the Council's 2015 Strategic Housing Market Assessment (SHMA)<sup>2</sup>; and
- there was a separate need for 796 care and/or nursing home bedspaces in the same 2013 and 2033 period<sup>3</sup>; and
- 1 only 3 sites were allocated in the SALP that may have been suitable for C2 uses<sup>4</sup>, but in any event, these were dependent on market forces to deliver these as C2 schemes instead of as C3 housing.
- 2 In any event, these 3 sites would only deliver a maximum of 227 units, and only then if all of the largest site was fully delivered as C2; but as vi. the Council considered that any care facility that did not involve staff attending to bedspaces within an institutional population would constitute a C3 use, not a C2 use; so
- 3 the SALP did not seek to allocate the Site for C2 use within the context of the 2010 Core Strategy.

1.7 At the SALP Examination on 9 December 2015, TWBC conceded that, notwithstanding the above points, the issues raised regarding C2 need would be taken forward via an early subsequent review of the Core Strategy / SALP<sup>5</sup>. This process now forms the emerging Local Plan the subject of this Regulation 19 consultation.

1.8 CESL pursued a Judicial Review (JR) into the SALP adoption. The reasons for the JR are documented in the submitted *"Joint Statement of Facts and Grounds"* made between CESL and TWBC<sup>6</sup> as part of the JR process. These indicate that the JR was made because:

- The SALP Inspector misunderstood the Claimant's primary case (that the SALP did not address the need for homes of older persons (including, but not only, care homes) as identified in the Core Strategy in 2010) and that he failed to address the issues arising from this position (Appendix 3, Para 59); and so
- The SALP Inspector did not allow the possibility that the SALP could have sought to select and allocate Greenfield sites adjacent to the Limits of Built Development (LBD) at Tunbridge Wells, within the context of a need that had been identified by the 2010 Core Strategy, but which was unmet by the SALP (Appendix 3, Paras 66 and 68); and
- The SALP Inspector concluded, erroneously, that he was precluded by case law from taking into account changes in evidence and policy that have taken place since the Core Strategy was adopted in 2010 (Appendix 3, Paras 80 - 89).

1.9 The February 2017 Judgement to the Judicial Review<sup>7</sup> concluded that the JR was unsuccessful and that the SALP did not need, at that time, to allocate further sites for C2 use. This was because the 2010 Core Strategy (CS), to which the SALP was a daughter document, set no target for it to do so itself because there was no need identified within the CS for such sites.

1.10 In other words, the reason for the JR failure was not in relation to the merits of the need argument outlined at Para 1.6 above (which evolved after the Core Strategy was adopted), or whether the proposed allocation was or was not C2 use; but a procedural one alone (i.e. the relationship of the SALP to the CS).

1.11 The Site was promoted as a potential C2 development site during the Call for Sites exercises (July 2016 and May 2017) relating to this emerging Local Plan.

1.12 Pro Vision made representations on behalf of CESL to both the Issues and Options stage (June 2017) and the Draft Plan stage (Regulation 18, November 2019) of the emerging Local Plan regarding the policy context for C2 proposals.

1.13 The thrust of the representations at Regulation 18 stage was that, notwithstanding the commitment made by TWBC during the SALP Examination (Appendix 2) to revisit the C2 need and possible allocations resulting:

- The 2015 SHMA, which informed the SALP process, continues to be relevant to the emerging Local Plan. Furthermore, the 2017 Update to the same<sup>8</sup> sets out the changes to the number of people aged 75 and over who are expected to be living in some form of C2 accommodation which indicates an increase of about 750 people over the 2015-35 period in Tunbridge Wells – equivalent to 37 units per annum (Paragraph 8.3);
- Accordingly, there is still a significant, Council-acknowledged, need for accommodation for the older people;
- The Council continues to assume that the market should be left to decide whether to deliver any site as conventional (C3) housing, for which there is a pressing need within the Borough anyway; consequently

- . The Regulation 18 Consultation Local Plan only carried forward an allocation from the SALP (AL/RTW 32 at Beechwood Sacred Heart School). This site benefits from planning permission<sup>9</sup>, issued September 2017. Therefore, this allocation does nothing to support the established unmet need, and the future need identified within the Borough by the evidence base supporting this Regulation 19 consultation;
- . Policy H9 is, in any event, inconsistent with Paragraph 59 of the 2019 Framework and the June 2019 edition of the Planning Practice Guide relating to Housing for Older and Disabled People<sup>10</sup>. Specific elements of the latter that are overlooked are:
  - o “plan-making authorities should set clear policies to address the housing needs of older people, which could provide indicative figures or a range for the number of units of specialist housing for older people needed across the plan area throughout the plan period” (Paragraph: 006 Reference ID: 63-006-20190626);
  - o “Allocating sites can provide greater certainty for developers and encourage the provision of sites in suitable locations” (Paragraph: 013 Reference ID: 63-013- 20190626);
  - o The different types of specialist housing available to meet the diverse needs of older people (Paragraph: 010 Reference ID: 63-010-20190626). This also indicates that care provided within such communities is regulated by the Care Quality Commission (CQC);
  - o When determining whether a development for specialist housing for older people falls within C2 (Residential Institutions) or C3 (Dwellinghouse) of the Use Classes Order, consideration could, for example, be given to the level of care and scale of communal facilities provided. (Paragraph: 014 Reference ID: 63-014-20190626).
  - o Accordingly, Table 6 of the Regulation 18 Local Plan is an inadequate summary of the PPG on this matter, and incorrectly perpetuates the position taken by the CS / SALP.

1.14 The logical conclusion from the Regulation 18 Representations was therefore that TWBC should allocate further sites, specifically for C2 use. This should have prompted a proper consideration by TWBC of all sites promoted for C2 use and including the land at Sandown Park promoted by CESL.

### **Regulation 19 Consultation**

1.15 These representations are the CESL response to the Regulation 19 Pre-Submission Local Plan (the LP).

These representations relate to:

- . The Duty to Cooperate
- . Older People's Housing Need
- . Proposed Older People's Allocations
- . Land at Sandown Park
- . Extra Care Use Class
- . Policy H3

1.16 The National Planning Policy Framework (the Framework) states<sup>11</sup> that for a Local Plan to be suitable for adoption it must be both legally compliant and sound. To be considered sound, it must demonstrate that it is:

- . *"Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;*
- . *Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;*
- . *Effective - deliverable over the plan period, and based on effective joint working on crossboundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and*
- . *Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework."*

1.17 These representations explain why the Regulation 19 Local Plan is neither legally compliant, nor 'sound'. Should the LP progress in its current form to Submission and Examination, CESL requests participation in the LP Examination through written and oral submissions.

### **AL/PE6 Woodsgate Corner – SHELAA Site 395**

4.15 We have considered the feasibility of the Woodsgate Corner site to deliver Extra Care housing given the site has a recent planning history for commercial uses. We consider that, for the reasons discussed below, this site is unlikely to come forward as an Extra Care Housing scheme.

4.16 The Council suggests a developable site area of 2.4ha. The proposed site was formerly allocated as a Park and Ride facility, and had planning permission for this use under 09/01265/FULMJ46, issued 12 Jan 2012.

4.17 The permission issued in 2012 has been implemented as confirmed in the Officer Report for a recent car showroom development by the Hendy Group in 2019 (which was refused permission in November 2020 by the Council) 47. The s106 attached to the implemented 2012 permission is therefore in effect and this requires the compliance with a Woodland Management Plan (WMP) appended to the S106. Paragraph 4.1.1 of the WMP states that the plan is effective for “*a period of fifteen years from its initiation*”, whilst Paragraph 4.1.2 allows for the extension of the management plan period for a further ten to fifteen years as required. As the Woodland Management Plan does not have explicit pre-commencement wording, it is understood to be active from the commencement date of the permission (unknown).

4.18 This WMP is considered to be in effect on the site, and affects significant parts of the land proposed for allocation by the Council where a large part of the site is almost exclusively treed/vegetated and would require significant re-profiling were it to be redeveloped. Thus, given the constraints imposed by the management plan, it is considered that only approximately 1.65ha of the site is developable.

4.19 Further, the bulk of the AL/PE6 allocation is recorded with the Land Registry in two parts - K735924 and K788399. Both are registered to Tesco Stores Ltd, and so the body of the site can be considered to be in a single ownership<sup>48</sup>. The Land Registry entries for these 2 parts of the “body” of the allocation confirm registered Agreements for Leases (dated 19 February 2019) with Hendy Group Ltd as the beneficiary.

4.20 An application for change of use of the land to car sales was submitted by Hendy Group Ltd who have an option on the site. This application was refused in November 2020 (19/0088449). The Officer Report to 19/00884 indicates the Woodsgate Corner site is constrained as follows:

- . Agricultural Land Classification Grade 350
- . Area of Outstanding Natural Beauty AONB
- . Metropolitan Greenbelt
- . Ashdown Forest 15 Km Habitat Regulation Assessment Zone
- . Part inside/part outside Limits to built development
- . Potentially Contaminated Land + 50M Buffer
- . Tree Preservation Order

4.21 Neither Tesco Stores Ltd or Hendy Group Ltd are known to provide Extra Care or residential care accommodation. The site has not apparently been promoted for such a use, and it is unclear therefore where the proposal for a residential use in this location originates.

4.22 Taken together, these elements strongly suggest there are legal impediments to the site coming forward in the near term, in whole or in part for the use proposed by the allocation. These impediments include the length of the term of the lease to the Hendy Group, and the obligations of the s106 and specifically the WMP attached to the 2021 Park and Ride application.

4.23 We note however that TWBC appear to share our concerns regarding the likelihood of the deliverability of the site for any residential care or Extra Care use, given that the supply trajectory for this site in the February 2021 Housing Supply and Trajectory Topic Paper<sup>51</sup> suggests (at page 32) that this site is not expected to start to provide units until Year 13 of the plan, 2032/33<sup>52</sup>. Even if this site were to deliver, at the very least the AL/PE6 Woodsgate Corner site cannot be expected to contribute anything towards the 188 additional Extra Care units that TWBC concedes will be required by 2031 (i.e. before the end of the plan period in 2038<sup>53</sup>). In any event, it is not definite that AL/PE6 would deliver Extra Care accommodation at all, as the draft site allocation indicates the site may instead deliver 120 residential care beds.

4.24 In summary, whilst we welcome the recognition of a specific need for Extra Care accommodation within the LP, we consider that the allocations are not sufficiently robust to ensure delivery of an adequate supply of Extra Care accommodation to meet the need identified. In conclusion, additional deliverable sites, are required to ensure the identified need is met within the plan period. CESL is

promoting a site for this purpose at Sandown Park, therefore, there is at least one other site that the Council can turn to, to address this immediate need.

## 7.0 Conclusion

### ***Duty to Cooperate***

7.1 We have significant concern that, given the context of the problems already identified through the respective Examinations of the SDC and TMBC plans, that the TWBC plan, in the same HMA, is at risk of failing the legal test on the specific matter of a lack of strategic, cross-boundary planning to meet housing needs.

7.2 We consider that the three Councils have failed to engage constructively to resolve the issue of unmet housing needs, and given the findings of the Inspector in respect of the SDC Examination, namely that *"The absence of such engagement means that neither the submitted plan nor neighbouring authorities' plan-making processes have been shaped by adequate consideration of how Sevenoaks' full housing need was to be met"*, the Regulation 19 LP should not proceed to submission. Instead, TWBC should engage directly with SDC and TMBC to work together to address the housing needs of the West Kent Housing Market Area.

### ***Meeting the needs of Older People***

7.3 We welcome the recognition by TWBC that there is a specific need for Extra Care accommodation within the Borough. However, we conclude that insufficient sites are proposed for allocation to meet the need. Sites proposed for allocation either will deliver residential care homes / beds instead of Extra Care accommodation, and/or they may either be undeliverable or with no certainty of deliverability in the evidence available, and in respect of Woodsgate Corner, even if this site were to come forward for Extra Care housing, the Council itself acknowledges this will not be before 2031 and so therefore this site does nothing to meet the need which is accepted to exist now.

7.4 We conclude that this can only be addressed by providing for additional sites through the LP including the land at Sandown Park, Tunbridge Wells.

### ***Soundness***

7.5 Notwithstanding our concerns about legal compliance, we consider that modifications are required to Paragraph 6.350, and that the Council should not seek through the Local Plan to influence the interpretation of the Use Classes Order. This should be left to the decision-making process, where applications are assessed and determined on their merits and on the facts of the case before the Council at that time.

7.6 We consider that amendments should be made to Policy H3 to eliminate ambiguity by removing the reference to "units" and insert instead the word "dwellings" to ensure consistency in the policy.

7.7 We consider that the Plan is also unsound in that there has been no assessment of the viability of seeking affordable housing from C2 residential care community (Extra Care) developments, and so the plan and its evidence base have had no regard to the unique development and operating costs of such developments. The policy is considered to make such developments unviable.

7.8 The modifications to the LP suggested on behalf of CESL are necessary to ensure that it would be positively prepared, justified, effective and consistent with national policy.

7.9 If the LP proceeds in its current form to Submission and Examination, CESL will seek invitation to participate in the relevant hearings to elaborate these concerns.

Footnotes:

1 See **Appendix 1**

2

(see web link)

, page 18 and Table 5

3 Ibid, page 18 and Table 6



4 Hawkhurst Castle (Policy AL/HA3; 30 units), WA Turner Factory, Broadwater Lane (Policy AL/RTW13, 170 units maximum in a mixed C2/C3

scheme) and Beechwood Sacred Heart School (Policy AL/RTW16, 27 units).

Subsequent to the proposed allocation, but prior to the adoption of the SALP, the Hawkhurst Castle site was granted permission

(13/02636/FULMJ) in November 2013 for a net gain of 36 bedspaces (total now 90).

(see web link)

It is now operational.

At the time of writing, the WA Turner Factory (the larger part of the AL/RTW13 allocation) does not benefit from a planning permission

for the proposed residential allocation or a care facility. Similarly, no part of the adjacent exchange site, which also forms part of the

AL/RTW13 site benefits from a planning permission for a residential or care facility.

The Beechwood Sacred Heart School site (AL/RTW16) has a planning permission for a 69-bed care home alongside the redevelopment

of the school. This permission 16/07697/FULL was granted on 5 September 2017. It is currently in the process of being implemented.

**5 Appendix 2** - Transcription of the SALP Examination session; relevant section highlighted

**6 Appendix 3** – Joint Statement of Facts

**7 Appendix 4** – Judicial Review

8

(see web link)

9

(see web link)

10 <https://www.gov.uk/guidance/housing-for-older-and-disabled-people>

11 NPPF 35

12 NPPF Paragraphs 24 to 27.

13 Duty to Cooperate Statement for Pre-submission Local Plan, March 2021.

14 Joint Green Belt Study, [West Midlands Authorities], LUC, July 2015. (Please see paragraphs 1.4 and 1.5).

15 Green Belt Review Purposes Assessment, November 2013 (please refer to paragraph 2.3.9).

(see web link)

16

(see web link)

17 Examination of the Sevenoaks District Local Plan; Inspector's Letter, 28 October 2019. (Page 5).

18 Sevenoaks District Council v Secretary of State for Ministry of Housing, Communities and Local Government, Case No. Co/1417/2020. Date: 13/11/2020.

19 Examination of the Tonbridge and Malling Local Plan, Inspectors' Letter, 2 March 2021. (Paragraph 13).

20 Examination of the Tonbridge and Malling Local Plan, Inspectors' Letter, 2 March 2021. (Paragraph 12).

21

(see web link)

22

(see web link)

23 (see web link)

24

(see web link)

25

(see web link)

26 5th row from the bottom

27 <https://tunbridgewells.gov.uk/planning/planning-policy/local-plan/evidence>

28 Appendix 5 – Letter from Pro Vision to Steve Baughen Head of Planning

29 Appendix 6 – Email from TWBC Local Plan Team to Pro Vision

30

(see web link)

31 Paragraphs 3.37-3.39

32 Paragraphs 3.49-3.53

33 and Para 6.357 of the Regulation 19 Version of the plan

34 Methodology explained in paragraph 3.44 and Table 5 of the HNA

35 And Para 6.358 of the Regulation 19 Version of the plan

36 Within the definition provided by the Glossary to the 2019 NPPF.

37 Representations to the Sites and Allocations Local Plan (SALP) representor references SAL\_S\_934 and SAL\_S\_935, and in-person representations at the Examination to the SALP in November and December 2015

38 Paragraph 61 of the 2019 version; and paragraphs 50 and 159 of the 2012 version.

39 <https://www.gov.uk/guidance/housing-for-older-and-disabled-people>

40 The permitted sites are AL/CRS1 Brick Kiln Farm and AL/CR3 Turnden Farm

41

(see web link)

42 <https://lichfields.uk/media/1728/start-to-finish.pdf>

43 Pg 17 of <https://lichfields.uk/media/1728/start-to-finish.pdf>

44

(see web link)

45

(see web link) and (see web link)

46

(see web link)

47 See para 1.05 of the Committee Report

(see web link)

48 However, the body of AL/PE6 is separated from the roundabout by 2 further Land Registry parcels:

K951328 registered owner KCC

K146982 registered owner Highways England

49

(see web link)



50 2010 publication <http://publications.naturalengland.org.uk/file/128043>

51

(see web link)

52 The LPA suggest this is 2032/33, but as the 2020/2021 year is now complete this year will become Year 12.

53 By which time the Council acknowledges at least 245 additional units would be required.

54 The appraisal of the site is included as Appendix 7

55 Wealdon District Council planning application reference: WD/2019/1648/MAO

56 Note the application description as approved by Wealdon District Council refers specifically to Use Class C2, and note the section entitled

"C2 Use" in the Officers report where it was concluded that: "...the Council is satisfied that the proposed use is C2 development which can be appropriately controlled by a proposed qualifying person criteria and care package combination which shall be secured by a legal agreement."

57

(see web link)

58 RTPi Good Practice Note 8, "Extra Care Housing: Development planning, control and management", Royal Town Planning Institute (2007)

59 Housing LIN: "Planning Use Classes and Extra Care Housing" Housing, Learning and Improvement Network (2011)

## Question 6

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

**Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan 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.**

See Question 5 above and in addition please see the attached representations statement prepared by Pro Vision on behalf of Cooper Estates Strategic Land along with the associated appendices.

## Question 7

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

**If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?** . Yes, I wish to participate in hearing session(s)

## Question 7a

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

**If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:**

Given the issues raised in relation to the Duty to Cooperate and the concerns in relation to both legal compliance and soundness, it is considered necessary to participate in the Examination hearings in relation to these matters and to address the questions of the Inspector. Also, and specifically in relation to the promotion of the Land at Sandown Park, Cooper Estates Strategic Land have interest from an operator (Audley Group) and can therefore provide an operator perspective on key issues relating to older peoples housing needs and the planning use class of community care villages.

#### **Future Notifications**

**Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:**

Yes, I wish to be notified of future stages of the Local Plan
---

# **Local Plan Regulation 19 representations in document order**

**Comments on Section 5: Place  
Shaping Policies: Pembury: Policy  
AL/PE 7: Land at Cornford Court,  
Cornford Lane**

## Comment

Consultee	Ms Helen Munro [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Pembury Parish Council
Address	Parish Council Offices Lower Green Recreation Ground Pembury, Tunbridge Wells TN2 4DZ
Event Name	Pre-Submission Local Plan
Comment by	Pembury Parish Council (Ms Helen Munro - [REDACTED])
Comment ID	PSLP_192
Response Date	11/05/21 16:02
Consultation Point	Policy AL/PE 7 Land at Cornford Court, Cornford Lane ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Pembury Parish Council
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

**Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.**

Policy PSTR/PE 1 The Strategy for Pembury parish  
Allocation Policy Number A/L PE7

**Question 4a**

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

#### Question 5

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

**Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.**

[TWBC: this comment is part of Pembury Parish Council's whole representation - see PSLP\_180]

#### 4.7 AL/PE7 Land at Cornford Court

Given that planning permission has already been granted (albeit no work yet commenced), we make no comment beyond recording that we objected to the application.

#### Question 7

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

**If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?**

For office use only

**If responder hasn't ticked an option on this box, data inputter to tick 'not stated' box.** Not Stated

## Comment

Consultee	Julie Davies [REDACTED]
Email Address	[REDACTED]
Company / Organisation	CPRE Kent
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	CPRE Kent [REDACTED]
Comment ID	PSLP_586
Response Date	28/05/21 13:07
Consultation Point	Policy AL/PE 7 Land at Cornford Court, Cornford Lane ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.1
Question 1	
Respondent's Name and/or Organisation	CPRE Kent
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
AL/PE7	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Yes
Is sound	Yes

Complies with the Duty to Cooperate

Don't know

#### Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

#### Question 5

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

This site has an existing planning permission for a much needed expansion of Cornford House's facilities.

#### Question 7

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

#### Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

# **Local Plan Regulation 19 representations in document order**

**Comments on Section 5: Place  
Shaping Policies: Pembury: Policy  
AL/PE 8: Owlsnest, Tonbridge Road**



## Comment

<b>Consultee</b>	Ms Helen Munro [REDACTED]
<b>Email Address</b>	[REDACTED]
<b>Company / Organisation</b>	Pembury Parish Council
<b>Address</b>	Parish Council Offices Lower Green Recreation Ground Pembury, Tunbridge Wells TN2 4DZ
<b>Event Name</b>	Pre-Submission Local Plan
<b>Comment by</b>	Pembury Parish Council (Ms Helen Munro - [REDACTED])
<b>Comment ID</b>	PSLP_193
<b>Response Date</b>	11/05/21 16:02
<b>Consultation Point</b>	Policy AL/PE 8 Owlsnest, Tonbridge Road ( <a href="#">View</a> )
<b>Status</b>	Processed
<b>Submission Type</b>	Email
<b>Version</b>	0.3

**Data inputter to enter their initials here** AT

### Question 1

**Respondent's Name and/or Organisation** Pembury Parish Council

### Question 3

**To which part of the Local Plan does this representation relate?** Policy

### Question 3a

**Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.**

Policy PSTR/PE 1 The Strategy for Pembury parish

Allocation Policy Number A/L PE8

### Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

#### Question 5

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

**Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.**

[TWBC: this comment is part of Pembury Parish Council's whole representation - see PSLP\_180]

4.8 AL/PE8 Owlsnest, Tonbridge Road

Given that planning permission has already been granted, we make no comment.

#### Question 7

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

**If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?**

For office use only

If responder hasn't ticked an option on this box, data inputter to tick 'not stated' box. Not Stated

## Comment

Consultee	Julie Davies [REDACTED]
Email Address	[REDACTED]
Company / Organisation	CPRE Kent
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	CPRE Kent [REDACTED]
Comment ID	PSLP_587
Response Date	28/05/21 13:09
Consultation Point	Policy AL/PE 8 Owlsnest, Tonbridge Road ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.1
Question 1	
Respondent's Name and/or Organisation	CPRE Kent
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
AL/PE8	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Yes
Is sound	Yes
Question 4a	

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

#### Question 5

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

**Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.**

This site, whose allocation CPRE originally opposed, now has planning permission for the allocated development, which is considerably improved from the development that was originally applied for.

#### Question 7

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

#### Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

## Comment

Consultee	Ms Bridget Fox [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Woodland Trust
Address	Kempton Way Grantham NG31 6LL
Event Name	Pre-Submission Local Plan
Comment by	Woodland Trust [REDACTED]
Comment ID	PSLP_1423
Response Date	04/06/21 16:31
Consultation Point	Policy AL/PE 8 Owlsnest, Tonbridge Road ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Woodland Trust
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy AL/PE 8 Owlsnest, Tonbridge Road	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Yes

Is sound

Don't know

Complies with the Duty to Cooperate

Don't know

#### Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because: . It is not consistent with national policy

#### Question 5

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

**Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.**

We previously expressed concerns at this site allocation (then coded as AL/PE 6) as it included two areas of ancient woodland

- Newbars Wood PAWS at TQ61474163 • Owlneast Wood ASNW at TQ61424106

We are pleased to see that Newbars Wood no longer appears to be affected. However, we still have concerns about the potential impact on Owlneast Wood.

#### Question 6

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

**Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan 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.**

We recommend redrawing the site boundaries to exclude Owlneast Wood from land allocated for development.

Whether the ancient woodland is within or outside the development site, we recommend that as a precautionary principle, a minimum 50 metre buffer should be maintained between a development and the ancient woodland, including through the construction phase, unless the applicant can demonstrate very clearly how a smaller buffer would suffice. Buffer zones can form part of the accessible natural green space required for future residents.

This will improve compliance with national policy by protecting the ancient woodland from loss or fragmentation and from harmful effects of pollution or encroachment on root areas. It will also make a positive contribution to requirements for net gain and nature recovery.

#### Question 7

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

**If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?** . Yes, I wish to participate in hearing session(s)

**Question 7a**

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

**If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:**

The Woodland Trust is the UK's leading woodland conservation charity with specific expertise on the management and protection of ancient woodland.