

Date: 26 February 2024  
Our ref: 463641  
Your ref: -



Planning Policy,  
Planning Services,  
Tunbridge Wells Borough Council  
Royal Tunbridge Wells  
Kent  
TN1 1RS

Customer Services  
Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

**By email only, no hard copy to follow**  
localplan@tunbridgewells.gov.uk

T [REDACTED]

Dear Sir or Madam

**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**

Thank you for seeking Natural England's advice on the Council's response to the Examination Inspector's initial findings on the Tunbridge Wells Local Plan 2020-2038

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England is pleased to provide our advice on the Council's response to the Inspector's findings appended to this letter using the pro-forma provided as part of the consultation. Whilst partly outside the scope of this consultation, our previous advice on the Local Plan in relation to major development within the High Weald National Landscape remains.

Notwithstanding our ongoing concerns in relation to the allocations proposed within the High Weald National Landscape, Section 245 (Protected Landscapes) of the Levelling Up and Regeneration Act 2023 places a duty on relevant authorities in exercising or performing any functions in relation to, or so as to affect, land in a National Park, the Broads or an Area of Outstanding Natural Beauty ('National Landscape') in England, to seek to further the statutory purposes of the area. The duty applies to local planning authorities and other decision makers in making planning decisions on development and infrastructure proposals, as well as to other public bodies and statutory undertakers and is relevant to the Local Plan making process.

It is anticipated that the government will provide guidance on how the duty should be applied in due course. In the meantime, and without prejudicing that guidance, Natural England advises that:

- The duty to 'seek to further' is an active duty, not a passive one. Any relevant authority must take all reasonable steps to explore how the statutory purposes of the protected landscape (A National Park, the Broads, or an AONB) can be furthered;
- The new duty underlines the importance of avoiding harm to the statutory purposes of protected landscapes but also to seek to further the conservation and enhancement of a protected landscape. That goes beyond mitigation and like for like measures and replacement. A relevant authority must be able to demonstrate with reasoned evidence what measures can be taken to further the statutory purpose. If it is not practicable or feasible to take those measures the relevant authority should provide evidence to show why it is not practicable or feasible.
- The proposed measures to further the statutory purposes of a protected landscape, should explore what is possible in addition to avoiding and mitigating the effects of the development,

and should be appropriate, proportionate to the type and scale of the development and its implications for the area and effectively secured. Natural England's view is that the proposed measures should align with and help to deliver the aims and objectives of the designated landscape's statutory management plan. The relevant protected landscape team/body should be consulted.

I trust our comments in relation to this consultation are helpful, for any queries in relation to this letter please contact me by email to sean. [REDACTED] or by telephone on [REDACTED].

Yours faithfully

Sean Hanna  
Senior Adviser  
Sussex and Kent Area Team



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

**Representation Form**

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

Ref:  (For official use only)
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<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.

	1. Personal Details	2. Agent Details (if applicable)
<b>Title</b>	Mr	Not applicable
<b>First Name</b>	Sean	
<b>Last Name</b>	Hanna	
<b>Job title (where relevant)</b>	Senior Adviser	
<b>Organisation (where relevant)</b>	Natural England	
<b>Address Line 1</b>	International House	
<b>Address Line 2</b>	Dover Place	
<b>Address Line 3</b>	Ashford	

<b>Address Line 4</b>	Kent	
<b>Postcode</b>	TN23 1HU	
<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>	Natural England
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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>			
<b>Policy</b>	Revised Police STR/SS1		
<b>Paragraph number or appendix</b>			

<b>4.</b>	<b>Do you consider the Proposed Changes to the Borough Local Plan Submission Version (2020 – 2038) would make it: (please tick as appropriate)</b>				
<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"/>

**5.** 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.

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.

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

Whilst Natural England notes the reduction in scale of the development to be delivered during the shortened lifespan of the Local Plan, we remain concerned that the impacts to the High Weald National Landscape (formerly Area of Outstanding Natural Beauty) have not been fully assessed. The allocation, in part, falls within the setting of the High Weald National Landscape and the required transport improvements (the Colts Hill Bypass) will also impact the National Landscape.

Notwithstanding our advice in relation to the enhanced duty within the Levelling Up and Regeneration Act (2023) summarised above, in its current form, Natural England does not consider the policy wording provides sufficient certainty that these impacts will be avoided or fully mitigated. We have suggested amended policy wording below which we feel strengthens the policy wording in line with Paragraph 182 of the National Planning Policy Framework (NPPF) which details that ‘development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas’.

6.	<p><b>Please set out what modification(s) you consider necessary to the Proposed Changes to the Borough Local Plan Submission Version (2020 – 2038) Incorporating the Proposed Changes set out in the Development Strategy Topic Paper Addendum, legally compliant or sound, having regard to the Matter you have identified at Section 5 (above) where this relates to legal compliance or soundness.</b></p> <p><b>You will need to say why this modification will make the Proposed Changes to the Borough Local Plan Submission Version (2020 – 2038) legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.</b></p> <p><b>The text box will automatically expand if necessary.</b></p>
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Given the potential impacts to the High Weald National Landscape resulting from the modifications, Natural England considers that the following suggested amendments to Policy STR/SS 1 would strengthen the policy wording and ensure that impacts are avoided or fully mitigated. Text which we feel should be removed has been struck through and additions are shown as underlined.

5. ...Planning applications for development should be landscape led informed by a landscape and visual impact assessment...

Reason: given the sensitive location of the allocation within the setting of the High Weald National Landscape, the design and layout of the individual development plots should be landscape led to ensure that they are sympathetically designed to avoid or minimise impacts to the National Landscape in accordance with Paragraph 182 of the NPPF.

10. ~~Have regard to~~ Be delivered in accordance with the recommendations of the High Weald AONB National Landscape Setting Study and the objectives of the High Weald AONB National Landscape Management Plan, where ~~deemed to~~ they fall within the setting of the AONB National Landscape.

Reason: given the sensitive location of the allocation within the setting of the High Weald National Landscape, the design and layout of the individual sites should be landscape led to ensure that they are sympathetically designed to avoid or minimise impacts to the National Landscape in accordance with Paragraph 182 of the NPPF. The suggested wording would strengthen the policy to require the development to be delivered in accordance with the recommendations within the Setting Study and Management Plan rather than to 'have regard' which does not explicitly require the developments to be delivered in accordance with the guidance.

15 iv Show all structural landscaping and indicative treatments to be provided (including boundary treatments) and how this integrates and complements the landscaping of neighbouring plots

Reason: As it appears from the documentation that the parcels of land subject to this Policy will come forward via separate applications and masterplans, to ensure that the landscaping and green and blue infrastructure delivers a coherent and integrated approach across the landscape, we consider it important for each proposal and masterplan to be integrated and complement the neighbouring plots. This amended wording helps to secure a more holistic approach.

15 v Incorporate a green and blue infrastructure (GBI) plan which is informed by a comprehensive wildlife and habitat survey and heritage and landscape assessments. The green and blue infrastructure plan should demonstrate how it integrates and complements the plan of neighbouring plots. This should incorporate... The GBI should be developed in accordance with

the national Green Infrastructure Framework<sup>1</sup>

Reason: As the parcels subject to this Policy will come forward via separate applications and masterplans, to ensure that the landscaping and green and blue infrastructure delivers a coherent and integrated approach across the landscape, we consider it important for each proposal and masterplan to complement the neighbouring plots. The national Green Infrastructure Framework sets the standards which developments should meet so we feel it is appropriate for this to be reference within the policy for a strategic allocation.

Strategic infrastructure

d. Transport links and associated transport and highway improvements and the provision of new transport and highway infrastructure is provided when it is needed to support the development and mitigate potential off-site highway and other transport impacts. The location and design of any transport links will ensure that landscape and visual impacts to the High Weald National Landscape and its setting are avoided or fully mitigated.

Reason: Given the location of some of the highway improvements required for this allocation (for example the Colts Hill bypass) significant impacts to the High Weald National Landscape are likely to result. The updated evidence base document 'Red, Amber, Green (RAG) Assessment, Landscape & Visual – Colts Hill Bypass' prepared by Stantec highlights that impacts to the setting of the High Weald National Landscape are likely to result and assess these as 'Amber'. The Stantec report defines 'Amber' ratings as 'Without additional evidence, this concern would pose a risk to the progression of the Local Plan Examination. Stantec believe it is likely that the concern can be overcome but it is highly likely that additional evidence would need to be submitted to the Inspector and this may cause some delay and result in additional cost'. Given these concerns, our advice is that the Policy wording should be strengthened to ensure that impacts are avoided or fully mitigated as required by the NPPF.

Policy SS/STR 1(C) South Eastern Parcel Requirements

viii ~~Shall demonstrate particular regard for the setting of the~~ Shall be sensitively designed to ensure that impacts to the High Weald National Landscape AONB are avoided or fully mitigated and should be in accordance with the High Weald National Landscape Management Plan and Setting Study.

Reason: to ensure that the design avoids or fully mitigates the impacts to the National Landscape strengthening the Policy wording to ensure that this is achieved and to more closely align the policy wording with the requirements of the NPPF.

Policy SS/STR 1(D) – North Eastern Parcel Requirements

ix. ~~Shall demonstrate particular regard for the setting of the~~ Shall be sensitively designed to ensure that impacts to the High Weald National Landscape AONB are avoided or fully mitigated and should be in accordance with the High Weald National Landscape Management Plan and Setting Study.

Reason: to ensure that the design avoids or fully mitigates the impacts to the National Landscape strengthening the Policy wording to ensure that this is achieved and to more closely align the policy wording with the requirements of the NPPF.

<sup>1</sup> <https://designatedsites.naturalengland.org.uk/GreenInfrastructure/Home.aspx>

<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>
	Natural England will be pleased to discuss these comments and recommendations more fully with the Council if that would be helpful.

<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>	<p><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>
	Not applicable

**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.



<b>Name or Organisation</b>	Natural England
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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>		
<b>Policy</b>	AL/HA 5: Land to the north of Birchfield Grove, Hawkhurst	
<b>Paragraph number or appendix</b>		

<b>4.</b>	<b>Do you consider the Proposed Changes to the Borough Local Plan Submission Version (2020 – 2038) would make it: (please tick as appropriate)</b>				
<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><b>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.</b></p> <p><b>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.</b></p> <p><b>The text box will automatically expand if necessary.</b></p>
<p>The addition of 70 houses within the High Weald National Landscape to this site allocation is likely to result in significant landscape and visual impacts. The amended allocation and Policy wording does not appear to have been considered against the requirements of Paragraph 183 of the NPPF. In addition, the addition of housing to this allocation (previously for a medical centre only) does not appear to have been assessed within the updated Sustainability Appraisal.</p> <p>Whilst we acknowledge that the principle of the development has been agreed for this site with the Council’s resolution to grant permission made in November 2023 under planning application reference 22/02664/Hybrid, Natural England considers that policy wording should be strengthened to ensure that the detailed design minimises the impacts to the High Weald National Landscape in accordance with the requirements of the NPPF and also furthers the statutory purpose of the National Landscape in accordance with the requirements of the Levelling Up and Regeneration Act.</p>	

<b>6.</b>	<p><b>Please set out what modification(s) you consider necessary to the Proposed Changes to the Borough Local Plan Submission Version (2020 – 2038) Incorporating the Proposed Changes set out in the Development Strategy Topic Paper Addendum, legally compliant or sound, having regard to the Matter you have identified at Section 5 (above) where this relates to legal compliance or soundness.</b></p> <p><b>You will need to say why this modification will make the Proposed Changes to the Borough Local Plan Submission Version (2020 – 2038) legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.</b></p> <p><b>The text box will automatically expand if necessary.</b></p>
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Given the potential impacts to the High Weald National Landscape resulting from the modifications, Natural England considers that the following suggested amendments to Policy AL/HA 5 would strengthen the policy wording and ensure that impacts are avoided or mitigated. Text which we feel should be removed has been struck through and additions are shown as underlined.

4. The design, layout and scale of development shall be landscape led and provide a suitable edge to the settlement, informed by a Landscape and Visual Impact Assessment (taking account of the ~~AONB~~ National Landscape location of the site), which shall include details of height parameters, ~~and wireframe~~ and photomontage visualisations from a selected number of key viewpoints, ecological studies, and a heritage assessment (including archaeology and landscape heritage). The design of the development shall be in accordance with the High Weald National Landscape Management Plan, Housing Design<sup>2</sup> and Design Guide and Colour Study<sup>3</sup>;

Reason: Given the location of the allocation within the High Weald National Landscape, the development (which the Council has resolved to grant outline permission for) must be delivered to the highest standards to reduce the impacts to the National Landscape in accordance with the requirements of the NPPF; the suggested amendments would help to ensure that the development is sympathetically designed following the locally specific guidance for the National Landscape.

8. The spatial distribution of the different uses for which this site is allocated, shall be landscape led and informed by the Landscape and Visual Impact Assessment and reflect that shown indicatively on the site layout plan, and include a serviced plot for the medical centre

Reason: Given the location of the allocation within the High Weald National Landscape, the development (which the Council has resolved to grant outline permission for) must be delivered to the highest standards to reduce the impacts to the National Landscape in accordance with the requirements of the NPPF. Key to this will be how the development is accommodated within the existing landscape; the layout and design should reflect and respect the existing landform with a landscape led design to minimise the impacts to the National Landscape through careful design and sympathetic siting of the various development elements.

9. Development proposals shall be informed by a Transport Assessment and ensure that impact upon the Hawkhurst crossroads junction (the A229/A268) and the Flimwell crossroads (the junction of the A21 and A268) shall not be severe. The Transport Assessment shall

<sup>2</sup> [highweald.org/document-library/legislation-and-planning/high-weald-design-guide/high-weald-housing-design-guidance/?layout=default](https://highweald.org/document-library/legislation-and-planning/high-weald-design-guide/high-weald-housing-design-guidance/?layout=default)

<sup>3</sup> <https://highweald.org/guidance/planning-and-development/design-guide-colour-study/>

identify any highway mitigation measures needed to support development of the site. All such highway improvement measures should ensure that landscape and visual impacts to the High Weald National Landscape are avoided or fully mitigated;

Reason: Given the location of the highway improvements associated with the allocation which the Council has resolved to grant permission for all fall within the High Weald National Landscape, they need to ensure that impacts to the National Landscape are avoided or fully mitigated. The suggested wording helps to ensure that such avoidance and mitigation measures are secured in accordance with the NPPF requirements.

7.	<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>
	Natural England will be pleased to discuss these comments and recommendations more fully with the Council if that would be helpful.

8.	<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

9.	<p><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>
	Not applicable

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

## Sustainability Appraisal

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

11.	<b>Please use this box for any comments you wish to make about the Sustainability Appraisal.</b> <b>The text box will automatically expand if necessary</b>	
<p>Natural England would have expected the amended allocation and policy wording for the proposed changes to Policy AL/HA 5: Land to the north of Birchfield Grove, Hawkhurst to have been fully assessed in the updated Sustainability Appraisal.</p> <p>Given the comments and suggested amendments to the policy wording that Natural England has suggested above, these matters should have been fully considered within the Sustainability Appraisal.</p>		

## Habitats Regulations Assessment

10.	To which part of the Habitats Regulations Assessment does this representation relate?	
Chapter and (if applicable) sub heading	Updated Habitats Regulations Assessment (AECOM dated 1 August 2023)	
Policy	Not applicable	
Paragraph number or appendix	Not applicable	

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>	
<p>Having reviewed the addendum to the Habitats Regulations Assessment, Natural England is satisfied that the amendments are unlikely to result in changes to those identified in the Habitats Regulations Assessment submitted in support of the Plan.</p>		

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

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

Signature	Sean Hanna	Date	26 February 2024
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