



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

**Representation Form**

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

Ref:

(For official use only)

<b>Name of the Local Plan to which this representation relates:</b>	<b>Proposed Changes to the Tunbridge Wells Borough Local Plan (2020 - 2038): Response to Examination Inspector's Initial Findings, Received November 2022 and Supporting Documents, including Sustainability Appraisal</b>
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Completed forms must be received at our offices by **midnight Monday 26 February 2024**

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

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

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

	<b>1. Personal Details</b>	<b>2. Agent Details (if applicable)</b>
<b>Title</b>	Mr & Mrs	Mr
<b>First Name</b>		Mike
<b>Last Name</b>	Whetstone	Holmes
<b>Job title (where relevant)</b>		Associate Planner
<b>Organisation (where relevant)</b>		KLW Ltd
<b>Address Line 1</b>	[REDACTED]	Ridgers Barn

<b>Address Line 2</b>	██████████	Bunny Lane
<b>Address Line 3</b>	██████████	Tunbridge Wells
<b>Address Line 4</b>	██████████	
<b>Postcode</b>	██████████	TN3 9HA
<b>Telephone number</b>		██████████
<b>Email address (where relevant)</b>		████████████████████

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

<b>Name or Organisation</b>	
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<b>3.</b>	<b>To which part of the Proposed Changes to the Borough Local Plan Submission Version (2020 – 2038) as set out in the Development Strategy Topic Paper Addendum?</b>
<b>Chapter and (if applicable) sub heading</b>	Chapter 4
<b>Policy</b>	STR/SS 1: The Strategy for Paddock Wood
<b>Paragraph number or appendix</b>	Appendix D

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

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

### **Introduction and Background**

Our client continues to retain land interest that forms part of Tunbridge Wells Borough Council's (TWBC) planned/proposed strategic expansion of Paddock Wood.

Tudeley Brook Farm (the Site), is a private home with several outbuildings and set in extensive grounds which extend to approximately two hectares. The Site lies to the north of Paddock Wood directly south of Whetsted Road (A228). The full extent of the holding is identified in the Strategic Housing and Economic Land Availability Assessment (SHELAA) and referenced 'Site DPC19'.

The land is also included within the masterplan vision, development strategy and draft policy allocation for the proposed extension of Paddock Wood: referenced as Local Plan Allocation STR/SS1 and identified as part of the 'North-Western Parcel (A)' in Revised Map 27 Masterplan Areas of the Local Plan Development Strategy Topic Paper – Addendum.

The Site (DPC 19) was not included within the original call for sites process, during the Regulation 18 consultation stage. Following consultation, a series of strong and credible planning arguments were brought forward including, but not limited to, the beneficial relationship of the Site to Whetsted Road and Tudeley Brook presenting 'natural' tangible and defensible boundaries to the western parcel, the facility to contribute meaningfully to flood water/water management requirements to the benefit of the wider development, and with other interests, the provision of public open space/ country park, integrated with land to the south and west for the benefit of new and planned communities: all supporting the inclusion and integration of the Site within the planned growth proposed at Paddock Wood.

The Site was then appraised by a team of highly regarded independent consultants covering amongst other disciplines, urban design and master planning, flood and water environments, transport and integration and ecology. The complete professional team, appointed by TWBC undertook the master planning work (based on garden settlement principles) to inform the proposed strategic growth at this location.

Following months of detailed assessment and appraisal across all technical disciplines, the appointed consultant team independently concurred with our view on the planning and environmental benefit of fully including the Site within the planned expansion of Paddock Wood. The land now forms part of the North-Western Parcel (A) of Strategic Site STR/SS1 (as set out in Revised Map 27 on page 70 of the Local Plan Development Strategy Topic Paper – Addendum). The land has been designated as land within a Green & Blue Strategic Landscape Corridor, with overarching visual/physical amenity, ecological, landscape, movement and connection benefits to manage flood waters and to support the well-being of the new communities.

### **Green and Blue Strategic Landscape Corridor**

This green and blue infrastructure is a core component in the acceptability of the proposed development. The Site is an integral part of the masterplan vision adding real value to the wider strategic development planned around Paddock Wood and acts as a facilitator in the following ways:

- With other land parcels adjoining to the south and west, the site provides a significant and necessary area of ‘natural’ public open space that will provide an appropriate quantum of amenity space for informal and formal play, whilst providing amenity value for the planned and existing houses;
- The Site plays a crucial part in providing community infrastructure for the new and existing residents of Paddock Wood with an important green footpath running alongside the boundary;
- The Site’s northern and eastern boundaries are defined by Whetsted Road and Tudeley Brook respectively – the combination will form a strong and defensible new edge to the settlement expansion, thus protecting from future incursion into the Green Belt. Visibility to and from adjoining rural areas will be limited and cohesion between settlements will be maintained;
- The Site will make a positive contribution to strengthening and restoring an integrated network of habitats for the benefit of nature – this is critical and is a direct response to the heightened importance of integrating biodiversity and ecological interest into new developments that is held within the Environment Bill; and
- Use of the Site provides an opportunity for meaningful improvement to the extant local flooding and drainage issues. It is also an essential component of the wider flood alleviation measures that are so critical and necessary in this location to support the delivery of the new housing and, fundamentally, to protect the safety of future residents.

Whilst commendable, this green and blue infrastructure designation, which includes the Site, raises a requirement to facilitate land equalisation agreements for the benefit of landowners required to “give over” their land for the future benefit of the wider community. The merit and benefit that the Site brings should be acknowledged and properly accounted for in the Local Plan.

### **Comprehensive Masterplan**

Section 3 of the Submission Local Plan reveals with visions and strategic objectives and sets out the main guiding factors for different parts of the Borough. For Paddock Wood the vision is “to provide for comprehensive planned strategic growth that is fully aligned with timely infrastructure provision and which delivers significant improvements in local employment, town centre, leisure and other services/community facilities commensurate with its enhanced role, as well as ensuring that it is not vulnerable to flooding”.

Paragraph 5.193 in the supporting text to Policy STR/SS1, also notes the vision for Paddock Wood and further comments that it is important to “help develop the growth around Paddock Wood and east Capel strategically and holistically”.

The Strategic Sites Topic Paper for Pre-Submission Local Plan (March 2021) explains that the appointed consultant team, led by David Lock Associates (DLA), correctly took an “ownership blind” approach to developing the masterplan vision for the planned growth. Adopting this approach ensured that the planned expansion fully maximised the development potential in terms of securing the important garden settlement principles, providing the key infrastructure in the right locations, without influence or favour on landowning interests.

This ownership blind approach to masterplanning has directly resulted in the Site being positively included within the wider strategic allocation for Paddock Wood in the North-Western Parcel (A) of Strategic Site STR/SS1 (Revised Map 27) and also in the Revised Structure Plan (Revised Map 28).

We welcome the Site’s continued allocation, but continue to have grave concerns regarding the commitment to support the Site and facilitate its wider integration. This is contrary to TWBC’s adopted professional and independent advice from its advisors who have recommended its inclusion within the masterplan. It is essential now that TWBC commits fully to the entire masterplan vision, including the Site at Tudeley Brook Farm, to ensure that the full benefits of the masterplan are realised. We feel that the continued reliance upon the delivery of the masterplan through a Supplementary Planning Document is not sufficient.

TWBC’s objectives for a collaborative landowner approach is reinforced in the Strategic Sites Topic Paper for Pre-Submission Local Plan (March 2021). This Topic Paper provides the background to the Strategic Sites Working Group forum and explains that all stakeholders were made aware of the requirement to deliver the growth around Paddock Wood and east Capel, in line with garden settlement principles, “acknowledging that these carry a higher infrastructure burden”. Paragraph 3.5 states that site promoters were advised that they may need to “prepare for the potential use of equalisation agreements in order to achieve [the] ambitious, but reasonable, objectives sought”.

Chapter 7 of the same topic paper is concerned with deliverability and viability but throughout this chapter, reference is only made to the key site promoters. Regrettably, TWBC have focussed their attention on the four principal housebuilders: Crest Nicholson; Dandara; Redrow and Persimmon with little regard to the smaller site promoters. TWBC has failed to properly acknowledge that there are other important areas of land that, following independent review, now form viable and necessary component parts of the overall plan. This requires resolution in order for the plan to become effective and therefore sound.

The revised wording of Policy STR/SS1 has removed reference to required land equalisation agreements. The policy wording within the Submission Local Plan acknowledged that it is “highly likely” that the development will require land equalisation, in the interests of astute planning and deliverability, and it continues to be the case that the Local Plan must address these land equalisation omissions now. Without the necessary controls to ensure the comprehensive delivery of the whole masterplan vision, the policy/plan is not effective and is, therefore, unsound.

Furthermore, the Strategic Sites Masterplanning and Infrastructure Study (February 2021), prepared by DLA, has a whole chapter dedicated to delivery (Chapter 7). It highlights that “instances may arise where one developer is meeting the full cost of infrastructure shared by all, or one is disproportionately contributing in a different way such as by providing land”. It concludes that “Developers should be invited to form their own collaboration agreement or alternative mechanism for the equal sharing of costs. Should this not occur, TWBC should facilitate this process”.

TWBC’s own advisors have therefore recommended that TWBC must ‘step in’ if it is becoming clear that an equalisation agreement is unachievable. Furthermore, they point out that this should be actioned in a timely fashion so that the delivery of the development is not delayed.

It is therefore remains important that this land equalisation agreement is enshrined into the policy wording now for clarity and to avoid unnecessary delays in the delivery of the wider masterplan.

The correct vehicle to support the development of Paddock Wood is through an equalisation agreement. It is imperative that TWBC, as Planning Authority, take complete charge of this process in the public interest and absent of private agreements between the affected stakeholders.

We would respectfully ask TWBC to note that we have made repeated approaches to Crest Nicholson to explore collaborative working possibilities: linking in with Site DPC19. Regrettably, especially given the emphasis and need for comprehensiveness, as supported by the Inspector in his recent findings, these approaches have been rejected. So, despite our endeavours, at present there is no collaboration or agreement between landowners. Without TWBC’s support, there are concerns that our client’s land (and other smaller land holding interests), which forms a legitimate and important part of the integrated masterplan vision, will be marginalised to the detriment of the overall planned vision and interests of acknowledged importance including: amenity provision and open space, blue/green infrastructure, connectivity, ecology and biodiversity, all of which are key and central planks to the masterplan/ policy vision of the Paddock Wood expansion. Delivery is central to the soundness of the plan and it is clear that land equalisation is fundamental to this.

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

6.

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

	<p><b>The text box will automatically expand if necessary.</b></p>
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Given the above, and to make the Borough Local Plan sound in our view, we would therefore suggest the following modification to the proposed policy, to be inserted before or after paragraph 15 of the “Development principles” section of the revised proposed wording of the policy –

“Where the delivery of the development involves more than one landowner, land equalisation agreements will be required to be put in place. The Council will, if necessary, use its Compulsory Purchase Order powers to ensure the delivery of the appropriate masterplanned approach.”

This wording reintroduces the concept of equalisation agreements, as set out in the Submission Local Plan, and strengthens this by requiring equalisation agreements to be put in place.

<b>7.</b>	<p><b>Please use this box for any other comments you wish to make.</b></p> <p><b>The text box will automatically expand if necessary.</b></p>
	N/A

<b>8.</b>	<p><b>If your representation is seeking a modification, do you consider it necessary to participate at the examination hearings stage when it resumes?</b></p>
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**No**, I do not wish to participate at the examination hearings

**Yes**, I wish to participate at the examination hearings

<b>9.</b>	<b>If you wish to participate at the examination hearings stage once it resumes, please outline why you consider this to be necessary:</b>
<p>It is important that we have the opportunity to present directly to the Inspector, to assist with their assessment of the proposed modifications to the Development Strategy for the Local Plan, in particular the proposed content for Policy STR/SS1 relating to the strategy for Paddock Wood. Both we and our clients participated in the previous hearings and our continued participation is a logical extension to the process.</p>	

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




## Sustainability Appraisal

10.	To which part of the Sustainability Appraisal does this representation relate?	
Chapter and (if applicable) sub heading	N/A	
Policy	N/A	
Paragraph number or appendix	N/A	

11.	<p>Please use this box for any comments you wish to make about the Sustainability Appraisal.</p> <p>The text box will automatically expand if necessary</p>	
N/A		

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

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

Signature		Date	23/02/2024
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