

## Supporting Information File Ref No: SI\_134

### Comment

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Email Address	[REDACTED]
Company / Organisation	DHA Planning Ltd
Address	- Maidstone -
Consultee	Caenwood Estates ( [REDACTED] )
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Caenwood Estates ( [REDACTED] )
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Response Date	04/06/21 11:29
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Question 1	
Respondent's Name and/or Organisation	Caenwood Estates Ltd
Question 2	
Agent's Name and Organisation (if applicable)	DHA Planning
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.**

Section 3: Vision and Objectives

*[TWBC: the full representation attached has been divided into the following - Policy AL/RTW5 (PSLP\_2003), Vision and Objectives (PSLP\_2005), Policies STR1 (PSLP\_2006), STR4 (PSLP\_2008), STR9 (PSLP\_2015) and Section 6 Development Management Policies (PSLP\_2016)]*

#### **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 Caenwood Estates Ltd in respect of the Tunbridge Wells Borough Council Regulation 19 Local Plan consultation.

1.1.2 These representations relate to land at Tunbridge Wells, which Caenwood Estates 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 The site**

1.2.1 Caenwood Estates are promoting land at Caenwood Farm and Whitegates Farm on the western edge of Royal Tunbridge Wells, close to Southborough town centre, for a comprehensive, residential-led mix of uses. The site was promoted via the original call for sites process in 2016 (site reference 30) and in the 2017 Regulation 18 consultation.

###### Natural extension to the urban area

1.2.2 The wider 60.7ha (150-acre) Caenwood Farm site (shown in Figure 1 overleaf) has been promoted as a natural extension of Tunbridge Wells for almost two decades. The 2009 SHLAA recognised that a substantial part of the site was suitable for development, with the remainder being excluded from further consideration only by virtue of the criteria applied at that time.

1.2.3 Unlike much other land locally the site is not in the Area of Outstanding Natural Beauty (AONB). Parts of the site are contiguous with the established settlement boundary of Tunbridge Wells and it is within easy walking distance of a wide range of services and amenities including places of work, shops, recreational facilities, High Brooms station, the existing and proposed expanded employment facilities at North Farm and an extensive range of community and education facilities including the main concentration of secondary school provision in the town, where St Gregory's, Tunbridge Wells Boys' and Girls' Grammars, Skinners' and Bennett Memorial secondary schools are all located nearby. The site currently comprises low quality (Grade 3 and 4) agricultural land, but also includes some existing residential and agricultural buildings and structures.

*[TWBC: for Figure 1: Site location see full representation attached].*

### Proposals by Caenwood Estates

1.2.4 The whole of the above site was originally put forward for development in the Call for Sites, but it is understood that the Council has concerns about its development in its entirety, especially in the western part of the site.

1.2.5 As an alternative, Caenwood Estates has previously put forward proposals which go further than those currently envisaged in the draft Local Plan and could deliver around 280 units in total. The layout for that scheme would retain various areas of woodland within the site, some of which are protected as ancient woodland, with a minimum 20m buffer provided.

1.2.6 As well as providing a greater number of units than currently proposed in the Local Plan, a 21.4 ha public park was proposed as part of this expanded scheme, which would cover an area of land running through the centre of the Caenwood Farm site. This would provide a significant amenity for existing as well as new residents, as well as those working at Salomons. The park would provide a buffer both to the adjacent AONB and also to the heritage assets on the Salomons Estate, as well as providing further leisure and play facilities for existing and new residents.

1.2.7 The site is in a highly sustainable location, adjacent to the existing built up area, and with good access both to Tunbridge Wells and Southborough town centres, and the existing and proposed expanded industrial area at North Farm. There could also be potential to provide new allotments to replace those lost nearby at Speldhurst Road.

1.2.8 We will set out below our concerns on the timing and delivery of certain aspects of the current Local Plan proposals, and why we believe Royal Tunbridge Wells should take a greater share of development. An expanded Caenwood Farm development along the lines described above could form an important part of a greater level of development in Tunbridge Wells.

1.2.9 However, it should be noted that Caenwood Estates fully supports the current proposed allocation RTW/AL5 and confirms that it would be deliverable within a short timescale.

### **1.3 Background**

1.3.1 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.

1.3.2 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.

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

### **1.4 Legal Compliance**

1.4.1 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.

1.4.2 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.

1.4.3 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.

## 1.5 Assessment of Soundness

1.5.1 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.

1.5.2 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.

1.5.3 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.

### Vision and Strategic Objectives

1.5.4 The pre-submission plan is underpinned by vision and strategic objectives.

1.5.5 The vision is set out below:

*[TWBC: PSLP Vision has been duplicated here - see full representation attached]*

1.5.6 In order to deliver the vision the plan sets a number of strategic objectives:

*[TWBC: PSLP Strategic Objectives have been duplicated here - see full representation attached]*

#### 1.5.7 Response

1.5.8 We broadly support the general thrust of the vision and these objectives, which seek to meet identified housing needs and boost the supply of new affordable homes. However, the vision and objectives could be more positive and set a framework whereby suitable development opportunities are actively embraced. As drafted, the message is clear that meeting need is somewhat enforced.

1.5.9 Indeed, we would suggest some minor modification to ensure that the plan is positively prepared and fully aligned with the provisions of the National Planning Policy Framework ('NPPF'). Indeed, we consider that the vision should be modified to read.

**'Growth in new homes, jobs, and supporting infrastructure to meet boroughwide needs will actively be pursued in full and in a manner that best complements the distinctive qualities of the borough'.**

1.5.10 We consider that objective 2 should be modified to read:

**'To significantly boost the supply of all forms of housing and supporting infrastructure to meet the full needs of our population, with particular emphasis on affordable housing and in a manner that best compliments the distinctive qualities of the Borough'**

1.5.11 With the above modifications, the objectives and vision will then be positively prepared.

## 1.6 Summary and Conclusions

1.6.1 In summary, this representation has been prepared on behalf of Caenwood Estates 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.

1.6.2 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.

1.6.3 We fully support the proposed allocation of land at Caenwood Farm for residential development. However, in light of the above, there is a strong case for Royal Tunbridge Wells in general taking a

greater share of development, with some of the wider landholdings at Caenwood Farm being particularly suitable.

## 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.**

### 1.5.7 Response

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## 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)?**

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Event Name	Pre-Submission Local Plan
Comment by	Caenwood Estates [REDACTED]
Comment ID	PSLP_2006
Response Date	04/06/21 11:29
Consultation Point	Policy STR 1 The Development Strategy ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.6
Files	<a href="#">DHA Planning for Caenwood Estates Ltd - full representation and supporting documents.pdf</a>
Data inputter to enter their initials here	KJ
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Policy STR 1 The Development Strategy

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1.4.2 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.



1.4.3 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.

## **1.5 Assessment of Soundness**

1.5.1 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.

1.5.2 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.

1.5.3 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.

### **Development Strategy and Strategic Policies (Policy STR1)**

1.5.12 The purpose of the Development Strategy is to outline how much development will be provided to meet the needs of the borough and where that development will be located.

1.5.13 In terms of the amount of housing, paragraph 59 of the NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed. Further, to determine the number of homes needed, strategic policies should be informed by a local housing needs assessment conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals.

1.5.14 The Council confirm that their housing need target for the plan period to 2038 is 12,200 dwellings (678 dwellings per annum), which is calculated using the Governments standard method and the 2014-based household projections. We support this approach.

1.5.15 In terms of the different supply components, the Council consider that the Local Plan must (as a minimum) include additional allocations to accommodate 6,945 homes. This figure was formulated taking into account; extant planning permissions (3,313); Windfall allowances (1,670); and outstanding site allocations (276).

1.5.16 At Regulation 18 the Council subsequently applied a 10% non-delivery rate to these figures to err on the side of caution. This is not referenced within the Regulation 19 version as such requires clarification and potential modification if this provision has not been carried forward to the pre-submission plan.

*[TWBC: PSLP Figure 5 Key Diagram see full representation attached]*

1.5.17 In terms of how these needs will be met, policy ST1 sets the development strategy and states:

*[TWBC: PSLP Policy STR1 wording has been duplicated here - see full representation attached]*

1.5.18 In terms of justification, the Council state that The Draft Local Plan consultation concluded that, having seized all reasonable opportunities for growth 'across the board', meeting the housing need can only be met if the development strategy includes the strategic growth of certain settlements. However, it goes on to state that it is evident from site assessment work that there is very little scope for adding much in the way of further housing numbers to the rural settlements. Indeed, in some cases, the scale of major developments in the AONB have been found to be unacceptably great.

1.5.19 Paddock Wood is said to be a logical choice for strategic growth for a number of reasons; being an existing service and employment centre, having a central railway station and main road links, giving wider accessibility.

1.5.20 Tudeley Village is acknowledged to involve the loss of a large area of Green Belt but this is justified because it is outside the AONB, is well located in terms of accessibility to nearby towns, would be of a scale that supports a good range of services, and can be planned in a holistic, comprehensive manner.

1.5.21 The full proposed distribution of development is set out below.

*[TWBC: PSLP Table 4 Distribution of housing allocations has been duplicated here - see full representation attached]*

1.5.22 It should be noted that TWBC has recently refused planning permission for a 71-unit development on PSLP allocation site AL/HA4 at Highgate Hill/Copthall Avenue, which is proposed for the allocation of 71-79 dwellings. The application was refused on points of principle relating to the impact on Highgate Crossroads and the AONB. Whilst the allocation remains in the draft Local Plan, since the Council appears to be opposed to the scheme in principle, it does call into question whether the site has sufficient political support to be retained in the plan.

#### Response

1.5.23 We agree that TWBC is capable of meeting its need in full and support this approach to plan-making.

1.5.24 We broadly support the general thrust of the development strategy, which proposes a strategy to meet the housing needs of the borough with a dispersed growth approach. Nonetheless, we have concerns regarding the deliverability of the strategy. The Council's Housing Trajectory Topic Paper states that for Tudeley Village (STR/SS 3), it is proposed that for the first 10 years of delivery from 2025/26, 150 units are expected per annum, increasing to 200 per annum during the years after. For the plan period, 2,100 homes are allowed for.

1.5.25 Based on this statement, we say that the proposed trajectory is potentially over optimistic and the assumption that a new village is likely to be found to be consent, deliver key infrastructure and to commence delivering 150 dwellings per annum from the period 2025/26 is wholly unrealistic.

1.5.26 In this regard, we would draw attention back to the 2016 document published by Nathaniel Lichfield's and Partners (NLP) - 'Start to Finish: How Quickly do Large-Scale Housing Sites Deliver', which provides evidence pertaining to the speed and rate of delivery of large-scale housing, based on a large number of sites across England and Wales. It identifies that the average lead in time for the submission of a planning application is 3.9 years, from the date the site is first identified. In terms of the planning approval period, for larger scale sites (2,000 + homes) this is circa 6 years. After planning permission is granted, larger sites start to deliver within a year and the average build out rate thereafter is 161 dwellings per annum, although it can be as high as 301 dwellings per annum.

1.5.27 On the basis of this research, if the Local plan is adopted by 2022, planning permission approved by 2024 and delivery commences within 6 years (2030), the likely deliver for the plan period would be significantly less than envisaged by the Council.

1.5.28 Taking the above into account, our view is that the Council have applied overly optimistic development trajectory for the delivery of strategic sites, both in terms of the start date for completions and the expected build out rates.

1.5.29 Given the absence of any similar scale strategic sites in Tunbridge Wells Borough as a point of comparison, one could have regard to similar scale delivery in neighbouring authority Tonbridge and Malling Borough. In this respect, we provide evidence below of its three key strategic sites and the associated delivery rates (derived from the Tonbridge and Malling BV Annual Monitoring Report).

1.5.30 Kings Hill is an extremely prudent example to consider in the context of the Paddock wood extension and new garden village at Tudeley, how deliverable this would be. Indeed, Kings Hill was a new village started in 1989 near land previously occupied by RAF West Malling. The concept was for a multipurpose site of both residential and office business space. The development is still being delivered some 30 years later, despite having multiple national housebuilders delivering different phases concurrently. Based on the most up-to-date delivery data for the last decade, Kings Hill has only delivered 131 dwellings per annum, despite being a highly desirable location and multiple developers delivering concurrently. Furthermore, the earlier delivery phases were delivered at lower rates given the need to front load infrastructure.

1.5.31 Therefore, we consider that whilst some development may come forward in the plan period from the two proposed strategic sites, in reality these strategic allocations are longer terms aspirations that will extend well beyond 2038.

1.5.32 We also have concerns about the sustainability of Tudeley Garden Village, given that it appears it will not be served by a railway station, and is in an area at risk of flooding – an issue which has raised concerns from Greg Clark MP.

1.5.33 Having regard to paragraph 11 of the NPPF, plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means their area, and be sufficiently flexible to adapt to rapid change.

1.5.34 The over reliance upon Tudeley Garden Village is such that if it is not delivered as planned there is no flexibility to address any resulting shortfall in housing. Accordingly, the plan is unsound on the basis it conflicts with NPPF paragraph 11 and lacks sufficient strategic flexibility.

1.5.35 Notwithstanding our objection, the over reliance of the site within the trajectory need not be fatal. In order to remedy it, we consider that any delivery from Tudeley should be assumed to come forward in the next plan period, once there is a greater degree of certainty that the scheme will be progressed and is acceptable from a Green Belt perspective. In the intervening time, further sites should be added to offset the loss of the housing relied upon from Tudeley, such as expanded development at Caenwood Farm which, according to the Council's own analysis, would result in significantly less harm to the Green Belt.

1.5.36 In respect of the wider, strategy, we support the general principle of proportionately spreading the benefits of growth. Adopting a pattern of dispersed growth approach would allow a number of sites to be developed at the same time, serving different segments of the local housing market, which is preferable to saturation of the market in a single area. Nonetheless, we do not accept the Council's conclusion that there is very little scope for adding much in the way of further housing numbers to the rural settlements.

### **Green Belt vs AONB Release**

1.5.39 Policy SRT9 sets out that exceptional circumstances justify the proposed release of Green Belt land for development.

1.5.40 We support this conclusion and agree that some greenfield Green Belt release is needed to meet housing need in the areas of the borough affected by that designation.

1.5.41 The Council's unmet housing need is sufficient to amount to exceptional circumstance to justify a review of Green Belt boundaries. Indeed, this approach has been endorsed by the Court in the Hunston High Court judgment in St Albans where judge stated:

'Having identified the full objectively assessed needs figure the decision maker must then consider the impact of the other policies set out in the NPPF. The Green Belt policy is not an outright prohibition on development in the Green Belt. Rather it is a prohibition on inappropriate development in the absence of very special circumstances. It is entirely circular to argue that there are no very special circumstances based on objectively assessed but unfulfilled need that can justify development in the Green Belt by reference to a figure that has been arrived at under a revoked policy which was arrived at taking account of the need to avoid development in the Green Belt.'

1.5.42 It should also be noted that neighbouring authorities such as Sevenoaks, Tonbridge and Malling and Tandridge are all instigating Green Belt reviews based on need being the driver of Exceptional Circumstances.

1.5.43 *Calverton Parish Council v Nottingham City Council, Broxtowe Borough Council and Gedling Borough Council* [2015] EWHC 1078 (Admin)) provides very clear guidelines for determining whether exceptional circumstances exist.

'planning judgments involved in the ascertainment of exceptional circumstances in the context of both national policy and the positive obligation located in section 39(2) should, at least ideally, identify and then grapple with the following matters:

(i) the acuteness/intensity of the objectively assessed need (matters of degree may be important);(ii) the inherent constraints on supply/availability of land prima facie suitable for sustainable development;(iii) (on the facts of this case) the consequent difficulties in achieving sustainable development without impinging on the Green Belt;(iv) the nature and extent of the harm to this Green Belt (or those parts of it which would be lost if the boundaries were reviewed); and(v) the extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced to the lowest reasonably practicable extent'.

1.5.44 Considering these parameters, the acuteness of the local housing need is clear. The Council's housing need (12,200 for the plan period) is more than double of that previously been required (6,000 between 2006 and 2026) and many urban sites have been depleted since the last plan review. However,

it must also be recognised that only 22% of borough lies within the Metropolitan Green Belt and so it is possible to channel much of the development beyond this designated area.

1.5.45 In respect of the extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced, this is to be judged on a site by site basis and small scale release can be mitigated with relative ease given many have limited role in fulfilling the requirements of the Green Belt. However, the same cannot be said of a new settlement within the Green Belt whereby the impact by way of loss of openness would be substantial.

1.5.46 Taking the above into consideration, it is our view that the Calverton judgement sets out very clear parameters for assessing whether Exceptional Circumstances exist and that a sound case could be made for releasing some Green Belt land in line with NPPF guidance. However, we do not consider the evidence exists to justify the scale currently proposed within the plan, at least not until all reasonable alternatives have been assessed.

### **Housing Delivery**

1.5.47 It is widely acknowledged that there is a housing crisis in this country, which has arisen as a direct consequence of too few houses being built to keep pace with a growing population. Accordingly, the Government has repeatedly indicated that 300,000 additional homes per year should be constructed.

1.5.48 It is evidence that the LPA has fallen a long way behind the required rate of delivery in the years since the NPPF was published. Indeed, the LPA's average annual housing delivery for the period 2016 to 2020 is 506 dwellings per annum, resulting in a deficit that is increasing by circa 172 dwellings per annum. Whilst the draft plan seeks to bridge this gap in delivery, we remain concerned about where a consistent level of delivery is likely to be achievable based on the pre-submission draft and the close repetition of the current Core Strategy.

1.5.49 The current Core Strategy pre-dates the publication of the NPPF, published in March 2012. The effectiveness of the strategy was in question long before this date and there is an evidenced legacy of failure of the Core Strategy that is unrelated to the introduction of the need to plan for the full objectively assessed development needs of the area.

1.5.50 Indeed, as outlined within the table below, for the immediate five years since adoption of the Core Strategy in 2010, the LPA achieved only 829 new homes against a target of 1,500 dwellings. This amounts to just 166 dwellings per annum for the initial five year plan period.

*[TWBC: for table showing Housing completion rates 2010 to 2015 see full representation attached]*

1.5.51 Based on this evidence, the persistent failure of the Core Strategy began long prior to the introduction of housing targets set by the SHMA and Standard Methodology. As a consequence, mirroring the early strategy with a stringent restriction of development beyond the established limits to built development is likely to result in a similar failure. Instead, a mechanism is needed to ensure that a consistent level of housing can be brought forward at all times.

1.5.52 Turning to the context following the publication of the standard methodology, the LPA's delivery rate between 2015 and 2020 has improved slightly, but not to a level that meets the recognised needs of the area. The LPA achieved 2,473 new homes against a target of 3,360 dwellings. This amounts to just 495 dwellings per annum for the five year period and a reduction on the previous five year rate.

*[TWBC: for table showing Housing completion rates 2015 to 2020 (statement of common ground) see full representation attached]*

1.5.53 The recently published Housing Delivery Test (January 2021) results also confirm the need for the LPA to prepare a further action plan to demonstrate how delivery will be addressed moving forward.

1.5.54 In summary, there is a historic legacy of under delivery over the last decade and even with the preparation of the pre-submission plan, past delivery rates provide compelling evidence that the Core Strategy has never been effective in delivering housing at the rates needed to meet the needs of borough residents and that a far more significant buffer or contingency is needed if the new plan is to be effective.

1.5.55 No major national housebuilder has an option on the site and therefore the site is not "land banked".

### **Maintaining a Five Year Housing Land Supply**

1.5.56 The continued need to deliver more houses is reflected within the NPPF. In particular, paragraph 11 reiterates the presumption in favour of sustainable development and that plans should positively seek opportunities to meet the development needs of their area and be sufficiently flexible to adapt to rapid change. Furthermore, 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.

1.5.57 The NPPF requires Local Planning Authorities to ensure that their Local Plan meets the full needs for market and affordable housing. Policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot show a robust five year supply of housing land and cannot fulfil the requirements of the Government's Housing Delivery Test.

1.5.58 It is common ground that the LPA is not currently able to demonstrate a robust five year housing land supply pending the outcome of the development plan review process. Indeed, based on the latest published update is agreed that the Tunbridge Wells Borough Council Five-Year Housing Land Supply Statement 2019/2020 (September 2020) that the supply to be 4.83 years, an improvement on the 4.69 years published for the period 2018/2019.

1.5.59 Nonetheless, we would express our caution in accepting there has been a material improvement in position over the last monitoring year and that the Council is close to achieving a robust supply of land. Published data shows that within the latest monitoring year the annual housing delivery target was missed by 204 units and the published supply only increased by 82 homes. As such, the overall supply context actually worsened by 122 homes. Indeed, the projected supply is a single unit more than it was when the 2017/18 updated position was published suggesting little genuine progress in increasing the supply of land.

*[TWBC: for table showing Information extracted from the LPA's published supply statements see full representation attached]*

1.5.60 Based upon the evidence, the Council's supply position appears much more robust than it really is owing to the repeated resetting of the base date upon which the five year supply calculation is based. The justification for this is the Standard Method takes into account previous delivery so there is no need to separately address any previous under-supply.

1.5.61 Whilst we do not challenge the fact that guidance permits this, the underlying effect of resetting the base date is to disguise a worsening situation as an improvement. This allied with a persistent failure to meet historic targets means that there must be a clear basis for assuming that adoption of the pre-submission Local Plan will result in an immediate step change in decision making and delivery of housing. We see no evidence to suggest that this step change will occur and therefore the plan fails the test of being both positively prepared and effective.

### **Affordable Housing Need**

1.5.62 There is a chronic affordable housing need within the Borough. In this respect, The LPA's SHMA (2015) finds that the borough would need 341 affordable homes per annum to meet their housing needs.

1.5.63 The more recent Housing Needs Study (2018) prepared to accompany work on the pre-submission Local Plan, further assessed affordable requirements by taking into account the need from existing and newly-forming households within sub-areas of the borough of Tunbridge Wells, and comparing this with the supply of affordable housing. This assessment reveals that there is a net annual shortfall of 443 affordable dwellings across the Borough.

1.5.64 The LPA's Local Plan Housing Need Assessment Topic Paper (2019) concludes that the corrected affordable housing need over a 15-year period is actually 391 dwellings/year.

1.5.65 In terms of past delivery, Table 26 of the Annual Monitoring Report 2018/19 outlines the completion rates for affordable units, with an annual average delivery rate of just 82.5 affordable units per annum for the period 2006 to 2019.

1.5.66 Based on this context, immediate delivery of onsite affordable housing is a significant benefit that should weigh heavily in devising a new strategy. In this regard, the absence of a cogent strategy for a new garden village places grave uncertainty as to whether it can deliver at the same rate as non-strategic sites. Even if it would, there is likely to be a long delay with any affordable being delivered towards the back end of this current plan period. In the context, the plan fails to put in place a robust strategy to meet affordable need and is therefore ineffective, not justified and inconsistent with National Planning Policy.

1.5.67 This being the case, removing the reliance of delivery of Tudeley Garden Village in this plan period, and supplementing the plan with genuinely deliverable sites, capable of providing affordable housing, would be an appropriate remedy as a start.

#### **The case for further development in Royal Tunbridge Wells**

1.5.68 We have set out above why we feel that further development allocations are necessary. There is a strong case for Royal Tunbridge Wells in general taking a greater share of development, with some of the wider landholdings at Caenwood Farm being particularly suitable.

1.5.69 PSLP paragraph 4.45 recognises that the Main Urban Area of Royal Tunbridge Wells and Southborough is a “prime candidate” for meeting housing needs. As with much of the borough, the urban areas are surrounded by land which is in the Green Belt and/or in the High Weald AONB, though land to the west and north in particular (including the wider Caenwood Farm site) falls outside the AONB. With opportunities for development in Tunbridge Wells constrained, the Council needs to make the best use of the least constrained, most sustainable options such as the wider Caenwood Farm site.

1.5.70 PSLP Table 4 shows that only around 15-16% of the proposed housing allocations are in Royal Tunbridge Wells, a very small proportion given the town’s position in the settlement hierarchy. There is clearly scope for this to be increased.

1.5.71 The same paragraph notes that Tunbridge Wells is also constrained by the A26 and A264 corridors, although evidence submitted previously by Caenwood Estates demonstrated that a wider development at Caenwood Farm could be achieved without causing a **severe** impact to the A26.

1.5.72 Caenwood Estates recognise that there is a perception of highway capacity issues locally and have undertaken surveys to provide evidence that the development can be accommodated. It is noted in this respect that Automatic Number Plate Recognition (ANPR) surveys carried out for Kent County Council (KCC) suggest that the majority of traffic travelling on the A26 at peak times is destined for, or originates from within, the Tunbridge Wells urban area.

1.5.73 The potential transport impacts of an expanded development at Caenwood Farm have been assessed in a Transport Technical Note which has been previously submitted, and is attached as Appendix 1. That assessment shows that the A26 London Road/Yew Tree Road/Speldhurst Road junction would continue to operate within its design capacity during both peak hours with the development in place, both at present and by the end of the emerging local plan period. Indeed, the assessment is extremely robust in that it has assumed a higher level of development than the expanded 280-unit scheme being proposed by Caenwood Estates.

1.5.74 The Caenwood site is adjacent to the town’s best served public transport corridor linking Southborough with Tunbridge Wells and Tonbridge, with the nearest bus stop only 130 metres away. High Brooms railway station is only a short walk to the east and offers frequent services to London, Tonbridge, Tunbridge Wells and Hastings. School transport services are also already focused on this area.

1.5.75 The area has already benefited from highways improvements funded by the Local Growth Fund, the aim of which is to finance infrastructure works that would lead to further growth. The nearby A26 junction with Speldhurst Road and Yew Tree Road has recently been upgraded by KCC to cater for growth arising from the new Tunbridge Wells Local Plan. In order to get best value from these works, the Council should be investigating every opportunity for growth in this area.

1.5.76 Furthermore, the recent dualling of the A21 between Tonbridge and Tunbridge Wells has reduced the pressure on the A26 London Road. The South East Local Enterprise Partnership has also contributed £1.039m to the recently-completed A26 Cycle Route Phase 1 scheme between Tunbridge Wells and Southborough, which has further enhanced sustainable transport options on this corridor. More recently, Reynolds Lane, which is adjacent to the site, has been turned into a walking and cycling route.

1.5.77 As a result, the Council can have confidence that both the RTW/AL5 allocation and indeed any expanded allocation to 280 units would not have a significant adverse impact on the local road network. Indeed it would represent a suitable and sustainable location for development in highways and transportation terms.

1.5.78 It is important that housing and employment allocations are sustainably located to assist the Council's ambitions for carbon neutrality by 2030. An expanded housing allocation at Caenwood Farm would be easily accessible from the existing and proposed expanded business parks at North Farm.

## **1.6 Summary and Conclusions**

1.6.1 In summary, this representation has been prepared on behalf of Caenwood Estates 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.

1.6.2 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.

1.6.3 We fully support the proposed allocation of land at Caenwood Farm for residential development. However, in light of the above, there is a strong case for Royal Tunbridge Wells in general taking a greater share of development, with some of the wider landholdings at Caenwood Farm being particularly suitable.

## **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\_134

### Comment

Agent	Jack Harley [REDACTED]
Email Address	[REDACTED]
Company / Organisation	DHA Planning Ltd
Address	- Maidstone -
Consultee	Caenwood Estates [REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Caenwood Estates [REDACTED]
Comment ID	PSLP_2008
Response Date	04/06/21 11:29
Consultation Point	Policy STR 4 Ensuring Comprehensive Development ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.5
Files	<a href="#">DHA Planning for Caenwood Estates Ltd - full representation and supporting documents.pdf</a>
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Caenwood Estates Ltd
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 STR 4 Ensuring Comprehensive Development

*[TWBC: the full representation attached has been divided into the following - Policy AL/RTW5 (PSLP\_2003), Vision and Objectives (PSLP\_2005), Policies STR1 (PSLP\_2006), STR4 (PSLP\_2008), STR9 (PSLP\_2015) and Section 6 Development Management Policies (PSLP\_2016)]*

### 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 Caenwood Estates Ltd in respect of the Tunbridge Wells Borough Council Regulation 19 Local Plan consultation.

1.1.2 These representations relate to land at Tunbridge Wells, which Caenwood Estates 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 The site

1.2.1 Caenwood Estates are promoting land at Caenwood Farm and Whitegates Farm on the western edge of Royal Tunbridge Wells, close to Southborough town centre, for a comprehensive, residential-led mix of uses. The site was promoted via the original call for sites process in 2016 (site reference 30) and in the 2017 Regulation 18 consultation.

##### Natural extension to the urban area

1.2.2 The wider 60.7ha (150-acre) Caenwood Farm site (shown in Figure 1 overleaf) has been promoted as a natural extension of Tunbridge Wells for almost two decades. The 2009 SHLAA recognised that a substantial part of the site was suitable for development, with the remainder being excluded from further consideration only by virtue of the criteria applied at that time.

1.2.3 Unlike much other land locally the site is not in the Area of Outstanding Natural Beauty (AONB). Parts of the site are contiguous with the established settlement boundary of Tunbridge Wells and it is within easy walking distance of a wide range of services and amenities including places of work, shops, recreational facilities, High Brooms station, the existing and proposed expanded employment facilities at North Farm and an extensive range of community and education facilities including the main concentration of secondary school provision in the town, where St Gregory's, Tunbridge Wells Boys' and Girls' Grammars, Skinners' and Bennett Memorial secondary schools are all located nearby. The

site currently comprises low quality (Grade 3 and 4) agricultural land, but also includes some existing residential and agricultural buildings and structures.

[TWBC: for Figure 1: Site location see full representation attached].

#### Proposals by Caenwood Estates

1.2.4 The whole of the above site was originally put forward for development in the Call for Sites, but it is understood that the Council has concerns about its development in its entirety, especially in the western part of the site.

1.2.5 As an alternative, Caenwood Estates has previously put forward proposals which go further than those currently envisaged in the draft Local Plan and could deliver around 280 units in total. The layout for that scheme would retain various areas of woodland within the site, some of which are protected as ancient woodland, with a minimum 20m buffer provided.

1.2.6 As well as providing a greater number of units than currently proposed in the Local Plan, a 21.4 ha public park was proposed as part of this expanded scheme, which would cover an area of land running through the centre of the Caenwood Farm site. This would provide a significant amenity for existing as well as new residents, as well as those working at Salomons. The park would provide a buffer both to the adjacent AONB and also to the heritage assets on the Salomons Estate, as well as providing further leisure and play facilities for existing and new residents.

1.2.7 The site is in a highly sustainable location, adjacent to the existing built up area, and with good access both to Tunbridge Wells and Southborough town centres, and the existing and proposed expanded industrial area at North Farm. There could also be potential to provide new allotments to replace those lost nearby at Speldhurst Road.

1.2.8 We will set out below our concerns on the timing and delivery of certain aspects of the current Local Plan proposals, and why we believe Royal Tunbridge Wells should take a greater share of development. An expanded Caenwood Farm development along the lines described above could form an important part of a greater level of development in Tunbridge Wells.

1.2.9 However, it should be noted that Caenwood Estates fully supports the current proposed allocation RTW/AL5 and confirms that it would be deliverable within a short timescale.

### **1.3 Background**

1.3.1 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.

1.3.2 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.

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

### **1.4 Legal Compliance**

1.4.1 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.

1.4.2 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.

1.4.3 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.

### **1.5 Assessment of Soundness**

1.5.1 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.

1.5.2 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.

1.5.3 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.

#### Policy STR 4: Ensuring Comprehensive Development

1.5.37 This policy notes that where development sites are in multiple ownerships, development should be secured by an appropriate means of masterplanning.

1.5.38 Caenwood Estates supports a proportionate approach along these lines. It confirms that a joined-up approach to planning will be pursued at the AL/RTW 5 Caenwood Farm allocation, where Caenwood Estates represents a larger parcel of land, with a smaller 1.18ha (2.9 acre) parcel controlled by Dandara. The land which Caenwood Estates represents enjoys at least two potential access points onto Speldhurst Road. Both parties have been in discussions for some time in relation to these allocations, and indeed a joint submission was made at the Regulation 18 stage.

### **1.6 Summary and Conclusions**

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Company / Organisation	DHA Planning Ltd
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Consultee	Caenwood Estates [REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Caenwood Estates [REDACTED]
Comment ID	PSLP_2015
Response Date	04/06/21 11:29
Consultation Point	Policy STR 9 Green Belt ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.4
Files	<a href="#">DHA Planning for Caenwood Estates Ltd - full representation and supporting documents.pdf</a>
Data inputter to enter their initials here	KJ
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Respondent's Name and/or Organisation	Caenwood Estates Ltd
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- 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.

1.4.2 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.

1.4.3 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.

## **1.5 Assessment of Soundness**

1.5.1 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.

1.5.2 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.

1.5.3 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.

### Policy STR9

1.5.85 Caenwood Estates also agrees with Policy STR9 insofar as it confirms that the removal of this land from the Green Belt has been fully justified through the consideration of reasonable alternatives and is supported by exceptional circumstances.

1.5.86 The proposed RTW/AL5 allocation site was assessed in the Council's Strategic Housing and Employment Land Availability Assessment (SHELAA) which concluded that it was suitable for the development of around 100 houses, and would form a sustainable extension to the built-up area of Royal Tunbridge Wells.

## **1.6 Summary and Conclusions**

1.6.1 In summary, this representation has been prepared on behalf of Caenwood Estates 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.

1.6.2 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.

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## **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)?**



## Supporting Information File Ref No: SI\_134

### Comment

Agent	Jack Harley ( )
Email Address	
Company / Organisation	DHA Planning Ltd
Address	- Maidstone -
Consultee	Caenwood Estates ( )
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Caenwood Estates ( )
Comment ID	PSLP_2003
Response Date	04/06/21 11:29
Consultation Point	Policy AL/RTW 5 Land to the south of Speldhurst Road and west of Reynolds Lane at Caenwood Farm, Speldhurst Road ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.7
Files	<a href="#">DHA Planning for Caenwood Estates Ltd - full representation and supporting documents.pdf</a>
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Caenwood Estates Ltd
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/RTW 5 Land to the south of Speldhurst Road and west of Reynolds Lane at Caenwood Farm, Speldhurst Road

[TWBC: the full representation attached has been divided into the following - Policy AL/RTW5 (PSLP\_2003), Vision and Objectives (PSLP\_2005), Policies STR1 (PSLP\_2006), STR4 (PSLP\_2008), STR9 (PSLP\_2015) and Section 6 Development Management Policies (PSLP\_2016)]

**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 Caenwood Estates Ltd in respect of the Tunbridge Wells Borough Council Regulation 19 Local Plan consultation.

1.1.2 These representations relate to land at Tunbridge Wells, which Caenwood Estates 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 The site**

1.2.1 Caenwood Estates are promoting land at Caenwood Farm and Whitegates Farm on the western edge of Royal Tunbridge Wells, close to Southborough town centre, for a comprehensive, residential-led mix of uses. The site was promoted via the original call for sites process in 2016 (site reference 30) and in the 2017 Regulation 18 consultation.

Natural extension to the urban area

1.2.2 The wider 60.7ha (150-acre) Caenwood Farm site (shown in Figure 1 overleaf) has been promoted as a natural extension of Tunbridge Wells for almost two decades. The 2009 SHLAA recognised that a substantial part of the site was suitable for development, with the remainder being excluded from further consideration only by virtue of the criteria applied at that time.

1.2.3 Unlike much other land locally the site is not in the Area of Outstanding Natural Beauty (AONB). Parts of the site are contiguous with the established settlement boundary of Tunbridge Wells and it is within easy walking distance of a wide range of services and amenities including places of work, shops, recreational facilities, High Brooms station, the existing and proposed expanded employment facilities

at North Farm and an extensive range of community and education facilities including the main concentration of secondary school provision in the town, where St Gregory's, Tunbridge Wells Boys' and Girls' Grammars, Skinners' and Bennett Memorial secondary schools are all located nearby. The site currently comprises low quality (Grade 3 and 4) agricultural land, but also includes some existing residential and agricultural buildings and structures.

[TWBC: for Figure 1: Site location see full representation attached].

#### Proposals by Caenwood Estates

1.2.4 The whole of the above site was originally put forward for development in the Call for Sites, but it is understood that the Council has concerns about its development in its entirety, especially in the western part of the site.

1.2.5 As an alternative, Caenwood Estates has previously put forward proposals which go further than those currently envisaged in the draft Local Plan and could deliver around 280 units in total. The layout for that scheme would retain various areas of woodland within the site, some of which are protected as ancient woodland, with a minimum 20m buffer provided.

1.2.6 As well as providing a greater number of units than currently proposed in the Local Plan, a 21.4 ha public park was proposed as part of this expanded scheme, which would cover an area of land running through the centre of the Caenwood Farm site. This would provide a significant amenity for existing as well as new residents, as well as those working at Salomons. The park would provide a buffer both to the adjacent AONB and also to the heritage assets on the Salomons Estate, as well as providing further leisure and play facilities for existing and new residents.

1.2.7 The site is in a highly sustainable location, adjacent to the existing built up area, and with good access both to Tunbridge Wells and Southborough town centres, and the existing and proposed expanded industrial area at North Farm. There could also be potential to provide new allotments to replace those lost nearby at Speldhurst Road.

1.2.8 We will set out below our concerns on the timing and delivery of certain aspects of the current Local Plan proposals, and why we believe Royal Tunbridge Wells should take a greater share of development. An expanded Caenwood Farm development along the lines described above could form an important part of a greater level of development in Tunbridge Wells.

1.2.9 However, it should be noted that Caenwood Estates fully supports the current proposed allocation RTW/AL5 and confirms that it would be deliverable within a short timescale.

### **1.3 Background**

1.3.1 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.

1.3.2 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.

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

### **1.4 Legal Compliance**

1.4.1 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.

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1.5.3 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**

1.5.79 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/RTW5

1.5.80 Caenwood Estates Ltd are promoting land at Caenwood Farm which is proposed to be allocated under Policy AL/RTW5. Caenwood Estates fully SUPPORTS this allocation.

1.5.81 We can confirm that detailed transport assessment work will be undertaken in support of any future application as required by the draft policy.

1.5.82 Whilst we have no objection to the aims and objectives of criterion 6, we object to the current wording, which lacks clarity and precision. The criterion, as worded, requires:

"6. Improved access to the wider area, which should be secured as public open space"

1.5.83 The phrase "the wider area" is vague and open to a number of different interpretations. We suggest the alternative wording below, which would address our objection on this issue:

6. Improved access to the area shaded green on Map 5, which should be secured as public open space and as a landscape buffer

1.5.84 We would comment further at this point that there would be potential for a wider area of public open space on adjacent land, as part of an expanded development, if additional land was to be allocated for development at Caenwood Farm.

## **1.6 Summary and Conclusions**

1.6.1 In summary, this representation has been prepared on behalf of Caenwood Estates 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.

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## 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.**

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## Supporting Information File Ref No: SI\_134

### Comment

Agent	Jack Harley [REDACTED]
Email Address	[REDACTED]
Company / Organisation	DHA Planning Ltd
Address	- Maidstone -
Consultee	Caenwood Estates [REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Caenwood Estates [REDACTED]
Comment ID	PSLP_2016
Response Date	04/06/21 11:29
Consultation Point	Section 6: Development Management Policies ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.4
Files	<a href="#">DHA Planning for Caenwood Estates Ltd - full representation and supporting documents.pdf</a>
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Caenwood Estates Ltd
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.**

Section 6: Development Management Policies

*[TWBC: the full representation attached has been divided into the following - Policy AL/RTW5 (PSLP\_2003), Vision and Objectives (PSLP\_2005), Policies STR1 (PSLP\_2006), STR4 (PSLP\_2008), STR9 (PSLP\_2015) and Section 6 Development Management Policies (PSLP\_2016)]*

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1.5.3 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.

### **Development Management Policies**

1.5.87 In addition to our comments on the strategy, we have reviewed the proposed replacement development management policies as set out in chapter 6 of the document.

1.5.88 In general terms, we would refer back to paragraph 15 of the NPPF that promotes succinct and up-to-date plans, which provide a positive vision.

1.5.89 As a general comment, there are large numbers of policies that effectively seek to provide a localised policy approach that mirrors the NPPF. For example, good design, protection of heritage assets etc. Not only are these policies repetitive, but many are of such prescriptive detail that they are neither positively prepared nor flexible enough to allow for a range of different circumstances. Furthermore, that the majority of proposed policies are deleted where they offer nothing beyond the guidance already contained in the NPPF. This will also avoid the plan being quickly rendered out of date in the event of a change to the NPPF.

1.5.90 Turning to detailed policies, there are a number of contradictory elements that need to be remedied. For example, policy EN1 seeks to ensure development must respect the established character and surrounding form. However, policy EN3 places significant emphasis on measures to radically reduce greenhouse gas emissions.

1.5.91 The provision of a step change towards more sustainable construction and climate change is, inevitably going to result in a need for a change in attitude towards design, material and construction. Accordingly, a cohesive policy approach is needed that allows innovative and different design if supported on wider environmental and planning grounds. As drafted the policies fail to be succinct and instead are overly prescriptive.

1.5.92 A number of policies also seek to provide guidance rather than policy. For example, policy EN4 seeks to clarify what information is needed in order to assess a heritage proposal. This level of information is already established via the NPPF and should instead feature within a support SPD not policy.

1.5.93 Turning to housing policies, policy H2 states that development should make efficient use of land, having full regard to the context of the site, including its character, landscape setting, topography, surrounding built form, and access to infrastructure and services.

1.5.94 In our view, this policy adds nothing beyond the advice contained in the NPPF and therefore adds little. It also goes against the principle of preparing succinct Local Plans.

1.5.95 Policy H3 sets out affordable housing requirements. Whilst we support the general thrust of the objectives and the securing of affordable provision, we object to the rounding up of the calculations and contributions being based on a net rather than gross number of units. For small scale proposals this will often see the proposed percentage increase to closer to 45% and 35% respectively. Such thresholds would therefore need to be tested and justified by evidence. A pragmatic approach would be to apply traditional rounding up or down.

1.5.96 The phasing of affordable provision also needs to be sufficiently flexible so as to not prohibit wider delivery. In this regard, we consider that entering into contract with a registered affordable

provider prior ahead of the 50% occupation should provide the certainty of delivery, but without risking a wider delay in market delivery. The timing of affordable delivery should also be dictated by scale, size and type of site.

1.5.97 The Council will be aware of wider country wide discussions regarding the viability of providing social rented accommodation as part of a wider offer. Such provision is becoming increasingly difficult and without robust policy in place that addresses this matter, this matter is likely to significantly slow its delivery.

1.5.98 In summary, whilst this overview is not exhaustive, we do have concerns about the nature of the proposed policy framework and the degree to which it appears to be trying to limit and frustrate development. Accordingly, in the interests of positive planning, we recommend that the policy framework is simplified and refined and subject to further detailed consultation and focussed on planning matters.

## **1.6 Summary and Conclusions**

1.6.1 In summary, this representation has been prepared on behalf of Caenwood Estates 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.

1.6.2 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.

1.6.3 We fully support the proposed allocation of land at Caenwood Farm for residential development. However, in light of the above, there is a strong case for Royal Tunbridge Wells in general taking a greater share of development, with some of the wider landholdings at Caenwood Farm being particularly suitable.

## **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	Alison Cain [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Alison Cain [REDACTED]
Comment ID	PSLP_1165
Response Date	03/06/21 21:46
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.1
Question 1	
Respondent's Name and/or Organisation	Alison Cain
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 STR/SS 3	
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 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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I live close to the centre of Capel with my family. In my view, the sustainability and viability of the plan (Policy STR/SS3) has not been adequately addressed in in many areas and as such the plan is unsound, but of key importance to me are the following four aspects:

- . 1) The increased risk of flooding has not been investigated sufficiently or evaluated properly. There is presently already a very high flood risk potential in this area for the local communities (not to mention the proposed new homes) which would be made significantly worse as a result of building such a huge number of houses directly on and next to recognised flood plain areas. Flooding in this area is already an almost annual major problem with many peoples live being adversely impacted. Increasing this risk further by building and concreting on huge area of agricultural farm land will only increase the risk of flooding and make it even harder and significantly more costly for residents and businesses (both in terms of insurance premiums, if available, uninsured damage and the devastating mental anguish). Building in such an area and to such a disproportionate extent should not be promoted by any council and is not part of the Governments' local planning objectives. Drainage at the new houses can by no means remedy this. This risk is exacerbated even further by the acknowledged impact of climate change on flood potential.
- . 2) The destruction of vast areas of Green Belt land bordering AONB land is abhorrent. This development would obliterate the rural setting that Capel and Five Oak Green presently enjoy, along with destroying the current high levels of biodiversity that surrounds us. The extent of the proposal is such that it effectively merges Tonbridge, Tudeley, Capel and Paddock Wood and thereby totally ignores the purpose of designated 'Green Belt' land which is "to assist in safeguarding the countryside from encroachment" and "to prevent neighbouring towns from merging into one another". The negative impact of the proposed development on climate change is clearly demonstrated in the sustainability appraisal, along with air, light and noise pollution levels increasing significantly.
- . 3) The existing foul drainage and sewerage system is already totally inadequate even for the existing population and frequently fails and is a major environmental disaster national headline waiting to happen. The massively increased burden that the proposed development would place on the system has not been considered (or whether it is even possible at all) or allowed for in the plan (from either an engineering or cost perspective) and would undoubtedly make this disaster a near term reality.
- . 4) The plan does not include anywhere close to proper or full consideration of the detrimental impact on the local transport network and road infrastructure of building such a large number of new houses in this location. The huge amount of roadworks required by the proposal would place severe disruption, strain and untold stress on the local community and infrastructure, not to

mention the long term massively damaging and irreparable impact on this beautiful rural Green Belt / AONB setting.

#### 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.**

Areas other than this are more variable, including use of brownfield sites adjacent to existing villages and towns.

#### 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

## Comment

Consultee	Mr Chris Callander [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Tudeley Tudeley, Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Chris Callander [REDACTED]
Comment ID	PSLP_1118
Response Date	04/06/21 13:43
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Respondent's Name and/or Organisation	Chris & Suzanne Callander
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.	
STR/SS 3	
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 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.**

We believe that the plans for Tudeley Village are **unsound and have not been positively prepared** for several reasons, which are outlined below.

Firstly, in terms of whether the plan has been positively prepared, we believe the various supporting documents, assessments and conclusions have been shaped to make it possible to put forward the plans for Tudeley Village, rather than to assess its suitability and viability – for the following reasons:

At the very first public meeting, held to share plans for Capel parish and Paddock Wood, the head of planning at Tunbridge Wells Borough Council (TWBC), Stephen Baughen, told the room that the Tudeley Village development had been chosen because it was ‘the easy option’. When challenged on this point in the following months, he denied this and tried to backtrack from the comment. However, the meeting was attended by well over 100 local residents and representatives from the local media who have his statement on record. Taking the easy option is not a justification to destroy hundreds of acres of prime green belt agricultural land and blight the lives of several hundred local residents for 10-20 years.

We do not believe that the planners have given due regard to Para 137 of the NPPF, which states that:

*‘Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development.’*

The results of the original consultation into available sites are now unavailable on the TWBC website – and instead, the results are merely préciséd in a 2019 document. This missing document pointed to the fact that a garden village was not the preferred option.

Indeed, one of the preferred options until this point was known as the A21 Growth corridor, but it was not pursued as an agreement between multiple landowners had not been reached.

Further calls for sites were issued, and when the CA1 land was offered up for development by the landowner, late in the local planning process and after two calls for land, the strategies chosen originally suddenly changed. This reversed the original reasons set out for not using land in the vicinity of CA1.

Then, sometime later, a developer was able to secure an agreement with the landowners at the site known as Castle Hill and proposed an alternative site to CA1. However, TWBC dismissed the proposal out of hand, citing reasons it had not cited at the first assessment of the area.

These are two key reasons why we believe the work has been carried out to support, not truly assess, the development of CA1. This is backed up by detailed legal and procedural failures, which the Save Capel campaign will be highlighting in its representation.

The plan also fails in regard to whether it has been positively prepared where consultation is concerned.

The NPPF Para 72 states that:

*'The supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities. Working with the support of their communities, and with other authorities if appropriate, strategic policy-making authorities should identify suitable locations for such development where this can help to meet identified needs in a sustainable way.'*

In developing the Local Plan, TWBC did not effectively work with the community. Yes, it went through the process, but it ignored the results of that process. Indeed the views of the local community have been ignored, and existing Capel residents marginalised during the entire plan-making process. The council received what it said itself was the largest response to a consultation it had seen. And over 90% objected to the plans for CA1, CA2 and CA3. The council's response to this massive rejection of its plans was to increase the number of houses to be built in CA1 and CA2. The community then came together to support an alternative large-scale development within the parish, Castle Hill, as mentioned above. This recognised that the community accepts the need for housing but proposing an alternative that the community could support. And this was rejected out of hand and with questionable justification.

In addition, claims made by TWBC about its consultation are simply wrong. In Para 3.11 of the Consultation Statement for Pre-Submission Local Plan, TWBC states that its Local magazine is sent to every resident in the Borough and that that action formed part of its consultation. It is not. Residents in Brampton Bank, a section of the B2017 where resident's gardens join the perimeter of the CA1 site, have never received the title.

The plan is **not being positively prepared** as the master planning carried out by Hadlow Estate for its CA1 site is not included in what is being presented to the Planning Inspector. We feel it is impossible to judge the sustainability and deliverability of the Local Plan without the inclusion of this key series of documents for the CA1 site.

As the master planning for CA1 has been carried out separately from the wider context master planning, there is a complete disconnect between it and other externally created reports. This approach has resulted in a confused and disjointed plan. The submitted Strategic Sites Masterplanning and Infrastructure Main Report focuses heavily on the detail of Paddock Wood plans but barely mentions the Tudeley, CA1, site in any detail.

Allowing these two huge new developments within a few miles of each other to be planned by separate entities cannot deliver a plan that properly allows for the impact on infrastructure, let alone many other aspects reliant on local influence and impacts.

We also believe that the plan is **not sound**. The head of planning at TWBC, Stephen Baughen, also said in public that the Tudeley Village would become a 'dormitory town' for residents in London looking to move to the country and commuters looking for easy commuting access. This was yet again a comment he later tried to distance himself from. But it flatly contradicts any claims that the increase in housing is to meet the needs of the Borough's residents.

The plan is also not sound for its failure to meet the NPPF para138, which states that:

*'Where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously-developed and/or is well-served by public transport.'*

The CA1 proposal does not meet this requirement.

No green belt land has been safeguarded between urban areas and the green belt. In order to meet longer-term development needs stretching well beyond the plan period, this is very likely to result in coalescence and urbanisation between paddock wood and Tonbridge. This fear has already been demonstrated by the late addition of more building on green belt land adjacent to the CA1 site for a secondary school.

The plan is also **not sound** in terms of the infrastructure plans.

Whilst it may be possible to use the 'infrastructure before expansion' soundbite being bandied about by politicians and supporters of the plan, the reality is that it only refers to the planning of infrastructure, not its delivery. The phasing of the development of critical infrastructure, particularly in CA1, suggest serious transport issues will be felt for many years, even decades. Shops, primary schools and



secondary schools are not planned on the CA1 site until a late stage in the site development process – where will all the residents of CA1 go to shop, and 1000s of children go to school and where will they register for a GP before the site is large enough to offer these facilities? The result of this will be hugely detrimental to existing residents of Capel and local areas – most of the CA1 residents will be aiming for Tonbridge town for these vital facilities for many years.

The *Tunbridge Wells Local Plan Update Baseline Review Report Tudeley Village* (produced by Stantec) suggests that 11% of residents will go to neighbouring Tonbridge. That suggestion is massively out of touch with reality. This is especially the case when it is noted that there is a forecast of 20% traffic heading in the opposite direction to Paddock Wood. Having lived in the area, abutting the border of the CA1 site, for some 20 years and being familiar with traffic movements, we cannot understand how modelling can suggest this.

Across all documents we have reviewed, we can see no suggestion that the B2017 between Tudeley Village and Tonbridge will be developed to cope with a massive increase in vehicle journeys. At key commuter times during school term times, the B2017 is already highly congested. This is due to the extra vehicle traffic taking and collecting students from the Somerhill school close to the B2017/A26 roundabout. The traffic heading from Five Oak Green to Tonbridge on this route is regularly start-stop backing up from the B2017/A26 roundabout past the Hartlake Road junction and stretching for close to a mile and a half, sometimes more. It is impossible to see how improvements to the B2017/A26 roundabout can improve this situation. And when hundreds of additional cars are added to this route, it will become even worse.

Also, no improvements are planned to the road infrastructure which carries on from this roundabout into Tonbridge town ctr and its schools, shops and businesses. This is because it falls outside TWBC's reach. These routes are also already heavily congested. And not just at key commuter times. In between building the first houses and any infrastructure development, this will make moving around the area neigh on impossible.

Also, we would call into question the forecasts around journey carried out by bicycle. There is a suggestion that there will be significant journeys between the CA1 and CA2 developments and key town centres, including Tunbridge Wells. This assessment fails to recognise elevation. The elevation at the centre of CA1 is approximately 73ft above sea level. At the A26 close to Pembury, a relatively direct route to Tunbridge Wells centre, it is 376ft – over 300ft difference. At the bottom of Colts Hill at the B2017/A228 roundabout, the elevation is 79ft, and at the top of Colts Hill it is 440ft, a difference of 361ft. Surely it cannot be expected that anyone other than a few dedicated cyclists will use these routes regularly.

For these reasons, we believe the plans set out in Policy STR/SS 3 and the supporting documents have not been properly prepared and are unsound.

Chris & Suzanne Callander

X Brampton Bank

Five Oak Green Rd

Tudeley

TN11 xxx [TWBC: full postal address redacted for personal data protection]

## 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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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 respect of Policy Number STR/SS 3 we believe that no modifications can be made to make CA1 a suitable development, and therefore it should be removed from the TWBC Local Plan.

#### 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

## Comment

Consultee	Emily Cammell [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Paddock Wood [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Emily Cammell [REDACTED]
Comment ID	PSLP_1156
Response Date	04/06/21 01:05
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.1
Question 1	
Respondent's Name and/or Organisation	Emily Cammell
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 STR/SS 1 - The Strategy for Paddock Wood, Including Land at East Capel

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

#### Question 5

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I have been a resident of Paddock Wood for around 28 years now and have grown up here. Over the last 3 years, I have seen the town go through significant changes due to major new developments and I fear the character of Paddock Wood is changing from a small country town into an urban sprawl.

I strongly object to Policy STR/SS 1 - The Strategy for Paddock Wood, Including Land at East Capel for reasons as I will detail below.

**Flood Risk** - During periods of heavy rain, there are often flooding issues in Paddock Wood. Badsell Road (B2017) is prone to flooding and these incidents have become more frequent since the Foal Hurst Green development began. I have also walked around Church Farm after periods of heavy rain to find myself ankle deep in water and the ground extremely boggy. Again, this was before development of Church Farm had begun. If there have been problems with flooding before these developments started, I fear that any further housing developments (building over fields and tearing up trees and hedgerows) will pose an increased flood risk, not just to Paddock Wood but also the surrounding towns and villages such as East Peckham, Yalding, Golden Green and Tonbridge. The proposed development at East Capel is on a flood plain and we cannot assume that flood mitigation measures will be enough to minimise flood risk and they could potentially fail, especially when you consider unpredictable climate change. Surely building on a flood plain is both ridiculous and unsustainable?

**Wildlife and Environment** - These plans seek to build on Green Belt land, which does not make sense for sustainability or reducing environmental impact. I have noticed more wildlife presence in the town and housing estates since the three new housing developments began. I think this is due to destruction of habitat/sources of food and I really feel for the wildlife, as with the town further expanding, they will have nowhere to go. I have recently been on walks through Foal Hurst Wood and the amount of noise and disturbance coming from the neighbouring Foal Hurst Green development is very noticeable and a nuisance. More new developments will surely have a further negative impact on our local wildlife. There have been frequent national news headlines over the last year that Britain is losing much of its biodiversity and that it is even at risk of collapse. I fear this will worsen if further major development is allowed to go ahead, especially if they are within our Green Belt areas and AONB. Many people have found nature and the outdoors a great source of wellbeing, especially during the covid pandemic and I think it is vitally important that these areas are protected from development, for the benefit and wellbeing of both local wildlife and residents.

**Traffic and Congestion** – I used to commute to Tunbridge Wells each day by car for work. Since the new developments began, I certainly noticed a difference in the traffic and especially at peak times (7:30am – 9am and 5pm – 6:30pm) there was increased congestion, especially with school traffic and fellow commuters. I think it would be naive to assume that improved cycle and walking routes would mean a reduction in the amount of traffic. It may help, but I think many residents would still choose to drive private vehicles, especially if they are a further walking distance from the train station (where

they would have to drive and park) or if they work in neighbouring towns or even further afield. The train stations at Paddock Wood and Tonbridge were also packed at peak times (pre-covid), as I had experienced many a time. An influx in housing and a large increase in population, without improved infrastructure, will put more pressure on these amenities and contribute further to traffic congestion and air pollution.

I also want to object to the idea of closing the railway bridge on the Maidstone Road. This would effectively cut Paddock Wood in half and put increased traffic pressure onto Badsell Road (B2017) and smaller country lanes such as Queen Street. I regularly visit family and friends in East Peckham and it would increase my journey distance and fuel use, which is not economical or environmentally friendly.

Facilities - Paddock Wood has seen little or no improvement to infrastructure or facilities over the years. We have been made promises of 'infrastructure before development' which have not been kept. Our sports centre is small with no swimming pool. The health centre is oversubscribed and it is sometimes difficult to get an appointment when needed. There is also a lack of facilities and activities for young people here. How is the town supposed to cope with an increased population when these facilities are not yet provided?

'Affordable' Housing – I do not think that any housing in these new developments can be deemed as 'affordable' if prices on the new Foal Hurst Green development are anything to go by. A one bedroom apartment at Foal Hurst Green starts from £255,000. As a single first time buyer saving up for my first home, I do not think that this price can be deemed as 'affordable' and if many buyers (especially first time buyers) cannot afford these new homes – how can these proposed developments be considered as a response to solving the supposed housing shortage? I also wonder why these sites have been allocated a disproportionate amount of housing compared to the rest of the borough, as this seems unreasonable.

I also feel that Tunbridge Wells Borough Council have not done enough to engage with the community about these plans and take into consideration and address residents concerns.

## 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

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

## Comment

Consultee	David Warman [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Campaign to Protect Hawkhurst Village
Address	[REDACTED] [REDACTED] Hawkhurst [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Campaign to Protect Hawkhurst Village [REDACTED] [REDACTED]
Comment ID	PSLP_1491
Response Date	04/06/21 08:21
Consultation Point	Policy STR/CRS 1 The Strategy for Cranbrook and Sissinghurst parish ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.5
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Campaign to Protect Hawkhurst Village
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 STR/HA 1 The Strategy for Hawkhurst parish

Policy AL/HA3 Land off Copthall Avenue and Highgate Hill

Policy STR/CR1 The strategy for Cranbrook and Sissinghurst

Policy AL/CRS3 Turnden Farm, Hartley Road, Cranbrook

[TWBC: this representation has been input against Policies STR/HA 1, AL/HA 4, STR/CR1 and AL/CR3 – see Comment Numbers PSLP\_1473, PSLP\_1490, PSLP\_1491 and PSLP\_1492]

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

#### 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.**

We strongly support the overall development strategy put forward in the Pre-Submission Local Plan. In particular we very much welcome and support the changes made in response to the 2019 consultation on the Draft Local Plan and the removal of a number of large proposed housing allocations in Hawkhurst and Cranbrook. We consider that this overall approach is sound.

However, we have a number concerns regarding the remaining specific Hawkhurst and Cranbrook Policies relating to Transport and AONB issues.

These comments are common to STR/HA1, HA3, CRS1 and CRS3 and therefore are submitted for consideration in respect of all these policies. We have not submitted duplicate representations for each policy.

##### **Transport Issues**

Policy STR/HA1 sets out the overall development strategy for Hawkhurst (policy STR/CRS1 does the same for Cranbrook and Sissinghurst).

Both these draft policies contain a criterion that development proposals must have an acceptable impact on the Hawkhurst crossroads and the Flimwell crossroads.

This criterion is welcome, however there is no analysis in the evidence base of the impact of the remaining allocations in both Hawkhurst and Cranbrook on these highway junctions. The March 2021 SWECO Transport Assessment does not contain an assessment the impact of the proposed allocations on these junctions.

There is an internal consistency in the draft policies recognising the potential impact on the Hawkhurst and Flimwell junctions as a concern, without undertaking any strategic assessment of the capacity of those junctions to accommodate the proposed allocations as part of the Local Plan process.

The Council will be aware that in respect of the proposed Copthall Avenue allocation HA/4, KCC objected to the planning application on the basis of the impact of the proposals on the Hawkhurst

crossroads. The Council subsequently refused the application for that reason (as well as the harm to the AONB).

Having very recently resolved that a planning application for the site would have an unacceptable impact upon the Hawkhurst crossroads, it would be irrational for the Council to seek to retain the site as an allocation.

For this reason, we do not consider that STRA/HA1, HA4, STR/CS1 and STR/CS3 are sound because:

- 1 They are not “justified” as they are not based on a proportionate evidence base – indeed there is no evidence base regarding their impacts on highways junctions at Hawkhurst and Flimwell which the Council has acknowledged in the draft wording of the policies to be a concern; and
- 2 They are not consistent with national policy because they do not focus development in sustainable locations and will not limit the need to rely on private car trips – contrary to the requirements of paragraphs 103 and 104 of the NPPF.

#### **AONB issues**

Notwithstanding the welcome revisions at the Pre-Submission Stage, the draft Plan will still propose very significant major development in the High Weald AONB.

The Council recently refused a planning application for the HA4 allocation site due to the harm caused to the AONB. It would therefore be inconsistent for that allocation to be pursued through the Local Plan.

Criterion 1 of Policy HA1 seeks to define Limits of Built Development “as a framework for new development over the plan period”.

We do not consider that this criterion is sufficiently robust or effective. The criterion has been added to seek to minimise harm to the AONB. However, as drafted it would not operate to in any way restrict or limit development outside the Limits of Built Development. Unless the criterion makes explicit that development outside the Limits of Built Development as a general presumption will be resisted (particularly on greenfield sites) other than in the specific exemptions addressed elsewhere in the plan, it will be completely ineffective as it will not limit built development outside the defined area. The very concept of Limits of Built Development will therefore be entirely redundant.

Against this background we do not consider that STR/HA1, AL/HA4, STR/CRS1 and AL/CRS3 are sound because they are not consistent with paragraph 172 of the NPPF which seeks to preserve and enhance the AONB and limit development in such areas.

#### **Question 6**

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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 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 would therefore request the following modifications:

The removal of allocation AL/HA4

- 1 The consequent amendment of STR/HA1 Criterion 2 to reduce the overall housing numbers to reflect the removal of allocation AL/HA4
- 2 The amendment of STRA/HA1 Criterion 1 to make clear that proposals for development on greenfield sites outside the Limits of Built Development will be resisted unless they fall within one of the exceptions identified elsewhere in the Plan
- 3 The removal of allocation AL/CRS3



- 4 The consequent amendment of STR/CRS1 Criterion 2 to reduce the overall housing numbers to reflect the removal of allocation AL/CRS3

#### 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 ensure that the transport impacts of the proposed allocations on the Hawkhurst and Flimwell are taken into account.

#### 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	David Warman [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Campaign to Protect Hawkhurst Village
Address	[REDACTED] [REDACTED] Hawkhurst TN18 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Campaign to Protect Hawkhurst Village [REDACTED] [REDACTED]
Comment ID	PSLP_1492
Response Date	04/06/21 08:21
Consultation Point	Policy AL/CRS 3 Turnden Farm, Hartley Road, Cranbrook ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.5
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Campaign to Protect Hawkhurst Village
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 STR/HA 1 The Strategy for Hawkhurst parish

Policy AL/HA3 Land off Copthall Avenue and Highgate Hill

Policy STR/CR1 The strategy for Cranbrook and Sissinghurst

Policy AL/CRS3 Turnden Farm, Hartley Road, Cranbrook

[TWBC: this representation has been input against Policies STR/HA 1, AL/HA 4, STR/CR1 and AL/CR3 – see Comment Numbers PSLP\_1473, PSLP\_1490, PSLP\_1491 and PSLP\_1492]

#### 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
	. 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 strongly support the overall development strategy put forward in the Pre-Submission Local Plan. In particular we very much welcome and support the changes made in response to the 2019 consultation on the Draft Local Plan and the removal of a number of large proposed housing allocations in Hawkhurst and Cranbrook. We consider that this overall approach is sound.

However, we have a number concerns regarding the remaining specific Hawkhurst and Cranbrook Policies relating to Transport and AONB issues.

These comments are common to STR/HA1, HA3, CRS1 and CRS3 and therefore are submitted for consideration in respect of all these policies. We have not submitted duplicate representations for each policy.

##### **Transport Issues**

Policy STR/HA1 sets out the overall development strategy for Hawkhurst (policy STR/CRS1 does the same for Cranbrook and Sissinghurst).

Both these draft policies contain a criterion that development proposals must have an acceptable impact on the Hawkhurst crossroads and the Flimwell crossroads.

This criterion is welcome, however there is no analysis in the evidence base of the impact of the remaining allocations in both Hawkhurst and Cranbrook on these highway junctions. The March 2021 SWECO Transport Assessment does not contain an assessment the impact of the proposed allocations on these junctions.

There is an internal consistency in the draft policies recognising the potential impact on the Hawkhurst and Flimwell junctions as a concern, without undertaking any strategic assessment of the capacity of those junctions to accommodate the proposed allocations as part of the Local Plan process.

The Council will be aware that in respect of the proposed Copthall Avenue allocation HA/4, KCC objected to the planning application on the basis of the impact of the proposals on the Hawkhurst

crossroads. The Council subsequently refused the application for that reason (as well as the harm to the AONB).

Having very recently resolved that a planning application for the site would have an unacceptable impact upon the Hawkhurst crossroads, it would be irrational for the Council to seek to retain the site as an allocation.

For this reason, we do not consider that STRA/HA1, HA4, STR/CS1 and STR/CS3 are sound because:

- 1 They are not “justified” as they are not based on a proportionate evidence base – indeed there is no evidence base regarding their impacts on highways junctions at Hawkhurst and Flimwell which the Council has acknowledged in the draft wording of the policies to be a concern; and
- 2 They are not consistent with national policy because they do not focus development in sustainable locations and will not limit the need to rely on private car trips – contrary to the requirements of paragraphs 103 and 104 of the NPPF.

#### **AONB issues**

Notwithstanding the welcome revisions at the Pre-Submission Stage, the draft Plan will still propose very significant major development in the High Weald AONB.

The Council recently refused a planning application for the HA4 allocation site due to the harm caused to the AONB. It would therefore be inconsistent for that allocation to be pursued through the Local Plan.

Criterion 1 of Policy HA1 seeks to define Limits of Built Development “as a framework for new development over the plan period”.

We do not consider that this criterion is sufficiently robust or effective. The criterion has been added to seek to minimise harm to the AONB. However, as drafted it would not operate to in any way restrict or limit development outside the Limits of Built Development. Unless the criterion makes explicit that development outside the Limits of Built Development as a general presumption will be resisted (particularly on greenfield sites) other than in the specific exemptions addressed elsewhere in the plan, it will be completely ineffective as it will not limit built development outside the defined area. The very concept of Limits of Built Development will therefore be entirely redundant.

Against this background we do not consider that STR/HA1, AL/HA4, STR/CRS1 and AL/CRS3 are sound because they are not consistent with paragraph 172 of the NPPF which seeks to preserve and enhance the AONB and limit development in such areas.

#### **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.**

We would therefore request the following modifications:

The removal of allocation AL/HA4

- 1 The consequent amendment of STR/HA1 Criterion 2 to reduce the overall housing numbers to reflect the removal of allocation AL/HA4
- 2 The amendment of STRA/HA1 Criterion 1 to make clear that proposals for development on greenfield sites outside the Limits of Built Development will be resisted unless they fall within one of the exceptions identified elsewhere in the Plan
- 3 The removal of allocation AL/CRS3

- 4 The consequent amendment of STR/CRS1 Criterion 2 to reduce the overall housing numbers to reflect the removal of allocation AL/CRS3

#### 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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#### Future Notifications

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## Comment

Consultee	David Warman [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Campaign to Protect Hawkhurst Village
Address	[REDACTED] [REDACTED] Hawkhurst [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Campaign to Protect Hawkhurst Village [REDACTED] [REDACTED]
Comment ID	PSLP_1473
Response Date	04/06/21 08:21
Consultation Point	Policy STR/HA 1 The Strategy for Hawkhurst parish ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.10
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Campaign to Protect Hawkhurst Village
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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Policy AL/HA3 Land off Copthall Avenue and Highgate Hill

Policy STR/CR1 The strategy for Cranbrook and Sissinghurst

Policy AL/CRS3 Turnden Farm, Hartley Road, Cranbrook

[TWBC: this representation has been input against Policies STR/HA 1, AL/HA 4, STR/CR1 and AL/CR3 – see Comment Numbers PSLP\_1473, PSLP\_1490, PSLP\_1491 and PSLP\_1492]

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

#### Question 5

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However, we have a number concerns regarding the remaining specific Hawkhurst and Cranbrook Policies relating to Transport and AONB issues.

These comments are common to STR/HA1, HA3, CRS1 and CRS3 and therefore are submitted for consideration in respect of all these policies. We have not submitted duplicate representations for each policy.

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crossroads. The Council subsequently refused the application for that reason (as well as the harm to the AONB).

Having very recently resolved that a planning application for the site would have an unacceptable impact upon the Hawkhurst crossroads, it would be irrational for the Council to seek to retain the site as an allocation.

For this reason, we do not consider that STRA/HA1, HA4, STR/CS1 and STR/CS3 are sound because:

- 1 They are not “justified” as they are not based on a proportionate evidence base – indeed there is no evidence base regarding their impacts on highways junctions at Hawkhurst and Flimwell which the Council has acknowledged in the draft wording of the policies to be a concern; and
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Criterion 1 of Policy HA1 seeks to define Limits of Built Development “as a framework for new development over the plan period”.

We do not consider that this criterion is sufficiently robust or effective. The criterion has been added to seek to minimise harm to the AONB. However, as drafted it would not operate to in any way restrict or limit development outside the Limits of Built Development. Unless the criterion makes explicit that development outside the Limits of Built Development as a general presumption will be resisted (particularly on greenfield sites) other than in the specific exemptions addressed elsewhere in the plan, it will be completely ineffective as it will not limit built development outside the defined area. The very concept of Limits of Built Development will therefore be entirely redundant.

Against this background we do not consider that STR/HA1, AL/HA4, STR/CRS1 and AL/CRS3 are sound because they are not consistent with paragraph 172 of the NPPF which seeks to preserve and enhance the AONB and limit development in such areas.

#### **Question 6**

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We would therefore request the following modifications:

The removal of allocation AL/HA4

- 1 The consequent amendment of STR/HA1 Criterion 2 to reduce the overall housing numbers to reflect the removal of allocation AL/HA4
- 2 The amendment of STRA/HA1 Criterion 1 to make clear that proposals for development on greenfield sites outside the Limits of Built Development will be resisted unless they fall within one of the exceptions identified elsewhere in the Plan
- 3 The removal of allocation AL/CRS3



- 4 The consequent amendment of STR/CRS1 Criterion 2 to reduce the overall housing numbers to reflect the removal of allocation AL/CRS3

#### 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:**

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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

## Comment

Consultee	David Warman [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Campaign to Protect Hawkhurst Village
Address	[REDACTED] [REDACTED] Hawkhurst [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Campaign to Protect Hawkhurst Village [REDACTED] [REDACTED]
Comment ID	PSLP_1493
Response Date	04/06/21 08:21
Consultation Point	Policy AL/HA 2 Brook House, Cranbrook Road ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.9
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Campaign to Protect Hawkhurst Village
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/HA 2 Brook House, Cranbrook Road

Policy AL/HA 3 Former site of Springfield Nurseries, Cranbrook Road, Hawkhurst

*[TWBC: this representation has been input against Policies AL/HA 2 and AL/HA 3 see Comment Numbers PSLP\_1493 and PSLP\_1494]*

#### 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 consistent with national policy

#### Question 5

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Policy AL/HA2 is the allocation for the Brook House site. Policy AL/HA3 is the adjoining Springfield Gardens site.

Both sites were comprised within the allocation for the current Site Allocations Local Plan – AL/HA2.

Both sites benefit from extant planning permissions.

However, the new allocation policy wording is different to the current allocation.

Within the main inset map on the draft plan (Map 15) there is an Area of Landscape Importance which acts as a buffer between the proposed allocations and the northern boundary of Oakfield.

However, this Area of Landscape Importance is not replicated on the drawings attached to the individual allocations.

Furthermore the existing policy in the Site Allocations Local Plan contains a criterion which states:

“the area designated as an Area of Landscape Importance should be retained and reinforced with additional planting and further structural planting should be incorporated within the northern and western boundaries of the site”

This criterion has not been replicated in the new proposed allocations – the wording of which does not even note the Area of Landscape Importance.

There is a risk that revised planning applications could be made which seek to infringe upon the Area of Landscape Importance and reduce the buffer zone.

Against this background we do not consider the proposed wording on Policies AL/HA2 or AL/HA3 are sound because they are not consistent with national policy, specifically NPPF paragraph 172 as they do not preserve or enhance the AONB.

#### 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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Both AL/HA2 and AL/HA3 should be amended to include a criterion that replicates the wording in the existing Site Allocations Local Plan:

“the area designated as an Area of Landscape Importance should be retained and reinforced with additional planting and further structural planting should be incorporated within the northern and western boundaries of the 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

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To ensure that the inconsistencies between the existing site allocation policy and proposed revised wording are properly considered.

#### Future Notifications

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## Comment

Consultee	David Warman [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Campaign to Protect Hawkhurst Village
Address	[REDACTED] [REDACTED] Hawkhurst [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Campaign to Protect Hawkhurst Village [REDACTED] [REDACTED]
Comment ID	PSLP_1494
Response Date	04/06/21 08:21
Consultation Point	Policy AL/HA 3 Former site of Springfield Nurseries, Cranbrook Road, Hawkhurst ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.7
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Campaign to Protect Hawkhurst Village
Question 2	
Agent's Name and Organisation (if applicable)	Campaign to Protect Hawkhurst Village
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/HA 2 Brook House, Cranbrook 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 consistent with national policy

#### Question 5

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This criterion has not been replicated in the new proposed allocations – the wording of which does not even note the Area of Landscape Importance.

There is a risk that revised planning applications could be made which seek to infringe upon the Area of Landscape Importance and reduce the buffer zone.

Against this background we do not consider the proposed wording on Policies AL/HA2 or AL/HA3 are sound because they are not consistent with national policy, specifically NPPF paragraph 172 as they do not preserve or enhance the AONB.

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Both AL/HA2 and AL/HA3 should be amended to include a criterion that replicates the wording in the existing Site Allocations Local Plan:

“the area designated as an Area of Landscape Importance should be retained and reinforced with additional planting and further structural planting should be incorporated within the northern and western boundaries of the site”

## Question 7

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Email Address	[REDACTED]
Company / Organisation	Campaign to Protect Hawkhurst Village
Address	[REDACTED] [REDACTED] Hawkhurst [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Campaign to Protect Hawkhurst Village [REDACTED] [REDACTED]
Comment ID	PSLP_1490
Response Date	04/06/21 08:21
Consultation Point	Policy AL/HA 4 Land off Copthall Avenue and Highgate Hill ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.5
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Campaign to Protect Hawkhurst Village
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To which part of the Local Plan does this representation relate?	Policy
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Policy STR/CR1 The strategy for Cranbrook and Sissinghurst

Policy AL/CRS3 Turnden Farm, Hartley Road, Cranbrook



[TWBC: this representation has been input against Policies STR/HA 1, AL/HA 4, STR/CR1 and AL/CR3 – see Comment Numbers PSLP\_1473, PSLP\_1490, PSLP\_1491 and PSLP\_1492]

#### 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

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These comments are common to STR/HA1, HA3, CRS1 and CRS3 and therefore are submitted for consideration in respect of all these policies. We have not submitted duplicate representations for each policy.

##### **Transport Issues**

Policy STR/HA1 sets out the overall development strategy for Hawkhurst (policy STR/CRS1 does the same for Cranbrook and Sissinghurst).

Both these draft policies contain a criterion that development proposals must have an acceptable impact on the Hawkhurst crossroads and the Flimwell crossroads.

This criterion is welcome, however there is no analysis in the evidence base of the impact of the remaining allocations in both Hawkhurst and Cranbrook on these highway junctions. The March 2021 SWECO Transport Assessment does not contain an assessment the impact of the proposed allocations on these junctions.

There is an internal consistency in the draft policies recognising the potential impact on the Hawkhurst and Flimwell junctions as a concern, without undertaking any strategic assessment of the capacity of those junctions to accommodate the proposed allocations as part of the Local Plan process.

The Council will be aware that in respect of the proposed Copthall Avenue allocation HA/4, KCC objected to the planning application on the basis of the impact of the proposals on the Hawkhurst

crossroads. The Council subsequently refused the application for that reason (as well as the harm to the AONB).

Having very recently resolved that a planning application for the site would have an unacceptable impact upon the Hawkhurst crossroads, it would be irrational for the Council to seek to retain the site as an allocation.

For this reason, we do not consider that STRA/HA1, HA4, STR/CS1 and STR/CS3 are sound because:

- 1 They are not “justified” as they are not based on a proportionate evidence base – indeed there is no evidence base regarding their impacts on highways junctions at Hawkhurst and Flimwell which the Council has acknowledged in the draft wording of the policies to be a concern; and
- 2 They are not consistent with national policy because they do not focus development in sustainable locations and will not limit the need to rely on private car trips – contrary to the requirements of paragraphs 103 and 104 of the NPPF.

#### **AONB issues**

Notwithstanding the welcome revisions at the Pre-Submission Stage, the draft Plan will still propose very significant major development in the High Weald AONB.

The Council recently refused a planning application for the HA4 allocation site due to the harm caused to the AONB. It would therefore be inconsistent for that allocation to be pursued through the Local Plan.

Criterion 1 of Policy HA1 seeks to define Limits of Built Development “as a framework for new development over the plan period”.

We do not consider that this criterion is sufficiently robust or effective. The criterion has been added to seek to minimise harm to the AONB. However, as drafted it would not operate to in any way restrict or limit development outside the Limits of Built Development. Unless the criterion makes explicit that development outside the Limits of Built Development as a general presumption will be resisted (particularly on greenfield sites) other than in the specific exemptions addressed elsewhere in the plan, it will be completely ineffective as it will not limit built development outside the defined area. The very concept of Limits of Built Development will therefore be entirely redundant.

Against this background we do not consider that STR/HA1, AL/HA4, STR/CRS1 and AL/CRS3 are sound because they are not consistent with paragraph 172 of the NPPF which seeks to preserve and enhance the AONB and limit development in such areas.

#### **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 would therefore request the following modifications:

The removal of allocation AL/HA4

- 1 The consequent amendment of STR/HA1 Criterion 2 to reduce the overall housing numbers to reflect the removal of allocation AL/HA4
- 2 The amendment of STRA/HA1 Criterion 1 to make clear that proposals for development on greenfield sites outside the Limits of Built Development will be resisted unless they fall within one of the exceptions identified elsewhere in the Plan
- 3 The removal of allocation AL/CRS3

- 4 The consequent amendment of STR/CRS1 Criterion 2 to reduce the overall housing numbers to reflect the removal of allocation AL/CRS3

#### 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 ensure that the transport impacts of the proposed allocations on the Hawkhurst and Flimwell are taken into account.

#### 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	David Campbell [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	David Campbell [REDACTED]
Comment ID	PSLP_1166
Response Date	03/06/21 22:28
Consultation Point	Policy STR/CA 1 The Strategy for Capel parish ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.4
Question 1	
Respondent's Name and/or Organisation	David Campbell
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.

STR/ CA 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 because:**

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

#### Question 5

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Ref: STR/CA1 Capel

Sally and David Campbell

X Willow Crescent

Five Oak Green

Tonbridge

Kent

TN12 XXX [TWBC: full postal address redacted for personal data protection]

Dear Sir or Madam,

We are writing to express our concerns with regard to the above draft plan

Well being

We relocated from Redhill to Five Oak Green over 35 years ago to live in a quiet village setting. We wanted to bring up our children in a quiet area and less polluted environment. Our children attended Capel Primary School, a small village school allowing them to appreciate the beautiful surroundings.

Our concerns centre on the following areas:

Public Services

The road from Five Oak Green to Tonbridge B2017 is already seriously congested during the school run period. This plan will result in even more congestion as people try to get to the new schools or Tonbridge Station. There does not appear to be a solution in the plan.

It is difficult to judge the size of proposed schools, Health Centres and Sports Centre and you cannot zoom in on the drawings included with the plan.

We are both retired and make use of the local buses. The plan mentions the intention to increase the bus services but these will be impacted by increase in traffic as mentioned above.

Trains from Tonbridge station are already over crowded during rush hour, we cannot see any proposals for additional services or capacity. The plan states that cycling and walking to the station will be encouraged by the building of new cycle and pedestrian routes. The route from Tudeley to Tonbridge is shown as following the B2017 which is not wide enough to allow a separate cycle or pedestrian path. The proposed cycle route from Five Oak Green to Paddock Wood requires either crossing the

busy A228 adjacent to the railway bridge limiting oncoming driver's vision or crossing at the centre of a right hand bend which has already been the site of several accidents.

TWBC has recently proposed making the B2160 Maidstone Road over the railway in Paddock Wood a one way system which would require a diversion of several miles if you wanted to go to a location the wrong direction to the one way route over the bridge. This proposal would only be feasible if all the new roads indicated in the submission were completed. A major assumption on behalf of TWBC.

#### Schools

The Plan proposes additional schools to be built in both sites. Also an additional single form entry at Capel Primary. By the time this additional form ripples through the school it will have double the number of pupils. Also there will be a need for additional classrooms to accommodate these pupils. The site does not have space for these extra classrooms. This will also lead to the need for additional staff both teaching and support as well a parking for these people. The road outside the school is already congested at school drop off and pick up time as parents are willing to travel from a wide area because it is such an excellent school.

#### Health

Our local health centre at Woodlands Paddock Wood is already stretched to capacity making it difficult to book appointments. This has been compounded by the closure of East Peckham Health Centre.

Even with the proposal for a medical centre in the plan we are still concerned about the increased demand. It is difficult to judge the capacity of the proposed Health Centres as no size is given in the Plan.

#### Infrastructure

The proposed bypass for Five Oak Green would not stop vehicles using the road thru the village as a short cut, especially those heading towards Maidstone. Also the proposed bypass assumes that the Colts Hill bypass will be in place. As the Colts Hill bypass has been agreed for over twenty years and not even scheduled how likely is it that the Five Oak Green bypass will be built? So we are likely to have to suffer the lorries required for the building work going through the village for the 20+ years necessary to complete the plan.

We have already had to suffer significant disruption between Five Oak Green and Paddock Wood as the Foals Hurst Green site has been developed.

Will the existing electrical substations be able to cope with the increased demand? It states in the plan that ground cables will be used rather than pylons. This would mean addition disturbance as these are laid.

Mobile signal in our area is patchy so will this require additional signal masts to meet additional demand?

#### Flooding

The villages of Tudeley and Five Oak Green are located on a flood plain and has been subject to flooding in the past.

We do not think the drainage system will be able to handle the additional demand as in the past we have been informed that the drains in the village are at full capacity. Even with the improvement to the drains put in place a few years ago.

We are concerned that the increase in hard surfaces will exacerbate the risk of flooding. Any mitigation for Tudeley and Capel will just move the flooding problem further down the River Medway to places such as Yalding which has suffered from significant flooding over many years.

#### Greenbelt

As mentioned before we moved to this area specifically for the beautiful countryside and wildlife. Building on this greenbelt area will destroy it forever. The already threatened wildlife will be homeless. The plan will increase air noise and light pollution. There will be a significant increase in traffic pollution which is of a great concern to us as both our daughters suffer from asthma which maybe triggered.

#### Housing

We cannot see from this plan how the lack of affordable houses in Tonbridge and Paddock Wood will be alleviated by this plan as it only mentions a small number. If more flats or single person accommodation were built then less land would be required and the impact on the Greenbelt significantly reduced.

#### 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	Heather Campbell ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] Paddock Wood TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Heather Campbell ([REDACTED])
Comment ID	PSLP_1314
Response Date	04/06/21 15:41
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.4
Question 1	
Respondent's Name and/or Organisation	Heather Campbell
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 STR/SS1 For Paddock Wood, including land at East Capel	
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 effective
- . It is not justified
- . It is not consistent with national policy

#### Question 5

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We are residents of Paddock Wood, backing onto the proposed East Capel site. We brought our property 2 years ago to start our family. We loved the small town friendly feel of Paddock Wood and the beautiful surrounding countryside. Which will all be lost with the proposed plan.

Creating a 4000+ new houses in paddock wood, almost 40% of all the new housing in the whole of Tunbridge Wells (1,500 new houses in East Capel) and a garden settlement at Tudeley of 2,800 dwellings will cause immense harm to residents of the Parish of Capel and Paddock Wood as well as to residents of Tonbridge. So 65% of the new houses will be in the Capel and Paddock Wood parishes. There are other more suitable sites such as the A21 corridor

Here we outline some of our main concerns:

##### **Flooding**

The plan is to build on flood plan. This will require extensive flood defences – which will divert funding from other areas and increase the flood risk to Paddock Wood and the surrounding area.

Last year many houses on our road, Ribston Gardens, flooded leading to destruction of property and upset, and we can expect this to be common place if the land behind our house is built on.

Any mitigation for Tudeley and Capel will just move the flooding problem further down the River Medway to places such as Yalding which has suffered from significant flooding over many years.

##### **Biodiversity**

Pipistrelle bats (various species) are nesting in the local area, including our neighbour's trees, which will back onto the new development. These bat species have a conservation order protecting them, so any planned development needs to abide by the standards set out by British law. We also have a huge range of animal and bird species, listed below, which visit our garden regularly: Hedgehogs (Listed on Britain's most endangered animals, population has declined by a third since the millennium) Badgers Foxes Rabbits Robins Blackbirds Wood pigeons Blue tits (nesting in the woods by Tudeley brook behind house) Goldfinches Thrushes Magpies

Sparrow Hawk – in field behind

Heron – Tudeley brook

Butterflies – cabbage white, red admiral and Kentish blue

Dragonflies

Frogs.

The current plan does not appear to be taking the wildlife into account. The table listed on the plan for this area simply said 'limited biodiversity constraints', which we feel is not taking into account the range of animals present in the area, particularly the endangered ones, which will be severely affected.

## **Green belt**

1000's of acres of Green belt land will be lost. Why are the brown belt sites not being considered first?

The current plan will destroy existing old woodland, which is vitally important for countering global warming. The companies building may well plan to plant new trees to offset new carbon emissions, however trees take many years to mature and so this will not benefit the environment for many years to come. Global warming is a huge problem which we have to tackle now before it's too late and this will exasperate it.

Creating so much housing in Capel Parish will require the destruction of woodland, hedgerows, meadows, and farmland that is Green Belt land and should be protected. It will spoil the landscape and kill wildlife that is very special to the area, including rare species. This area should remain rural with agricultural land that can be used to provide food.

This land is Green Belt land and should only be built upon if an "exceptional circumstance" exists. Most of our objects outlined above apply to the Tudeley settlement as well.

## **Wellbeing**

We have lived in many places (Cambridge, Portsmouth and Gravesend) but chose to buy our first house in Paddock Wood as we wanted to live in a beautiful green belt area. With all the health and wellbeing advantages of being in the countryside. This last year with the Covid-19 pandemic has shown how important wellbeing is. We wanted to bring up our children in a quiet area and less polluted environment.

## **Pollution**

Air quality will decrease – this is very worrying to us as I suffer from asthma. One of the reasons we chose to buy a house in Paddock Wood this year was the lovely fresh air to help me, which will be lost with this new construction. Additionally light and noise pollution will increase.

## **Sewage and water**

Sewage systems already can't cope, already approved developments now being delayed because of this and additional work having to be done to make them viable, for example the development along Badsell Road.

## **Housing need**

Currently, the area of Paddock Wood has seen a massive slowdown in the property market. People are preferring to look at places such as Tunbridge Wells, Sevenoaks and for convenience to London places such as Ebbsfleet Garden Village. When we were buying our house there were many properties which had been on the market for a very long time and having to make multiple price reductions to try to sell as this is not a popular area at present. The rate of sales has slowed down so much that local estate agents have started closing down. We struggle to see who will be buying these thousands of new homes when the houses already in Paddock Wood aren't selling.

## **Health services**

Paddock Wood already requires a new Health centre for the current population, Woodlands Health Centre is already stretched to capacity, and wait times for doctors' appointments are excessive. Plus there is a lack of dental and social care which is not addressed in the local plan. Even with the proposal for a medical centre in the plan we are still concerned about the increased demand. It is difficult to judge the capacity of the proposed Health Centres as no size is given in the Plan.

## **Schools**

The Plan proposes additional schools to be built in both sites. But it is not clear if this will be done before all the houses are built leading to oversubscribed schools.

## **Roads and Transport**

We both commute to work and the trains are already crowded, the new development will make trying to catch peak time trains impossible. Other public transport will need to be increased tenfold to cope with the additional people wanting to get to Tonbridge and Tunbridge Wells, currently bus services are inadequate at best. Road congestion will become normal in Paddock Wood with the 4000+ proposed houses. The road from Paddock Wood to Tonbridge B2017 is already seriously congested during the

school run period. This plan will result in even more congestion as people try to get to the new schools or A21. There does not appear to be a solution in the plan.

The plan states that cycling and walking to the station will be encouraged by the building of new cycle and pedestrian routes. The route from Tudeley to Tonbridge is shown as following the B2017 which is not wide enough to allow a separate cycle or pedestrian path. The proposed cycle route from Five Oak Green to Paddock Wood requires either crossing the busy A228 adjacent to the railway bridge limiting oncoming driver's vision or crossing at the centre of a right hand bend which has already been the site of several accidents.

TWBC has recently proposed making the B2160 Maidstone Road over the railway in Paddock Wood a one way system which would require a diversion of several miles if you wanted to go to a location the wrong direction to the one way route over the bridge. This proposal would only be feasible if all the new roads indicated in the submission were completed. A major assumption on behalf of TWBC. This much longer route will again increase congestion and air pollution.

### **Emergency services**

Currently, Paddock Wood only has a part time fire service and doubling the number of properties will require a full time permanently operational fire station which there appear no plans for. Also, the local hospital in Pembury will have to expand to cope with the mass increase in the local population.

### **Utilities**

Will the existing electrical substations be able to cope with the increased demand? Would additional pylons be required or will the main power supplies be sunk in the ground resulting in either additional eye sore and environmental impact.

We have heard there is a lack of a gas pipe across the Capel Parish and worry about the implications of this for the new development.

Overall, we are deeply trouble about the new plans which will destroy the beautiful green belt land, kill the wildlife and will also apply pressure onto the neighbouring borrow of Tonbridge and Malling owing to Paddock Wood location next to Tonbridge.

**Yours sincerely**

**Heather Campbell and Alexander Christofis**

## **Question 7**

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<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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<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	Heather Campbell ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] Paddock Wood TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Heather Campbell ([REDACTED])
Comment ID	PSLP_1344
Response Date	04/06/21 15:44
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Respondent's Name and/or Organisation	Heather Campbell
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 STR/SS3 For Tudeley Village	
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.

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Creating so much housing in Capel Parish will require the destruction of woodland, hedgerows, meadows, and farmland that is Green Belt land and should be protected. It will spoil the landscape and kill wildlife that is very special to the area, including rare species. This area should remain rural with agricultural land that can be used to provide food.

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## **Health services**

Paddock Wood and the surrounding area already requires a new Health centre for the current population, Woodlands Health Centre is already stretched to capacity, and wait times for doctors' appointments are excessive. Plus there is a lack of dental and social care which is not addressed in the local plan. Even with the proposal for a medical centre in the plan we are still concerned about the increased demand. It is difficult to judge the capacity of the proposed Health Centres as no size is given in the Plan.

## **Schools**

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school run period. This plan will result in even more congestion as people try to get to the new schools or A21. There does not appear to be a solution in the plan.

The plan states that cycling and walking to the station will be encouraged by the building of new cycle and pedestrian routes. The route from Tudeley to Tonbridge is shown as following the B2017 which is not wide enough to allow a separate cycle or pedestrian path. The proposed cycle route from Five Oak Green to Paddock Wood requires either crossing the busy A228 adjacent to the railway bridge limiting oncoming driver's vision or crossing at the centre of a right hand bend which has already been the site of several accidents.

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Currently, Paddock Wood only has a part time fire service and doubling the number of properties will require a full time permanently operational fire station which there appear no plans for. Also, the local hospital in Pembury will have to expand to cope with the mass increase in the local population.

### **Utilities**

Will the existing electrical substations be able to cope with the increased demand? Would additional pylons be required or will the main power supplies be sunk in the ground resulting in either additional eye sore and environmental impact.

We have heard there is a lack of a gas pipe across the Capel Parish and worry about the implications of this for the new development.

Overall, we are deeply trouble about the new plans which will destroy the beautiful green belt land, kill the wildlife and will also apply pressure onto the neighbouring borrow of Tonbridge and Malling owing to Paddock Wood location next to Tonbridge.

**Yours sincerely**

**Heather Campbell and Alexander Christofis**

## **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\_25

### Comment

Agent	Mr Robert Stevenson [REDACTED]
Email Address	[REDACTED]
Company / Organisation	John Bishop & Associates
Address	[REDACTED] [REDACTED] ASHFORD [REDACTED]
Consultee	Sir/Madam [REDACTED]
Company / Organisation	Canterbury Diocesan Enterprises Ltd
Address	Diocesan House Lady Woottons Green Canterbury CT1 1NQ
Event Name	Pre-Submission Local Plan
Comment by	Canterbury Diocesan Enterprises Ltd ( Sir/Madam - [REDACTED] )
Comment ID	PSLP_432
Response Date	26/05/21 12:22
Consultation Point	Policy STR/CRS 1 The Strategy for Cranbrook and Sissinghurst parish ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.5
Files	<a href="#">PSLP_432_John Bishop for Canterbury Diocesan Enterprises_SI-1_Site Plans.pdf</a>
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Canterbury Diocesan Enterprises Ltd
Question 2	
Agent's Name and Organisation (if applicable)	John Bishop and Associates



### 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 STR/CRS 1 The Strategy for Cranbrook and Sissinghurst parish

Policies Map (Inset Map No(s)) 10

### 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 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.**

The existing Local Plan allocates The Vicarage Waterloo Road Cranbrook TN17 3 JQ for residential development. All of the reasons for allocation then are applicable now and the site should be reinstated as an allocation site for three dwellings in addition to the existing dwelling. For the detailed case see planning application 20/01335/FULL.

I also attach a site plan and proposed housing layout drawing for the site. [TWBC: see attached plans]

### 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 site should be reinstated as an allocation site for three dwellings in addition to the existing dwelling.  
For the detailed case see planning application 20/01335/FULL.

#### **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 make the case for reinstatement of the allocation.

**If you would like to attach a file in support of your comments, please upload it here.** [PSLP\\_432\\_John Bishop for Canterbury Diocesan Enterprises\\_SI-1\\_Site Plans.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\_46

### Comment

Consultee	Hugh Patterson [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Capel Parish Council
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Capel Parish Council [REDACTED]
Comment ID	PSLP_772
Response Date	02/06/21 10:07
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.1
Files	<a href="#">VfC Document v11.2.pdf</a>
Question 1	
Respondent's Name and/or Organisation	Capel Parish Council / Hugh Patterson Chair CPC and Capel Ward Councillor
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.	
STR/SS1	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	No

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 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.

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.**

**Comments on STR/SS1** by Capel Parish Council.

These comments have been drafted by the Chairman of the Council (who since 6th May 2021 has also been the Borough Councillor for Capel Ward) in consultation with other members of the CPC and contributed to by members of the Capel Neighbourhood Plan Working Group.

The policy is not legally complaint because you are in breach of your Statement of Community Involvement para 1.7 "The objective is to ensure that everyone with an interest in planning understands how they can contribute to, and influence, the planning decision-making process"; this has clearly not been possible as you have insisted in rushing this through during a pandemic. 1.10 fails to comply with the Equality Act 2010 as you have not ensured that involvement will be open to all, regardless of **age, disability**, gender, pregnancy and maternity, race, religion and belief, **rurality**, and sexual orientation and 1.12 it does not produce "better outcomes that meet local aspirations and requirements". We would submit the local aspirations and requirements of the residents of Capel Parish have been completely ignored, despite you having been repeatedly been made aware of them by Capel Parish Council and others.

**Capel Parish Council believes the PSLP proposal for SS/STR1 fail the test of soundness:**

#### 1 It is not positively prepared:

Policies STR/SS1 and 3 will have a huge impact on our residents and are NOT locally led. Any future planning decisions in Capel Parish will be dwarfed by the impact of the plan. At no point has this council expressed a view supportive of this strategy.

The planning process lacks community engagement and support. TWBC has only made limited attempts to engage with local residents or win their support. There was an exhibition at Regulation 18 in the summer of 2019 but nothing since. In the 'Vision for Capel' consultation carried out by Capel Parish Council's Neighbourhood Plan Working Party in August 2020, to which 25% of all households replied (the consultation was not online – but required residents to post their responses through a nominated post box) found 96% opposition to the plans at East Capel. You have carried out no such attempt to gauge the views of residents. The local election results in May 2021 showed the highest turnout,

biggest swing and largest majority for the candidate clearly campaigning against these proposals. The lack of community engagement is clearly demonstrated.

CPC deplore that this consultation has been carried out during a pandemic when it easily could have been delayed. Not only did it start before the election period for our Parish and Borough elections (something you seemed to have overlooked in your haste) but proceeded despite the pleas of the parish council to delay until after the local election and pandemic lockdown. The online nature of the consultations (necessitated by the insistence in carrying them out during lockdown) excluded those of our residents with no or limited access to the Internet. Your provision of access to a hard copy available in the Gateway in Tunbridge Wells (over 6 miles away with no direct public transport service) was inadequate. It was only on May 11th six weeks into the consultation that a copy was provided to the Parish Manager and Clerk; and even then, she had to collect it herself from Tunbridge Wells.

There is only very limited information in the PSLP and SA on why alternative strategic sites to Capel were rejected (far less information than on small scale sites rejected) e.g., there is no comparison between the site in Horsmonden and its 'severe access difficulties' [not explained] and the sites chosen; it is not measured against the comparative negative criteria in Tudeley and East Capel despite both being in the Green Belt. The Borough Council's Planning Policy Working Group (where presumably these plans were drawn up) has no published minutes or clear terms of reference. The formulation of these plans therefore lacks transparency. When contacted the Office of the Information Commissioner told the Vice Chairman of CPC, "Your complaint has been accepted as eligible for further consideration and a case worker allocated" accepting there are grounds for complaint against TWBC on your lack of transparency in developing these plans.

Your officers only made attempts to work with Capel Parish Council (at the time there was no neighbourhood planning group) after the strategic sites in Capel Parish had already been determined. The views of Capel Parish Council were only sought after this strategy had been adopted in spring 2018. The council's view is that there is no need to build housing in the Green Belt and the Borough Council's strategy is flawed. CPC were invited to send one representative to the SSWG (again a body with no published minutes and not open to public scrutiny) along more latterly with one from the Neighbourhood Plan working party. But they were clearly outnumbered by developers and representatives from Paddock Wood and at no point have any of their views influenced the PSLP. Similarly, representatives were invited to one Zoom session by DLA on 28 September 2020. At no point did DLA make any other attempt to understand the aspirations of Capel residents. The Zoom session involved deciding where to build on East Capel and not if. CPC were concerned that not only were Paddock Wood representatives asked to plan what was to be built in East Capel, but that you had also carried out a consultation with Paddock Wood Town Council/NP Group on the siting of the sports hub in East Capel without informing or consulting Capel Parish Council. The Parish Council were subsequently informed of the Masterplan for East Capel and the associated infrastructure by TWBC planning department and DLA in a Zoom meeting. This does not amount to consultation. At no time beforehand was Capel Parish Council consulted about the site of the sports hub nor the detail of the offline A228 improvement nor the 'Five Oak Green bypass'. Neither has CPC been consulted about the closure of Paddock Wood railway bridge to all but bus traffic. Although this is not in our parish the knock on effect would be to send all the traffic **through our parish** on the B2017 and the A228.

On p.140 the PSLP says "the expansion **was** facilitated through the release of land from the Green Belt: the exceptional circumstances to justify this are set out in the Development Strategy Topic Paper". We note the past tense. At no point has Capel Parish Council been informed that part of its parish has been removed from the Green Belt.

In the 'Strategic Sites Master planning and Infrastructure Study' DLA assert para 1.8 that remote working did not affect the study - without presenting any evidence to support this. The lack of consultation with Capel residents might cause this to be doubted. For example. "Garden City [sic] principles are supposed to be locally led" para 2.3 – this has clearly not been the case in Capel. DLA have focused most of their work on the town of Paddock Wood and frequently describe the whole area as the 'town'. In para 2.9 p.13 they describe "Capel Parish is a rural parish comprised of small villages,

where the community comes together in shared facilities such as schools.” Apart from the fact there is only one school - Capel Primary School - in the parish (discounting the Independent Schools at Somerhill on the edge of the parish, which draws students mainly from Tonbridge), this is a really inaccurate and superficial statement written by someone who has clearly never visited the Parish. There are four pubs and restaurants open at the time of writing, a cricket club with a large membership, football, and other sporting clubs as well as a range of voluntary organisations. Furthermore 75% of the population live in Five Oak Green, a larger village, something that seemed to have escaped DLA’s less than exhaustive research, and which they referred to as ‘Five Oaks’ throughout the Zoom call. On page 35 they assert that Whetsted Road is a possible ‘quiet lane’ route for bicycles. Anyone with a passing knowledge of the parish would know that the road is a rat run used by through traffic to access the A228 and residents have persistently complained about traffic issues on the road. P.53 also refers to the Medieval moated Badsell Manor (the oldest secular building in the parish) as ‘Badsell Farm’. The proposed planning of East Capel p.81 in a way ‘akin to the villages and hamlets’ of the parish seems uninformed and patronising to local residents, especially when building this way is really an effort to mitigate the worst of the flood risk. A better solution would be to build outside the Green Belt and not in Flood Zone 2 where the housing is being planned. DLA have master planned development in a parish which they clearly do not understand and have seemingly never visited. Their assertion that Covid did not affect their study is clearly not true in this regard. Capel Parish Council reject the assertion at para 4.3 p.10 of the Strategic Sites Topic Paper that ‘a detailed understanding of the land which forms part of the growth around Paddock Wood and East Capel has been obtained’. DLA have done nothing of the sort for East Capel as the examples above illustrate.

Capel Parish Council also deplore that the SPD for this site is not available and we have not had sight of it at this important stage, especially since TWBC stated that consultations with stakeholders would commence in early 2021. This is another sign that this plan is being rushed through without sufficient and **transparent** consideration.

1 **It is not justified.**

1 **No exceptional circumstances have been put forward for building on the Green Belt outside Paddock Wood in Capel Parish when there are alternatives which would leave the MGB intact. The Parish Council’s view is that there is no need to build housing in the Green Belt and the Borough Council’s strategy is flawed.**

One of the differences between Paddock Wood and Capel is that the section of SS/STR 1 in Capel is part of the Metropolitan Green Belt and Paddock Wood is not. The other options around Paddock Wood examined before Regulation 18 would have produced fewer houses but would not have impinged on the MGB. The PSLP now seeks to put even more houses on the MGB section of this site than at the draft plan stage despite the huge majority of comments being against this aspect of the Plan. There are no exceptional circumstances because the council could have pursued an alternative development strategy combining other sites around Paddock Wood and brownfield sites across the Borough to produce the required housing numbers. The expansion of Paddock Wood can be achieved without using Green Belt land at East Capel for housing. 4,000 new dwellings in Paddock Wood are in any case excessive given the scale of recent developments, and overambitious and Green Belt land in a neighbouring parish should not be taken to provide for this. Capel Parish Council believe that if TWBC is not willing to argue that the housing need given to them by government is too high, you can use the NPPF’s protection of Green Belt to adjust your expansion plans. CPC believe Paddock Wood can be regenerated without using greenbelt land at East Capel for housing and that either another location without constraints should have been chosen for a garden settlement, or one of the other Growth Strategy options should have been adopted.

1 **The section of STR/SS1 in Capel Parish makes a strategic contribution to the MGB preventing the coalescence of Five Oak Green and Paddock Wood. Its removal from the MGB is not justified in light of other non-Green Belt options around Paddock Wood that have not been pursued and would cause less damage.**

Policy EN18 of the PSLP p.374 says that “Development proposals should have regard to the setting of all types of settlement with particular regard to the **underlying historic pattern of settlement** and should seek to **avoid coalescence between settlements**”. The removal of this section from the MGB goes completely against this policy.

In your Green Belt Study Stage 2 in 2017, both sites were included in Broad Areas BA3 and BA4, making up the area between Tonbridge in the West and Paddock Wood in the East, and between the road through Five Oak Green in the South and the River Medway in the North. Both BA3 and BA4 were judged to cause **VERY HIGH** harm to the Green Belt if released.

The NPPF is clear that protection of the Green Belt is a high priority and can provide a strong reason for not meeting the OAN. The summary of your own Green Belt study (Stage 3) says: ‘The findings of the assessment of harm are summarised in Table 4.1 in Chapter 4 and depending on location, range from low harm associated with the release of land around Speldhurst and Pembury, to **very high** harm at Tudeley Village and Paddock Wood.’ However, in the main body of the report, the harm done by the release has been further downgraded to **high**. This is due to the very dubious argument that the contribution the site makes to Purpose 2 (preventing neighbouring towns from merging) is relatively weak which is clearly not true. On the contrary CPC would argue this is the most important part of the MGB in Capel parish as it prevents the convergence of Paddock Wood and Five Oak Green. In other words, it maintains a sense of openness and separateness between the two communities which is the whole point of the MGB – it does not therefore ‘weakly’ contribute to the MGB. The road between Five Oak Green and the Badsell roundabout on the A228 does not give this impression to the same degree, as there is not a clear sense of separateness between the village and its surroundings at this point. But once across the A228 it is very different – after a few houses near the roundabout there is open countryside right up to the LBD of Paddock Wood. The boundary between the two parishes is at its clearest here – yet the proposal of TWBC to end the MGB at the A228 would destroy this clear distinction between rural and urban which is one of the main functions of the MGB. **This most strategic section of the MGB preventing the coalescence of the two settlements would be removed by this proposal. The NPPF clearly states in paras 133 to 147 that green belt should only be released in exceptional circumstances. This land is key to preventing convergence between Five Oak Green and Paddock Wood and CPC do not believe these exceptional circumstances are supported.**

- 1 The proposals do not recognise the historic nature of Capel Parish as a settlement distinct from Paddock Wood nor do they give any consideration to the impact of the development of the proposals on the setting of the medieval moated Badsell Manor, nor recognise its impact on the biodiversity of this part of the Borough.**

The countryside between Paddock Wood and Capel is highly valued for footpaths, ancient woodland, wildlife, and its function separating the existing settlements. The proposals alongside those for SS/STR 3 cannot possibly lead to a net gain in biodiversity, contrary to the aims of the PSLP, and the associated road building conflicts with TWBC’s stated aim (Council motion: 17/7/2019) to be a carbon neutral council by 2030, and with the third bullet point of your recently published Climate Emergency Declaration.

- 1 The site lies at the lowest point in the parish of Capel; large parts of it lie in flood zones 2 and 3 and it is vulnerable to flooding from Tudeley Brook. Historically, this explains why the Medieval Badsell Manor is moated. CPC does not believe planning for house building in the flood plain is justified.**

While the PSLP maintains this risk will be mitigated by the developers CPC believe it is ill advised to develop on the flood plain in a period of climate change. The site flooded as recently as February 2020 when houses in Five Oak Green and Capel hamlet were inundated. The Tudeley Brook also feeds the Medway through the SS/STR1 site. Even though there are proposals for flood mitigation (though in the absence of the SPD it is difficult to know how effective they will be) the land in its current form is able to act as a sponge for much of the water. With more built form the water is likely to find its way to the Medway more quickly which will cause more frequent flooding and a bigger threat to the communities downstream, for example at Yalding, than at present. This is not a moment to increase the number of dwellings in a flood risk area.

Despite this site’s removal from the Green Belt, you have argued that betterment more widely in the Green Belt can be achieved by flood relief measures in Paddock Wood and elsewhere. Most houses affected by flooding in Capel Parish are in Five Oak Green which is not in the Green Belt. (For your information, there is a Five Oak Green Alleviation Scheme meant to protect c.100 houses in Five Oak

Green from fluvial flooding was originally drawn by the EA a decade ago). CPC maintain that introducing hard surfaces and dwellings on to the meadows and fields of East Capel and Tudeley will increase the flood risk beyond any mitigation measure, and although investment in flood relief measures elsewhere in Capel Parish would be welcome, it should not come at the price of further development on the flood plain in this parish.

**1 The plans do not contribute positively to TWBC's climate change targets nor its aspiration to be a carbon neutral council by 2030.**

The impact on carbon sequestration provided by the farmland, meadows, mature trees, and hedgerows on this site cannot be offset by a nod to zero/low carbon energy production. The impact of this development on climate change is clearly negative as demonstrated in the sustainability appraisal. Moreover, as you are no doubt well aware Local Plans should include policies to ensure that the development and use of land contributes to the mitigation of, and adaptation to, climate change consistent with S19 (1A) of the Planning and Compulsory Purchase Act 2004. It is clear that this plan does not make sufficient effort to encourage mitigation of and adaptation to climate change. The Policy STR7 titled 'Climate Change' lacks urgency and bears no relationship to the Government's 'nearly zero' targets. It is important that TWBC's strategic commitment is clear and achievable. It is essential that large scale development in the Borough can aim to be a zero-carbon development. If this cannot be achieved on a new development site, then the TWBC target to achieve net zero emissions across the Borough by 2030 is all but certain to fail. The failings of the largest strategic sites (which are fundamental to the overarching strategy of the Local Plan) to contribute adequately to the Government's 'nearly zero' 2030 targets, means that this Local Plan does not secure development and use of land which will contribute to the mitigation of, and adaptation to, climate change consistent with S19 (1A) of the Planning and Compulsory Purchase Act 2004.

**1 This site combined with the proposals for STR/SS3 would mean one parish (with around 2% of the Borough's population) being expected to accommodate 63% of TWBC's housing need.**

This is hugely disproportionate and will completely change the nature of this parish. The environmental impact of the development in the Green Belt in one small parish, when set alongside the impact of the associated transport infrastructure for these schemes which will carve its way through the remainder of the parish, will disproportionately damage the quality of life for Capel residents over the coming years. Essentially the council needs to rethink its strategy and avoid building on the Green Belt, to protect the quality of life for its residents in Capel who cannot be expected to bear the full burden of development for the whole borough. This SA is based on the needs of the Borough as a whole it pays little attention to the cumulative effect on Capel Parish and the impact for current 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.**

Capel Parish Council maintain there are other non MGB options around Paddock Wood that should be revisited, and could in combination with Brownfield development e.g. at Blantyre House in Goudhurst provide the required housing numbers without building on the Green Belt.

## **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 Parish Council representing the parish most heavily affected by this plan we should have the right to put the views of our parishioners whose views are overwhelmingly against this policy. Our view clearly has the support of our residents given the result of the recent Borough Council Election in Capel and the 'Vision For Capel' survey (part of a preparatory document for the Capel Neighbourhood Plan which is attached).

#### 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\_46

## Comment

Consultee	Hugh Patterson [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Capel Parish Council
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Capel Parish Council [REDACTED]
Comment ID	PSLP_823
Response Date	02/06/21 10:56
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.3
Files	<a href="#">VfC Document v11.2.pdf (1)</a>
Question 1	
Respondent's Name and/or Organisation	Capel Parish Council/ Hugh Patterson Chair of CPC and Borough Councillor for Capel Ward
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.	
STR/SS3	
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.

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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.**

##### **Comments on STR/SS3 by Capel Parish Council.**

These comments have been drafted by the Chairman of the Council (who since 6th May 2021 has also been the Borough Councillor for Capel Ward) in consultation with other members of the CPC and contributed to by members of the Capel Neighbourhood Plan Working Group.

The policy is not legally complaint because you are in breach of your Statement of Community Involvement para 1.7 "The objective is to ensure that everyone with an interest in planning understands how they can contribute to, and influence, the planning decision-making process"; this has clearly not been possible as you have insisted in rushing this through during a pandemic. 1.10 fails to comply with the Equality Act 2010 as you have not ensured that involvement will be open to all, regardless of **age, disability**, gender, pregnancy and maternity, race, religion and belief, **rurality**, and sexual orientation and 1.12 it does not produce "better outcomes that meet local aspirations and requirements". We would submit the local aspirations and requirements of the residents of Capel Parish have been completely ignored, despite you being repeatedly been made aware of them by Capel Parish Council and others.

Capel Parish council have major concerns about the lack of sustainability of the site, and the weakness of community engagement, alongside its impact on the historic Medway Valley landscape, and the historic town of Tonbridge.

##### **A. It is not positively prepared.**

The planning process lacks community engagement and support. TWBC has only made limited attempts to engage with local residents or win their support. There was an exhibition at Regulation 18 in the summer of 2019 but nothing since. In the 'Vision for Capel' consultation carried out by Capel Parish Council's Neighbourhood Plan Working Party in August 2020, to which 25% of all households replied (the consultation was not online – but required residents to post their responses through a nominated post box) found 95% opposition to the plans at Tudeley. TWBC have carried out no such attempt to gauge the views of residents. The local election results in May 2021 showed the highest turnout, biggest swing and largest majority for the candidate clearly campaigning against these proposals. The lack of community engagement is clearly demonstrated.

CPC deplore that this consultation has been carried out during a pandemic when it easily could have been delayed. Not only did it start before the election period for our Parish and Borough elections (something you seemed to have overlooked in your haste) but proceeded despite the pleas of the parish council to delay until after the local election and pandemic lockdown. The online nature of the consultations (necessitated by the insistence of carrying them out during lockdown) excluded those of our residents with no or limited access to the Internet. Your provision of access to a hard copy available in the Gateway in Tunbridge Wells (over 6 miles away with no direct public transport service) was inadequate. It was only on May 11th six weeks into the consultation that a copy was provided to the Parish Manager and Clerk; and even then, she had to collect it herself from Tunbridge Wells.

**It is unclear to us why in the Issues and Options stage when 60% of the responses favoured the A21 Corridor this option was not pursued given the money recently invested in dualling the road and its good connections to the rest of West Kent and further afield. Capel Parish Council have supported another site (also within the parish) at Castle Hill which would provide 1600 houses close to the A21. Although this site is in the AONB it is much more enclosed than STR/SS3 and building there would have a much more limited impact on the landscape. STR/SS3 adjoins the AONB and building on this sloping site would both be visible from the AONB but also damage the unique Low Weald landscape of the Medway valley. The Castle Hill site we understand is also in one ownership (something the council claims as an advantage for STR/SS3) and adjoins a key employment area, also in the AONB, which you have already identified and included in the plan.**

There is no real explanation in the PSLP as to why other large scale sites were rejected. Capel Parish Council believes that Tudeley was not the original choice as a stand-alone garden settlement, and that the choice was more to do with the single landownership than the absence of constraints. The nature of land ownership is not a good argument for rejecting a site outside the Green Belt for one inside it.

The original Distribution of development topic paper prepared for the DLP in 2019 Chapter 6: Formulating the development strategy (p.14): Paragraph 6.2 also expressly stated that the second 'Call for Sites' was undertaken between May and June 2017. In the Interim New Local Plan Strategic Housing & Economic Land Availability Assessment 2017 it was stated "although the call for sites remains open, it will no longer be possible to include any new sites within the site assessment process that is informing the Draft Local Plan (being prepared under Regulation 18) **as there is insufficient time to adequately assess such sites.** (TWBC will continue to accept in order that they may be assessed & potentially included at Reg 19)". The evidence base persuaded you to opt for Growth Strategy Option 3 (existing urban distribution plus villages) and Option 4 (A21 growth corridor). There was a possibility of Option 5 (new settlement) in the longer term (8 possible sites but 5 not shortlisted including STR/SS3). Presumably, this underwent a robust process based on robust evidence. This was still the preferred stance in March 2018, however in April 2018, there appeared to be a complete change of direction which resulted in the allocation of 60% of the proposed development to the Parish of Capel. **Where in the Local Plan is this new evidence base?** There has been no convincing explanation of the Council's change of course in the Spring of 2018 and no convincing reason why SS/STR3 was chosen over the alternatives. There is only very limited information in the SA on why alternative strategic sites to STR/SS 3 were rejected (far less information than on small scale sites rejected) e.g., there is no comparison with the site in Horsmonden and its 'severe access difficulties' [not explained] and the sites chosen. It is not measured against the comparative negative criteria in Tudeley despite the latter being in the Green Belt and bordering on AONB. A garden settlement, should there be one, would be best in the middle of the Borough, to make it accessible north and south. It is totally counterproductive to put affordable housing right at the very north of the borough when so many residents live in the south, and where there is little demand for it. The Castle Hill proposal would be a much better solution in this regard. There is also only limited demand for this number of houses in Capel Parish which has a comparatively small population, as most prospective buyers and tenants would be expected to come from outside the Borough and would presumably prefer to live in or nearer Tunbridge Wells.

There is no evidence that makes Tudeley a better site for a Garden Village than for example, Horsmonden. The justification for not placing a garden settlement at Horsmonden is that "This would be a very large scale strategic allocation that would be disproportionate to the size of the settlement, with concern about landscape and heritage". Tudeley is a tiny hamlet, with 50 houses at most. The whole of the Parish of Capel has only 954 houses in it. Adding 2,800 new houses at Tudeley is a

massive increase that is far higher than the proportional increase would be elsewhere in the Borough. Tudeley is also home to a world renowned heritage asset – All Saints Church - the only church in the entire world to have a complete set of stained glass windows designed by the artist Marc Chagall. There is no equivalent heritage asset elsewhere in the rural parts of the Borough.

Tudeley has a beautiful, rolling landscape with abundant wildlife, fertile soil, and high biodiversity scores. This is undervalued in the PSLP, for example, Policy EN13 makes no mention of historic hedgerows and patterns which cover the Low Weald Area and have their roots from mediaeval times. The site is entirely within the Green Belt, and the High Weald AONB is within a few yards of the proposed development site. Views in particular from the High Weald looking over the Low Weald will be seriously compromised.

Comparatively, it is stated that Horsmonden, for example, has severe access difficulties. The access difficulties on the B2017 and Hartlake Road are at least as severe and the impact of the extra traffic on Tonbridge's overloaded road infrastructure will have severe effects there too. Capel Parish Council does not believe exceptional circumstances exist to justify building at Tudeley. The only argument presented anywhere is that Tudeley has a single landowner and other sites multiple landowners. **Your reluctance to deal with multiple landowners is not an “exceptional circumstance”.**

**Since the Regulation 18 consultation and the exhibition put on by Hadlow Estate in Tunbridge Wells (6 miles away from Capel parish) in October 2020 there has been little attempt at community engagement in relation to this site.** The feedback form attendees were asked to fill in largely related to the design of the houses not the principle of development. At the exhibition HE's representatives focused on the site itself and displayed little interest in the requisite infrastructure or the impact of their development on surrounding communities. Hadlow Estate's representative has attended the SSWG but has only engaged once with the parish council as a corporate body, which was about arrangements for the proposed Charette in March 2020. Hadlow Estate's original intention seems to have been engagement with individual parish councillors, but they refused to present before the whole council when invited in 2019. All questions put to you about the site have been treated as a matter for Hadlow Estate. All we now have is their 'Delivery Plan' on their website, which we are treating as indicative only.

Para 5.4 under Hadlow Estate's vision and Approach p. 18 of the SS Topic Paper talks of a landowner-led project. Yet we are told that the inspiration for Garden City projects is 'community led' [para 2.3 of the Strategic Sites Master planning and Infrastructure study] and thus far there have been no attempts to involve the community in the principle of what the landowner himself at a SSWG meeting called an 'urban development'. They have only tried to cajole residents into expressing opinions on the nature of the housing design. We are faced with a development, that far from being community led, will be one planned by the landowner, who seems to want to retain control of it into the future. This is a top down plan not a bottom up community led plan, which was the model to which garden settlements were meant to conform.

Capel Parish Council also deplore that the SPD for this site is not available and we have not had sight of it at this important stage, especially since TWBC stated that consultations with stakeholders would commence in early 2021. This is another sign that this plan is being rushed through without sufficient and **transparent** consideration.

#### **B. It is not effective.**

The PSLP is over reliant on this one site to deliver a large proportion of its housing with no guarantee that this landowner with no experience of large scale housing development can deliver in a timely manner. The logistical difficulties of building a 'Garden Village' from scratch with no existing infrastructure and relying on two rural lanes to move plant, machinery, equipment and building materials seem not to be a consideration of this PSLP. We consider the Castle Hill site would present much less of a risk by comparison, surrounded as it is by existing infrastructure and backed by more experienced developers.

#### **C. It is not justified.**

- 1 **This site when seen in combination with STR/SS1 and the recently adopted Kent Minerals Plan, will put a disproportionate burden on this parish as it is required to take 4160 houses in the plan period with another 700 to follow in Tudeley.** This can be seen alongside a total of c.2000 houses being built in next door Paddock Wood, work on which is already underway. The impact of this will change the nature of our small rural community forever.

The Local Plan will destroy rural enterprises, such as the equestrian facilities at Bank Farm alongside other businesses in Capel Parish. The natural environment will be badly damaged if the development of new housing in Tudeley together with East Capel goes ahead. Neighbouring businesses will also be affected during the long building process, including huge amounts of roadworks on one of the busiest roads in the Borough, the B2017. These works are bound to take many years and will put untold stress on the local community. Moreover, the Tudeley and East Capel proposals, which are within two miles of each other and share the same road links, are scheduled for development in the same timeframe. This will place severe and disproportionate strain on the local community and infrastructure. A garden settlement would be better in a more remote part of the borough outside the Green Belt and AONB, to give that area a boost and to minimise disturbances caused by construction. The two sites that satisfy the criteria and are identified in the evidence base have not been explored further in the sustainability appraisal. This site is within the recognised 1km AONB buffer zone and so is entirely unsuitable for development of this scale. The associated road infrastructure will have an even more damaging impact on the setting of the AONB.

The plan proposes to release land at the very heart of the Green Belt in the parish to accommodate Tudeley village and despite the words in para 5.17 of the SS Topic Paper such a large intrusion in the Green Belt only just west of Five Oak Green is going to lead to the impression of urban sprawl all the way from Paddock Wood to the Hartlake Road junction. The compensatory improvements to the Green Belt are limited, unclear and superficial.

- 1 **CPC believe the site is not sustainable. The council relies on Hadlow Estate for the Master planning of the site. They seem more concerned about the internal layout and appearance of their site than its impact on the local infrastructure.**

Without a railway station (which Network Rail have said is not possible for technical reasons) communications with the surrounding area will rely on the car and active travel. There is little evidence put forward by you or by Hadlow Estate of a Modal shift in transport and the impact on the road westward towards the A26/B2017 roundabout has been underestimated.

- . The site is too far away and too ill lit for cyclists and walkers to use for commuting to Tonbridge, particularly in winter. Para 5.21 estimates the cycle journey time 'could be 22 minutes' across what is at the moment unlit farmland. The evidence of a modal shift of transport in this way is limited and given a car journey to Tonbridge outside rush hour of 5 minutes, it is unlikely that most residents will do this.

The settlement will be dependent on the B2017 for traffic westwards to Tonbridge. This is now a heavily used rural lane with queuing traffic towards Tonbridge in the early morning peak. The plan proposes works to create a roundabout at Hartlake Road with junctions to the proposed estate roads within the site. Once again it is difficult to comment when the SPD has not been provided. But the plan seems to require Hartlake Road to be closed at the bridge sending the traffic through the development which would imply a roundabout further to the East (where?). However, in our judgement these works will not be sufficient to cope with the traffic from this site combined with a proportion of that from the sites near Paddock Wood. The DLA infrastructure study also suggests that there will need to be widening of the B2017 as well as 'improvements' to the junction at Hartlake Road and elsewhere but para 5.19 of the SS Topic paper says traditional orchards adjacent to the B2017 will be protected. Both will clearly not be possible at the same time.

- . The plan would also put an unfair burden on the residents of Tonbridge and Malling whose infrastructure the new residents will access. 'The 'master planning approach' will come to a grinding halt at the boundaries of Tonbridge, a town whose infrastructure has grown slowly over the last millennium and can hardly be expected to adjust to this challenge imposed on it by the planners of the neighbouring authority. We note the open opposition to this part of the Plan by all Tonbridge and Malling Council members who spoke at their Planning and Transportation

Committee meeting on 17/5/21 and that by the end of this Consultation T&M still have not signed a Statement of Common Ground. Capel Parish Council believe you are in breach of your Duty to Co-operate with Tonbridge and Malling given the impact this development will have on the neighbouring settlements there and the concerns raised by their elected members in a public meeting only a few days before the close of this consultation.

- . Without this site your own documentation states the proposed 'Five Oak Green by-pass' would not be necessary. This road will require the loss of productive agricultural land, affect the setting of the AONB and damage two designated rural lanes (Sychem Lane and Church Lane). It will also require the building of a roundabout opposite Capel Primary School; given the traffic difficulties here at drop off and pick up time this would seem a particularly retrograde step. We are also concerned at the traffic pollution risk posed to Capel Primary School (not to mention a future proposed secondary school) especially at a time when government is trying to alleviate pollution levels on roads near schools. In any case a bypass round Five Oak Green would also not solve the traffic issues further westward along the B2017 something that is not addressed in this Plan and would not help the Borough achieve its net carbon zero target by 2030. The plans for this road seem particularly under-developed, we suspect partly because this was not the main focus of DLA's flawed master planning for Capel. Once again comment is made more difficult by the absence of the SPD at the time of this consultation.
- . **CPC believe it is two settlements divided by a railway line, neither of which satisfy garden settlement principles.** The site is divided by the main railway line to Ashford with only Hartlake Road and a narrow Tunnel on Sherenden Road linking the two sides. Not only does this render the southern part of the site prone to flash flooding it also makes it difficult to see Tudeley as one community in the future. It is unsuitable for a garden settlement because it has a main railway line running through the middle of it with only two crossings. At Hartlake Road on its boundary (no more than a country lane) and Sherenden Road which is so narrow that only one car can pass at a time under the railway embankment. (Both are designated rural lanes – Hartlake Road is in the top 10% of the Borough in terms of historic and amenity value). The developers propose to create a tunnel (which would be very expensive and require major works to the railway which is the main Tonbridge – Dover line) as part of the main spine through the development. This would again damage this designated rural lane, but without an SPD it is difficult to use our local knowledge to comment further.
- . This site is under single ownership which appears to be the overriding factor in its selection. The landowner has no track record in managing or master planning a development of this size, and they are not widely trusted to do so within the wider Capel community.
- . Development on the site will adversely affect flood risks in Tudeley and neighbouring Yalding, Golden Green, East Peckham, Hadlow and Tonbridge. The River Medway is more prone to flooding in recent years, and the impact of a failure in the Leigh Barrier has not been considered, particularly in light of rapid increase in sea levels and other Climate Change factors.
- . The proposed phasing of the build would mean disruption to the local community and the traffic along the B2017 for the whole of the plan period. For example, it appears there will be no school built in Tudeley until phase 3 (1,000) houses, and the costings suggest that infrastructure will be paid for by S106's which will mean the houses will be built first putting an additional strain on the local community, facilities and the road infrastructure.

1 **CPC believe the effect of the development on the parish is disproportionate.**  
**The SA is based on the needs of the Borough as a whole it pays little attention to the cumulative effect on Capel Parish and impact for current residents.** It is clear that this parish is bearing a hugely disproportionate burden of this plan. The environmental impact of the development in the Green Belt (with these two major sites in one small parish), added to the impact of road building and associated transport infrastructure for these schemes on the setting of the AONB will disproportionately damage the quality of life for Capel residents over the coming years. This strategy needs to be rethought to protect the quality of life for residents in Capel who cannot be expected to bear the full burden of development for the whole borough.

1 **CPC believe the design plans for Tudeley village will not respect the historic Low Weald countryside and will be an urban intrusion on this rural landscape.**

Unlike the master planning for STR/SS1 master planning of Tudeley is the preserve of Hadlow Estate. Hadlow Estate are not experienced developers and have only shared indicative plans with the local community. These appear to be an urban intrusion on a rural landscape and will be completely inappropriate for this Low Weald landscape. We fear a high end urban development completely out of keeping with the local heritage and landscape, designed to appeal to an upmarket London based clientele. The comparison the developers have made with the soulless and still unfinished Poundbury estate does not fill us with confidence. In addition to the damaging impact this development will have on the Greenbelt, following its removal from it, there is also the strong adverse impact of the proposed Tudeley Village on the landscape of the whole Medway Valley. You should be more sensitive to the fact that the site SS/STR 3 lies on the southern slope of the Medway Valley, and is visible from all points along the north slope from up to twelve miles away appearing against the backdrop of the High Weald AONB. The view (for example, from St Michael's East Peckham) will be severely damaged from points right across a 60 square mile area.

**1 CPC believe the plans will lead to the loss of BMV agricultural land and have a negative impact on the Borough's climate change targets.**

The area is predominately comprised of BMV agricultural land, hence its importance historically for fruit and hop growing. As the Policy recognizes there are few areas of Grade 2 land in the Borough one being in the area of SS/STR3 so it would be scandalous to lose it to concrete at a time when government policy is encouraging the more effective use of land for agriculture. The impact on carbon sequestration provided by the farmland, meadows, mature trees, and hedgerows on this site cannot be offset by a nod to zero/low carbon energy production. The impact of this development on climate change is clearly negative as demonstrated in the sustainability appraisal. Moreover, as you are no doubt well aware Local Plans should include policies to ensure that the development and use of land contributes to the mitigation of, and adaptation to, climate change consistent with S19 (1A) of the Planning and Compulsory Purchase Act 2004. It is clear that this plan does not make sufficient effort to encourage mitigation of and adaptation to climate change. The Policy STR7 titled 'Climate Change' lacks urgency and bears no relationship to the Government's 'nearly zero' targets. It is important that TWBC's strategic commitment is clear and achievable. In policy STR/SS3 the requirement for renewable energy production should be specified as an item 'which will be delivered'. Instead, the renewable energy element of the policy is buried under 'high quality layout and design'. This is insufficient, given the scale of the climate emergency and the end date of the plan which corresponds closely with the Government's 2030 target for net zero. Given this relationship it is essential that large scale development in the Borough can aim to be a zero-carbon development. If this cannot be achieved on a new development site, then the TWBC target to achieve net zero emissions across the borough by 2030 is all but certain to fail. The failings of the largest strategic sites (which are fundamental to the overarching strategy of the Local Plan) to contribute adequately to the Government's 'nearly zero' 2030 targets, means that this Local Plan does not secure development and use of land which will contribute to the mitigation of, and adaptation to, climate change consistent with S19 (1A) of the Planning and Compulsory Purchase Act 2004.

**D. It is not consistent with NPPF guidance.**

You have chosen to accept the government's housing need for Tunbridge Wells Borough based on the standard method of calculation. Later ONS figures show a smaller housing need, and that policy may reflect that in due course. TWBC could protect this Parish from the destruction of Green Belt and the setting of the AONB by following NPPF guidelines, but this plan shows no interest in doing so, and in fact is planning for even more housing than required despite the MGB and AONB taking up such a large proportion of the Borough.

Paragraph 11 of the NPPF (2019) states: "Plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means that: (a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change; (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; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.” Paragraphs 11(b)(i) and (ii) are of crucial importance. They provide for TWBC to have a choice in the provision of the objectively assessed number of houses. **If provision of these houses is really only possible by sacrificing Green Belt land, as you concede at paragraph of the Non-Technical Summary of their Sustainability Appraisal, then the NPPF makes it perfectly possible for TWBC to say that this is not achievable. You have chosen not to do so.**

## 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.**

As stated above you could substitute the much more sustainable and more deliverable site at Castle Hill and delete SS/STR 3. This in our view would be a more reliable route to deliver the bulk of the relevant housing requirement during the plan period..

## 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 Parish Council representing the parish most heavily affected by this plan we should have the right to put the views of our parishioners whose views are overwhelmingly against this policy. Our view clearly has the support of our residents given the result of the recent Borough Council Election in Capel and the 'Vision For Capel' survey (part of a preparatory document for the Capel Neighbourhood Plan which is attached).

**If you would like to attach a file in support of your comments, please upload it here.** [VfC Document v11.2.pdf \(1\)](#)

## 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	Hugh Patterson [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Capel Parish Council
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Capel Parish Council [REDACTED]
Comment ID	PSLP_802
Response Date	02/06/21 10:55
Consultation Point	Policy STR/CA 1 The Strategy for Capel parish ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.1
Question 1	
Respondent's Name and/or Organisation	Capel Parish Council/ Hugh Patterson Chair of CPC and Borough Councillor for Capel Ward
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.	
STR/CA1	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	No
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 positively prepared

#### 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.**

**Comments on STR/CA1** by Capel Parish Council

These comments have been drafted by the Chairman of the Council (who since 6th May 2021 has also been the Borough Councillor for Capel Ward) in consultation with other members of the CPC and contributed to by members of the Capel Neighbourhood Plan Working Group.

The policy is not legally complaint because you are in breach of your Statement of Community Involvement para 1.7 "The objective is to ensure that everyone with an interest in planning understands how they can contribute to, and influence, the planning decision-making process"; this has clearly not been possible as you have insisted in rushing this through during a pandemic. 1.10 fails to comply with the Equality Act 2010 as you have not ensured that involvement will be open to all, regardless of **age, disability**, gender, pregnancy and maternity, race, religion and belief, **rurality**, and sexual orientation and 1.12 it does not produce "better outcomes that meet local aspirations and requirements". We would submit the local aspirations and requirements of the residents of Capel Parish have been completely ignored, despite you having been repeatedly been made aware of them by Capel Parish Council and others.

**Not properly prepared.**

Capel Parish Council are perturbed by the inaccuracies and lack of detail in this policy.

Point 4: Compensatory improvements to the Green Belt including to 'particular areas of Five Oak Green' [sic]. The roads and properties that most recently flooded in Five Oak Green are widely known and had you wished to find out where they are you could have asked the parish council. Furthermore, Five Oak Green has its own planning envelope and therefore is not in the Green Belt and neither are most of the properties flooded. The ones that flooded in the hamlet of Capel are in the Green Belt but are not directly referred to.

The plan envisages taking 182 ha out of the Green Belt at Tudeley and 148 ha at East Capel with just over 1 ha around Badsell Road being added to it. Hardly compensatory improvements.

Point 6b: Refers to improvements in recreational and sporting facilities including football pitches [sic]. There is only one football pitch on Five Oak Green Recreation Ground something the planners / DLA would have known had they visited the parish.

Unlike other settlements in the Borough no “opportunities” or “benefits” have been identified, for example meeting local needs housing, a 20mph speed limit, traffic calming, a new village hall as CPC has not been consulted about any of these. If the Tudeley settlement is removed from the plan (and therefore the FOG bypass) there has been no traffic modelling to identify the need for road safety improvements throughout Capel along the B2017 and elsewhere despite the massive impact on the parish expected by the expansion of next door Paddock Wood.

## 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)

## 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\_19

### Comment

Consultee	Reverend Dr Jeremy Ive [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Capel United Church (Church of England and United Reformed Church)
Address	[REDACTED] [REDACTED] TONBRIDGE [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Capel United Church (Church of England and United Reformed Church) [REDACTED]
Comment ID	PSLP_263
Response Date	02/06/21 16:42
Consultation Point	Map 32 Tudeley Village Plan ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.4
Files	TWBC submission All Saints' Tudeley -- Regulation 19.pdf (2) <a href="#">TWBC submission All Saints' Tudeley - Regulation 19_redacted.pdf</a>
Question 1	
Respondent's Name and/or Organisation	Revd Dr Jeremy G A Ive, Vicar of Tudeley, Capel and Five Oak Green within Capel United Church (Church of England and United Reformed Church)
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.**

Map 32 Tudeley Village Plan

#### **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.**

#### **Regulation 19 Proposed Representation by the Ecumenical Church Council of Capel United Church to the planned development of Tudeley Village by Hadlow Estate.**

Capel United Church (being a Local Ecumenical Partnership between the Church of England and the United Reformed Church) and by the Diocese of Rochester. Members of the church community have a range of views on the proposals and many will express their views through various means, including participation in the formal Regulation 19 consultation exercise which TWBC is running in 2019. For this reason, we shall not be taking a general view on the proposals such as those of Capel Parish Council (q.v).

However, the Ecumenical Church Council has specific areas of concern as was resolved on 2 December 2020 (with subsequent changes to the plan taken into account). The application by the Vicar and Churchwardens to the Regulation 18 process in October and November 2019 is below with additional areas of concern for submission to the Regulation 19 process in March and April 2021 regarding the proposal from Hadlow Estate for the development of the proposed Tudeley Village.

#### **All Saints' Church, Tudeley**

All Saints' Church is a mediaeval parish church, lying within the ecclesiastical parish of Tudeley, Capel and Five Oak Green and in the civil parish of Capel. It is in regular use for public worship. What makes it extraordinary is that it houses stained glass windows designed by Marc Chagall, of great beauty and artistic significance, which attract visitors from around the world.

#### **Matters of concern**

**1.Location:** The location of the church in any development would need to be carefully planned, so that the church setting relates well to its environs, rather than being cut off from a new centre of

population. Ideally, All Saints' would be approached by an open precinct, providing a clear focus for the community.

We are glad that this concern has been responded to through the provision of a green between All Saints' Tudeley and the centre of the Village, including the proposed Primary School. However, there is a concern about the proposed housing block to the NE of the church S of the railway line, which will affect its surroundings not least the view N from the churchyard to Greensand Ridge and beyond. This will significantly affect the situation of a building much-beloved internationally. **The Ecumenical Church Council of Capel United Church, therefore, oppose this block of housing, and propose instead that it be turned into parkland, which could also help in the following ways:**

- . **Offset the run-off from the road and church down the slope towards the railway line which might be adversely affected by the new building development perhaps with the provision of more ponds and suitable vegetation to absorb excess water immediately to the S of the railway line;**
- . **provide a preservation area for local biodiversity;**
- . **serve as a 'green lung' and a place of immediate access for the residents of Tudeley Village for quick nature breaks and dog-walking; and**
- . **offset the problem of the massing and density of housing around All Saints' Church at the point which most affects its cherished view and outlook.**

**2. Parking:** Effective ministry to our congregation and community, as well as the benefit to tourism and the local economy of welcoming visitors to view the Chagall windows or to attend concerts and other events, depends on the availability of sufficient parking for cars and coaches. Two parking areas that are leased by the church from the Hadlow Estate appear to be included within the footprint of the garden village. There is also a risk of the church parking areas being pre-empted by others, should insufficient (or inconvenient) parking be provided within the development. There should be careful consideration as to how suitable parking for the church will be maintained and protected.

**There is a concern that the existing additional parking area seems to be no longer designated in the plans.**

**3. Access:** At present, access to All Saints' is along a shared private road, which is in an indifferent state of repair. Should development take place, this may have to change. Certainly, the existing access road cannot easily sustain even the present strain upon it. It may well be that access to All Saints' should be from a different direction, depending on whatever roads were developed for the future. This should not adversely affect access.

The issue of access is more widely affected by the growth in traffic which the new development will cause along the B2017 between Five Oak Green and Tonbridge. **We welcome the plans for a cycle route and walkway to run between Tudeley Village and Tonbridge Station but stress the need for a shuttle service between Five Oak Green and Tonbridge, ideally on its own dedicated route, to offset the pressure of traffic along that section of the B2017.**

**4.Security:** The church is normally open (and unattended) during daylight hours. Its celebrated stained-glass windows have no physical protection, which would diminish their visual impact. It would be unfortunate if concerns over nuisance, noise, damage, or insurance were to inhibit either of these circumstances. Moreover, the church would need to cover the cost of any security arrangements which would need to be put in place.

**The placing of the housing block mentioned in 1. and the increased traffic along the B2017 have bearing on these concerns as well.**

Revd Dr Jeremy Ive, Vicar of Tudeley, Capel and Five Oak Green, 27 May 2021

The Vicarage, TN12 6TL [TWBC: telephone number and email address redacted]

## 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:

#### **Regulation 19 Proposed Representation by the Ecumenical Church Council of Capel United Church to the planned development of Tudeley Village by Hadlow Estate.**

Capel United Church (being a Local Ecumenical Partnership between the Church of England and the United Reformed Church) and by the Diocese of Rochester. Members of the church community have a range of views on the proposals and many will express their views through various means, including participation in the formal Regulation 19 consultation exercise which TWBC is running in 2019. For this reason, we shall not be taking a general view on the proposals such as those of Capel Parish Council (q.v).

However, the Ecumenical Church Council has specific areas of concern as was resolved on 2 December 2020 (with subsequent changes to the plan taken into account). The application by the Vicar and Churchwardens to the Regulation 18 process in October and November 2019 is below with additional areas of concern for submission to the Regulation 19 process in March and April 2021 regarding the proposal from Hadlow Estate for the development of the proposed Tudeley Village.

#### **All Saints' Church, Tudeley**

All Saints' Church is a mediaeval parish church, lying within the ecclesiastical parish of Tudeley, Capel and Five Oak Green and in the civil parish of Capel. It is in regular use for public worship. What makes it extraordinary is that it houses stained glass windows designed by Marc Chagall, of great beauty and artistic significance, which attract visitors from around the world.

#### **Matters of concern**

**1.Location:** The location of the church in any development would need to be carefully planned, so that the church setting relates well to its environs, rather than being cut off from a new centre of population. Ideally, All Saints' would be approached by an open precinct, providing a clear focus for the community.

We are glad that this concern has been responded to through the provision of a green between All Saints' Tudeley and the centre of the Village, including the proposed Primary School. However, there is a concern about the proposed housing block to the NE of the church S of the railway line, which will affect its surroundings not least the view N from the churchyard to Greensand Ridge and beyond. This will significantly affect the situation of a building much-beloved internationally. **The Ecumenical Church Council of Capel United Church, therefore, oppose this block of housing, and propose instead that it be turned into parkland, which could also help in the following ways:**

- . **Offset the run-off from the road and church down the slope towards the railway line which might be adversely affected by the new building development perhaps with the provision of more ponds and suitable vegetation to absorb excess water immediately to the S of the railway line;**
- . **provide a preservation area for local biodiversity;**
- . **serve as a 'green lung' and a place of immediate access for the residents of Tudeley Village for quick nature breaks and dog-walking; and**
- . **offset the problem of the massing and density of housing around All Saints' Church at the point which most affects its cherished view and outlook.**

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garden village. There is also a risk of the church parking areas being pre-empted by others, should insufficient (or inconvenient) parking be provided within the development. There should be careful consideration as to how suitable parking for the church will be maintained and protected.

**There is a concern that the existing additional parking area seems to be no longer designated in the plans.**

**3. Access:** At present, access to All Saints' is along a shared private road, which is in an indifferent state of repair. Should development take place, this may have to change. Certainly, the existing access road cannot easily sustain even the present strain upon it. It may well be that access to All Saints' should be from a different direction, depending on whatever roads were developed for the future. This should not adversely affect access.

The issue of access is more widely affected by the growth in traffic which the new development will cause along the B2017 between Five Oak Green and Tonbridge. **We welcome the plans for a cycle route and walkway to run between Tudeley Village and Tonbridge Station but stress the need for a shuttle service between Five Oak Green and Tonbridge, ideally on its own dedicated route, to offset the pressure of traffic along that section of the B2017.**

**4.Security:** The church is normally open (and unattended) during daylight hours. Its celebrated stained-glass windows have no physical protection, which would diminish their visual impact. It would be unfortunate if concerns over nuisance, noise, damage, or insurance were to inhibit either of these circumstances. Moreover, the church would need to cover the cost of any security arrangements which would need to be put in place.

**The placing of the housing block mentioned in 1. and the increased traffic along the B2017 have bearing on these concerns as well.**

Revd Dr Jeremy Ive, Vicar of Tudeley, Capel and Five Oak Green, 27 May 2021

The Vicarage, TN12 6TL [TWBC: telephone number and email address redacted]

## Question 8

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

The comments with the supporting diagrams highlighting the areas of the map referred to are in the attached document (q.v.)

**If you would like to attach a file in support of your comments, please upload it here.** TWBC submission All Saints' Tudeley -- Regulation 19.pdf (2)

## 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\_59

### Comment

Consultee	Christopher Carney [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Christopher Carney [REDACTED]
Comment ID	PSLP_989
Response Date	02/06/21 22:40
Consultation Point	Policy AL/RTW 6 Land at 202 and 230 Upper Grosvenor Road ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.3
Files	UGR Street Scene.pptx <a href="#">5861906_0_2 redacted.pdf</a>

#### Question 1

Respondent's Name and/or Organisation	Christopher Carney
---------------------------------------	--------------------

#### 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/RTW6

Land at 202 and 230 Upper Grosvenor 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 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.**

I believe the proposed inclusion of the site at 230 Upper Grosvenor Road is outside of established planning principals and the size and circumstances of the site does not support the proposed level of development.

There have been multiple attempts to develop the garden of No. 230, all of which have been unsuccessful due to a number of confounding factors.

The NPPF Paragraph 117 states that: -

*"Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions"*

I do not believe this site meets the stated criteria

In 2005 permission (05/00066/OUT) was sought to erect **2 dwellings** on the land and permission was **refused** on multiple grounds, including: -

*"The proposal would give rise to a cramped and discordant form of backland development... The development would threaten existing trees (some of which are covered by Area tree preservation order No.8 2005) and Laurel hedge screen, which act as significant landscape features, the potential loss of which... would severely impact on the visual amenity and character of the area and create overlooking to the rear gardens of nos 204-220 Upper Grosvenor Road, thereby harming the privacy and amenity of the occupants of those properties..." It was decided that this comparatively low key development was contrary to Policies ENV7 and ENV15 of the Kent Structure Plan and policies EN1 and H9 of the Tunbridge Wells Borough Local Plan 1996, Policy EN1 and H5 of the Tunbridge Wells Borough Local Plan Review and Policy QL1 of the Kent and Medway Structure Plan."*

The proposed allocation to develop 40-45 residential units is a **massive overdevelopment** of a site not deemed capable of supporting an additional 2 dwellings in 2005.

One of the issues with the proposed site is the combination of its shape (broadly triangular) and the many tree preservation orders. When taking into account the multiple TPO's, particularly the root protection zones during construction, the developable area of the land is severely reduced. I do not believe that it is possible to create a development of the proposed scale and respect the TPO's in place.

To squeeze an additional 40-45 housing units onto the site is overreaching. The large buildings required will result in inappropriate density, as illustrated by the submitted pre-planning application.

This proposal requires constructing housing that is single aspect, with poor orientation due to unsolvable issues with overlooking neighbours, leading to a risk of overheating on one aspect & poor light quality on the opposing side.

The proposed density leads to characterless, poor quality living accommodation with little communal space and, given the nature of the site, a lack of integration with the local community.

The proposed density of habitation will also lead to parking overspill into the neighbouring roads, which are busy and have very limited on-road parking. Many local residents beyond Upper Grosvenor Road have pointed this out on the outline planning that has been submitted for this site.

From an environmental perspective the development of this site will have a significant detriment to the local area.

### **Amenity**

The NPPF paragraph 180 states

*"Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life<sup>60</sup>;*
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and*
- c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation."*

The proposed extent of development does not comply with this requirement.

The land is an important amenity for the residents of 178-228 Upper Grosvenor Road, serving as a calming counterpoint to the road & traffic noise of Upper Grosvenor Road. It is an important green corridor from Hilbert Woods and the railway and development of the scale proposed would destroy this amenity and wildlife corridor.

b) A development of the proposed scale will negatively impact the lives of the local residents through, noise pollution from vehicles entering & exiting the site, and the noise generated by the 100 or so residents

c) Increase air pollution from the increased vehicle traffic, and idling vehicles on the new access road trying to join traffic on Upper Grosvenor Road

d) Create significant light pollution from the proposed accommodation, carparking and outside areas. The night sky will be lost.

To create the proposed housing density, blocks will need to be built. These will create a significant overlooking problem for the existing residents of 178-228 Upper Grosvenor Road. Many of the trees on the perimeter of the site are deciduous and provide little screening in the winter months and are not of sufficient height to prevent overlooking into rear gardens and house elevations. There is also a significant risk that development will damage / destroy many of the trees (including those with TPO's) further reducing the screening effect and of course, a substantial number of trees will need to be removed to provide access to the site.

### **Site Access and public safety**

Finally, we must examine the proposed method of access to the site, which requires the demolition of 202 Upper Grosvenor Road. I strongly request that the planning officers visit the site in person to see the folly of this suggestion.

NPPF paragraph 108 states that:

*"In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

- b) safe and suitable access to the site can be achieved for all users; "*

A site visit would immediately identify that this proposed access is: -

a) At the apex of a bend, limiting visibility to oncoming traffic. The splay angles are exceedingly tight when neighbours' hedges are catered for and when bins are out for collection, visibility is dangerously hampered looking downhill. Commonly delivery vans park on the pavement completely obscuring

visibility to oncoming traffic. Please refer to photographs at this link to see example visibility challenges <https://photos.app.goo.gl/KKfuF81EQHgbWpVx7>

b) Is on a hill where, during the winter months, traffic approaching the proposed exit from the site have to contend with low sun during school run hours. From personal experience, I can say this can be blinding when the road is wet. Please refer to photographs at this link for evidence of sun angles <https://photos.app.goo.gl/KKfuF81EQHgbWpVx7>

c) Hampered by the bus stop outside 229. This leads to long queues of traffic and occasional accidents & close calls as impatient drivers try to overtake the stationary bus into oncoming traffic, which frequently then mounts the pavement endangering pedestrians.

d) Opposite Silverdale Lane. This is a quiet street, often used by school children and typically a crossing point for school journeys or on their way to Hilbert / Grosvenor Park. The new access road will make this a much more hazardous crossing.

e) Narrow and will require bin lorries, and other large vehicles to swing into oncoming traffic to be able to negotiate the bend to the access road. One particular concern is if parking overflow from the site spills into this access road and prevents access by Fire Engines in an emergency. The existing entrance to 230 is inaccessible by large vehicles.

c) On a road that is busy and frequented by speeding traffic. As previously stated, the speed & volume of traffic on Upper Grosvenor Road is significant. There have been many accidents on the stretch from Silverdale Lane to Silverdale road, including fatalities.

Overall, this site is difficult to develop due to it's size, shape, TPO's and access limitations. It may be possible to engineer a smaller development of a several family houses, but planning (05/00066/OUT) ruled this out for just 2 dwellings, recognising the site limitations.

## 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 provide local context to my objections to this part of the local plan.

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

## 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

Agent	Mr M Hull [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Kember Loudon Williams
Address	Ridgers Barn Bunny Lane ROYAL TUNBRIDGE WELLS TN3 9HA
Consultee	Mr and Mrs Carney [REDACTED]
Address	[REDACTED] [REDACTED] Brenchley [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr and Mrs Carney [REDACTED]
Comment ID	PSLP_1043
Response Date	02/06/21 13:10
Consultation Point	Policy H 9 Gypsies and Travellers ( <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	Mr & Mrs Carney
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 H 9 Gypsies and Travellers

Table 11

Policies Map (Inset Map No) 82 - Greenfields Farm

#### **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
- . 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.**

***Objection to Policy H9 and specifically the Greenfields Farm allocation which seeks to allocate further land for a travellers/gypsy site.***

***The Plan is not sound because insufficient consideration has been given towards the resultant traffic impacts, suitability of the site and other Local Plan conflicts. As such it has resulted in a Plan which is unsound not effective and not justified. Nor is it consistent with Planning Policy. The following explains the objections in more detail.***

It is noted in the draft Plan as a footnote on page 415 that the Greenfields site is a new site submitted after the Regulation 18 draft Plan. It has no context in terms of being a historic gypsy site and as such must be considered on the basis of a new allocation in the countryside.

On behalf of the objector's we take the view that the site is wholly unsuitable for residential uses of the type envisaged based on the character of the area. It will be clear on the site visit that the access is narrow and already serves a number of non conforming land uses such as a scrap yard (Scrapco Metal Recycling and waste transfer business), CJ Enterprises which specialise in material processing including bulk deliveries and export of materials with HGV's, a car body repair business (Riverdale Body Repair Centre), various other automotive companies, including Osmonds a road planings company that results in heavy plant using the lane, and other HGV Transport and tyre services. Although there are some residential properties along the access lane, they experience noise and disturbance that affects their residential amenity. The site is therefore clearly unsuitable for further residential uses such as a gypsy or traveller sites on amenity grounds and the Plan is therefore unsound.

The level of traffic along this access road is significant and the access is unsuited to additional traffic generated by the allocation given its single width character. The nature of the traffic along this access road comprises HGV's, high sided vehicles and skip lorries at very regular intervals. There is a shooting club, which uses a site off this access and generates significant traffic. The sheer volume of traffic is

such that the access and junction is at over capacity. Congestion along this access road and especially at the junction where large vehicles cannot pass results in an unsafe existing situation. This, together with the limited visibility on the 60mph Pearsons Green Road leads us to conclude that any further intensification of the access and junction by this allocation is wholly undesirable and puts highway safety at issue. The proposed allocation is not supported by a road safety audit to confirm that both Pearsons Green Road and the access track/junction is safe for the additional traffic proposed and neither is there evidence that the roads have sufficient capacity by way of a Transport Assessment. In the absence of this information, the site cannot reasonably be allocated as it would result in an unreasonable intensification of the uses.

The Policy criteria of H9 fail to consider either the amenity of those expected to use the Traveller site or the suitability of the access. In the absence of these criteria it is the case that this Policy is unsound and not effective.

The site that is to be allocated is significantly larger than the 3 pitches that are allocated in Table 11. This suggests that the draft Policy is not sound. It invites additional pitches notwithstanding criterion 1 of Policy H9.

The site is unsustainable in its location. There is no opportunity to access local facilities or public transport and although the site is for a Travellers site there should be an expectation that some services and facilities could be accessed by foot. Shopping and schools would require additional car journeys. The NPPF explains that sustainability comprises both environmental, social and economic matters and in all respects the site does not comply with these guiding principles.

#### 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.**

Modify H9 and Table 11 to delete the proposed allocation at Greenfields Farm (Inset Map 82) and to consider additional land at the other sites to compensate.

To amend Policy H9 to require residential amenity and highways access safety and capacity to be specific criteria for this 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)?**

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	Mr Douglas Carroll [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] WILMSLOW [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Douglas Carroll [REDACTED]
Comment ID	PSLP_801
Response Date	01/06/21 15:22
Consultation Point	Table 3 Housing Need and Supply 2020-2038 ( <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.

#### 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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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.

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.**

**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**

**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:**

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

## 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.

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 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.

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.

**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

## Comment

Consultee	Mr William Casement [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Benenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr William Casement [REDACTED]
Comment ID	PSLP_306
Response Date	12/05/21 11:03
Consultation Point	Policy PSTR/BE 1 The Strategy for Benenden parish ( <a href="#">View</a> )
Status	Processed
Submission Type	Letter
Version	0.7
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Mr William Casement
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 No(s) Para 5.413, 5.414, 5.416, 5.420, 5.421, 5.422, 5.428, 5.452, 5.453, 5.454, 5.456, 5.458, 5.467, 5.468  
Policy No. Objective 1, Objective 2, STR1, STR2, STR3, STR5, STR6, STR7, STR8, PSTR/BE1, Policy AL/BE1, Policy AL/BE3, Policy AL/BE4, EN1  
Sustainability Appraisal  
SHELAA Policies Map (Inset Map No(s)) Inset Map 18

*[TWBC: this representation has been input against Policies PSTR/BE 1, AL/BE 3 and AL/BE 4 – see Comment Numbers PSLP\_306, PSLP\_326 and PSLP\_327]*

#### Question 4

Do you consider that the Local Plan:

Is legally compliant	Don't know
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.**

It is neither positively prepared, effective, justified or consistent with national policy for the points made 1-5 below, referring, to STR1-8.

This submission concerns the parish of Benenden, the only parish in the borough to have made its own allocations. The Benenden Neighbourhood Plan (BNP) has been developed in close consultation with TWBC, with the BNP in the lead. The BNP announced its allocations in February 2019, before invitirn1 AECOM to produce its Strategic Environmental Assessment.

Pre-Submission Local Plan, para 5.420 reads "The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020." But the allocations had been made and published in February 2019. Further, Para 5.420 states "The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan." BNP allocations were first published in February 2019 i.e. beforeLP site allocation policies.

Allocations made by the LP, when it took up the BNP's baton, are therefore inevitably linked to BNP's weaknesses. Yet if the BNP passes a referendum before acceptance of the LP, it is said that it will take precedence over the LP (see para 5.421), with the exception of its plans for the northern site at Benenden hospital, which will be overruled by the plans advanced in the LP (see Benenden Parish Council April 2021 response to Independent Examiner queries on the BNP). This is in contravention of para 5.422 which talks ofmaking "modifications to the LP" so that it matches the BNP.

**1. Community involvement. EN1: this requirement has not beenrespected.**• In Benenden, almost all new housing is slated for the East End, yet the Friends of the East End (FEE), were never asked to meet with the BNP steering group.• See EN1 para 9 requiring the effective engagement of the local community,neighbours of sites and others. The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the Informal Draft NP (published on February 23, 2019), in which the allocations later adopted by the LP were first set out. A FEE submission with 164 signatures was submitted in October 2019 objecting to the first draft of the LP, and in the same month, a FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. See the FEE's current online petition with more than 450 signatures

<https://www.change.org/EastEndFriends> • Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that "I'm of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about.* At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward." • One of the regular articles on the BNP submitted by the chair of the BNP Steering Group appeared in January 2020. It dismisses FEE opposition suggesting only "31 residents from the East End" sent in comments. • The core group behind the BNP has consistently tried to persuade those who support the FEE to desist. The chair of the Parish Council and the chair of the BNP Steering Group have twice asked to meet a Tunbridge Wells Alliance (TWA) Borough Councillor for the parish, once together with a TWA borough council candidate, in efforts to persuade them to adhere to the BNP's approach and not to listen to the FEE. • The organiser of the FEE was a member of the Steering Committee 2017/2018 as chair of the Environmental Group. She expressed strong disagreement with a Borough Councillor who lives in the village (on occasion, he deputises as chair of the Steering Group about his wish to step up allocations in the East End and suppress TWBC's wish to build 174 houses on site 158. As a result, the Steering Group chair (using his own word), "sacked" her. This is contrary to EN1 para 9, encouraging early, proactive and effective engagements and the requirement that views expressed should be properly considered.

- Consultation also failed in relation to the neighbouring parish of Biddenden. The Clerk of Biddenden Council has repeatedly responded to BPC in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP's mismanagement of the parish of Biddenden in the Biddenden Parish Magazine, February 2021. • The LP is based on the BNP and BNP allocations were made before consultations with stakeholders such as the AONB. This is not consulting in a timely fashion. Further, the LP requires surveys of the hospital sites *after* the designation of the sites for development, for example, archaeological surveys (see AL/BE 3&4). Historic England (HE) asks for the surveys to be carried out *before* allocation. See HE's comments on the first draft LP (DLP \_ 4556) - "we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted.*"

## **2. The PSLP is not based on sound evidence**

- Throughout the LP process, misstatements have been made about amenities in Benenden's East End. These may be traced back to a submission made by traffic and highways consultants, Transport Planning Associates (TPA) to Benenden Healthcare Society Ltd. (BHS). This submission was recently disclosed in BHS's response to the Independent Examiner's queries in relation to the BNP. TPA's information is sometimes inaccurate and sometimes misleading and we consider it here in detail because it is difficult otherwise, to understand how the LP was able to continue, iteration after iteration, to relate false information about the hospital site. • In October 2019, TPA reported (para 2.6) that there was a footpath along the southern edge of Goddards Green Road (GGR) and the PSLP, para 5.452 states "There is an intermittent pavement along GGR". The GGR is a long road running from New Pond Road to Castleton's Oak crossroads, and was formerly a lane. The pavement is limited to the short section immediately outside the hospital buildings. To say that there is an intermittent pavement along GGR is misleading. • The TPA refers to the East End as a village, which it is not. The East End runs from the junction of GGR and Walkhurst Road, along the GGR to the border with Tenterden, then turns south to reach close to Hole Park in Rolvenden, then east back to Walkhurst Road at the site of the stream, then along Walkhurst Road back to GGR (see the old Electoral Roll for 2004 when the East End had its own polling station). It is a large, totally rural area of several square miles, which was why it was chosen as the site for an isolation hospital in 1906. Today it contains only 76 houses scattered across the entire area. The PSLP consistently refers to the East End as a hamlet. It is not, which is why BPC is able to advertise itself on its website as "Serving the people of Benenden and Iden Green" without any reference to the East End. • The TPA says that "a day nursery is located immediately to the north of the Site within 400m." There is incorrect, yet this error is repeated in para 5.413 of the PSLP "There are also nursery/pre-school facilities at Iden Green and East End." An accurate account would mention Iden Green only. • The TPA states that there are daily bus services along GGR provided by bus nos. 24 and 299, and twice a day service provided by the Hopper bus. This information is incorrect. The 2019 Hopper bus, operated by the Tenterden social services hub on an experimental

basis, failed in only a matter of months. While the 24 and the 299 buses pass along GGR, they do so on only one day a week. The 24 on Tuesdays and the 299 on Wednesdays. The East End has almost no public transport.

- The TPA makes several statements in relation to traffic which have fed misinformation into the system to be reflected in AL/BA3&4. This misinformation was only recently revealed when documents were provided by BHS following April 2021 queries raised by the Independent Examiner on the BNP. These documents include a TPA 'Scoping Note' on road and traffic conditions at the site and a letter written in response to this Note from KCC Highways, dated 13 Nov. 2019. The TPA states that the GGR is 7m wide at the hospital site which detracts from the fact that it is actually a winding rural lane, now called a road, and varies considerably in width. It may at some point be 7m wide, but at others, it is so narrow that two lorries have difficulty passing each other. The TPA claims that there is no need for a road safety review because there have been "no personal injury accidents" recorded within 1,000m. Castleton's Oak crossroads lie 1.5 km from the site and accidents there are frequent, largely due to increasing traffic at the hospital. The hospital has turned itself into an almost exclusively out-patient centre and almost all its 300 employees drive in to work from outside the parish (formerly, they were housed on site in hospital staff buildings). Kent County Council (KCC) Highways make constant and repeated attempts to lower the risk of injury at the crossroads. Works there are ongoing at this time. The TPA claims that no traffic surveys are necessary which is a point queried in the KCC Highways' email. The email talks of the "heavy car dependency" of residents in any housing in this location and says this was one of its concerns, even at the time of the original application asking for only 24 houses. The email states that BHS's plans (and therefore AL/BE 3&4) are contrary to the NPPF and to KCC's own policy objectives, and points out that the hospital has not co-operated over the idea of a minibus to provide transport from the site to Benenden. The letter calls for: traffic counts along the GGR; a wider crash analysis; and expresses concern over the proposed access points to the SE Quadrant - 2 on Green Lane and 2 on GGR. Lastly, on trip generation, the TPA projects that 47 houses at the site will produce only 106 trips a day, though the consultants admit that they have difficulty in basing their estimate on comparable sites because there are none. These trip generation figures ignore existing traffic from local residents, from patients, from hospital staff and from the newly (January 2021) proposed housing estate at Clevelands. The AL/BE 3&4 fails to provide a traffic count, fails to ask for a road safety review and fails to acknowledge frequent traffic accidents near the sites.
- Pre-submission supporting documents also produce inaccurate and sometimes irrelevant evidence. The hospital sites are within the setting of an AONB and even overlap into it, yet *Inset Map 18* (Benenden Hospital), unlike other maps attached, makes no reference to the AONB boundary. The BNP claims that the hospital is outside the AONB and on this basis, since the rest of the village is wholly within the AONB, largely justifies placing most of Benenden's housing in the East End. This is misleading, since the AONB boundary wraps tightly round AL/BE3, which actually overlaps into the AONB in the southwest corner. In any event both sites affect land in the AONB. The relationship of the AONB boundary to the hospital sites is important yet it is ignored on the map. This looks like prejudice.
- Hankinson Duckett Associates's *AONB Setting Analysis Report* (a supporting document for the PSLP, referred to as an evidence base) is, in its analysis of AL/BE3&4, unsound. The analysis argues that development at these sites will enhance the setting of the AONB. It illustrates the argument with photos of the hospital chapel and its carpark. Neither the chapel nor car park are in the area up for development.

### **3. Policies AL/BE3&4 are not consistent with the PSLP's Vision objectives nor with its strategies, nor with KCC's policies, nor with the NPPF.**

- The PSLP's Vision Objective 1 is : "to improve access to suitable, especially affordable housing, including for local young people and older households." But this is inconsistent with allocations AL/BE 3 &4. BHS is asking in its comments on the LP first draft, for a lower number of affordable homes because of the high cost of brownfield development. Living isolated in the countryside, families will need at least two cars. Old and young will be unable to walk to schools, shops or any other amenities. This is not a suitable site for a borough which (see para 2.16) expects the population over the age of 65 + to increase by around 40% between 2020 and 2038. The PSLP's Vision Objective 2 is to ensure sustainable development which allocations at AL/BE 3&4 do not achieve. On the contrary, the KCC warns that even with the existing permission for 24 houses on AL/BE3, the highway authority had concerns. This is an isolated location, deep in the countryside (see KCC Highways email 13 Nov 2019). More than 24 houses in this location is not sustainable.

- **Policy PSTR/BE1**, LBD 5.416 states "the LBD around Benenden village sets the extent of existing and planned development .." This conflicts with the recommendation that major development be instated three miles beyond the LBD, on the border with Biddenden.

- **Policy STR 2** "The Council requires the use of masterplanning, including the use of design codes and sustainable design standards where appropriate, for strategic and larger-scale developments .." This is undermined by AL/BE 3&4 which calls for a masterplan for an area not included in the PSLP and not presented. Para 1a of Policy AL/BE3 states that there is a need to "show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*" It is not sound to proceed with an LP where the land to be developed is not clearly indicated from the start.

- **A masterplan is essential to avoid current inconsistencies on the size of areas to be developed:** AL/BE3 excludes one of the 2 Local Wildlife Sites (LWS) at the site, yet the BNP includes both. Para 5.458 states "Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development.." They do not. The PSLP states that in the event of a successful referendum, the BNP's proposals will prevail. If this is so, are we supposed to assume that AL/BE3 map is inaccurate?

- A similar problem arises at the northern site (AL/BE4) here there are currently 18 dwellings. The proposal allows for these to be demolished and another 25 dwellings added to the site. The size of the area to be developed varies between the LP and the BNP. The LP includes the LWS in the area to be developed but the BNP includes only a small section, but says in the event of a successful referendum the BNP plan will be overruled by the LP plan (see the BPC response April 2021 to the Independent Examiner's queries). This is the reverse of 5.421 & 2. It is unsound to proceed with a plan when the NP and the LP are at odds with each other.

- **The PSLP claims building will only be within existing footprints**, an approach which is at odds with that of the BHS. Plans for 47 new houses in AL/BE3, presented to the village on 17th February 2020 by the hospital architects, show the buildings are not to be built within the footprint of previous buildings nor to respect LWS.

- **Policy STR 3** calls for the use of brownfield sites "within settlements" and in "sustainable locations." AL/BE 3 consists of disused medical buildings and 2 LWS with parkland and veteran trees (depending on whether this second LWS is included or not). 5.448 is therefore incorrect. The site should be described not as brownfield but as partly brownfield. It is not on the Brownfield Register. Because of its remote location and its valuable LWS sites, it is not free from constraints which could be mitigated. As such, Policy AL/BE3 does not meet the criteria needed under the NPPF, Section 11, para 117 for development in "a way that makes as much use as possible of previously-developed or 'brownfield' land." AL/BE 4 contains in-use residential housing and an LWS and therefore is not entirely brownfield.

- **Policy STR 5** states that "New residential ... development will be supported if sufficient infrastructure capacity is either available or can be provided in time to serve the development." Will this happen at AL/BE3&4? Developers themselves are to provide the infrastructure at AL/BE 3&4. The LP proposes to take on trust suggestions that the BHS will avoid building on the LWS and will provide play-grounds, sports facilities and tennis courts. We know from submissions following the first draft LP, that BHS is actually planning to remove one LWS entirely and that its plans include building on the LWS and beyond the foot print of previous buildings. BHS suggests, in its response to the first draft LP (DLP 4956) that it is unlikely to provide play-grounds, sports facilities and tennis courts. The PSLP's approach does not take comments to the first draft LP into account.

- **Policy STR 6** proposes to "Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough." In the case of the two isolated hospital sites, the PSLP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport. The Benenden hospital sites have no daily bus service and no active travel link to the village, and neither the PSLP nor the BHS provide credible information on how these links are to be provided. The KCC email of Nov 13 suggests that the hospital is uncooperative on the proposal to organise a minibus service and the SHELAA says of AL/BE3 that it is "Remote from a settlement centre," (unlike sites 158, 222 and LS8); that residents will rely heavily on private cars and thus air quality and travel objectives score negatively; and that, "although promoted by the policy, shared transport and active travel options are unlikely to take precedence over private vehicle use

thus air quality and climate change score negatively." This is crucial. For all the talk of mitigating the remoteness of the hospital sites with a minibus link and cycle routes, nobody actually believes that any of these measures will succeed. As for the proposal to create links suitable for electric personal vehicles, such as mobility scooters (as suggested under STR6), it is difficult to see, when the closest link with the village is a single-track lane (Walkhurst Road), how any personal electric vehicle could make that journey. The PSLP is creating, through its policies AL/BE3&4, a car dependent community. This thereby negates the sense of the LP's supporting document, *Transport Strategy Review Sept 2019* which urges reducing the need to travel.

- AL/BE3&4 also undermine TWBC's Full Council motion of July 2019 to reduce CO2 emissions. "The dominance of the car as a mode of transport can lead to congestion, more road accidents, air and noise pollution. In addition it contributes to climate change, reduces social cohesion and leads to less healthy lifestyles" (para 44 *Transport Review*). According to TW's own SA from 2006, if social cohesion, reduction in air pollutants, and public health were indeed the borough's priorities, site 158 would have been amongst those chosen for Benenden, as originally intended.

- **PSLP paras 5.453 and 5.467** state that "residents of development in this location will rely heavily on private cars." These plans run counter to STR6 policy on the environment see paras 6.8, 6.9, 6.10, 6.11 and 6.13. It also contravenes KCC policies on climate change and the NPPF (see KCC's Nov 13, 2019 letter on this subject). • **Para 5.414** "The parish provides two relatively large sources of employment: at Benenden Hospital and at Benenden School." The inference is that the employment opportunities are linked somehow to the population of Benenden. There is in fact little connection. The 300 plus staff at the hospital drive into the parish along GGR to work and, since the hospital is isolated from the village, their contribution to the local economy is negligible.

- **Policy STR 6** The LP proposes to "**Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough.**" In the case of the two isolated hospital sites, the LP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport.

- **Cycle routes:** The PSLP's standards on the public benefits of cycling and walking are based on the *Cycle Strategy Supporting Document*, but these standards are undermined by site allocation in Benenden. The Cycle document states that: "When more people cycle or walk the health of the population improves and our roads become safer and less congested." Its objectives 4 and 5 are to improve safety for cyclists and air quality for all, but AL/BE 3 & 4 will create a community, deep in the countryside, entirely dependent on the car and will contribute to poorer air quality for all. The allocation of these sites, as opposed to sites such as 158, is difficult to understand.

- The *Cycle Strategy* states that fear of traffic is possibly the main factor discouraging people from cycling. National Cycle Route 18 runs from the Rolvenden Road, down Stepneyford Lane, to Green Lane, before joining the Benenden Road near the hospital, turning right and leading to Castleton's Oak Cross roads and Gribblebridge Lane. This route is a largely on-road ride travelling through the High Weald, using narrow, picturesque country lanes as much as possible. Green Lane/Stepneyford Lane is mentioned in TWBC's *Rural Lanes: Supplementary Planning Guidance*. It is particularly high scoring in terms of its landscape, its recreational value, its natural beauty and its history. For these reasons, it is part of National Route 18. Rather than encouraging cycling, AL/BE3, which proposes two exits for this major development on GGR and two on Green Lane (where a second housing estate, at Cleveland Farm is already leading to Kent Highways calling for road widening and the elimination of grass verges - see building application 20/03267/FULL) will cause an increase in those factors, identified in *TW Cycle Strategy*, as discouraging cyclists, namely, traffic and the loss of unspoilt country lanes. Policy AL/BE3 also contravenes Kent Structure Plan Policy ENV13: "Rural lanes which are of landscape, amenity, nature conservation, historic or archaeological importance will be protected from changes which would damage their character, and enhanced." In any event, the cycle route is purely recreational and will not enhance the sustainability of these sites.

- **Policy STR 7** proposes, in dealing with TWBC's 2019 legally binding commitment to manage climate change, that all development in the borough will support the Council's target to achieve net zero emissions by 2030. It is unsound, with such a goal, to propose a major development on the parish periphery, 3 miles equidistant from two villages where there is no shop (in spite of the PLSP's statement AL/BE 3&4) and no cafe (BHS says its cafe was built for its own use not for the use of the public - see comments on the first draft of the LP). Residents will need their cars for almost everything.



- **Policy STR1** promotes the effective use of previously developed land, having due regard to relevant Plan policies, but in promoting AL/BE3&4, the PSLP disregards STR6 (environmental goals) & STR7 (transport goals). Under the NPPF, sustainability is the priority, as the PSLP acknowledges in STR3, 4.65 "A presumption of sustainability lies at the heart of the NPPF", but in allocating AL/BE 3&4, the PSLP fails to respect its own and the NPPF's strategic priorities.

- **Policy STR 8** states that development should contribute to and enhance rural landscapes with particular regard to the High Weald (HW) AONB. The PSLP promotes nature conservation. Its biodiversity objective is to achieve net gains and, where possible, secure long-term management of sites for biodiversity. AL/BE3 runs counter to this strategy since the BHS has produced plans showing houses built over the LWS. It has, furthermore, produced a document requiring that one of the two LWS be dug up and removed to another unspecified location, thereby nullifying the terms of the existing Landscape and Ecology Management Plan (LEMP) for that site. Para 3.21 of the BHS submission on the first draft LP states: *"The Society supports the requirement for longterm management of the core areas of LWS associated with the hospital land This includes all but the modest area within the SEQ adjoining Peak Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare Jitngi can continue to thrive in this local area."* This is a particularly significant site for biodiversity. A letter from Keith Nicholson, former Planning and Conservation officer for the Kent Wildlife Trust, dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert states that the hospital LWS are of national importance, mainly for the large number of different varieties of waxcaps. He states that they could well have been designated SSSI. Both in terms of waxcaps and in terms of valuable acid grassland, the hospital sites have high environmental value, see Comment DLP 3458 on the first draft of the LP, from the High Weald AONB Unit. The Benenden Hospital site *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* AL/BE3&4 threaten the biodiversity of significant species in the LWS at the hospital sites, contrary to EN1.

- The LWS to the south of AL/BE3 is included in the BNP and BPC argues that this has been done in order to protect it (see their response to the Independent Examiner April 2021). It is difficult to follow this logic. The inclusion of the site in the area to be developed suggests that it too could be under threat.

- There is no plan showing the placement of houses on AL/BE 4, which is currently home to a large LWS and is the site of 18 habitable dwellings, almost all of the them currently in use and let. The proposal allows for these to be demolished and another 25 dwellings added to the site. The PSLP includes the LWS in the area to be developed and the BNP excludes most of it. Benenden Parish Council (BPC), in its April 2021 response to the Independent Examiner, has said that, in the case of a successful referendum, the PSLP's plan (which includes the LWS), will prevail. In other words, of the 3 LWS in AL/BE 3&4, one is slated for removal, one will be built over if the PSLP prevails and one may be built over if the BNP prevails. This undermines STR8.

- The PSLP claims that the hospital development "has the potential to improve the setting of the HW AONB through the delivery of a more sensitive redevelopment of existing buildings" (para 5.454), but the claim is not supported by evidence produced by *Hankinson & Duckett* (see above) while the HW AONB unit's own view is the opposite. See TW first Draft LP, **DLP \_3458 High Weald AONB Unit** (which objects to the Plan) : " ... *In our view the development at Benenden Hospital will have a significant effect on the setting of the AONB and the purposes of its designation, and this issue has not been properly considered by the Plan.*"

- The NPPF section 2 para 11 states: *"Plans and decisions should apply a presumption in favour of sustainable development ..... (b) strategic policies should provide for objectively assessed need for housing ... 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."* And see Footnote 6: the policies referred to are those in the Framework ... relating to habitat sites (and those sites listed in para 176) and /or designated as SSSI, AONBs ....

- NPPF para 177 states: *"The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site."*

**PSLP EN1 para 5. Biodiversity and geodiversity.**AL/BE 3&4 run counter to this policy as stated above in relation to the LWS.

## **The Environment**

STR8 sets high environmental standards but these are undermined in the site allocations. This is particularly startling in the light of the July 2019 Full Council motion to recognise the climate and biodiversity emergency, in fact, the Benenden allocations put into question whether the motion was passed in good faith.

**EN1 para 5** (Biodiversity and geodiversity) says that proposals should maximise opportunities to increase biodiversity. This goal may make sense in an urban setting, but development in the countryside, as is proposed in AL/BE 3 & 4, cannot hope to ever mitigate biodiversity loss. The destruction of trees and wild spaces, the introduction of lighting, kerbs, driveways, wider roads and narrower verges, the use of concrete, tarmac, bricks and mortar in a deeply rural setting cannot "increase biodiversity".

**EN1 provides for Long-term Management plans** which would be satisfactory within an urban context. In a rural location like the East End, such plans are no substitute for natural wild spaces. A 'managed' green space set among streets is less likely to promote biodiversity and less likely to conserve wildlife than 'unmanaged' green space. Further, the three LWS in AL/BE3 & 4 are all already part of an existing LEMP agreement, and since one or all would be removed in the case of development as outlined by BHS under AL/BE3&4, instead of creating a long-term management plan, AL/BE3 & 4 would all but terminate an existing one. The sentiments expressed in EN1 are mocked by AL/BE3& 4.

## **4. Site policies**

**AL/BE3** excludes one of the 2 LWS at the site, and the BNP includes both, yet para 5.458 states "Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development .." This does not appear to be the case. Further, the SHELAA treats this site twice, once including the southern LWS (and excluding Windmill Cottage) and once excluding the LWS and including Windmill Cottage (SHELAA pages 1-3 and pages 18-19). In the second instance, the suggestion is for 67-73 houses, presumably building over the LWS. The first plan is the one adopted in the PSLP and appears to be the more accurate of the two in that it describes the site as "mostly PDL". The second ignores all greenfield aspects and is almost identical to the plan in the BNP, a plan which BNP claims will prevail if it wins a referendum. Is AL/BE3 presenting us with the wrong plan?

**AL/BE3** and **AL/BE4** provide for a phased timetable for development of the two sites at different time intervals without calling for a comprehensive masterplan for the hospital site as a whole i.e. for the entire built up area. This is inconsistent with STR2, which requires a masterplan for large developments. The full extent of the area to be developed must be clear. See para 1a of Policy AL/BE3 which states that there is a need to "show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*" It is not sound to proceed with an LP where the land to be developed is not indicated from the start.

**AL/BE3&4** both call for an active travel link between the site and Benenden village. This proposal has been costed (see BPC's April 2021 reply to the Independent Examiner) at between £180,000 and £220,000 for a 3m wide tarmacked surface, plus costs to upgrade it to a bridleway, plus the costs associated with obtaining landowners' consent or, failing that, of starting compulsory purchase proceedings which TWBC expresses reluctance to undertake because of the significant compensation costs and legal costs which would be involved. No steps have been taken either by the BNP or TWBC to ascertain the willingness of landowners to give up their land although the major landowner involved wrote to BNP on 11th Sept. 2019 objecting to the plan. It is understood that he was not contacted for subsequent discussion.

**AL/BE3&4** calls for the repurposing of the existing tennis courts for the use of local residents, which BHS denies it will offer for public use; for the public use of the hospital's cafe; for the creation of a hospital shop (5.413); for a minibus service linking the hospital to the village ("The Society is not a transport provider" is BHS' response); for green space, a playground and provision of a community hall - most of these policies are refuted in Savills' comments on behalf of BHS, in the first draft of the LP, DLP 4956 paras 3.14, 3.18, 3.19, 3.20, 3.46 and 3.47. Rather than agreeing to such policies, the

hospital is calling on TWBC to introduce a more flexible funding system to allow a *reduction* of developer costs. BHS argues these will be high because they wish to demolish existing buildings. It is unsound to propose policies which cannot be implemented. Once the sites are sold, no relevant conditions to this effect could be imposed.

## **5. The PSLP is unsound because of inconsistencies in the treatment of different sites.**

(i) **Uphill, AL/BE1** is described as having archaeological potential (para5.428) requiring possible mitigation measures. This is not because of historical finds on the site, but because they *might* be found. A listed manor house lies on the other side of New Pond Road and, according to AL/BE1, "the site lies within, or very close to the relevant impact risk zone for Parsonage Wood", a SSSI which is, in fact, several miles away. The archaeological significance of AL/BE 3&4 is far more certain and substantial. The hospital sites are where a bronze age palstaff was found (see the National Monument Register - SMR Number /Hob UID)) and the sites lie close to two ancient routeways. A Roman Road runs west-east (on BHS farmland) a few yards to the south of AL/BE3 and a medieval drove road (GGR), runs west-east between the two sites. Further, two Grade II Listed Buildings are sited here, also on BHS land. The Lister building stands a few yards to the west of AL/BE3 and Cleveland Farm house (the farmyard of which BHS is trying to develop separately and simultaneously as if a minor planning project) lies a few yards to the south. Instead of mentioning these facts, AL/BE3&4 reads (5.456 and 5.468) "Kent County Council states that the site includes significant archaeology, which could be dealt with through suitable conditions on a planning approval." The imbalance in the treatment of the two sites is substantial and suggests confirmatory bias or prejudice.

(ii) The SHELAA assessment of site 158 suggests a potential yield of 50-65 houses, but then concludes that only the Uphill part of the site is suitable (20 houses). It states that "the remainder of the site is sensitive in landscaping terms and there is concern regarding scale and impact on the character of the landscape and settlement pattern". This is contrary to the views of TW's 2006 SA; to the TW 2018 document proposing 174 houses; and to the first draft of the LP. The dismissal of 158 as a suitable site is not supported by the evidence and suggests prejudice.

(iii) Site 222, west of the cross roads, was also considered in 2006, as a possible site for the new village school, though it was not one of the top two sites put to a referendum. The SHELAA suggests 222 has a potential for 76 houses. The site is considered unsuitable partly because the new LBD, if adopted, will exclude all houses west of the cross roads, when the village actually extends a considerable length along this road to the west. There is no mention of the fact that the owners of this site are offering the pond at the south west corner of the crossroads as village green space. The dismissal of 222 is not supported by the evidence and suggests prejudice.

(iv) The SHELAA suggests a capacity of 26 houses at Site LS8 in IdenGreen, stating that it lies adjacent to the recreation ground and a children's nursery and that there is a pavement on both sides of Iden Green's main road. It fails to mention that the easternmost side of this pavement connects the village to the village primary school. The SHELAA dismisses the site as unsuitable saying that it is located in a remote location relative to services, facilities and public transport, but this site is far less remote than sites AL/BE 3&4. The dismissal of site LS8 is not supported by the evidence and suggests prejudice.

(v) The proposed new LBD has been constructed so as to include the newsite at Uphill and to exclude 222, when in fact, the actual built development extends westwards from the crossroads and includes site 222. The LBD is ignored in respect of AL/BE3&4. Manipulation of the LBD to suit allocated sites is inappropriate.

As a general comment, I have found the process unnecessarily difficult to navigate. In fact, from the point of view of the ordinary lay-man, I would term the process 'hostile'. The interactive on-line site was unmanageable. Question 4a is very badly worded. The PSLP's prose entirely suited the opacity of the procedure. Here is one example from the SA (page 163) "However, the education objective does not deteriorate when considering cumulative effects as the schools in Tenterden will be a viable option for residents in East End and thus are likely to take the pressure off Benenden Primary School." What does that mean?

## **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 modifications needed are included in the submissions set out above. In summary, development on site AL/BE 3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE 4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre and school. Paragraphs 5.421 and 5.422 should be omitted.

#### **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 to put over my case, and to answer those with vested interests who may seek to put forward arguments against it.

#### **Question 8**

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

1. The Sustainability Appraisal (SA) is misleading. Table 58 on page 163 states that all Benenden sites "lack services, facilities and travel options". This belies the fact that AL/BE2 (Feoffee almshouses) is close to the Street as is AL/BE1 (Uphill). Both sites are within walking distance of the bus stop for daily bus services, the post office, village shop, the primary school, the village green, the butchers, pub, community hall, church, recreation ground and children's playground. AL/BE 3 & 4 are three miles north east of the village with no daily bus service and no amenities whatsoever.
2. The commentary on Table 58, (page 163 of the SA), states that East End sites score badly on Climate Change and Travel, yet these are the sites promoted for most houses.
3. The SA argues on page 163 that East End residents will send their children to schools in Tenterden instead of to the village primary school, and that this will lessen the otherwise seriously negative effects of the two hospital sites. This is pure conjecture and possibly wishful thinking. The school has a good reputation and currently between 70 and 75% of children there

come from outside the parish. East End children will have precedence over these, since intake depends on the distance of a child's residence from the school. Pressure on Benenden Primary School will increase, not decrease. Further, the use of a car, whether it drives to Tenterden (5-6 miles) or to Benenden (3 miles), pollutes and deprives residents of the health-giving pleasure of walking to school. The AL/BE 3&4 are contrary to STR2, to the NPPF and to KCC policy on climate change.

4. Appendix L (pp331-2) shows Scores for Reasonable Sites in Benenden. Here we see scores for 158 and 222, two sites close to the village centre. Of 158, we read "A site that scores several neutrals with some positives, let down by its land use and landscape score impacted by a loss of a greenfield site in the AONB and lack of services and facilities including public transport at the settlement." This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there.

5. In April 2018, BNP Steering Committee Deputy Chair, a borough councillor, showed the committee a piece of paper from TWBC saying that TWBC wishes to build 174 houses on site 158. He committed himself to seeing these numbers reduced and the numbers at the East End raised. After a meeting between representatives from the BNP group and TW planners on June 19th 2018, the minutes reported that "At times the workshop was emotive ... " Following that meeting TW planners put site 158 on temporary hold, limiting development there to a future Local Plan by asking, in the first draft of the LP on page 270, that the Uphill site on New Pond Road, adjacent to 158 and allocated at that time as AL/BE3, should, under Clause 8, provide for vehicular access through Uphill to the site behind (158) "which may be allocated for development as part of a future Local Plan." In the PSLP, this wording for Clause 8 has disappeared. Where is the evidence-base for such wording to be included in the first draft and excluded in the second? Why is the site considered suitable in 2006, in 2018, and in the first draft, but not suitable in the PSLP?

6. Site 222, like 158 is described in Appendix L of the PSLP's SA as suffering from "a lack of services and facilities including public transport at the settlement." This is inaccurate. There is a daily bus service along Benenden Street and site 222 is within easy walking distance of the bus stop, shops, pub, community hall, primary school and all other amenities.

7. Site LS8, in the heart of Iden Green is, along with site 158 and 222, a site which on-the-ground evidence suggests is eminently suitable for development, but which the SA fails to allocate. Appendix L of the SA gives LS8 virtually the same scores as Uphill (LS16 of AL/BE1) yet the latter is included for development and the former is not. The commentary states of LS8 "A number of scores are negative however, reflecting the remote location of the site from services and facilities and public transport. It scores negatively in heritage terms as the site is a relatively sizeable piece of the Iden Green Conservation Area." This site is far less remote than sites AL/BE 3 & 4. It is one mile from the village and connected to it by a paved footpath running past a Roadside Conservation Area and then (still paved) through a field to the church and primary school. It is on a bus route and the bus stop is next to LS8. Iden Green has a community hall, tennis courts, a children's playground and pub/restaurant. The SA information is unreliable and the PSLP's use of it for site allocation is unwise.

8. In so far as Benenden is concerned, the sites were allocated before any sustainability appraisal was commissioned. It is not therefore a relevant factor in the allocation of sites for housing.

## 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 William Casement [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Benenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr William Casement [REDACTED]
Comment ID	PSLP_326
Response Date	12/05/21 11:03
Consultation Point	Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End ( <a href="#">View</a> )
Status	Processed
Submission Type	Letter
Version	0.4
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Mr William Casement
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 No(s) Para 5.413, 5.414, 5.416, 5.420, 5.421, 5.422, 5.428, 5.452, 5.453, 5.454, 5.456, 5.458, 5.467, 5.468  
Policy No. Objective 1, Objective 2, STR1, STR2, STR3, STR5, STR6, STR7, STR8, PSTR/BE1, Policy AL/BE1, Policy AL/BE3, Policy AL/BE4, EN1  
Sustainability Appraisal  
SHELAA Policies Map (Inset Map No(s)) Inset Map 18

*[TWBC: this representation has been input against Policies PSTR/BE 1, AL/BE 3 and AL/BE 4 – see Comment Numbers PSLP\_306, PSLP\_326 and PSLP\_327]*

#### Question 4

Do you consider that the Local Plan:

Is legally compliant	Don't know
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.**

It is neither positively prepared, effective, justified or consistent with national policy for the points made 1-5 below, referring, to STR1-8.

This submission concerns the parish of Benenden, the only parish in the borough to have made its own allocations. The Benenden Neighbourhood Plan (BNP) has been developed in close consultation with TWBC, with the BNP in the lead. The BNP announced its allocations in February 2019, before invitirn1 AECOM to produce its Strategic Environmental Assessment.

Pre-Submission Local Plan, para 5.420 reads "The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020." But the allocations had been made and published in February 2019. Further, Para 5.420 states "The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan." BNP allocations were first published in February 2019 i.e. beforeLP site allocation policies.

Allocations made by the LP, when it took up the BNP's baton, are therefore inevitably linked to BNP's weaknesses. Yet if the BNP passes a referendum before acceptance of the LP, it is said that it will take precedence over the LP (see para 5.421), with the exception of its plans for the northern site at Benenden hospital, which will be overruled by the plans advanced in the LP (see Benenden Parish Council April 2021 response to Independent Examiner queries on the BNP). This is in contravention of para 5.422 which talks ofmaking "modifications to the LP" so that it matches the BNP.

**1. Community involvement. EN1: this requirement has not beenrespected.**• In Benenden, almost all new housing is slated for the East End, yet the Friends of the East End (FEE), were never asked to meet with the BNP steering group.• See EN1 para 9 requiring the effective engagement of the local community,neighbours of sites and others. The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the Informal Draft NP (published on February 23, 2019), in which the allocations later adopted by the LP were first set out. A FEE submission with 164 signatures was submitted in October 2019 objecting to the first draft of the LP, and in the same month, a FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. See the FEE's current online petition with more than 450 signatures



<https://www.change.org/EastEndFriends> • Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that "I'm of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about.* At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward." • One of the regular articles on the BNP submitted by the chair of the BNP Steering Group appeared in January 2020. It dismisses FEE opposition suggesting only "31 residents from the East End" sent in comments. • The core group behind the BNP has consistently tried to persuade those who support the FEE to desist. The chair of the Parish Council and the chair of the BNP Steering Group have twice asked to meet a Tunbridge Wells Alliance (TWA) Borough Councillor for the parish, once together with a TWA borough council candidate, in efforts to persuade them to adhere to the BNP's approach and not to listen to the FEE. • The organiser of the FEE was a member of the Steering Committee 2017/2018 as chair of the Environmental Group. She expressed strong disagreement with a Borough Councillor who lives in the village (on occasion, he deputises as chair of the Steering Group about his wish to step up allocations in the East End and suppress TWBC's wish to build 174 houses on site 158. As a result, the Steering Group chair (using his own word), "sacked" her. This is contrary to ENI para 9, encouraging early, proactive and effective engagements and the requirement that views expressed should be properly considered.

- Consultation also failed in relation to the neighbouring parish of Biddenden. The Clerk of Biddenden Council has repeatedly responded to BPC in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP's mismanagement of the parish of Biddenden in the Biddenden Parish Magazine, February 2021. • The LP is based on the BNP and BNP allocations were made before consultations with stakeholders such as the AONB. This is not consulting in a timely fashion. Further, the LP requires surveys of the hospital sites *after* the designation of the sites for development, for example, archaeological surveys (see AL/BE 3&4). Historic England (HE) asks for the surveys to be carried out *before* allocation. See HE's comments on the first draft LP (DLP \_ 4556) - "we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted.*"

## **2. The PSLP is not based on sound evidence**

- Throughout the LP process, misstatements have been made about amenities in Benenden's East End. These may be traced back to a submission made by traffic and highways consultants, Transport Planning Associates (TPA) to Benenden Healthcare Society Ltd. (BHS). This submission was recently disclosed in BHS's response to the Independent Examiner's queries in relation to the BNP. TPA's information is sometimes inaccurate and sometimes misleading and we consider it here in detail because it is difficult otherwise, to understand how the LP was able to continue, iteration after iteration, to relate false information about the hospital site. • In October 2019, TPA reported (para 2.6) that there was a footpath along the southern edge of Goddards Green Road (GGR) and the PSLP, para 5.452 states "There is an intermittent pavement along GGR". The GGR is a long road running from New Pond Road to Castleton's Oak crossroads, and was formerly a lane. The pavement is limited to the short section immediately outside the hospital buildings. To say that there is an intermittent pavement along GGR is misleading. • The TPA refers to the East End as a village, which it is not. The East End runs from the junction of GGR and Walkhurst Road, along the GGR to the border with Tenterden, then turns south to reach close to Hole Park in Rolvenden, then east back to Walkhurst Road at the site of the stream, then along Walkhurst Road back to GGR (see the old Electoral Roll for 2004 when the East End had its own polling station). It is a large, totally rural area of several square miles, which was why it was chosen as the site for an isolation hospital in 1906. Today it contains only 76 houses scattered across the entire area. The PSLP consistently refers to the East End as a hamlet. It is not, which is why BPC is able to advertise itself on its website as "Serving the people of Benenden and Iden Green" without any reference to the East End. • The TPA says that "a day nursery is located immediately to the north of the Site within 400m." There is incorrect, yet this error is repeated in para 5.413 of the PSLP "There are also nursery/pre-school facilities at Iden Green and East End." An accurate account would mention Iden Green only. • The TPA states that there are daily bus services along GGR provided by bus nos. 24 and 299, and twice a day service provided by the Hopper bus. This information is incorrect. The 2019 Hopper bus, operated by the Tenterden social services hub on an experimental

basis, failed in only a matter of months. While the 24 and the 299 buses pass along GGR, they do so on only one day a week. The 24 on Tuesdays and the 299 on Wednesdays. The East End has almost no public transport.

- The TPA makes several statements in relation to traffic which have fed misinformation into the system to be reflected in AL/BA3&4. This misinformation was only recently revealed when documents were provided by BHS following April 2021 queries raised by the Independent Examiner on the BNP. These documents include a TPA 'Scoping Note' on road and traffic conditions at the site and a letter written in response to this Note from KCC Highways, dated 13 Nov. 2019. The TPA states that the GGR is 7m wide at the hospital site which detracts from the fact that it is actually a winding rural lane, now called a road, and varies considerably in width. It may at some point be 7m wide, but at others, it is so narrow that two lorries have difficulty passing each other. The TPA claims that there is no need for a road safety review because there have been "no personal injury accidents" recorded within 1,000m. Castleton's Oak crossroads lie 1.5 km from the site and accidents there are frequent, largely due to increasing traffic at the hospital. The hospital has turned itself into an almost exclusively out-patient centre and almost all its 300 employees drive in to work from outside the parish (formerly, they were housed on site in hospital staff buildings). Kent County Council (KCC) Highways make constant and repeated attempts to lower the risk of injury at the crossroads. Works there are ongoing at this time. The TPA claims that no traffic surveys are necessary which is a point queried in the KCC Highways' email. The email talks of the "heavy car dependency" of residents in any housing in this location and says this was one of its concerns, even at the time of the original application asking for only 24 houses. The email states that BHS's plans (and therefore AL/BE 3&4) are contrary to the NPPF and to KCC's own policy objectives, and points out that the hospital has not co-operated over the idea of a minibus to provide transport from the site to Benenden. The letter calls for: traffic counts along the GGR; a wider crash analysis; and expresses concern over the proposed access points to the SE Quadrant - 2 on Green Lane and 2 on GGR. Lastly, on trip generation, the TPA projects that 47 houses at the site will produce only 106 trips a day, though the consultants admit that they have difficulty in basing their estimate on comparable sites because there are none. These trip generation figures ignore existing traffic from local residents, from patients, from hospital staff and from the newly (January 2021) proposed housing estate at Clevelands. The AL/BE 3&4 fails to provide a traffic count, fails to ask for a road safety review and fails to acknowledge frequent traffic accidents near the sites.
- Pre-submission supporting documents also produce inaccurate and sometimes irrelevant evidence. The hospital sites are within the setting of an AONB and even overlap into it, yet *Inset Map 18* (Benenden Hospital), unlike other maps attached, makes no reference to the AONB boundary. The BNP claims that the hospital is outside the AONB and on this basis, since the rest of the village is wholly within the AONB, largely justifies placing most of Benenden's housing in the East End. This is misleading, since the AONB boundary wraps tightly round AL/BE3, which actually overlaps into the AONB in the southwest corner. In any event both sites affect land in the AONB. The relationship of the AONB boundary to the hospital sites is important yet it is ignored on the map. This looks like prejudice.
- Hankinson Duckett Associates's *AONB Setting Analysis Report* (a supporting document for the PSLP, referred to as an evidence base) is, in its analysis of AL/BE3&4, unsound. The analysis argues that development at these sites will enhance the setting of the AONB. It illustrates the argument with photos of the hospital chapel and its carpark. Neither the chapel nor car park are in the area up for development.

### **3. Policies AL/BE3&4 are not consistent with the PSLP's Vision objectives nor with its strategies, nor with KCC's policies, nor with the NPPF.**

- The PSLP's Vision Objective 1 is : "to improve access to suitable, especially affordable housing, including for local young people and older households." But this is inconsistent with allocations AL/BE 3 &4. BHS is asking in its comments on the LP first draft, for a lower number of affordable homes because of the high cost of brownfield development. Living isolated in the countryside, families will need at least two cars. Old and young will be unable to walk to schools, shops or any other amenities. This is not a suitable site for a borough which (see para 2.16) expects the population over the age of 65 + to increase by around 40% between 2020 and 2038. The PSLP's Vision Objective 2 is to ensure sustainable development which allocations at AL/BE 3&4 do not achieve. On the contrary, the KCC warns that even with the existing permission for 24 houses on AL/BE3, the highway authority had concerns. This is an isolated location, deep in the countryside (see KCC Highways email 13 Nov 2019). More than 24 houses in this location is not sustainable.

- **Policy PSTR/BE1**, LBD 5.416 states "the LBD around Benenden village sets the extent of existing and planned development .." This conflicts with the recommendation that major development be instated three miles beyond the LBD, on the border with Biddenden.

- **Policy STR 2** "The Council requires the use of masterplanning, including the use of design codes and sustainable design standards where appropriate, for strategic and larger-scale developments .." This is undermined by AL/BE 3&4 which calls for a masterplan for an area not included in the PSLP and not presented. Para 1a of Policy AL/BE3 states that there is a need to "show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*" It is not sound to proceed with an LP where the land to be developed is not clearly indicated from the start.

- **A masterplan is essential to avoid current inconsistencies on the size of areas to be developed:** AL/BE3 excludes one of the 2 Local Wildlife Sites (LWS) at the site, yet the BNP includes both. Para 5.458 states "Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development.." They do not. The PSLP states that in the event of a successful referendum, the BNP's proposals will prevail. If this is so, are we supposed to assume that AL/BE3 map is inaccurate?

- A similar problem arises at the northern site (AL/BE4) here there are currently 18 dwellings. The proposal allows for these to be demolished and another 25 dwellings added to the site. The size of the area to be developed varies between the LP and the BNP. The LP includes the LWS in the area to be developed but the BNP includes only a small section, but says in the event of a successful referendum the BNP plan will be overruled by the LP plan (see the BPC response April 2021 to the Independent Examiner's queries). This is the reverse of 5.421 & 2. It is unsound to proceed with a plan when the NP and the LP are at odds with each other.

- **The PSLP claims building will only be within existing footprints**, an approach which is at odds with that of the BHS. Plans for 47 new houses in AL/BE3, presented to the village on 17th February 2020 by the hospital architects, show the buildings are not to be built within the footprint of previous buildings nor to respect LWS.

- **Policy STR 3** calls for the use of brownfield sites "within settlements" and in "sustainable locations." AL/BE 3 consists of disused medical buildings and 2 LWS with parkland and veteran trees (depending on whether this second LWS is included or not). 5.448 is therefore incorrect. The site should be described not as brownfield but as partly brownfield. It is not on the Brownfield Register. Because of its remote location and its valuable LWS sites, it is not free from constraints which could be mitigated. As such, Policy AL/BE3 does not meet the criteria needed under the NPPF, Section 11, para 117 for development in "a way that makes as much use as possible of previously-developed or 'brownfield' land." AL/BE 4 contains in-use residential housing and an LWS and therefore is not entirely brownfield.

- **Policy STR 5** states that "New residential ... development will be supported if sufficient infrastructure capacity is either available or can be provided in time to serve the development." Will this happen at AL/BE3&4? Developers themselves are to provide the infrastructure at AL/BE 3&4. The LP proposes to take on trust suggestions that the BHS will avoid building on the LWS and will provide play-grounds, sports facilities and tennis courts. We know from submissions following the first draft LP, that BHS is actually planning to remove one LWS entirely and that its plans include building on the LWS and beyond the foot print of previous buildings. BHS suggests, in its response to the first draft LP (DLP 4956) that it is unlikely to provide play-grounds, sports facilities and tennis courts. The PSLP's approach does not take comments to the first draft LP into account.

- **Policy STR 6** proposes to "Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough." In the case of the two isolated hospital sites, the PSLP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport. The Benenden hospital sites have no daily bus service and no active travel link to the village, and neither the PSLP nor the BHS provide credible information on how these links are to be provided. The KCC email of Nov 13 suggests that the hospital is uncooperative on the proposal to organise a minibus service and the SHELAA says of AL/BE3 that it is "Remote from a settlement centre," (unlike sites 158, 222 and LS8); that residents will rely heavily on private cars and thus air quality and travel objectives score negatively; and that, "although promoted by the policy, shared transport and active travel options are unlikely to take precedence over private vehicle use

thus air quality and climate change score negatively." This is crucial. For all the talk of mitigating the remoteness of the hospital sites with a minibus link and cycle routes, nobody actually believes that any of these measures will succeed. As for the proposal to create links suitable for electric personal vehicles, such as mobility scooters (as suggested under STR6), it is difficult to see, when the closest link with the village is a single-track lane (Walkhurst Road), how any personal electric vehicle could make that journey. The PSLP is creating, through its policies AL/BE3&4, a car dependent community. This thereby negates the sense of the LP's supporting document, *Transport Strategy Review Sept 2019* which urges reducing the need to travel.

- AL/BE3&4 also undermine TWBC's Full Council motion of July 2019 to reduce CO2 emissions. "The dominance of the car as a mode of transport can lead to congestion, more road accidents, air and noise pollution. In addition it contributes to climate change, reduces social cohesion and leads to less healthy lifestyles" (para 44 *Transport Review*). According to TW's own SA from 2006, if social cohesion, reduction in air pollutants, and public health were indeed the borough's priorities, site 158 would have been amongst those chosen for Benenden, as originally intended.

- **PSLP paras 5.453 and 5.467** state that "residents of development in this location will rely heavily on private cars." These plans run counter to STR6 policy on the environment see paras 6.8, 6.9, 6.10, 6.11 and 6.13. It also contravenes KCC policies on climate change and the NPPF (see KCC's Nov 13, 2019 letter on this subject). • **Para 5.414** "The parish provides two relatively large sources of employment: at Benenden Hospital and at Benenden School." The inference is that the employment opportunities are linked somehow to the population of Benenden. There is in fact little connection. The 300 plus staff at the hospital drive into the parish along GGR to work and, since the hospital is isolated from the village, their contribution to the local economy is negligible.

- **Policy STR 6** The LP proposes to "Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough." In the case of the two isolated hospital sites, the LP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport.

- **Cycle routes:** The PSLP's standards on the public benefits of cycling and walking are based on the *Cycle Strategy Supporting Document*, but these standards are undermined by site allocation in Benenden. The Cycle document states that: "When more people cycle or walk the health of the population improves and our roads become safer and less congested." Its objectives 4 and 5 are to improve safety for cyclists and air quality for all, but AL/BE 3 & 4 will create a community, deep in the countryside, entirely dependent on the car and will contribute to poorer air quality for all. The allocation of these sites, as opposed to sites such as 158, is difficult to understand.

- The *Cycle Strategy* states that fear of traffic is possibly the main factor discouraging people from cycling. National Cycle Route 18 runs from the Rolvenden Road, down Stepneyford Lane, to Green Lane, before joining the Benenden Road near the hospital, turning right and leading to Castleton's Oak Cross roads and Gribblebridge Lane. This route is a largely on-road ride travelling through the High Weald, using narrow, picturesque country lanes as much as possible. Green Lane/Stepneyford Lane is mentioned in TWBC's *Rural Lanes: Supplementary Planning Guidance*. It is particularly high scoring in terms of its landscape, its recreational value, its natural beauty and its history. For these reasons, it is part of National Route 18. Rather than encouraging cycling, AL/BE3, which proposes two exits for this major development on GGR and two on Green Lane (where a second housing estate, at Cleveland Farm is already leading to Kent Highways calling for road widening and the elimination of grass verges - see building application 20/03267/FULL) will cause an increase in those factors, identified in *TW Cycle Strategy*, as discouraging cyclists, namely, traffic and the loss of unspoilt country lanes. Policy AL/BE3 also contravenes Kent Structure Plan Policy ENV13: "Rural lanes which are of landscape, amenity, nature conservation, historic or archaeological importance will be protected from changes which would damage their character, and enhanced." In any event, the cycle route is purely recreational and will not enhance the sustainability of these sites.

- **Policy STR 7** proposes, in dealing with TWBC's 2019 legally binding commitment to manage climate change, that all development in the borough will support the Council's target to achieve net zero emissions by 2030. It is unsound, with such a goal, to propose a major development on the parish periphery, 3 miles equidistant from two villages where there is no shop (in spite of the PSLP's statement AL/BE 3&4) and no cafe (BHS says its cafe was built for its own use not for the use of the public - see comments on the first draft of the LP). Residents will need their cars for almost everything.

- **Policy STR1** promotes the effective use of previously developed land, having due regard to relevant Plan policies, but in promoting AL/BE3&4, the PSLP disregards STR6 (environmental goals) & STR7 (transport goals). Under the NPPF, sustainability is the priority, as the PSLP acknowledges in STR3, 4.65 "A presumption of sustainability lies at the heart of the NPPF", but in allocating AL/BE 3&4, the PSLP fails to respect its own and the NPPF's strategic priorities.

- **Policy STR 8** states that development should contribute to and enhance rural landscapes with particular regard to the High Weald (HW) AONB. The PSLP promotes nature conservation. Its biodiversity objective is to achieve net gains and, where possible, secure long-term management of sites for biodiversity. AL/BE3 runs counter to this strategy since the BHS has produced plans showing houses built over the LWS. It has, furthermore, produced a document requiring that one of the two LWS be dug up and removed to another unspecified location, thereby nullifying the terms of the existing Landscape and Ecology Management Plan (LEMP) for that site. Para 3.21 of the BHS submission on the first draft LP states: *"The Society supports the requirement for longterm management of the core areas of LWS associated with the hospital land This includes all but the modest area within the SEQ adjoining Peak Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare Jitngi can continue to thrive in this local area."* This is a particularly significant site for biodiversity. A letter from Keith Nicholson, former Planning and Conservation officer for the Kent Wildlife Trust, dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert states that the hospital LWS are of national importance, mainly for the large number of different varieties of waxcaps. He states that they could well have been designated SSSI. Both in terms of waxcaps and in terms of valuable acid grassland, the hospital sites have high environmental value, see Comment DLP 3458 on the first draft of the LP, from the High Weald AONB Unit. The Benenden Hospital site *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* AL/BE3&4 threaten the biodiversity of significant species in the LWS at the hospital sites, contrary to EN1.

- The LWS to the south of AL/BE3 is included in the BNP and BPC argues that this has been done in order to protect it (see their response to the Independent Examiner April 2021). It is difficult to follow this logic. The inclusion of the site in the area to be developed suggests that it too could be under threat.

- There is no plan showing the placement of houses on AL/BE 4, which is currently home to a large LWS and is the site of 18 habitable dwellings, almost all of the them currently in use and let. The proposal allows for these to be demolished and another 25 dwellings added to the site. The PSLP includes the LWS in the area to be developed and the BNP excludes most of it. Benenden Parish Council (BPC), in its April 2021 response to the Independent Examiner, has said that, in the case of a successful referendum, the PSLP's plan (which includes the LWS), will prevail. In other words, of the 3 LWS in AL/BE 3&4, one is slated for removal, one will be built over if the PSLP prevails and one may be built over if the BNP prevails. This undermines STR8.

- The PSLP claims that the hospital development "has the potential to improve the setting of the HW AONB through the delivery of a more sensitive redevelopment of existing buildings" (para 5.454), but the claim is not supported by evidence produced by *Hankinson & Duckett* (see above) while the HW AONB unit's own view is the opposite. See TW first Draft LP, **DLP \_3458 High Weald AONB Unit** (which objects to the Plan) : " ... *In our view the development at Benenden Hospital will have a significant effect on the setting of the AONB and the purposes of its designation, and this issue has not been properly considered by the Plan.*"

- The NPPF section 2 para 11 states: *"Plans and decisions should apply a presumption in favour of sustainable development ..... (b) strategic policies should provide for objectively assessed need for housing ... 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."* And see Footnote 6: the policies referred to are those in the Framework ... relating to habitat sites (and those sites listed in para 176) and /or designated as SSSI, AONBs ....

- NPPF para 177 states: *"The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site."*

**PSLP EN1 para 5. Biodiversity and geodiversity.**AL/BE 3&4 run counter to this policy as stated above in relation to the LWS.

## **The Environment**

STR8 sets high environmental standards but these are undermined in the site allocations. This is particularly startling in the light of the July 2019 Full Council motion to recognise the climate and biodiversity emergency, in fact, the Benenden allocations put into question whether the motion was passed in good faith.

**EN1 para 5** (Biodiversity and geodiversity) says that proposals should maximise opportunities to increase biodiversity. This goal may make sense in an urban setting, but development in the countryside, as is proposed in AL/BE 3 & 4, cannot hope to ever mitigate biodiversity loss. The destruction of trees and wild spaces, the introduction of lighting, kerbs, driveways, wider roads and narrower verges, the use of concrete, tarmac, bricks and mortar in a deeply rural setting cannot "increase biodiversity".

**EN1 provides for Long-term Management plans** which would be satisfactory within an urban context. In a rural location like the East End, such plans are no substitute for natural wild spaces. A 'managed' green space set among streets is less likely to promote biodiversity and less likely to conserve wildlife than 'unmanaged' green space. Further, the three LWS in AL/BE3 & 4 are all already part of an existing LEMP agreement, and since one or all would be removed in the case of development as outlined by BHS under AL/BE3&4, instead of creating a long-term management plan, AL/BE3 & 4 would all but terminate an existing one. The sentiments expressed in EN1 are mocked by AL/BE3& 4.

## **4. Site policies**

**AL/BE3** excludes one of the 2 LWS at the site, and the BNP includes both, yet para 5.458 states "Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development .." This does not appear to be the case. Further, the SHELAA treats this site twice, once including the southern LWS (and excluding Windmill Cottage) and once excluding the LWS and including Windmill Cottage (SHELAA pages 1-3 and pages 18-19). In the second instance, the suggestion is for 67-73 houses, presumably building over the LWS. The first plan is the one adopted in the PSLP and appears to be the more accurate of the two in that it describes the site as "mostly PDL". The second ignores all greenfield aspects and is almost identical to the plan in the BNP, a plan which BNP claims will prevail if it wins a referendum. Is AL/BE3 presenting us with the wrong plan?

**AL/BE3** and **AL/BE4** provide for a phased timetable for development of the two sites at different time intervals without calling for a comprehensive masterplan for the hospital site as a whole i.e. for the entire built up area. This is inconsistent with STR2, which requires a masterplan for large developments. The full extent of the area to be developed must be clear. See para 1a of Policy AL/BE3 which states that there is a need to "show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*" It is not sound to proceed with an LP where the land to be developed is not indicated from the start.

**AL/BE3&4** both call for an active travel link between the site and Benenden village. This proposal has been costed (see BPC's April 2021 reply to the Independent Examiner) at between £180,000 and £220,000 for a 3m wide tarmacked surface, plus costs to upgrade it to a bridleway, plus the costs associated with obtaining landowners' consent or, failing that, of starting compulsory purchase proceedings which TWBC expresses reluctance to undertake because of the significant compensation costs and legal costs which would be involved. No steps have been taken either by the BNP or TWBC to ascertain the willingness of landowners to give up their land although the major landowner involved wrote to BNP on 11th Sept. 2019 objecting to the plan. It is understood that he was not contacted for subsequent discussion.

**AL/BE3&4** calls for the repurposing of the existing tennis courts for the use of local residents, which BHS denies it will offer for public use; for the public use of the hospital's cafe; for the creation of a hospital shop (5.413); for a minibus service linking the hospital to the village ("The Society is not a transport provider" is BHS' response); for green space, a playground and provision of a community hall - most of these policies are refuted in Savills' comments on behalf of BHS, in the first draft of the LP, DLP 4956 paras 3.14, 3.18, 3.19, 3.20, 3.46 and 3.47. Rather than agreeing to such policies, the

hospital is calling on TWBC to introduce a more flexible funding system to allow a *reduction* of developer costs. BHS argues these will be high because they wish to demolish existing buildings. It is unsound to propose policies which cannot be implemented. Once the sites are sold, no relevant conditions to this effect could be imposed.

## **5. The PSLP is unsound because of inconsistencies in the treatment of different sites.**

(i) **Uphill, AL/BE1** is described as having archaeological potential (para5.428) requiring possible mitigation measures. This is not because of historical finds on the site, but because they *might* be found. A listed manor house lies on the other side of New Pond Road and, according to AL/BE1, "the site lies within, or very close to the relevant impact risk zone for Parsonage Wood", a SSSI which is, in fact, several miles away. The archaeological significance of AL/BE 3&4 is far more certain and substantial. The hospital sites are where a bronze age palstaff was found (see the National Monument Register - SMR Number /Hob UID)) and the sites lie close to two ancient routeways. A Roman Road runs west-east (on BHS farmland) a few yards to the south of AL/BE3 and a medieval drove road (GGR), runs west-east between the two sites. Further, two Grade II Listed Buildings are sited here, also on BHS land. The Lister building stands a few yards to the west of AL/BE3 and Cleveland Farm house (the farmyard of which BHS is trying to develop separately and simultaneously as if a minor planning project) lies a few yards to the south. Instead of mentioning these facts, AL/BE3&4 reads (5.456 and 5.468) "Kent County Council states that the site includes significant archaeology, which could be dealt with through suitable conditions on a planning approval." The imbalance in the treatment of the two sites is substantial and suggests confirmatory bias or prejudice.

(ii) The SHELAA assessment of site 158 suggests a potential yield of 50-65 houses, but then concludes that only the Uphill part of the site is suitable (20 houses). It states that "the remainder of the site is sensitive in landscaping terms and there is concern regarding scale and impact on the character of the landscape and settlement pattern". This is contrary to the views of TW's 2006 SA; to the TW 2018 document proposing 174 houses; and to the first draft of the LP. The dismissal of 158 as a suitable site is not supported by the evidence and suggests prejudice.

(iii) Site 222, west of the cross roads, was also considered in 2006, as a possible site for the new village school, though it was not one of the top two sites put to a referendum. The SHELAA suggests 222 has a potential for 76 houses. The site is considered unsuitable partly because the new LBD, if adopted, will exclude all houses west of the cross roads, when the village actually extends a considerable length along this road to the west. There is no mention of the fact that the owners of this site are offering the pond at the south west corner of the crossroads as village green space. The dismissal of 222 is not supported by the evidence and suggests prejudice.

(iv) The SHELAA suggests a capacity of 26 houses at Site LS8 in IdenGreen, stating that it lies adjacent to the recreation ground and a children's nursery and that there is a pavement on both sides of Iden Green's main road. It fails to mention that the easternmost side of this pavement connects the village to the village primary school. The SHELAA dismisses the site as unsuitable saying that it is located in a remote location relative to services, facilities and public transport, but this site is far less remote than sites AL/BE 3&4. The dismissal of site LS8 is not supported by the evidence and suggests prejudice.

(v) The proposed new LBD has been constructed so as to include the newsite at Uphill and to exclude 222, when in fact, the actual built development extends westwards from the crossroads and includes site 222. The LBD is ignored in respect of AL/BE3&4. Manipulation of the LBD to suit allocated sites is inappropriate.

As a general comment, I have found the process unnecessarily difficult to navigate. In fact, from the point of view of the ordinary lay-man, I would term the process 'hostile'. The interactive on-line site was unmanageable. Question 4a is very badly worded. The PSLP's prose entirely suited the opacity of the procedure. Here is one example from the SA (page 163) "However, the education objective does not deteriorate when considering cumulative effects as the schools in Tenterden will be a viable option for residents in East End and thus are likely to take the pressure off Benenden Primary School." What does that mean?

## **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 modifications needed are included in the submissions set out above. In summary, development on site AL/BE 3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE 4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre and school. Paragraphs 5.421 and 5.422 should be omitted.

### **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 to put over my case, and to answer those with vested interests who may seek to put forward arguments against it.

### **Question 8**

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

1. The Sustainability Appraisal (SA) is misleading. Table 58 on page 163 states that all Benenden sites "lack services, facilities and travel options". This belies the fact that AL/BE2 (Feoffee almshouses) is close to the Street as is AL/BE1 (Uphill). Both sites are within walking distance of the bus stop for daily bus services, the post office, village shop, the primary school, the village green, the butchers, pub, community hall, church, recreation ground and children's playground. AL/BE 3 & 4 are three miles north east of the village with no daily bus service and no amenities whatsoever.
2. The commentary on Table 58, (page 163 of the SA), states that East End sites score badly on Climate Change and Travel, yet these are the sites promoted for most houses.
3. The SA argues on page 163 that East End residents will send their children to schools in Tenterden instead of to the village primary school, and that this will lessen the otherwise seriously negative effects of the two hospital sites. This is pure conjecture and possibly wishful thinking. The school has a good reputation and currently between 70 and 75% of children there



come from outside the parish. East End children will have precedence over these, since intake depends on the distance of a child's residence from the school. Pressure on Benenden Primary School will increase, not decrease. Further, the use of a car, whether it drives to Tenterden (5-6 miles) or to Benenden (3 miles), pollutes and deprives residents of the health-giving pleasure of walking to school. The AL/BE 3&4 are contrary to STR2, to the NPPF and to KCC policy on climate change.

4. Appendix L (pp331-2) shows Scores for Reasonable Sites in Benenden. Here we see scores for 158 and 222, two sites close to the village centre. Of 158, we read "A site that scores several neutrals with some positives, let down by its land use and landscape score impacted by a loss of a greenfield site in the AONB and lack of services and facilities including public transport at the settlement." This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there.

5. In April 2018, BNP Steering Committee Deputy Chair, a borough councillor, showed the committee a piece of paper from TWBC saying that TWBC wishes to build 174 houses on site 158. He committed himself to seeing these numbers reduced and the numbers at the East End raised. After a meeting between representatives from the BNP group and TW planners on June 19th 2018, the minutes reported that "At times the workshop was emotive ... " Following that meeting TW planners put site 158 on temporary hold, limiting development there to a future Local Plan by asking, in the first draft of the LP on page 270, that the Uphill site on New Pond Road, adjacent to 158 and allocated at that time as AL/BE3, should, under Clause 8, provide for vehicular access through Uphill to the site behind (158) "which may be allocated for development as part of a future Local Plan." In the PSLP, this wording for Clause 8 has disappeared. Where is the evidence-base for such wording to be included in the first draft and excluded in the second? Why is the site considered suitable in 2006, in 2018, and in the first draft, but not suitable in the PSLP?

6. Site 222, like 158 is described in Appendix L of the PSLP's SA as suffering from "a lack of services and facilities including public transport at the settlement." This is inaccurate. There is a daily bus service along Benenden Street and site 222 is within easy walking distance of the bus stop, shops, pub, community hall, primary school and all other amenities.

7. Site LS8, in the heart of Iden Green is, along with site 158 and 222, a site which on-the-ground evidence suggests is eminently suitable for development, but which the SA fails to allocate. Appendix L of the SA gives LS8 virtually the same scores as Uphill (LS16 of AL/BE1) yet the latter is included for development and the former is not. The commentary states of LS8 "A number of scores are negative however, reflecting the remote location of the site from services and facilities and public transport. It scores negatively in heritage terms as the site is a relatively sizeable piece of the Iden Green Conservation Area." This site is far less remote than sites AL/BE 3 & 4. It is one mile from the village and connected to it by a paved footpath running past a Roadside Conservation Area and then (still paved) through a field to the church and primary school. It is on a bus route and the bus stop is next to LS8. Iden Green has a community hall, tennis courts, a children's playground and pub/restaurant. The SA information is unreliable and the PSLP's use of it for site allocation is unwise.

8. In so far as Benenden is concerned, the sites were allocated before any sustainability appraisal was commissioned. It is not therefore a relevant factor in the allocation of sites for housing.

## 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 William Casement [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Benenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr William Casement [REDACTED]
Comment ID	PSLP_327
Response Date	12/05/21 11:03
Consultation Point	Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End ( <a href="#">View</a> )
Status	Processed
Submission Type	Letter
Version	0.3
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Mr William Casement
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 No(s) Para 5.413, 5.414, 5.416, 5.420, 5.421, 5.422, 5.428, 5.452, 5.453, 5.454, 5.456, 5.458, 5.467, 5.468  
Policy No. Objective 1, Objective 2, STR1, STR2, STR3, STR5, STR6, STR7, STR8, PSTR/BE1, Policy AL/BE1, Policy AL/BE3, Policy AL/BE4, EN1  
Sustainability Appraisal  
SHELAA Policies Map (Inset Map No(s)) Inset Map 18

*[TWBC: this representation has been input against Policies PSTR/BE 1, AL/BE 3 and AL/BE 4 – see Comment Numbers PSLP\_306, PSLP\_326 and PSLP\_327]*

#### Question 4

Do you consider that the Local Plan:

Is legally compliant	Don't know
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.**

It is neither positively prepared, effective, justified or consistent with national policy for the points made 1-5 below, referring, to STR1-8.

This submission concerns the parish of Benenden, the only parish in the borough to have made its own allocations. The Benenden Neighbourhood Plan (BNP) has been developed in close consultation with TWBC, with the BNP in the lead. The BNP announced its allocations in February 2019, before invitirn1 AECOM to produce its Strategic Environmental Assessment.

Pre-Submission Local Plan, para 5.420 reads "The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020." But the allocations had been made and published in February 2019. Further, Para 5.420 states "The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan." BNP allocations were first published in February 2019 i.e. beforeLP site allocation policies.

Allocations made by the LP, when it took up the BNP's baton, are therefore inevitably linked to BNP's weaknesses. Yet if the BNP passes a referendum before acceptance of the LP, it is said that it will take precedence over the LP (see para 5.421), with the exception of its plans for the northern site at Benenden hospital, which will be overruled by the plans advanced in the LP (see Benenden Parish Council April 2021 response to Independent Examiner queries on the BNP). This is in contravention of para 5.422 which talks ofmaking "modifications to the LP" so that it matches the BNP.

**1. Community involvement. EN1: this requirement has not beenrespected.**• In Benenden, almost all new housing is slated for the East End, yet the Friends of the East End (FEE), were never asked to meet with the BNP steering group.• See EN1 para 9 requiring the effective engagement of the local community,neighbours of sites and others. The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the Informal Draft NP (published on February 23, 2019), in which the allocations later adopted by the LP were first set out. A FEE submission with 164 signatures was submitted in October 2019 objecting to the first draft of the LP, and in the same month, a FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. See the FEE's current online petition with more than 450 signatures

<https://www.change.org/EastEndFriends> • Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that "I'm of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about.* At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward." • One of the regular articles on the BNP submitted by the chair of the BNP Steering Group appeared in January 2020. It dismisses FEE opposition suggesting only "31 residents from the East End" sent in comments. • The core group behind the BNP has consistently tried to persuade those who support the FEE to desist. The chair of the Parish Council and the chair of the BNP Steering Group have twice asked to meet a Tunbridge Wells Alliance (TWA) Borough Councillor for the parish, once together with a TWA borough council candidate, in efforts to persuade them to adhere to the BNP's approach and not to listen to the FEE. • The organiser of the FEE was a member of the Steering Committee 2017/2018 as chair of the Environmental Group. She expressed strong disagreement with a Borough Councillor who lives in the village (on occasion, he deputises as chair of the Steering Group about his wish to step up allocations in the East End and suppress TWBC's wish to build 174 houses on site 158. As a result, the Steering Group chair (using his own word), "sacked" her. This is contrary to EN1 para 9, encouraging early, proactive and effective engagements and the requirement that views expressed should be properly considered.

- Consultation also failed in relation to the neighbouring parish of Biddenden. The Clerk of Biddenden Council has repeatedly responded to BPC in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP's mismanagement of the parish of Biddenden in the Biddenden Parish Magazine, February 2021. • The LP is based on the BNP and BNP allocations were made before consultations with stakeholders such as the AONB. This is not consulting in a timely fashion. Further, the LP requires surveys of the hospital sites *after* the designation of the sites for development, for example, archaeological surveys (see AL/BE 3&4). Historic England (HE) asks for the surveys to be carried out *before* allocation. See HE's comments on the first draft LP (DLP \_ 4556) - "we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted.*"

## **2. The PSLP is not based on sound evidence**

- Throughout the LP process, misstatements have been made about amenities in Benenden's East End. These may be traced back to a submission made by traffic and highways consultants, Transport Planning Associates (TPA) to Benenden Healthcare Society Ltd. (BHS). This submission was recently disclosed in BHS's response to the Independent Examiner's queries in relation to the BNP. TPA's information is sometimes inaccurate and sometimes misleading and we consider it here in detail because it is difficult otherwise, to understand how the LP was able to continue, iteration after iteration, to relate false information about the hospital site. • In October 2019, TPA reported (para 2.6) that there was a footpath along the southern edge of Goddards Green Road (GGR) and the PSLP, para 5.452 states "There is an intermittent pavement along GGR". The GGR is a long road running from New Pond Road to Castleton's Oak crossroads, and was formerly a lane. The pavement is limited to the short section immediately outside the hospital buildings. To say that there is an intermittent pavement along GGR is misleading. • The TPA refers to the East End as a village, which it is not. The East End runs from the junction of GGR and Walkhurst Road, along the GGR to the border with Tenterden, then turns south to reach close to Hole Park in Rolvenden, then east back to Walkhurst Road at the site of the stream, then along Walkhurst Road back to GGR (see the old Electoral Roll for 2004 when the East End had its own polling station). It is a large, totally rural area of several square miles, which was why it was chosen as the site for an isolation hospital in 1906. Today it contains only 76 houses scattered across the entire area. The PSLP consistently refers to the East End as a hamlet. It is not, which is why BPC is able to advertise itself on its website as "Serving the people of Benenden and Iden Green" without any reference to the East End. • The TPA says that "a day nursery is located immediately to the north of the Site within 400m." There is incorrect, yet this error is repeated in para 5.413 of the PSLP "There are also nursery/pre-school facilities at Iden Green and East End." An accurate account would mention Iden Green only. • The TPA states that there are daily bus services along GGR provided by bus nos. 24 and 299, and twice a day service provided by the Hopper bus. This information is incorrect. The 2019 Hopper bus, operated by the Tenterden social services hub on an experimental

basis, failed in only a matter of months. While the 24 and the 299 buses pass along GGR, they do so on only one day a week. The 24 on Tuesdays and the 299 on Wednesdays. The East End has almost no public transport.

- The TPA makes several statements in relation to traffic which have fed misinformation into the system to be reflected in AL/BA3&4. This misinformation was only recently revealed when documents were provided by BHS following April 2021 queries raised by the Independent Examiner on the BNP. These documents include a TPA 'Scoping Note' on road and traffic conditions at the site and a letter written in response to this Note from KCC Highways, dated 13 Nov. 2019. The TPA states that the GGR is 7m wide at the hospital site which detracts from the fact that it is actually a winding rural lane, now called a road, and varies considerably in width. It may at some point be 7m wide, but at others, it is so narrow that two lorries have difficulty passing each other. The TPA claims that there is no need for a road safety review because there have been "no personal injury accidents" recorded within 1,000m. Castleton's Oak crossroads lie 1.5 km from the site and accidents there are frequent, largely due to increasing traffic at the hospital. The hospital has turned itself into an almost exclusively out-patient centre and almost all its 300 employees drive in to work from outside the parish (formerly, they were housed on site in hospital staff buildings). Kent County Council (KCC) Highways make constant and repeated attempts to lower the risk of injury at the crossroads. Works there are ongoing at this time. The TPA claims that no traffic surveys are necessary which is a point queried in the KCC Highways' email. The email talks of the "heavy car dependency" of residents in any housing in this location and says this was one of its concerns, even at the time of the original application asking for only 24 houses. The email states that BHS's plans (and therefore AL/BE 3&4) are contrary to the NPPF and to KCC's own policy objectives, and points out that the hospital has not co-operated over the idea of a minibus to provide transport from the site to Benenden. The letter calls for: traffic counts along the GGR; a wider crash analysis; and expresses concern over the proposed access points to the SE Quadrant - 2 on Green Lane and 2 on GGR. Lastly, on trip generation, the TPA projects that 47 houses at the site will produce only 106 trips a day, though the consultants admit that they have difficulty in basing their estimate on comparable sites because there are none. These trip generation figures ignore existing traffic from local residents, from patients, from hospital staff and from the newly (January 2021) proposed housing estate at Clevelands. The AL/BE 3&4 fails to provide a traffic count, fails to ask for a road safety review and fails to acknowledge frequent traffic accidents near the sites.
- Pre-submission supporting documents also produce inaccurate and sometimes irrelevant evidence. The hospital sites are within the setting of an AONB and even overlap into it, yet *Inset Map 18* (Benenden Hospital), unlike other maps attached, makes no reference to the AONB boundary. The BNP claims that the hospital is outside the AONB and on this basis, since the rest of the village is wholly within the AONB, largely justifies placing most of Benenden's housing in the East End. This is misleading, since the AONB boundary wraps tightly round AL/BE3, which actually overlaps into the AONB in the southwest corner. In any event both sites affect land in the AONB. The relationship of the AONB boundary to the hospital sites is important yet it is ignored on the map. This looks like prejudice.
- Hankinson Duckett Associates's *AONB Setting Analysis Report* (a supporting document for the PSLP, referred to as an evidence base) is, in its analysis of AL/BE3&4, unsound. The analysis argues that development at these sites will enhance the setting of the AONB. It illustrates the argument with photos of the hospital chapel and its carpark. Neither the chapel nor car park are in the area up for development.

### **3. Policies AL/BE3&4 are not consistent with the PSLP's Vision objectives nor with its strategies, nor with KCC's policies, nor with the NPPF.**

- The PSLP's Vision Objective 1 is : "to improve access to suitable, especially affordable housing, including for local young people and older households." But this is inconsistent with allocations AL/BE 3 &4. BHS is asking in its comments on the LP first draft, for a lower number of affordable homes because of the high cost of brownfield development. Living isolated in the countryside, families will need at least two cars. Old and young will be unable to walk to schools, shops or any other amenities. This is not a suitable site for a borough which (see para 2.16) expects the population over the age of 65 + to increase by around 40% between 2020 and 2038. The PSLP's Vision Objective 2 is to ensure sustainable development which allocations at AL/BE 3&4 do not achieve. On the contrary, the KCC warns that even with the existing permission for 24 houses on AL/BE3, the highway authority had concerns. This is an isolated location, deep in the countryside (see KCC Highways email 13 Nov 2019). More than 24 houses in this location is not sustainable.

- **Policy PSTR/BE1**, LBD 5.416 states "the LBD around Benenden village sets the extent of existing and planned development .." This conflicts with the recommendation that major development be instated three miles beyond the LBD, on the border with Biddenden.

- **Policy STR 2** "The Council requires the use of masterplanning, including the use of design codes and sustainable design standards where appropriate, for strategic and larger-scale developments .." This is undermined by AL/BE 3&4 which calls for a masterplan for an area not included in the PSLP and not presented. Para 1a of Policy AL/BE3 states that there is a need to "show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*" It is not sound to proceed with an LP where the land to be developed is not clearly indicated from the start.

- **A masterplan is essential to avoid current inconsistencies on the size of areas to be developed:** AL/BE3 excludes one of the 2 Local Wildlife Sites (LWS) at the site, yet the BNP includes both. Para 5.458 states "Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development.." They do not. The PSLP states that in the event of a successful referendum, the BNP's proposals will prevail. If this is so, are we supposed to assume that AL/BE3 map is inaccurate?

- A similar problem arises at the northern site (AL/BE4) here there are currently 18 dwellings. The proposal allows for these to be demolished and another 25 dwellings added to the site. The size of the area to be developed varies between the LP and the BNP. The LP includes the LWS in the area to be developed but the BNP includes only a small section, but says in the event of a successful referendum the BNP plan will be overruled by the LP plan (see the BPC response April 2021 to the Independent Examiner's queries). This is the reverse of 5.421 & 2. It is unsound to proceed with a plan when the NP and the LP are at odds with each other.

- **The PSLP claims building will only be within existing footprints**, an approach which is at odds with that of the BHS. Plans for 47 new houses in AL/BE3, presented to the village on 17th February 2020 by the hospital architects, show the buildings are not to be built within the footprint of previous buildings nor to respect LWS.

- **Policy STR 3** calls for the use of brownfield sites "within settlements" and in "sustainable locations." AL/BE 3 consists of disused medical buildings and 2 LWS with parkland and veteran trees (depending on whether this second LWS is included or not). 5.448 is therefore incorrect. The site should be described not as brownfield but as partly brownfield. It is not on the Brownfield Register. Because of its remote location and its valuable LWS sites, it is not free from constraints which could be mitigated. As such, Policy AL/BE3 does not meet the criteria needed under the NPPF, Section 11, para 117 for development in "a way that makes as much use as possible of previously-developed or 'brownfield' land." AL/BE 4 contains in-use residential housing and an LWS and therefore is not entirely brownfield.

- **Policy STR 5** states that "New residential ... development will be supported if sufficient infrastructure capacity is either available or can be provided in time to serve the development." Will this happen at AL/BE3&4? Developers themselves are to provide the infrastructure at AL/BE 3&4. The LP proposes to take on trust suggestions that the BHS will avoid building on the LWS and will provide play-grounds, sports facilities and tennis courts. We know from submissions following the first draft LP, that BHS is actually planning to remove one LWS entirely and that its plans include building on the LWS and beyond the foot print of previous buildings. BHS suggests, in its response to the first draft LP (DLP 4956) that it is unlikely to provide play-grounds, sports facilities and tennis courts. The PSLP's approach does not take comments to the first draft LP into account.

- **Policy STR 6** proposes to "Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough." In the case of the two isolated hospital sites, the PSLP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport. The Benenden hospital sites have no daily bus service and no active travel link to the village, and neither the PSLP nor the BHS provide credible information on how these links are to be provided. The KCC email of Nov 13 suggests that the hospital is uncooperative on the proposal to organise a minibus service and the SHELAA says of AL/BE3 that it is "Remote from a settlement centre," (unlike sites 158, 222 and LS8); that residents will rely heavily on private cars and thus air quality and travel objectives score negatively; and that, "although promoted by the policy, shared transport and active travel options are unlikely to take precedence over private vehicle use

thus air quality and climate change score negatively." This is crucial. For all the talk of mitigating the remoteness of the hospital sites with a minibus link and cycle routes, nobody actually believes that any of these measures will succeed. As for the proposal to create links suitable for electric personal vehicles, such as mobility scooters (as suggested under STR6), it is difficult to see, when the closest link with the village is a single-track lane (Walkhurst Road), how any personal electric vehicle could make that journey. The PSLP is creating, through its policies AL/BE3&4, a car dependent community. This thereby negates the sense of the LP's supporting document, *Transport Strategy Review Sept 2019* which urges reducing the need to travel.

- AL/BE3&4 also undermine TWBC's Full Council motion of July 2019 to reduce CO<sub>2</sub> emissions. "The dominance of the car as a mode of transport can lead to congestion, more road accidents, air and noise pollution. In addition it contributes to climate change, reduces social cohesion and leads to less healthy lifestyles" (para 44 *Transport Review*). According to TW's own SA from 2006, if social cohesion, reduction in air pollutants, and public health were indeed the borough's priorities, site 158 would have been amongst those chosen for Benenden, as originally intended.

- **PSLP paras 5.453 and 5.467** state that "residents of development in this location will rely heavily on private cars." These plans run counter to STR6 policy on the environment see paras 6.8, 6.9, 6.10, 6.11 and 6.13. It also contravenes KCC policies on climate change and the NPPF (see KCC's Nov 13, 2019 letter on this subject). • **Para 5.414** "The parish provides two relatively large sources of employment: at Benenden Hospital and at Benenden School." The inference is that the employment opportunities are linked somehow to the population of Benenden. There is in fact little connection. The 300 plus staff at the hospital drive into the parish along GGR to work and, since the hospital is isolated from the village, their contribution to the local economy is negligible.

- **Policy STR 6** The LP proposes to "Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough." In the case of the two isolated hospital sites, the LP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport.

- **Cycle routes:** The PSLP's standards on the public benefits of cycling and walking are based on the *Cycle Strategy Supporting Document*, but these standards are undermined by site allocation in Benenden. The Cycle document states that: "When more people cycle or walk the health of the population improves and our roads become safer and less congested." Its objectives 4 and 5 are to improve safety for cyclists and air quality for all, but AL/BE 3 & 4 will create a community, deep in the countryside, entirely dependent on the car and will contribute to poorer air quality for all. The allocation of these sites, as opposed to sites such as 158, is difficult to understand.

- The *Cycle Strategy* states that fear of traffic is possibly the main factor discouraging people from cycling. National Cycle Route 18 runs from the Rolvenden Road, down Stepneyford Lane, to Green Lane, before joining the Benenden Road near the hospital, turning right and leading to Castleton's Oak Cross roads and Gribblebridge Lane. This route is a largely on-road ride travelling through the High Weald, using narrow, picturesque country lanes as much as possible. Green Lane/Stepneyford Lane is mentioned in TWBC's *Rural Lanes: Supplementary Planning Guidance*. It is particularly high scoring in terms of its landscape, its recreational value, its natural beauty and its history. For these reasons, it is part of National Route 18. Rather than encouraging cycling, AL/BE3, which proposes two exits for this major development on GGR and two on Green Lane (where a second housing estate, at Cleveland Farm is already leading to Kent Highways calling for road widening and the elimination of grass verges - see building application 20/03267/FULL) will cause an increase in those factors, identified in *TW Cycle Strategy*, as discouraging cyclists, namely, traffic and the loss of unspoilt country lanes. Policy AL/BE3 also contravenes Kent Structure Plan Policy ENV13: "Rural lanes which are of landscape, amenity, nature conservation, historic or archaeological importance will be protected from changes which would damage their character, and enhanced." In any event, the cycle route is purely recreational and will not enhance the sustainability of these sites.

- **Policy STR 7** proposes, in dealing with TWBC's 2019 legally binding commitment to manage climate change, that all development in the borough will support the Council's target to achieve net zero emissions by 2030. It is unsound, with such a goal, to propose a major development on the parish periphery, 3 miles equidistant from two villages where there is no shop (in spite of the PLSP's statement AL/BE 3&4) and no cafe (BHS says its cafe was built for its own use not for the use of the public - see comments on the first draft of the LP). Residents will need their cars for almost everything.



- **Policy STR1** promotes the effective use of previously developed land, having due regard to relevant Plan policies, but in promoting AL/BE3&4, the PSLP disregards STR6 (environmental goals) & STR7 (transport goals). Under the NPPF, sustainability is the priority, as the PSLP acknowledges in STR3, 4.65 "A presumption of sustainability lies at the heart of the NPPF", but in allocating AL/BE 3&4, the PSLP fails to respect its own and the NPPF's strategic priorities.

- **Policy STR 8** states that development should contribute to and enhance rural landscapes with particular regard to the High Weald (HW) AONB. The PSLP promotes nature conservation. Its biodiversity objective is to achieve net gains and, where possible, secure long-term management of sites for biodiversity. AL/BE3 runs counter to this strategy since the BHS has produced plans showing houses built over the LWS. It has, furthermore, produced a document requiring that one of the two LWS be dug up and removed to another unspecified location, thereby nullifying the terms of the existing Landscape and Ecology Management Plan (LEMP) for that site. Para 3.21 of the BHS submission on the first draft LP states: *"The Society supports the requirement for longterm management of the core areas of LWS associated with the hospital land This includes all but the modest area within the SEQ adjoining Peak Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare Jitngi can continue to thrive in this local area."* This is a particularly significant site for biodiversity. A letter from Keith Nicholson, former Planning and Conservation officer for the Kent Wildlife Trust, dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert states that the hospital LWS are of national importance, mainly for the large number of different varieties of waxcaps. He states that they could well have been designated SSSI. Both in terms of waxcaps and in terms of valuable acid grassland, the hospital sites have high environmental value, see Comment DLP 3458 on the first draft of the LP, from the High Weald AONB Unit. The Benenden Hospital site *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* AL/BE3&4 threaten the biodiversity of significant species in the LWS at the hospital sites, contrary to EN1.

- The LWS to the south of AL/BE3 is included in the BNP and BPC argues that this has been done in order to protect it (see their response to the Independent Examiner April 2021). It is difficult to follow this logic. The inclusion of the site in the area to be developed suggests that it too could be under threat.

- There is no plan showing the placement of houses on AL/BE 4, which is currently home to a large LWS and is the site of 18 habitable dwellings, almost all of the them currently in use and let. The proposal allows for these to be demolished and another 25 dwellings added to the site. The PSLP includes the LWS in the area to be developed and the BNP excludes most of it. Benenden Parish Council (BPC), in its April 2021 response to the Independent Examiner, has said that, in the case of a successful referendum, the PSLP's plan (which includes the LWS), will prevail. In other words, of the 3 LWS in AL/BE 3&4, one is slated for removal, one will be built over if the PSLP prevails and one may be built over if the BNP prevails. This undermines STR8.

- The PSLP claims that the hospital development "has the potential to improve the setting of the HW AONB through the delivery of a more sensitive redevelopment of existing buildings" (para 5.454), but the claim is not supported by evidence produced by *Hankinson & Duckett* (see above) while the HW AONB unit's own view is the opposite. See TW first Draft LP, **DLP \_3458 High Weald AONB Unit** (which objects to the Plan) : " ... *In our view the development at Benenden Hospital will have a significant effect on the setting of the AONB and the purposes of its designation, and this issue has not been properly considered by the Plan.*"

- The NPPF section 2 para 11 states: *"Plans and decisions should apply a presumption in favour of sustainable development ..... (b) strategic policies should provide for objectively assessed need for housing ... 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."* And see Footnote 6: the policies referred to are those in the Framework ... relating to habitat sites (and those sites listed in para 176) and /or designated as SSSI, AONBs ....

- NPPF para 177 states: *"The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site."*

**PSLP EN1 para 5. Biodiversity and geodiversity.**AL/BE 3&4 run counter to this policy as stated above in relation to the LWS.

## **The Environment**

STR8 sets high environmental standards but these are undermined in the site allocations. This is particularly startling in the light of the July 2019 Full Council motion to recognise the climate and biodiversity emergency, in fact, the Benenden allocations put into question whether the motion was passed in good faith.

**EN1 para 5** (Biodiversity and geodiversity) says that proposals should maximise opportunities to increase biodiversity. This goal may make sense in an urban setting, but development in the countryside, as is proposed in AL/BE 3 & 4, cannot hope to ever mitigate biodiversity loss. The destruction of trees and wild spaces, the introduction of lighting, kerbs, driveways, wider roads and narrower verges, the use of concrete, tarmac, bricks and mortar in a deeply rural setting cannot "increase biodiversity".

**EN1 provides for Long-term Management plans** which would be satisfactory within an urban context. In a rural location like the East End, such plans are no substitute for natural wild spaces. A 'managed' green space set among streets is less likely to promote biodiversity and less likely to conserve wildlife than 'unmanaged' green space. Further, the three LWS in AL/BE3 & 4 are all already part of an existing LEMP agreement, and since one or all would be removed in the case of development as outlined by BHS under AL/BE3&4, instead of creating a long-term management plan, AL/BE3 & 4 would all but terminate an existing one. The sentiments expressed in EN1 are mocked by AL/BE3& 4.

## **4. Site policies**

**AL/BE3** excludes one of the 2 LWS at the site, and the BNP includes both, yet para 5.458 states "Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development .." This does not appear to be the case. Further, the SHELAA treats this site twice, once including the southern LWS (and excluding Windmill Cottage) and once excluding the LWS and including Windmill Cottage (SHELAA pages 1-3 and pages 18-19). In the second instance, the suggestion is for 67-73 houses, presumably building over the LWS. The first plan is the one adopted in the PSLP and appears to be the more accurate of the two in that it describes the site as "mostly PDL". The second ignores all greenfield aspects and is almost identical to the plan in the BNP, a plan which BNP claims will prevail if it wins a referendum. Is AL/BE3 presenting us with the wrong plan?

**AL/BE3** and **AL/BE4** provide for a phased timetable for development of the two sites at different time intervals without calling for a comprehensive masterplan for the hospital site as a whole i.e. for the entire built up area. This is inconsistent with STR2, which requires a masterplan for large developments. The full extent of the area to be developed must be clear. See para 1a of Policy AL/BE3 which states that there is a need to "show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*" It is not sound to proceed with an LP where the land to be developed is not indicated from the start.

**AL/BE3&4** both call for an active travel link between the site and Benenden village. This proposal has been costed (see BPC's April 2021 reply to the Independent Examiner) at between £180,000 and £220,000 for a 3m wide tarmacked surface, plus costs to upgrade it to a bridleway, plus the costs associated with obtaining landowners' consent or, failing that, of starting compulsory purchase proceedings which TWBC expresses reluctance to undertake because of the significant compensation costs and legal costs which would be involved. No steps have been taken either by the BNP or TWBC to ascertain the willingness of landowners to give up their land although the major landowner involved wrote to BNP on 11th Sept. 2019 objecting to the plan. It is understood that he was not contacted for subsequent discussion.

**AL/BE3&4** calls for the repurposing of the existing tennis courts for the use of local residents, which BHS denies it will offer for public use; for the public use of the hospital's cafe; for the creation of a hospital shop (5.413); for a minibus service linking the hospital to the village ("The Society is not a transport provider" is BHS' response); for green space, a playground and provision of a community hall - most of these policies are refuted in Savills' comments on behalf of BHS, in the first draft of the LP, DLP 4956 paras 3.14, 3.18, 3.19, 3.20, 3.46 and 3.47. Rather than agreeing to such policies, the

hospital is calling on TWBC to introduce a more flexible funding system to allow a *reduction* of developer costs. BHS argues these will be high because they wish to demolish existing buildings. It is unsound to propose policies which cannot be implemented. Once the sites are sold, no relevant conditions to this effect could be imposed.

## **5. The PSLP is unsound because of inconsistencies in the treatment of different sites.**

(i) **Uphill, AL/BE1** is described as having archaeological potential (para5.428) requiring possible mitigation measures. This is not because of historical finds on the site, but because they *might* be found. A listed manor house lies on the other side of New Pond Road and, according to AL/BE1, "the site lies within, or very close to the relevant impact risk zone for Parsonage Wood", a SSSI which is, in fact, several miles away. The archaeological significance of AL/BE 3&4 is far more certain and substantial. The hospital sites are where a bronze age palstaff was found (see the National Monument Register - SMR Number /Hob UID)) and the sites lie close to two ancient routeways. A Roman Road runs west-east (on BHS farmland) a few yards to the south of AL/BE3 and a medieval drove road (GGR), runs west-east between the two sites. Further, two Grade II Listed Buildings are sited here, also on BHS land. The Lister building stands a few yards to the west of AL/BE3 and Cleveland Farm house (the farmyard of which BHS is trying to develop separately and simultaneously as if a minor planning project) lies a few yards to the south. Instead of mentioning these facts, AL/BE3&4 reads (5.456 and 5.468) "Kent County Council states that the site includes significant archaeology, which could be dealt with through suitable conditions on a planning approval." The imbalance in the treatment of the two sites is substantial and suggests confirmatory bias or prejudice.

(ii) The SHELAA assessment of site 158 suggests a potential yield of 50-65 houses, but then concludes that only the Uphill part of the site is suitable (20 houses). It states that "the remainder of the site is sensitive in landscaping terms and there is concern regarding scale and impact on the character of the landscape and settlement pattern". This is contrary to the views of TW's 2006 SA; to the TW 2018 document proposing 174 houses; and to the first draft of the LP. The dismissal of 158 as a suitable site is not supported by the evidence and suggests prejudice.

(iii) Site 222, west of the cross roads, was also considered in 2006, as a possible site for the new village school, though it was not one of the top two sites put to a referendum. The SHELAA suggests 222 has a potential for 76 houses. The site is considered unsuitable partly because the new LBD, if adopted, will exclude all houses west of the cross roads, when the village actually extends a considerable length along this road to the west. There is no mention of the fact that the owners of this site are offering the pond at the south west corner of the crossroads as village green space. The dismissal of 222 is not supported by the evidence and suggests prejudice.

(iv) The SHELAA suggests a capacity of 26 houses at Site LS8 in IdenGreen, stating that it lies adjacent to the recreation ground and a children's nursery and that there is a pavement on both sides of Iden Green's main road. It fails to mention that the easternmost side of this pavement connects the village to the village primary school. The SHELAA dismisses the site as unsuitable saying that it is located in a remote location relative to services, facilities and public transport, but this site is far less remote than sites AL/BE 3&4. The dismissal of site LS8 is not supported by the evidence and suggests prejudice.

(v) The proposed new LBD has been constructed so as to include the newsite at Uphill and to exclude 222, when in fact, the actual built development extends westwards from the crossroads and includes site 222. The LBD is ignored in respect of AL/BE3&4. Manipulation of the LBD to suit allocated sites is inappropriate.

As a general comment, I have found the process unnecessarily difficult to navigate. In fact, from the point of view of the ordinary lay-man, I would term the process 'hostile'. The interactive on-line site was unmanageable. Question 4a is very badly worded. The PSLP's prose entirely suited the opacity of the procedure. Here is one example from the SA (page 163) "However, the education objective does not deteriorate when considering cumulative effects as the schools in Tenterden will be a viable option for residents in East End and thus are likely to take the pressure off Benenden Primary School." What does that mean?

## **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 modifications needed are included in the submissions set out above. In summary, development on site AL/BE 3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE 4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre and school. Paragraphs 5.421 and 5.422 should be omitted.

#### **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 to put over my case, and to answer those with vested interests who may seek to put forward arguments against it.

#### **Question 8**

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

1. The Sustainability Appraisal (SA) is misleading. Table 58 on page 163 states that all Benenden sites "lack services, facilities and travel options". This belies the fact that AL/BE2 (Feoffee almshouses) is close to the Street as is AL/BE1 (Uphill). Both sites are within walking distance of the bus stop for daily bus services, the post office, village shop, the primary school, the village green, the butchers, pub, community hall, church, recreation ground and children's playground. AL/BE 3 & 4 are three miles north east of the village with no daily bus service and no amenities whatsoever.
2. The commentary on Table 58, (page 163 of the SA), states that East End sites score badly on Climate Change and Travel, yet these are the sites promoted for most houses.
3. The SA argues on page 163 that East End residents will send their children to schools in Tenterden instead of to the village primary school, and that this will lessen the otherwise seriously negative effects of the two hospital sites. This is pure conjecture and possibly wishful thinking. The school has a good reputation and currently between 70 and 75% of children there

come from outside the parish. East End children will have precedence over these, since intake depends on the distance of a child's residence from the school. Pressure on Benenden Primary School will increase, not decrease. Further, the use of a car, whether it drives to Tenterden (5-6 miles) or to Benenden (3 miles), pollutes and deprives residents of the health-giving pleasure of walking to school. The AL/BE 3&4 are contrary to STR2, to the NPPF and to KCC policy on climate change.

4. Appendix L (pp331-2) shows Scores for Reasonable Sites in Benenden. Here we see scores for 158 and 222, two sites close to the village centre. Of 158, we read "A site that scores several neutrals with some positives, let down by its land use and landscape score impacted by a loss of a greenfield site in the AONB and lack of services and facilities including public transport at the settlement." This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there.

5. In April 2018, BNP Steering Committee Deputy Chair, a borough councillor, showed the committee a piece of paper from TWBC saying that TWBC wishes to build 174 houses on site 158. He committed himself to seeing these numbers reduced and the numbers at the East End raised. After a meeting between representatives from the BNP group and TW planners on June 19th 2018, the minutes reported that "At times the workshop was emotive ... " Following that meeting TW planners put site 158 on temporary hold, limiting development there to a future Local Plan by asking, in the first draft of the LP on page 270, that the Uphill site on New Pond Road, adjacent to 158 and allocated at that time as AL/BE3, should, under Clause 8, provide for vehicular access through Uphill to the site behind (158) "which may be allocated for development as part of a future Local Plan." In the PSLP, this wording for Clause 8 has disappeared. Where is the evidence-base for such wording to be included in the first draft and excluded in the second? Why is the site considered suitable in 2006, in 2018, and in the first draft, but not suitable in the PSLP?

6. Site 222, like 158 is described in Appendix L of the PSLP's SA as suffering from "a lack of services and facilities including public transport at the settlement." This is inaccurate. There is a daily bus service along Benenden Street and site 222 is within easy walking distance of the bus stop, shops, pub, community hall, primary school and all other amenities.

7. Site LS8, in the heart of Iden Green is, along with site 158 and 222, a site which on-the-ground evidence suggests is eminently suitable for development, but which the SA fails to allocate. Appendix L of the SA gives LS8 virtually the same scores as Uphill (LS16 of AL/BE1) yet the latter is included for development and the former is not. The commentary states of LS8 "A number of scores are negative however, reflecting the remote location of the site from services and facilities and public transport. It scores negatively in heritage terms as the site is a relatively sizeable piece of the Iden Green Conservation Area." This site is far less remote than sites AL/BE 3 & 4. It is one mile from the village and connected to it by a paved footpath running past a Roadside Conservation Area and then (still paved) through a field to the church and primary school. It is on a bus route and the bus stop is next to LS8. Iden Green has a community hall, tennis courts, a children's playground and pub/restaurant. The SA information is unreliable and the PSLP's use of it for site allocation is unwise.

8. In so far as Benenden is concerned, the sites were allocated before any sustainability appraisal was commissioned. It is not therefore a relevant factor in the allocation of sites for housing.

## 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	Rachel Casement [REDACTED]
Email Address	[REDACTED]
Address	## ## ##
Event Name	Pre-Submission Local Plan
Comment by	Rachel Casement [REDACTED]
Comment ID	PSLP_214
Response Date	19/05/21 12:41
Consultation Point	Policy PSTR/BE 1 The Strategy for Benenden parish ( <a href="#">View</a> )
Status	Processed
Submission Type	Other
Version	0.10
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Rachel Casement
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 No(s) Para 5.413, 5.414, 5.416, 5.420, 5.421, 5.422, 5.428, 5.452, 5.453, 5.454, 5.456, 5.458, 5.467, 5.468 Policy No. Objective 1, Objective 2, STR1, STR2, STR3, STR5, STR6, STR7, STR8, PSTR/BE1, Policy AL/BE1, Policy AL/BE3, Policy AL/BE4, EN1 Sustainability Appraisal SHELAA Policies Map (Inset Map No(s)) Inset Map 18

*[TWBC: this representation has been input against Policies PSTR/BE 1, AL/BE 3 and AL/BE 3 – see Comment Numbers PSLP\_214, PSLP\_304 and PSLP\_305]*

**Question 4**

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

**Is legally compliant** Don't know

**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.**

It is neither positively prepared, effective, justified or consistent with national policy for the points made 1-5 below, referring to STR1-8.

This submission concerns the parish of Benenden, the only parish in the borough to have made its own allocations. The Benenden Neighbourhood Plan (BNP) has been developed in close consultation with TWBC, with the BNP in the lead. The BNP announced its allocations in February 2019, before inviting AECOM to produce its Strategic Environmental Assessment.

Pre-Submission Local Plan, para 5.420 reads "The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020." But the allocations had been made and published in February 2019. Further, Para 5.420 states "The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan." BNP allocations were first published in February 2019 i.e. before LP site allocation policies.

Allocations made by the LP, when it took up the BNP's baton, are therefore inevitably linked to BNP's weaknesses. Yet if the BNP passes a referendum before acceptance of the LP, it is said that it will take precedence over the LP (see para 5.421), with the exception of its plans for the northern site at Benenden hospital, which will be overruled by the plans advanced in the LP (see Benenden Parish Council April 2021 response to Independent Examiner queries on the BNP). This is in contravention of para 5.422 which talks of making "modifications to the LP" so that it matches the BNP.

I. Community involvement. ENI: this requirement has not been respected. • In Benenden, almost all new housing is slated for the East End, yet the Friends of the East End (FEE), were never asked to meet with the BNP steering group. • See EN I para 9 requiring the effective engagement of the local community, neighbours of sites and others. The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response to the Informal Draft NP (published on February 23, 2019), in which the allocations later adopted by the LP were first set out. A FEE submission with 164 signatures was submitted in October 2019 objecting to the first draft of the LP, and in the same month, a FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. See the FEE's current online petition with more than 450 signatures <https://www.change.org/EastEndFriends>



- Instead of being consulted, the FEE were ignored and belittled. They were informed on 11 March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that "I'm of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about.* At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward."
- One of the regular articles on the BNP submitted by the chair of the BNP Steering Group appeared in January 2020. It dismisses FEE opposition suggesting only "31 residents from the East End" sent in comments.
- The core group behind the BNP has consistently tried to persuade those who support the FEE to desist. The chair of the Parish Council and the chair of the BNP Steering Group have twice asked to meet a Tunbridge Wells Alliance (TWA) Borough Councillor for the parish, once together with a TWA borough council candidate, in efforts to persuade them to adhere to the BNP's approach and not to listen to the FEE.
- The organiser of the FEE was a member of the Steering Committee 2017/2018 as chair of the Environmental Group. She expressed strong disagreement with a Borough Councillor who lives in the village (on occasion, he deputises as chair of the Steering Group) about his wish to step up allocations in the East End and suppress TWBC's wish to build 174 houses on site 158. As a result, the Steering Group chair (using his own word), "sacked" her. This is contrary to ENI para 9, encouraging early, proactive and effective engagements and the requirement that views expressed should be properly considered.
- Consultation also failed in relation to the neighbouring parish of Biddenden. The Clerk of Biddenden Council has repeatedly responded to BPC in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP's mismanagement of the parish of Biddenden in the Biddenden Parish Magazine, February 2021.
- The LP is based on the BNP and BNP allocations were made before consultations with stakeholders such as the AONB. This is not consulting in a timely fashion. Further, the LP requires surveys of the hospital sites *after* the designation of the sites for development, for example, archaeological surveys (see AL/BE 3&4). Historic England (HE) asks for the surveys to be carried out *before* allocation. See HE's comments on the first draft LP (DLP 4556) - "we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted.*"

**2. The PSLP is not based on sound evidence** • Throughout the LP process, misstatements have been made about amenities in Benenden's East End. These may be traced back to a submission made by traffic and highways consultants, Transport Planning Associates (TPA) to Benenden Healthcare Society Ltd. (BHS). This submission was recently disclosed in BHS's response to the Independent Examiner's queries in relation to the BNP. TPA's information is sometimes inaccurate and sometimes misleading and we consider it here in detail because it is difficult otherwise, to understand how the LP was able to continue, iteration after iteration, to relate false information about the hospital site.

- In October 2019, TPA reported (para 2.6) that there was a footpath along the southern edge of Goddards Green Road (GGR) and the PSLP, para 5.452 states "There is an intermittent pavement along GGR". The GGR is a long road running from New Pond Road to Castleton's Oak crossroads, and was formerly a lane. The pavement is limited to the short section immediately outside the hospital buildings. To say that there is an intermittent pavement along GGR is misleading.
- The TP A refers to the East End as a village, which it is not. The East End runs from the junction of GGR and Walkhurst Road, along the GGR to the border with Tenterden, then turns south to reach close to Hole Park in Rolvenden, then east back to Walkhurst Road at the site of the stream, then along Walkhurst Road back to GGR (see the old Electoral Roll for 2004 when the East End had its own polling station). It is a large, totally rural area of several square miles, which was why it was chosen as the site for an isolation hospital in 1906. Today it contains only 76 houses scattered across the entire area. The PSLP consistently refers to the East End as a hamlet. It is not, which is why BPC is

able to advertise itself on its website as "Serving the people of Benenden and Iden Green" without any reference to the East End.

- The TPA says that "a day nursery is located immediately to the north of the Site within 400m." There is incorrect, yet this error is repeated in para 5.413 of the PSLP "There are also nursery/pre-school facilities at Iden Green and East End." An accurate account would mention Iden Green only.

- The TPA states that there are daily bus services along GGR provided by bus nos. 24 and 299, and twice a day service provided by the Hopper bus. This information is incorrect. The 2019 Hopper bus, operated by the Tenterden social services hub on an experimental basis, failed in only a matter of months. While the 24 and the 299 buses pass along GGR, they do so on only one day a week. The 24 on Tuesdays and the 299 on Wednesdays. The East End has almost no public transport.

- The TPA makes several statements in relation to traffic which have fed misinformation into the system to be reflected in AL/BA3&4. This misinformation was only recently revealed when documents were provided by BHS following April 2021 queries raised by the Independent Examiner on the BNP. These documents include a TPA 'Scoping Note' on road and traffic conditions at the site and a letter written in response to this Note from KCC Highways, dated 13 Nov. 2019. The TPA states that the GGR is 7m wide at the hospital site which detracts from the fact that it is actually a winding rural lane, now called a road, and varies considerably in width. It may at some point be 7m wide, but at others, it is so narrow that two lorries have difficulty passing each other. The TPA claims that there is no need for a road safety review because there have been "no personal injury accidents" recorded within 1,000m. Castleton's Oak crossroads lie 1.5 km from the site and accidents there are frequent, largely due to increasing traffic at the hospital. The hospital has turned itself into an almost exclusively out-patient centre and almost all its 300 employees drive in to work from outside the parish (formerly, they were housed on site in hospital staff buildings). Kent County Council (KCC) Highways make constant and repeated attempts to lower the risk of injury at the crossroads. Works there are ongoing at this time. The TPA claims that no traffic surveys are necessary which is a point queried in the KCC Highways' email. The email talks of the "heavy car dependency" of residents in any housing in this location and says this was one of its concerns, even at the time of the original application asking for only 24 houses. The email states that BHS's plans (and therefore AL/BE 3&4) are contrary to the NPPF and to KCC's own policy objectives, and points out that the hospital has not co-operated over the idea of a minibus to provide transp011 from the site to Benenden. The letter calls for: traffic counts along the GGR; a wider crash analysis; and expresses concern over the proposed access points to the SE Quadrant - 2 on Green Lane and 2 on GGR. Lastly, on trip generation, the TPA projects that 47 houses at the site will produce only 106 trips a day, though the consultants admit that they have difficulty in basing their estimate on comparable sites because there are none. These trip generation figures ignore existing traffic from local residents, from patients, from hospital staff and from the newly (January 2021) proposed housing estate at Cleveland. The AL/BE 3&4 fails to provide a traffic count, fails to ask for a road safety review and fails to acknowledge frequent traffic accidents near the sites.

- Pre-submission supporting documents also produce inaccurate and sometimes irrelevant evidence. The hospital sites are within the setting of an AONB and even overlap into it, yet *Inset Map 18* (Benenden Hospital), unlike other maps attached, makes no reference to the AONB boundary. The BNP claims that the hospital is outside the AONB and on this basis, since the rest of the village is wholly within the AONB, largely justifies placing most of Benenden's housing in the East End. This is misleading, since the AONB boundary wraps tightly round AL/BE3, which actually overlaps into the AONB in the southwest corner. In any event both sites affect land in the AONB. The relationship of the AONB boundary to the hospital sites is important yet it is ignored on the map. This looks like prejudice.

- Hankinson Duckett Associates's AONB Setting Analysis Report (a supporting document for the PSLP, referred to as an evidence base) is, in its analysis of AL/BE3&4, unsound. The analysis argues that development at these sites will enhance the setting of the AONB. It illustrates the argument with photos of the hospital chapel and its carpark. Neither the chapel nor car park are in the area up for development.

### **3. Policies AL/BE3&4 are not consistent with the PSLP's Vision objectives nor with its strategies, nor with KCC's policies, nor with the NPPF.**

- The PSLP's Vision Objective 1 is: "to improve access to suitable, especially affordable housing, including for local young people and older households." But this is inconsistent with allocations AL/BE 3 & 4. BHS is asking in its comments on the LP first draft, for a lower number of affordable homes because of the high cost of brownfield development. Living isolated in the countryside, families will need at least two cars. Old and young will be unable to walk to schools, shops or any other amenities. This is not a suitable site for a borough which (see para

2.16) expects the population over the age of 65 + to increase by around 40% between 2020 and 2038. The PSLP's Vision Objective 2 is to ensure sustainable development which allocations at AL/BE 3&4 do not achieve. On the contrary, the KCC warns that even with the existing permission for 24 houses on AL/BE3, the highway authority had concerns. This is an isolated location, deep in the countryside (see KCC Highways email 13 Nov 2019). More than 24 houses in this location is not sustainable.

- Policy PSTR/BEI, LBD 5.416 states "the LBD around Benenden village sets the extent of existing and planned development .. " This conflicts with the recommendation that major development be instated three miles beyond the LBD, on the border with Biddenden.

- **Policy STR 2** "The Council requires the use of masterplanning, including the use of design codes and sustainable design standards where appropriate, for strategic and larger-scale developments .. " This is undermined by AL/BE 3&4 which calls for a masterplan for an area not included in the PSLP and not presented. Para 1a of Policy AL/BE3 states that there is a need to "show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*" It is not sound to proceed with an LP where the land to be developed is not clearly indicated from the start.

- **A masterplan is essential to avoid current inconsistencies on the size of areas to be developed:** AL/BE3 excludes one of the 2 Local Wildlife Sites (LWS) at the site, yet the BNP includes both. Para 5.458 states "Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development.." They do not. The PSLP states that in the event of a successful referendum, the BNP's proposals will prevail. If this is so, are we supposed to assume that AL/BE3 map is inaccurate?

- A similar problem arises at the northern site (AL/BE4) here there are currently 18 dwellings. The proposal allows for these to be demolished and another 25 dwellings added to the site. The size of the area to be developed varies between the LP and the BNP. The LP includes the LWS in the area to be developed but the BNP includes only a small section, but says in the event of a successful referendum the BNP plan will be overruled by the LP plan (see the BPC response April 2021 to the Independent Examiner's queries). This is the reverse of 5.421 & 2. It is unsound to proceed with a plan when the NP and the LP are at odds with each other.

- **The PSLP claims building will only be within existing footprints**, an approach which is at odds with that of the BHS. Plans for 47 new houses in AL/BE3, presented to the village on 17th February 2020 by the hospital architects, show the buildings are not to be built within the footprint of previous buildings nor to respect LWS.

- **Policy STR 3** calls for the use of brownfield sites "within settlements" and in "sustainable locations." AL/BE 3 consists of disused medical buildings and 2 LWS with parkland and veteran trees (depending on whether this second LWS is included or not). 5.448 is therefore incorrect. The site should be described not as brownfield but as partly brownfield. It is not on the Brownfield Register. Because of its remote location and its valuable LWS sites, it is not free from constraints which could be mitigated. As such, Policy AL/BE3 does not meet the criteria needed under the NPPF, Section 11, para 117 for development in "a way that makes as much use as possible of previously-developed or 'brownfield' land." AL/BE 4 contains in-use residential housing and an LWS and therefore is not entirely brownfield.

- **Policy STR 5** states that "New residential ... development will be supported if sufficient infrastructure capacity is either available or can be provided in time to serve the development." Will this happen at AL/BE3&4? Developers themselves are to provide the infrastructure at AL/BE 3&4. The LP proposes to take on trust suggestions that the BHS will avoid building on the LWS and will provide play-grounds, sports facilities and tennis courts. We know from submissions following the first draft LP, that BHS is actually planning to remove one LWS entirely and that its plans include building on the LWS and beyond the foot print of previous buildings. BHS suggests, in its response to the first draft LP (OLP\_ 4956) that it is unlikely to provide play-grounds, sports facilities and tennis courts. The PSLP' s approach does not take comments to the first draft LP into account.

- **Policy STR 6** proposes to "Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough." In the case of the two isolated hospital sites, the PSLP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport. The Benenden hospital sites have no daily bus service and

no active travel link to the village, and neither the PSLP nor the BHS provide credible information on how these links are to be provided. The KCC email of Nov 13 suggests that the hospital is uncooperative on the proposal to organise a minibus service and the SHELAA says of AL/BE3 that it is "Remote from a settlement centre," (unlike sites 158, 222 and LS8); that residents will rely heavily on private cars and thus air quality and travel objectives score negatively; and that, "although promoted by the policy, shared transport and active travel options are unlikely to take precedence over private vehicle use thus air quality and climate change score negatively." This is crucial. For all the talk of mitigating the remoteness of the hospital sites with a minibus link and cycle routes, nobody actually believes that any of these measures will succeed. As for the proposal to create links suitable for electric personal vehicles, such as mobility scooters (as suggested under STR 6), it is difficult to see, when the closest link with the village is a single-track lane (Walkhurst Road), how any personal electric vehicle could make that journey. The PSLP is creating, through its policies AL/BE3&4, a car dependent community. This thereby negates the sense of the LP's supporting document, *Transport Strategy Review Sept 2019* which urges reducing the need to travel.

- AL/BE3&4 also undermine TWBC's Full Council motion of July 2019 to reduce CO2 emissions. "The dominance of the car as a mode of transport can lead to congestion, more road accidents, air and noise pollution. In addition it contributes to climate change, reduces social cohesion and leads to less healthy lifestyles" (para 44 *Transport Review*). According to TW's own SA from 2006, if social cohesion, reduction in air pollutants, and public health were indeed the borough's priorities, site 158 would have been among those chosen for Benenden, as originally intended.

- **PSLP paras 5.453 and 5.467** state that "residents of development in this location will rely heavily on private cars." These plans runs counter to STR6 policy on the environment see paras 6.8, 6.9, 6.10, 6.11 and 6.13. It also contravenes KCC policies on climate change and the NPPF (see KCC's Nov 13, 2019 letter on this subject).

- **Para 5.414** "The parish provides two relatively large sources of employment: at Benenden Hospital and at Benenden School." The inference is that the employment opportunities are linked somehow to the population of Benenden. There is in fact little connection. The 300 plus staff at the hospital drive into the parish along GGR to work and, since the hospital is isolated from the village, their contribution to the local economy is negligible.

- **Policy STR 6** The LP proposes to "**Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough.**" In the case of the two isolated hospital sites, the LP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport.

- **Cycle routes:** The PSLP's standards on the public benefits of cycling and walking are based on the *Cycle Strategy Supporting Document*, but these standards are undermined by site allocation in Benenden. The Cycle document states that: "When more people cycle or walk the health of the population improves and our roads become safer and less congested." Its objectives 4 and 5 are to improve safety for cyclists and air quality for all, but AL/BE 3 & 4 will create a community, deep in the countryside, entirely dependent on the car and will contribute to poorer air quality for all. The allocation of these sites, as opposed to sites such as 158, is difficult to understand.

- *The Cycle Strategy* states that fear of traffic is possibly the main factor discouraging people from cycling. National Cycle Route 18 runs from the Rolvenden Road, down Stepneyford Lane, to Green Lane, before joining the Benenden Road near the hospital, turning right and leading to Castleton's Oak Cross roads and Gribblebridge Lane. This route is a largely on-road ride travelling through the High Weald, using narrow, picturesque country lanes as much as possible. Green Lane/Stepneyford Lane is mentioned in TWBC's *Rural Lanes: Supplementary Planning Guidance*. It is particularly high scoring in terms of its landscape, its recreational value, its natural beauty and its history. For these reasons, it is part of National Route 18. Rather than encouraging cycling, AL/BE3, which proposes two exits for this major development on GGR and two on Green Lane (where a second housing estate, at Cleveland Farm is already leading to Kent Highways calling for road widening and the elimination of grass verges - see building application 20/03267/FULL) will cause an increase in those factors, identified in *TW Cycle Strategy*, as discouraging cyclists, namely, traffic and the loss of unspoilt country lanes. Policy AL/BE3 also contravenes Kent Structure Plan Policy ENV13: "Rural lanes which are of landscape, amenity, nature conservation, historic or archaeological importance will be protected from changes which would damage their character, and enhanced." In any event, the cycle route is purely recreational and will not enhance the sustainability of these sites.

- **Policy STR 7** proposes, in dealing with TWBC's 2019 legally binding commitment to manage climate change, that all development in the borough will support the Council's target to achieve net zero emissions by 2030. It is unsound, with such a goal, to propose a major development on the parish periphery, 3 miles equidistant from two villages where there is no shop (in spite of the PLSP's statement AL/BE 3&4) and no cafe (BHS says its cafe was built for its own use not for the use of the public - see comments on the first draft of the LP). Residents will need their cars for almost everything.
- **Policy STR1** promotes the effective use of previously developed land, having due regard to relevant Plan policies, but in promoting AL/BE3&4, the PSLP disregards STR6 (environmental goals) & STR7 (transport goals). Under the NPPF, sustainability is the priority, as the PSLP acknowledges in STR3, 4.65 "A presumption of sustainability lies at the heart of the NPPF", but in allocating AL/BE 3&4, the PSLP fails to respect its own and the NPPF's strategic priorities.
- **Policy STR 8** states that development should contribute to and enhance rural landscapes with particular regard to the High Weald (HW) AONB. The PSLP promotes nature conservation. Its biodiversity objective is to achieve net gains and, where possible, secure long-term management of sites for biodiversity. AL/BE3 runs counter to this strategy since the BHS has produced plans showing houses built over the LWS. It has, furthermore, produced a document requiring that one of the two LWS be dug up and removed to another unspecified location, thereby nullifying the terms of the existing Landscape and Ecology Management Plan (LEMP) for that site. Para 3.21 of the BHS submission on the first draft LP states: *"The Society supports the requirement for long-term management of the core areas of LWS associated with the hospital land This includes all but the modest area within the SEQ adjoining Peak Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."* This is a particularly significant site for biodiversity. A letter from Keith Nicholson, former Planning and Conservation officer for the Kent Wildlife Trust, dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert states that the hospital LWS are of national importance, mainly for the large number of different varieties of waxcaps. He states that they could well have been designated SSSI. Both in terms of waxcaps and in terms of valuable acid grassland, the hospital sites have high environmental value, see Comment DLP \_3458 on the first draft of the LP, from the High Weald AONB Unit. The Benenden Hospital site *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network"* AL/BE3&4 threaten the biodiversity of significant species in the LWS at the hospital sites, contrary to EN1.
- The LWS to the south of AL/BE3 is included in the BNP and BPC argues that this has been done in order to protect it (see their response to the Independent Examiner April 2021). It is difficult to follow this logic. The inclusion of the site in the area to be developed suggests that it too could be under threat.
- There is no plan showing the placement of houses on AL/BE 4, which is currently home to a large LWS and is the site of 18 habitable dwellings, almost all of the them currently in use and let. The proposal allows for these to be demolished and another 25 dwellings added to the site. The PSLP includes the LWS in the area to be developed and the BNP excludes most of it. Benenden Parish Council (BPC), in its April 2021 response to the Independent Examiner, has said that, in the case of a successful referendum, the PSLP's plan (which includes the LWS), will prevail. In other words, of the 3 LWS in AL/BE 3&4, one is slated for removal, one will be built over if the PSLP prevails and one may be built over if the BNP prevails. This undermines STR8.
- The PSLP claims that the hospital development "has the potential to improve the setting of the HW AONB through the delivery of a more sensitive redevelopment of existing buildings" (para 5.454), but the claim is not supported by evidence produced by *Hankinson & Duckett* (see above) while the HW AONB unit's own view is the opposite. See TW first Draft LP, **DLP\_3458 High Weald AONB Unit** (which objects to the Plan): *".... In our view the development at Benenden Hospital will have a significant effect on the setting of the AONB and the purposes of its designation, and this issue has not been properly considered by the Plan."*
- *The NPPF section 2 para 11 states: "Plans and decisions should apply a presumption in favour of sustainable development... ..(b) strategic policies should provide for objectively assessed needs for housing ... 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"* And see Footnote 6:

*the policies referred to are those in the Framework ... relating to habitat sites (and those sites listed in para 176) and/or designated as SSSI, AONBs ....*

•NPPF para 177 states: *"The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site."*

**PSLP ENI para 5. Biodiversity and geodiversity.**AL/BE 3&4 run counter to this policy as stated above in relation to the LWS.

**The Environment**STR8 sets high environmental standards but these are undermined in the site allocations. This is particularly startling in the light of the July 2019 Full Council motion to recognise the climate and biodiversity emergency, in fact, the Benenden allocations put into question whether the motion was passed in good faith.

**ENI para 5** (Biodiversity and geodiversity) says that proposals should maximise opportunities to increase biodiversity. This goal may make sense in an urban setting, but development in the countryside, as is proposed in AL/BE 3 & 4, cannot hope to ever mitigate biodiversity loss. The destruction of trees and wild spaces, the introduction of lighting, kerbs, driveways, wider roads and narrower verges, the use of concrete, tarmac, bricks and mortar in a deeply rural setting cannot "increase biodiversity".

**EN1 provides for Long-term Management plans** which would be satisfactory within an urban context. In a rural location like the East End, such plans are no substitute for natural wild spaces. A 'managed' green space set among streets is less likely to promote biodiversity and less likely to conserve wildlife than 'unmanaged' green space. Further, the three LWS in AL/BE3 & 4 are all already part of an existing LEMP agreement, and since one or all would be removed in the case of development as outlined by BHS under AL/BE3&4, instead of creating a long-term management plan, AL/BE3 & 4 would all but terminate an existing one. The sentiments expressed in ENI are mocked by AL/BE3 & 4.

#### **4. Site policies**

**AL/BE3** excludes one of the 2 LWS at the site, and the BNP includes both, yet para 5.458 states "Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development.." This does not appear to be the case. Further, the SHELAA treats this site twice, once including the southern LWS (and excluding Windmill Cottage) and once excluding the LWS and including Windmill Cottage (SHELAA pages 1-3 and pages 18-19). In the second instance, the suggestion is for 67-73 houses, presumably building over the LWS. The first plan is the one adopted in the PSLP and appears to be the more accurate of the two in that it describes the site as "mostly PDL". The second ignores all greenfield aspects and is almost identical to the plan in the BNP, a plan which BNP claims will prevail if it wins a referendum. Is AL/BE3 presenting us with the wrong plan?

**AL/BE3 and AL/BE4** provide for a phased timetable for development of the two sites at different time intervals without calling for a comprehensive masterplan for the hospital site as a whole i.e. for the entire built up area. This is inconsistent with STR2, which requires a masterplan for large developments. The full extent of the area to be developed must be clear. See para 1a of Policy AL/BE3 which states that there is a need to "show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land" It is not sound to proceed with an LP where the land to be developed is not indicated from the start.

**AL/BE3&4** both call for an active travel link between the site and Benenden village. This proposal has been costed (see BPC's April 2021 reply to the Independent Examiner) at between £180,000 and £220,000 for a 3m wide tarmacked surface, plus costs to upgrade it to a bridleway, plus the costs associated with obtaining landowners' consent or, failing that, of starting compulsory purchase proceedings which TWBC expresses reluctance to undertake because of the significant compensation costs and legal costs which would be involved. No steps have been taken either by the BNP or TWBC to ascertain the willingness of landowners to give up their land although the major landowner involved wrote to BNP on 11th Sept. 2019 objecting to the plan. It is understood that he was not contacted for subsequent discussion.

**AL/BE3&4** calls for the repurposing of the existing tennis courts for the use of local residents, which BHS denies it will offer for public use; for the public use of the hospital's cafe; for the creation of a hospital shop (5.413); for a minibus service linking the hospital to the village ("The Society is not a transport provider" is BHS' response); for green space, a playground and provision of a community hall - most of these policies are refuted in Savills' comments on behalf of BHS, in the first draft of the LP, DLP\_4956 paras 3.14, 3.18, 3.19, 3.20, 3.46 and 3.47. Rather than agreeing to such policies, the hospital is calling on TWBC to introduce a more flexible funding system to allow a reduction of developer costs. BHS argues these will be high because they wish to demolish existing buildings. It is unsound to propose policies which cannot be implemented. Once the sites are sold, no relevant conditions to this effect could be imposed.

## **5. The PSLP is unsound because of inconsistencies in the treatment of different sites.**

(i) **Uphill, AL/BE1** is described as having archaeological potential (para 5.428) requiring possible mitigation measures. This is not because of historical finds on the site, but because they *might* be found. A listed manor house lies on the other side of New Pond Road and, according to AL/BE1, "the site lies within, or very close to the relevant impact risk zone for Parsonage Wood", a SSSI which is, in fact, several miles away. The archaeological significance of AL/BE 3&4 is far more certain and substantial. The hospital sites are where a bronze age palstaff was found (see the National Monument Register - SMR Number /Hob UID)) and the sites lie close to two ancient routeways. A Roman Road runs west-east (on BHS farmland) a few yards to the south of AL/BE3 and a medieval drove road (GGR), runs west-east between the two sites. Further, two Grade II Listed Buildings are sited here, also on BHS land. The Lister building stands a few yards to the west of AL/BE3 and Cleveland Farm house (the farmyard of which BHS is trying to develop separately and simultaneously as if a minor planning project) lies a few yards to the south. Instead of mentioning these facts, AL/BE3&4 reads (5.456 and 5.468) "Kent County Council states that the site includes significant archaeology, which could be dealt with through suitable conditions on a planning approval." The imbalance in the treatment of the two sites is substantial and suggests confirmatory bias or prejudice.

(ii) The SHELAA assessment of site 158 suggests a potential yield of 50-65 houses, but then concludes that only the Uphill part of the site is suitable (20 houses). It states that "the remainder of the site is sensitive in landscaping terms and there is concern regarding scale and impact on the character of the landscape and settlement pattern". This is contrary to the views of TW's 2006 SA; to the TW 2018 document proposing 174 houses; and to the first draft of the LP. The dismissal of 158 as a suitable site is not supported by the evidence and suggests prejudice.

(iii) Site 222, west of the cross roads, was also considered in 2006, as a possible site for the new village school, though it was not one of the top two sites put to a referendum. The SHELAA suggests 222 has a potential for 76 houses. The site is considered unsuitable partly because the new LBD, if adopted, will exclude all houses west of the cross roads, when the village actually extends a considerable length along this road to the west. There is no mention of the fact that the owners of this site are offering the pond at the south west corner of the crossroads as village green space. The dismissal of 222 is not supported by the evidence and suggests prejudice.

(iv) The SHELAA suggests a capacity of 26 houses at Site LS8 in Iden Green, stating that it lies adjacent to the recreation ground and a children's nursery and that there is a pavement on both sides of Iden Green's main road. It fails to mention that the easternmost side of this pavement connects the village to the village primary school. The SHELAA dismisses the site as unsuitable saying that it is located in a remote location relative to services, facilities and public transport, but this site is far less remote than sites AL/BE3&4. The dismissal of site LS8 is not supported by the evidence and suggests prejudice.

(v) The proposed new LBD has been constructed so as to include the newsite at Uphill and to exclude 222, when in fact, the actual built development extends westwards from the crossroads and includes site 222. The LBD is ignored in respect of AL/BE3&4. Manipulation of the LBD to suit allocated sites is inappropriate.

As a general comment, I have found the process unnecessarily difficult to navigate. In fact, from the point of view of the ordinary lay-man, I would term the process 'hostile'. The interactive on-line site was unmanageable. Question 4a is very badly worded. The PSLP's prose entirely suited the opacity of the procedure. Here is one example from the SA (page 163) "However, the education objective does not deteriorate when considering cumulative effects as the schools in Tenterden will be a viable option for residents in East End and thus are likely to take the pressure off Benenden Primary School." What does that mean?

## 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 modifications needed are included in the submissions set out above. In summary, development on site AL/BE 3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE 4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre and school. Paragraphs 5.421 and 5.422 should be omitted.

## 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 to put over my case, and to answer those with vested interests who may seek to put forward arguments against it.

## Question 8

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

1. The Sustainability Appraisal (SA) is misleading. Table 58 on page 163 states that all Benenden sites "lack services, facilities and travel options". This belies the fact that AL/BE2 (Feoffee almshouses) is close to the Street as is AL/BE 1 (Uphill). Both sites are within walking distance of the bus stop for daily bus services, the post office, village shop, the primary school, the village green, the butchers, pub, community hall, church, recreation ground and children's playground. AL/BE 3 & 4 are three miles north east of the village with no daily bus service and no amenities whatsoever.
2. The commentary on Table 58, (page 163 of the SA), states that East End sites score badly on



Climate Change and Travel, yet these are the sites promoted for most houses.

3. The SA argues on page 163 that East End residents will send their children to schools in Tenterden instead of to the village primary school, and that this will lessen the otherwise seriously negative effects of the two hospital sites. This is pure conjecture and possibly wishful thinking. The school has a good reputation and currently between 70 and 75% of children there come from outside the parish. East End children will have precedence over these, since intake depends on the distance of a child's residence from the school. Pressure on Benenden Primary School will increase, not decrease. Further, the use of a car, whether it drives to Tenterden (5-6 miles) or to Benenden (3 miles), pollutes and deprives residents of the health-giving pleasure of walking to school. The AL/BE 3&4 are contrary to STR2, to the NPPF and to KCC policy on climate change.

4. Appendix L (pp33 I-2) shows Scores for Reasonable Sites in Benenden. Here we see scores for 158 and 222, two sites close to the village centre. Of 158, we read "A site that scores several neutrals with some positives, let down by its land use and landscape score impacted by a loss of a greenfield site in the AONB and lack of services and facilities including public transport at the settlement." This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of I: primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - issues and Options report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there.

5. In April 2018, BNP Steering Committee Deputy Chair, a borough councillor, showed the committee a piece of paper from TWBC saying that TWBC wishes to build 174 houses on site 158. He committed himself to seeing these numbers reduced and the numbers at the East End raised. After a meeting between representatives from the BNP group and TW planners on June 19th, 2018, the minutes reported that "At times the workshop was emotive ...". Following that meeting TW planners put site 158 on temporary hold, limiting development there to a future Local Plan by asking, in the first draft of the LP on page 270, that the Uphill site on New Pond Road, adjacent to 158 and allocated at that time as AL/BE3, should, under Clause 8, provide for vehicular access through Uphill to the site behind (158) "which may be allocated for development as part of a future Local Plan." In the PSLP, this wording for Clause 8 has disappeared. Where is the evidence-base for such wording to be included in the first draft and excluded in the second? Why is the site considered suitable in 2006, in 2018, and in the first draft, but not suitable in the PSLP?

6. Site 222, like 158 is described in Appendix L of the PSLP's SA as suffering from "a lack of services and facilities including public transport at the settlement." This is inaccurate. There is a daily bus service along Benenden Street and site 222 is within easy walking distance of the bus stop, shops, pub, community hall, primary school and all other amenities.

7. Site LS8, in the heart of Iden Green is, along with site 158 and 222, a site which on-the-ground evidence suggests is eminently suitable for development, but which the SA fails to allocate. Appendix L of the SA gives LS8 virtually the same scores as Uphill (LS 16 of AL/BE 1) yet the latter is included for development and the former is not. The commentary states of LS8 "A number of scores are negative however, reflecting the remote location of the site from services and facilities and public transport. It scores negatively in heritage terms as the site is a relatively sizeable piece of the Iden Green Conservation Area." This site is far less remote than sites AL/BE 3 & 4. It is one mile from the village and connected to it by a paved footpath running past a Roadside Conservation Area and then (still paved) through a field to the church and primary school. It is on a bus route and the bus stop is next to LS8. Iden Green has a community hall, tennis courts, a children's playground and pub/restaurant. The SA information is unreliable and the PSLP's use of it for site allocation is unwise.

8. In so far as Benenden is concerned, the sites were allocated before any sustainability appraisal was commissioned. It is not therefore a relevant factor in the allocation of sites for housing.

#### **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:**

No, I do not wish to be notified of future stages of the Local Plan

## Comment

Consultee	Rachel Casement [REDACTED]
Email Address	[REDACTED]
Address	## ## ##
Event Name	Pre-Submission Local Plan
Comment by	Rachel Casement [REDACTED]
Comment ID	PSLP_304
Response Date	12/05/21 09:00
Consultation Point	Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End ( <a href="#">View</a> )
Status	Processed
Submission Type	Other
Version	0.3
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Rachel Casement
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 No(s) Para 5.413, 5.414, 5.416, 5.420, 5.421, 5.422, 5.428, 5.452, 5.453, 5.454, 5.456, 5.458, 5.467, 5.468 Policy No. Objective 1, Objective 2, STR1, STR2, STR3, STR5, STR6, STR7, STR8, PSTR/BE1, Policy AL/BE1, Policy AL/BE3, Policy AL/BE4, EN1 Sustainability Appraisal SHELAA Policies Map (Inset Map No(s)) Inset Map 18

*[TWBC: this representation has been input against Policies PSTR/BE 1, AL/BE 3 and AL/BE 4 – see Comment Numbers PSLP\_214, PSLP\_304 and PSLP\_305]*

**Question 4**

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

**Is legally compliant** Don't know

**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.**

It is neither positively prepared, effective, justified or consistent with national policy for the points made 1-5 below, referring to STR1-8.

This submission concerns the parish of Benenden, the only parish in the borough to have made its own allocations. The Benenden Neighbourhood Plan (BNP) has been developed in close consultation with TWBC, with the BNP in the lead. The BNP announced its allocations in February 2019, before inviting AECOM to produce its Strategic Environmental Assessment.

Pre-Submission Local Plan, para 5.420 reads "The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020." But the allocations had been made and published in February 2019. Further, Para 5.420 states "The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan." BNP allocations were first published in February 2019 i.e. before LP site allocation policies.

Allocations made by the LP, when it took up the BNP's baton, are therefore inevitably linked to BNP's weaknesses. Yet if the BNP passes a referendum before acceptance of the LP, it is said that it will take precedence over the LP (see para 5.421), with the exception of its plans for the northern site at Benenden hospital, which will be overruled by the plans advanced in the LP (see Benenden Parish Council April 2021 response to Independent Examiner queries on the BNP). This is in contravention of para 5.422 which talks of making "modifications to the LP" so that it matches the BNP.

I. Community involvement. EN1: this requirement has not been respected. • In Benenden, almost all new housing is slated for the East End, yet the Friends of the East End (FEE), were never asked to meet with the BNP steering group. • See EN I para 9 requiring the effective engagement of the local community, neighbours of sites and others. The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response to the Informal Draft NP (published on February 23, 2019), in which the allocations later adopted by the LP were first set out. A FEE submission with 164 signatures was submitted in October 2019 objecting to the first draft of the LP, and in the same month, a FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. See the FEE's current online petition with more than 450 signatures <https://www.change.org/EastEndFriends>

- Instead of being consulted, the FEE were ignored and belittled. They were informed on 11 March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that "I'm of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about.* At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward."
- One of the regular articles on the BNP submitted by the chair of the BNP Steering Group appeared in January 2020. It dismisses FEE opposition suggesting only "31 residents from the East End" sent in comments.
- The core group behind the BNP has consistently tried to persuade those who support the FEE to desist. The chair of the Parish Council and the chair of the BNP Steering Group have twice asked to meet a Tunbridge Wells Alliance (TWA) Borough Councillor for the parish, once together with a TWA borough council candidate, in efforts to persuade them to adhere to the BNP's approach and not to listen to the FEE.
- The organiser of the FEE was a member of the Steering Committee 2017/2018 as chair of the Environmental Group. She expressed strong disagreement with a Borough Councillor who lives in the village (on occasion, he deputises as chair of the Steering Group) about his wish to step up allocations in the East End and suppress TWBC's wish to build 174 houses on site 158. As a result, the Steering Group chair (using his own word), "sacked" her. This is contrary to ENI para 9, encouraging early, proactive and effective engagements and the requirement that views expressed should be properly considered.
- Consultation also failed in relation to the neighbouring parish of Biddenden. The Clerk of Biddenden Council has repeatedly responded to BPC in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP's mismanagement of the parish of Biddenden in the Biddenden Parish Magazine, February 2021.
- The LP is based on the BNP and BNP allocations were made before consultations with stakeholders such as the AONB. This is not consulting in a timely fashion. Further, the LP requires surveys of the hospital sites *after* the designation of the sites for development, for example, archaeological surveys (see AL/BE 3&4). Historic England (HE) asks for the surveys to be carried out *before* allocation. See HE's comments on the first draft LP (DLP 4556) - "we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted.*"

**2. The PSLP is not based on sound evidence**• Throughout the LP process, misstatements have been made about amenities in Benenden's East End. These may be traced back to a submission made by traffic and highways consultants, Transport Planning Associates (TPA) to Benenden Healthcare Society Ltd. (BHS). This submission was recently disclosed in BHS's response to the Independent Examiner's queries in relation to the BNP. TPA's information is sometimes inaccurate and sometimes misleading and we consider it here in detail because it is difficult otherwise, to understand how the LP was able to continue, iteration after iteration, to relate false information about the hospital site.

- In October 2019, TPA reported (para 2.6) that there was a footpath along the southern edge of Goddards Green Road (GGR) and the PSLP, para 5.452 states "There is an intermittent pavement along GGR". The GGR is a long road running from New Pond Road to Castleton's Oak crossroads, and was formerly a lane. The pavement is limited to the short section immediately outside the hospital buildings. To say that there is an intermittent pavement along GGR is misleading.
- The TP A refers to the East End as a village, which it is not. The East End runs from the junction of GGR and Walkhurst Road, along the GGR to the border with Tenterden, then turns south to reach close to Hole Park in Rolvenden, then east back to Walkhurst Road at the site of the stream, then along Walkhurst Road back to GGR (see the old Electoral Roll for 2004 when the East End had its own polling station). It is a large, totally rural area of several square miles, which was why it was chosen as the site for an isolation hospital in 1906. Today it contains only 76 houses scattered across the entire area. The PSLP consistently refers to the East End as a hamlet. It is not, which is why BPC is

able to advertise itself on its website as "Serving the people of Benenden and Iden Green" without any reference to the East End.

- The TPA says that "a day nursery is located immediately to the north of the Site within 400m." There is incorrect, yet this error is repeated in para 5.413 of the PSLP "There are also nursery/pre-school facilities at Iden Green and East End." An accurate account would mention Iden Green only.

- The TPA states that there are daily bus services along GGR provided by bus nos. 24 and 299, and twice a day service provided by the Hopper bus. This information is incorrect. The 2019 Hopper bus, operated by the Tenterden social services hub on an experimental basis, failed in only a matter of months. While the 24 and the 299 buses pass along GGR, they do so on only one day a week. The 24 on Tuesdays and the 299 on Wednesdays. The East End has almost no public transport.

- The TPA makes several statements in relation to traffic which have fed misinformation into the system to be reflected in AL/BA3&4. This misinformation was only recently revealed when documents were provided by BHS following April 2021 queries raised by the Independent Examiner on the BNP. These documents include a TPA 'Scoping Note' on road and traffic conditions at the site and a letter written in response to this Note from KCC Highways, dated 13 Nov. 2019. The TPA states that the GGR is 7m wide at the hospital site which detracts from the fact that it is actually a winding rural lane, now called a road, and varies considerably in width. It may at some point be 7m wide, but at others, it is so narrow that two lorries have difficulty passing each other. The TPA claims that there is no need for a road safety review because there have been "no personal injury accidents" recorded within 1,000m. Castleton's Oak crossroads lie 1.5 km from the site and accidents there are frequent, largely due to increasing traffic at the hospital. The hospital has turned itself into an almost exclusively out-patient centre and almost all its 300 employees drive in to work from outside the parish (formerly, they were housed on site in hospital staff buildings). Kent County Council (KCC) Highways make constant and repeated attempts to lower the risk of injury at the crossroads. Works there are ongoing at this time. The TPA claims that no traffic surveys are necessary which is a point queried in the KCC Highways' email. The email talks of the "heavy car dependency" of residents in any housing in this location and says this was one of its concerns, even at the time of the original application asking for only 24 houses. The email states that BHS's plans (and therefore AL/BE 3&4) are contrary to the NPPF and to KCC's own policy objectives, and points out that the hospital has not co-operated over the idea of a minibus to provide transp011 from the site to Benenden. The letter calls for: traffic counts along the GGR; a wider crash analysis; and expresses concern over the proposed access points to the SE Quadrant - 2 on Green Lane and 2 on GGR. Lastly, on trip generation, the TPA projects that 47 houses at the site will produce only 106 trips a day, though the consultants admit that they have difficulty in basing their estimate on comparable sites because there are none. These trip generation figures ignore existing traffic from local residents, from patients, from hospital staff and from the newly (January 2021) proposed housing estate at Cleveland. The AL/BE 3&4 fails to provide a traffic count, fails to ask for a road safety review and fails to acknowledge frequent traffic accidents near the sites.

- Pre-submission supporting documents also produce inaccurate and sometimes irrelevant evidence. The hospital sites are within the setting of an AONB and even overlap into it, yet *Inset Map 18* (Benenden Hospital), unlike other maps attached, makes no reference to the AONB boundary. The BNP claims that the hospital is outside the AONB and on this basis, since the rest of the village is wholly within the AONB, largely justifies placing most of Benenden's housing in the East End. This is misleading, since the AONB boundary wraps tightly round AL/BE3, which actually overlaps into the AONB in the southwest corner. In any event both sites affect land in the AONB. The relationship of the AONB boundary to the hospital sites is important yet it is ignored on the map. This looks like prejudice.

- Hankinson Duckett Associates's AONB Setting Analysis Report (a supporting document for the PSLP, referred to as an evidence base) is, in its analysis of AL/BE3&4, unsound. The analysis argues that development at these sites will enhance the setting of the AONB. It illustrates the argument with photos of the hospital chapel and its carpark. Neither the chapel nor car park are in the area up for development.

### **3. Policies AL/BE3&4 are not consistent with the PSLP's Vision objectives nor with its strategies, nor with KCC's policies, nor with the NPPF.**

- The PSLP's Vision Objective 1 is: "to improve access to suitable, especially affordable housing, including for local young people and older households." But this is inconsistent with allocations AL/BE 3 & 4. BHS is asking in its comments on the LP first draft, for a lower number of affordable homes because of the high cost of brownfield development. Living isolated in the countryside, families will need at least two cars. Old and young will be unable to walk to schools, shops or any other amenities. This is not a suitable site for a borough which (see para

2.16) expects the population over the age of 65 + to increase by around 40% between 2020 and 2038. The PSLP's Vision Objective 2 is to ensure sustainable development which allocations at AL/BE 3&4 do not achieve. On the contrary, the KCC warns that even with the existing permission for 24 houses on AL/BE3, the highway authority had concerns. This is an isolated location, deep in the countryside (see KCC Highways email 13 Nov 2019). More than 24 houses in this location is not sustainable.

- Policy PSTR/BEI, LBD 5.416 states "the LBD around Benenden village sets the extent of existing and planned development .. " This conflicts with the recommendation that major development be instated three miles beyond the LBD, on the border with Biddenden.

- **Policy STR 2** "The Council requires the use of masterplanning, including the use of design codes and sustainable design standards where appropriate, for strategic and larger-scale developments .. " This is undermined by AL/BE 3&4 which calls for a masterplan for an area not included in the PSLP and not presented. Para 1a of Policy AL/BE3 states that there is a need to "show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*" It is not sound to proceed with an LP where the land to be developed is not clearly indicated from the start.

- **A masterplan is essential to avoid current inconsistencies on the size of areas to be developed:** AL/BE3 excludes one of the 2 Local Wildlife Sites (LWS) at the site, yet the BNP includes both. Para 5.458 states "Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development.." They do not. The PSLP states that in the event of a successful referendum, the BNP's proposals will prevail. If this is so, are we supposed to assume that AL/BE3 map is inaccurate?

- A similar problem arises at the northern site (AL/BE4) here there are currently 18 dwellings. The proposal allows for these to be demolished and another 25 dwellings added to the site. The size of the area to be developed varies between the LP and the BNP. The LP includes the LWS in the area to be developed but the BNP includes only a small section, but says in the event of a successful referendum the BNP plan will be overruled by the LP plan (see the BPC response April 2021 to the Independent Examiner's queries). This is the reverse of 5.421 & 2. It is unsound to proceed with a plan when the NP and the LP are at odds with each other.

- **The PSLP claims building will only be within existing footprints**, an approach which is at odds with that of the BHS. Plans for 47 new houses in AL/BE3, presented to the village on 17th February 2020 by the hospital architects, show the buildings are not to be built within the footprint of previous buildings nor to respect LWS.

- **Policy STR 3** calls for the use of brownfield sites "within settlements" and in "sustainable locations." AL/BE 3 consists of disused medical buildings and 2 LWS with parkland and veteran trees (depending on whether this second LWS is included or not). 5.448 is therefore incorrect. The site should be described not as brownfield but as partly brownfield. It is not on the Brownfield Register. Because of its remote location and its valuable LWS sites, it is not free from constraints which could be mitigated. As such, Policy AL/BE3 does not meet the criteria needed under the NPPF, Section 11, para 117 for development in "a way that makes as much use as possible of previously-developed or 'brownfield' land." AL/BE 4 contains in-use residential housing and an LWS and therefore is not entirely brownfield.

- **Policy STR 5** states that "New residential ... development will be supported if sufficient infrastructure capacity is either available or can be provided in time to serve the development." Will this happen at AL/BE3&4? Developers themselves are to provide the infrastructure at AL/BE 3&4. The LP proposes to take on trust suggestions that the BHS will avoid building on the LWS and will provide play-grounds, sports facilities and tennis courts. We know from submissions following the first draft LP, that BHS is actually planning to remove one LWS entirely and that its plans include building on the LWS and beyond the foot print of previous buildings. BHS suggests, in its response to the first draft LP (OLP\_ 4956) that it is unlikely to provide play-grounds, sports facilities and tennis courts. The PSLP' s approach does not take comments to the first draft LP into account.

- **Policy STR 6** proposes to "Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough." In the case of the two isolated hospital sites, the PSLP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport. The Benenden hospital sites have no daily bus service and

no active travel link to the village, and neither the PSLP nor the BHS provide credible information on how these links are to be provided. The KCC email of Nov 13 suggests that the hospital is uncooperative on the proposal to organise a minibus service and the SHELAA says of AL/BE3 that it is "Remote from a settlement centre," (unlike sites 158, 222 and LS8); that residents will rely heavily on private cars and thus air quality and travel objectives score negatively; and that, "although promoted by the policy, shared transport and active travel options are unlikely to take precedence over private vehicle use thus air quality and climate change score negatively." This is crucial. For all the talk of mitigating the remoteness of the hospital sites with a minibus link and cycle routes, nobody actually believes that any of these measures will succeed. As for the proposal to create links suitable for electric personal vehicles, such as mobility scooters (as suggested under STR 6), it is difficult to see, when the closest link with the village is a single-track lane (Walkhurst Road), how any personal electric vehicle could make that journey. The PSLP is creating, through its policies AL/BE3&4, a car dependent community. This thereby negates the sense of the LP's supporting document, *Transport Strategy Review Sept 2019* which urges reducing the need to travel.

- AL/BE3&4 also undermine TWBC's Full Council motion of July 2019 to reduce CO2 emissions. "The dominance of the car as a mode of transport can lead to congestion, more road accidents, air and noise pollution. In addition it contributes to climate change, reduces social cohesion and leads to less healthy lifestyles" (para 44 *Transport Review*). According to TW's own SA from 2006, if social cohesion, reduction in air pollutants, and public health were indeed the borough's priorities, site 158 would have been among those chosen for Benenden, as originally intended.

- **PSLP paras 5.453 and 5.467** state that "residents of development in this location will rely heavily on private cars." These plans runs counter to STR6 policy on the environment see paras 6.8, 6.9, 6.10, 6.11 and 6.13. It also contravenes KCC policies on climate change and the NPPF (see KCC's Nov 13, 2019 letter on this subject).

- **Para 5.414** "The parish provides two relatively large sources of employment: at Benenden Hospital and at Benenden School." The inference is that the employment opportunities are linked somehow to the population of Benenden. There is in fact little connection. The 300 plus staff at the hospital drive into the parish along GGR to work and, since the hospital is isolated from the village, their contribution to the local economy is negligible.

- **Policy STR 6** The LP proposes to "**Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough.**" In the case of the two isolated hospital sites, the LP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport.

- **Cycle routes:** The PSLP's standards on the public benefits of cycling and walking are based on the *Cycle Strategy Supporting Document*, but these standards are undermined by site allocation in Benenden. The Cycle document states that: "When more people cycle or walk the health of the population improves and our roads become safer and less congested." Its objectives 4 and 5 are to improve safety for cyclists and air quality for all, but AL/BE 3 & 4 will create a community, deep in the countryside, entirely dependent on the car and will contribute to poorer air quality for all. The allocation of these sites, as opposed to sites such as 158, is difficult to understand.

- *The Cycle Strategy* states that fear of traffic is possibly the main factor discouraging people from cycling. National Cycle Route 18 runs from the Rolvenden Road, down Stepneyford Lane, to Green Lane, before joining the Benenden Road near the hospital, turning right and leading to Castleton's Oak Cross roads and Gribblebridge Lane. This route is a largely on-road ride travelling through the High Weald, using narrow, picturesque country lanes as much as possible. Green Lane/Stepneyford Lane is mentioned in TWBC's *Rural Lanes: Supplementary Planning Guidance*. It is particularly high scoring in terms of its landscape, its recreational value, its natural beauty and its history. For these reasons, it is part of National Route 18. Rather than encouraging cycling, AL/BE3, which proposes two exits for this major development on GGR and two on Green Lane (where a second housing estate, at Cleveland Farm is already leading to Kent Highways calling for road widening and the elimination of grass verges - see building application 20/03267/FULL) will cause an increase in those factors, identified in *TW Cycle Strategy*, as discouraging cyclists, namely, traffic and the loss of unspoilt country lanes. Policy AL/BE3 also contravenes Kent Structure Plan Policy ENV13: "Rural lanes which are of landscape, amenity, nature conservation, historic or archaeological importance will be protected from changes which would damage their character, and enhanced." In any event, the cycle route is purely recreational and will not enhance the sustainability of these sites.



- **Policy STR 7** proposes, in dealing with TWBC's 2019 legally binding commitment to manage climate change, that all development in the borough will support the Council's target to achieve net zero emissions by 2030. It is unsound, with such a goal, to propose a major development on the parish periphery, 3 miles equidistant from two villages where there is no shop (in spite of the PLSP's statement AL/BE 3&4) and no cafe (BHS says its cafe was built for its own use not for the use of the public - see comments on the first draft of the LP). Residents will need their cars for almost everything.
- **Policy STR1** promotes the effective use of previously developed land, having due regard to relevant Plan policies, but in promoting AL/BE3&4, the PSLP disregards STR6 (environmental goals) & STR7 (transport goals). Under the NPPF, sustainability is the priority, as the PSLP acknowledges in STR3, 4.65 "A presumption of sustainability lies at the heart of the NPPF", but in allocating AL/BE 3&4, the PSLP fails to respect its own and the NPPF's strategic priorities.
- **Policy STR 8** states that development should contribute to and enhance rural landscapes with particular regard to the High Weald (HW) AONB. The PSLP promotes nature conservation. Its biodiversity objective is to achieve net gains and, where possible, secure long-term management of sites for biodiversity. AL/BE3 runs counter to this strategy since the BHS has produced plans showing houses built over the LWS. It has, furthermore, produced a document requiring that one of the two LWS be dug up and removed to another unspecified location, thereby nullifying the terms of the existing Landscape and Ecology Management Plan (LEMP) for that site. Para 3.21 of the BHS submission on the first draft LP states: *"The Society supports the requirement for long-term management of the core areas of LWS associated with the hospital land This includes all but the modest area within the SEQ adjoining Peak Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."* This is a particularly significant site for biodiversity. A letter from Keith Nicholson, former Planning and Conservation officer for the Kent Wildlife Trust, dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert states that the hospital LWS are of national importance, mainly for the large number of different varieties of waxcaps. He states that they could well have been designated SSSI. Both in terms of waxcaps and in terms of valuable acid grassland, the hospital sites have high environmental value, see Comment DLP \_3458 on the first draft of the LP, from the High Weald AONB Unit. The Benenden Hospital site *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network"* AL/BE3&4 threaten the biodiversity of significant species in the LWS at the hospital sites, contrary to EN1.
- The LWS to the south of AL/BE3 is included in the BNP and BPC argues that this has been done in order to protect it (see their response to the Independent Examiner April 2021). It is difficult to follow this logic. The inclusion of the site in the area to be developed suggests that it too could be under threat.
- There is no plan showing the placement of houses on AL/BE 4, which is currently home to a large LWS and is the site of 18 habitable dwellings, almost all of the them currently in use and let. The proposal allows for these to be demolished and another 25 dwellings added to the site. The PSLP includes the LWS in the area to be developed and the BNP excludes most of it. Benenden Parish Council (BPC), in its April 2021 response to the Independent Examiner, has said that, in the case of a successful referendum, the PSLP's plan (which includes the LWS), will prevail. In other words, of the 3 LWS in AL/BE 3&4, one is slated for removal, one will be built over if the PSLP prevails and one may be built over if the BNP prevails. This undermines STR8.
- The PSLP claims that the hospital development "has the potential to improve the setting of the HW AONB through the delivery of a more sensitive redevelopment of existing buildings" (para 5.454), but the claim is not supported by evidence produced by *Hankinson & Duckett* (see above) while the HW AONB unit's own view is the opposite. See TW first Draft LP, **DLP\_3458 High Weald AONB Unit** (which objects to the Plan): *".... In our view the development at Benenden Hospital will have a significant effect on the setting of the AONB and the purposes of its designation, and this issue has not been properly considered by the Plan."*
- *The NPPF section 2 para 11 states: "Plans and decisions should apply a presumption in favour of sustainable development... ..(b) strategic policies should provide for objectively assessed needs for housing ... 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"* And see Footnote 6:

*the policies referred to are those in the Framework ... relating to habitat sites (and those sites listed in para 176) and/or designated as SSSI, AONBs ....*

•NPPF para 177 states: *"The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site."*

**PSLP ENI para 5. Biodiversity and geodiversity.**AL/BE 3&4 run counter to this policy as stated above in relation to the LWS.

**The Environment**STR8 sets high environmental standards but these are undermined in the site allocations. This is particularly startling in the light of the July 2019 Full Council motion to recognise the climate and biodiversity emergency, in fact, the Benenden allocations put into question whether the motion was passed in good faith.

**ENI para 5** (Biodiversity and geodiversity) says that proposals should maximise opportunities to increase biodiversity. This goal may make sense in an urban setting, but development in the countryside, as is proposed in AL/BE 3 & 4, cannot hope to ever mitigate biodiversity loss. The destruction of trees and wild spaces, the introduction of lighting, kerbs, driveways, wider roads and narrower verges, the use of concrete, tarmac, bricks and mortar in a deeply rural setting cannot "increase biodiversity".

**EN1 provides for Long-term Management plans** which would be satisfactory within an urban context. In a rural location like the East End, such plans are no substitute for natural wild spaces. A 'managed' green space set among streets is less likely to promote biodiversity and less likely to conserve wildlife than 'unmanaged' green space. Further, the three LWS in AL/BE3 & 4 are all already part of an existing LEMP agreement, and since one or all would be removed in the case of development as outlined by BHS under AL/BE3&4, instead of creating a long-term management plan, AL/BE3 & 4 would all but terminate an existing one. The sentiments expressed in ENI are mocked by AL/BE3 & 4.

#### **4. Site policies**

**AL/BE3** excludes one of the 2 LWS at the site, and the BNP includes both, yet para 5.458 states "Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development.." This does not appear to be the case. Further, the SHELAA treats this site twice, once including the southern LWS (and excluding Windmill Cottage) and once excluding the LWS and including Windmill Cottage (SHELAA pages 1-3 and pages 18-19). In the second instance, the suggestion is for 67-73 houses, presumably building over the LWS. The first plan is the one adopted in the PSLP and appears to be the more accurate of the two in that it describes the site as "mostly PDL". The second ignores all greenfield aspects and is almost identical to the plan in the BNP, a plan which BNP claims will prevail if it wins a referendum. Is AL/BE3 presenting us with the wrong plan?

**AL/BE3 and AL/BE4** provide for a phased timetable for development of the two sites at different time intervals without calling for a comprehensive masterplan for the hospital site as a whole i.e. for the entire built up area. This is inconsistent with STR2, which requires a masterplan for large developments. The full extent of the area to be developed must be clear. See para 1a of Policy AL/BE3 which states that there is a need to "show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land*" It is not sound to proceed with an LP where the land to be developed is not indicated from the start.

**AL/BE3&4** both call for an active travel link between the site and Benenden village. This proposal has been costed (see BPC's April 2021 reply to the Independent Examiner) at between £180,000 and £220,000 for a 3m wide tarmacked surface, plus costs to upgrade it to a bridleway, plus the costs associated with obtaining landowners' consent or, failing that, of starting compulsory purchase proceedings which TWBC expresses reluctance to undertake because of the significant compensation costs and legal costs which would be involved. No steps have been taken either by the BNP or TWBC to ascertain the willingness of landowners to give up their land although the major landowner involved wrote to BNP on 11th Sept. 2019 objecting to the plan. It is understood that he was not contacted for subsequent discussion.

**AL/BE3&4** calls for the repurposing of the existing tennis courts for the use of local residents, which BHS denies it will offer for public use; for the public use of the hospital's cafe; for the creation of a hospital shop (5.413); for a minibus service linking the hospital to the village ("The Society is not a transport provider" is BHS' response); for green space, a playground and provision of a community hall - most of these policies are refuted in Savills' comments on behalf of BHS, in the first draft of the LP, DLP\_4956 paras 3.14, 3.18, 3.19, 3.20, 3.46 and 3.47. Rather than agreeing to such policies, the hospital is calling on TWBC to introduce a more flexible funding system to allow a reduction of developer costs. BHS argues these will be high because they wish to demolish existing buildings. It is unsound to propose policies which cannot be implemented. Once the sites are sold, no relevant conditions to this effect could be imposed.

## **5. The PSLP is unsound because of inconsistencies in the treatment of different sites.**

(i) **Uphill, AL/BE1** is described as having archaeological potential (para 5.428) requiring possible mitigation measures. This is not because of historical finds on the site, but because they *might* be found. A listed manor house lies on the other side of New Pond Road and, according to AL/BE1, "the site lies within, or very close to the relevant impact risk zone for Parsonage Wood", a SSSI which is, in fact, several miles away. The archaeological significance of AL/BE 3&4 is far more certain and substantial. The hospital sites are where a bronze age palstaff was found (see the National Monument Register - SMR Number /Hob UID)) and the sites lie close to two ancient routeways. A Roman Road runs west-east (on BHS farmland) a few yards to the south of AL/BE3 and a medieval drove road (GGR), runs west-east between the two sites. Further, two Grade II Listed Buildings are sited here, also on BHS land. The Lister building stands a few yards to the west of AL/BE3 and Cleveland Farm house (the farmyard of which BHS is trying to develop separately and simultaneously as if a minor planning project) lies a few yards to the south. Instead of mentioning these facts, AL/BE3&4 reads (5.456 and 5.468) "Kent County Council states that the site includes significant archaeology, which could be dealt with through suitable conditions on a planning approval." The imbalance in the treatment of the two sites is substantial and suggests confirmatory bias or prejudice.

(ii) The SHELAA assessment of site 158 suggests a potential yield of 50-65 houses, but then concludes that only the Uphill part of the site is suitable (20 houses). It states that "the remainder of the site is sensitive in landscaping terms and there is concern regarding scale and impact on the character of the landscape and settlement pattern". This is contrary to the views of TW's 2006 SA; to the TW 2018 document proposing 174 houses; and to the first draft of the LP. The dismissal of 158 as a suitable site is not supported by the evidence and suggests prejudice.

(iii) Site 222, west of the cross roads, was also considered in 2006, as a possible site for the new village school, though it was not one of the top two sites put to a referendum. The SHELAA suggests 222 has a potential for 76 houses. The site is considered unsuitable partly because the new LBD, if adopted, will exclude all houses west of the cross roads, when the village actually extends a considerable length along this road to the west. There is no mention of the fact that the owners of this site are offering the pond at the south west corner of the crossroads as village green space. The dismissal of 222 is not supported by the evidence and suggests prejudice.

(iv) The SHELAA suggests a capacity of 26 houses at Site LS8 in Iden Green, stating that it lies adjacent to the recreation ground and a children's nursery and that there is a pavement on both sides of Iden Green's main road. It fails to mention that the easternmost side of this pavement connects the village to the village primary school. The SHELAA dismisses the site as unsuitable saying that it is located in a remote location relative to services, facilities and public transport, but this site is far less remote than sites AL/BE3&4. The dismissal of site LS8 is not supported by the evidence and suggests prejudice.

(v) The proposed new LBD has been constructed so as to include the newsite at Uphill and to exclude 222, when in fact, the actual built development extends westwards from the crossroads and includes site 222. The LBD is ignored in respect of AL/BE3&4. Manipulation of the LBD to suit allocated sites is inappropriate.

As a general comment, I have found the process unnecessarily difficult to navigate. In fact, from the point of view of the ordinary lay-man, I would term the process 'hostile'. The interactive on-line site was unmanageable. Question 4a is very badly worded. The PSLP's prose entirely suited the opacity of the procedure. Here is one example from the SA (page 163) "However, the education objective does not deteriorate when considering cumulative effects as the schools in Tenterden will be a viable option for residents in East End and thus are likely to take the pressure off Benenden Primary School." What does that mean?

## 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 modifications needed are included in the submissions set out above. In summary, development on site AL/BE 3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE 4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre and school. Paragraphs 5.421 and 5.422 should be omitted.

## 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 to put over my case, and to answer those with vested interests who may seek to put forward arguments against it.

## Question 8

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

1. The Sustainability Appraisal (SA) is misleading. Table 58 on page 163 states that all Benenden sites "lack services, facilities and travel options". This belies the fact that AL/BE2 (Feoffee almshouses) is close to the Street as is AL/BE 1 (Uphill). Both sites are within walking distance of the bus stop for daily bus services, the post office, village shop, the primary school, the village green, the butchers, pub, community hall, church, recreation ground and children's playground. AL/BE 3 & 4 are three miles north east of the village with no daily bus service and no amenities whatsoever.
2. The commentary on Table 58, (page 163 of the SA), states that East End sites score badly on

Climate Change and Travel, yet these are the sites promoted for most houses.

3. The SA argues on page 163 that East End residents will send their children to schools in Tenterden instead of to the village primary school, and that this will lessen the otherwise seriously negative effects of the two hospital sites. This is pure conjecture and possibly wishful thinking. The school has a good reputation and currently between 70 and 75% of children there come from outside the parish. East End children will have precedence over these, since intake depends on the distance of a child's residence from the school. Pressure on Benenden Primary School will increase, not decrease. Further, the use of a car, whether it drives to Tenterden (5-6 miles) or to Benenden (3 miles), pollutes and deprives residents of the health-giving pleasure of walking to school. The AL/BE 3&4 are contrary to STR2, to the NPPF and to KCC policy on climate change.

4. Appendix L (pp33 I-2) shows Scores for Reasonable Sites in Benenden. Here we see scores for 158 and 222, two sites close to the village centre. Of 158, we read "A site that scores several neutrals with some positives, let down by its land use and landscape score impacted by a loss of a greenfield site in the AONB and lack of services and facilities including public transport at the settlement." This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of I: primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - issues and Options report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there.

5. In April 2018, BNP Steering Committee Deputy Chair, a borough councillor, showed the committee a piece of paper from TWBC saying that TWBC wishes to build 174 houses on site 158. He committed himself to seeing these numbers reduced and the numbers at the East End raised. After a meeting between representatives from the BNP group and TW planners on June 19th, 2018, the minutes reported that "At times the workshop was emotive ...". Following that meeting TW planners put site 158 on temporary hold, limiting development there to a future Local Plan by asking, in the first draft of the LP on page 270, that the Uphill site on New Pond Road, adjacent to 158 and allocated at that time as AL/BE3, should, under Clause 8, provide for vehicular access through Uphill to the site behind (158) "which may be allocated for development as part of a future Local Plan." In the PSLP, this wording for Clause 8 has disappeared. Where is the evidence-base for such wording to be included in the first draft and excluded in the second? Why is the site considered suitable in 2006, in 2018, and in the first draft, but not suitable in the PSLP?

6. Site 222, like 158 is described in Appendix L of the PSLP's SA as suffering from "a lack of services and facilities including public transport at the settlement." This is inaccurate. There is a daily bus service along Benenden Street and site 222 is within easy walking distance of the bus stop, shops, pub, community hall, primary school and all other amenities.

7. Site LS8, in the heart of Iden Green is, along with site 158 and 222, a site which on-the-ground evidence suggests is eminently suitable for development, but which the SA fails to allocate. Appendix L of the SA gives LS8 virtually the same scores as Uphill (LS 16 of AL/BE 1) yet the latter is included for development and the former is not. The commentary states of LS8 "A number of scores are negative however, reflecting the remote location of the site from services and facilities and public transport. It scores negatively in heritage terms as the site is a relatively sizeable piece of the Iden Green Conservation Area." This site is far less remote than sites AL/BE 3 & 4. It is one mile from the village and connected to it by a paved footpath running past a Roadside Conservation Area and then (still paved) through a field to the church and primary school. It is on a bus route and the bus stop is next to LS8. Iden Green has a community hall, tennis courts, a children's playground and pub/restaurant. The SA information is unreliable and the PSLP's use of it for site allocation is unwise.

8. In so far as Benenden is concerned, the sites were allocated before any sustainability appraisal was commissioned. It is not therefore a relevant factor in the allocation of sites for housing.

#### **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:**

No, I do not wish to be notified of future stages of the Local Plan

## Comment

Consultee	Rachel Casement [REDACTED]
Email Address	[REDACTED]
Address	## ## ##
Event Name	Pre-Submission Local Plan
Comment by	Rachel Casement [REDACTED]
Comment ID	PSLP_305
Response Date	12/05/21 09:00
Consultation Point	Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End ( <a href="#">View</a> )
Status	Processed
Submission Type	Other
Version	0.2
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Rachel Casement
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 No(s) Para 5.413, 5.414, 5.416, 5.420, 5.421, 5.422, 5.428, 5.452, 5.453, 5.454, 5.456, 5.458, 5.467, 5.468  
Policy No. Objective 1, Objective 2, STR1, STR2, STR3, STR5, STR6, STR7, STR8, PSTR/BE1, Policy AL/BE1, Policy AL/BE3, Policy AL/BE4, EN1  
Sustainability Appraisal  
SHELAA Policies Map (Inset Map No(s)) Inset Map 18

*[TWBC: this representation has been input against Policies PSTR/BE 1, AL/BE 3 and AL/BE 4 – see Comment Numbers PSLP\_214, PSLP\_304 and PSLP\_305]*

**Question 4**

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

**Is legally compliant** Don't know

**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.**

It is neither positively prepared, effective, justified or consistent with national policy for the points made 1-5 below, referring to STR1-8.

This submission concerns the parish of Benenden, the only parish in the borough to have made its own allocations. The Benenden Neighbourhood Plan (BNP) has been developed in close consultation with TWBC, with the BNP in the lead. The BNP announced its allocations in February 2019, before inviting AECOM to produce its Strategic Environmental Assessment.

Pre-Submission Local Plan, para 5.420 reads "The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020." But the allocations had been made and published in February 2019. Further, Para 5.420 states "The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan." BNP allocations were first published in February 2019 i.e. before LP site allocation policies.

Allocations made by the LP, when it took up the BNP's baton, are therefore inevitably linked to BNP's weaknesses. Yet if the BNP passes a referendum before acceptance of the LP, it is said that it will take precedence over the LP (see para 5.421), with the exception of its plans for the northern site at Benenden hospital, which will be overruled by the plans advanced in the LP (see Benenden Parish Council April 2021 response to Independent Examiner queries on the BNP). This is in contravention of para 5.422 which talks of making "modifications to the LP" so that it matches the BNP.

I. Community involvement. ENI: this requirement has not been respected. • In Benenden, almost all new housing is slated for the East End, yet the Friends of the East End (FEE), were never asked to meet with the BNP steering group. • See EN I para 9 requiring the effective engagement of the local community, neighbours of sites and others. The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response to the Informal Draft NP (published on February 23, 2019), in which the allocations later adopted by the LP were first set out. A FEE submission with 164 signatures was submitted in October 2019 objecting to the first draft of the LP, and in the same month, a FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. See the FEE's current online petition with more than 450 signatures <https://www.change.org/EastEndFriends>



- Instead of being consulted, the FEE were ignored and belittled. They were informed on 11 March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that "I'm of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about.* At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward."
- One of the regular articles on the BNP submitted by the chair of the BNP Steering Group appeared in January 2020. It dismisses FEE opposition suggesting only "31 residents from the East End" sent in comments.
- The core group behind the BNP has consistently tried to persuade those who support the FEE to desist. The chair of the Parish Council and the chair of the BNP Steering Group have twice asked to meet a Tunbridge Wells Alliance (TWA) Borough Councillor for the parish, once together with a TWA borough council candidate, in efforts to persuade them to adhere to the BNP's approach and not to listen to the FEE.
- The organiser of the FEE was a member of the Steering Committee 2017/2018 as chair of the Environmental Group. She expressed strong disagreement with a Borough Councillor who lives in the village (on occasion, he deputises as chair of the Steering Group) about his wish to step up allocations in the East End and suppress TWBC's wish to build 174 houses on site 158. As a result, the Steering Group chair (using his own word), "sacked" her. This is contrary to ENI para 9, encouraging early, proactive and effective engagements and the requirement that views expressed should be properly considered.
- Consultation also failed in relation to the neighbouring parish of Biddenden. The Clerk of Biddenden Council has repeatedly responded to BPC in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP's mismanagement of the parish of Biddenden in the Biddenden Parish Magazine, February 2021.
- The LP is based on the BNP and BNP allocations were made before consultations with stakeholders such as the AONB. This is not consulting in a timely fashion. Further, the LP requires surveys of the hospital sites *after* the designation of the sites for development, for example, archaeological surveys (see AL/BE 3&4). Historic England (HE) asks for the surveys to be carried out *before* allocation. See HE's comments on the first draft LP (DLP 4556) - "we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted.*"

**2. The PSLP is not based on sound evidence** • Throughout the LP process, misstatements have been made about amenities in Benenden's East End. These may be traced back to a submission made by traffic and highways consultants, Transport Planning Associates (TPA) to Benenden Healthcare Society Ltd. (BHS). This submission was recently disclosed in BHS's response to the Independent Examiner's queries in relation to the BNP. TPA's information is sometimes inaccurate and sometimes misleading and we consider it here in detail because it is difficult otherwise, to understand how the LP was able to continue, iteration after iteration, to relate false information about the hospital site.

- In October 2019, TPA reported (para 2.6) that there was a footpath along the southern edge of Goddards Green Road (GGR) and the PSLP, para 5.452 states "There is an intermittent pavement along GGR". The GGR is a long road running from New Pond Road to Castleton's Oak crossroads, and was formerly a lane. The pavement is limited to the short section immediately outside the hospital buildings. To say that there is an intermittent pavement along GGR is misleading.
- The TP A refers to the East End as a village, which it is not. The East End runs from the junction of GGR and Walkhurst Road, along the GGR to the border with Tenterden, then turns south to reach close to Hole Park in Rolvenden, then east back to Walkhurst Road at the site of the stream, then along Walkhurst Road back to GGR (see the old Electoral Roll for 2004 when the East End had its own polling station). It is a large, totally rural area of several square miles, which was why it was chosen as the site for an isolation hospital in 1906. Today it contains only 76 houses scattered across the entire area. The PSLP consistently refers to the East End as a hamlet. It is not, which is why BPC is

able to advertise itself on its website as "Serving the people of Benenden and Iden Green" without any reference to the East End.

- The TPA says that "a day nursery is located immediately to the north of the Site within 400m." There is incorrect, yet this error is repeated in para 5.413 of the PSLP "There are also nursery/pre-school facilities at Iden Green and East End." An accurate account would mention Iden Green only.

- The TPA states that there are daily bus services along GGR provided by bus nos. 24 and 299, and twice a day service provided by the Hopper bus. This information is incorrect. The 2019 Hopper bus, operated by the Tenterden social services hub on an experimental basis, failed in only a matter of months. While the 24 and the 299 buses pass along GGR, they do so on only one day a week. The 24 on Tuesdays and the 299 on Wednesdays. The East End has almost no public transport.

- The TPA makes several statements in relation to traffic which have fed misinformation into the system to be reflected in AL/BA3&4. This misinformation was only recently revealed when documents were provided by BHS following April 2021 queries raised by the Independent Examiner on the BNP. These documents include a TPA 'Scoping Note' on road and traffic conditions at the site and a letter written in response to this Note from KCC Highways, dated 13 Nov. 2019. The TPA states that the GGR is 7m wide at the hospital site which detracts from the fact that it is actually a winding rural lane, now called a road, and varies considerably in width. It may at some point be 7m wide, but at others, it is so narrow that two lorries have difficulty passing each other. The TPA claims that there is no need for a road safety review because there have been "no personal injury accidents" recorded within 1,000m. Castleton's Oak crossroads lie 1.5 km from the site and accidents there are frequent, largely due to increasing traffic at the hospital. The hospital has turned itself into an almost exclusively out-patient centre and almost all its 300 employees drive in to work from outside the parish (formerly, they were housed on site in hospital staff buildings). Kent County Council (KCC) Highways make constant and repeated attempts to lower the risk of injury at the crossroads. Works there are ongoing at this time. The TPA claims that no traffic surveys are necessary which is a point queried in the KCC Highways' email. The email talks of the "heavy car dependency" of residents in any housing in this location and says this was one of its concerns, even at the time of the original application asking for only 24 houses. The email states that BHS's plans (and therefore AL/BE 3&4) are contrary to the NPPF and to KCC's own policy objectives, and points out that the hospital has not co-operated over the idea of a minibus to provide transp011 from the site to Benenden. The letter calls for: traffic counts along the GGR; a wider crash analysis; and expresses concern over the proposed access points to the SE Quadrant - 2 on Green Lane and 2 on GGR. Lastly, on trip generation, the TPA projects that 47 houses at the site will produce only 106 trips a day, though the consultants admit that they have difficulty in basing their estimate on comparable sites because there are none. These trip generation figures ignore existing traffic from local residents, from patients, from hospital staff and from the newly (January 2021) proposed housing estate at Cleveland. The AL/BE 3&4 fails to provide a traffic count, fails to ask for a road safety review and fails to acknowledge frequent traffic accidents near the sites.

- Pre-submission supporting documents also produce inaccurate and sometimes irrelevant evidence. The hospital sites are within the setting of an AONB and even overlap into it, yet *Inset Map 18* (Benenden Hospital), unlike other maps attached, makes no reference to the AONB boundary. The BNP claims that the hospital is outside the AONB and on this basis, since the rest of the village is wholly within the AONB, largely justifies placing most of Benenden's housing in the East End. This is misleading, since the AONB boundary wraps tightly round AL/BE3, which actually overlaps into the AONB in the southwest corner. In any event both sites affect land in the AONB. The relationship of the AONB boundary to the hospital sites is important yet it is ignored on the map. This looks like prejudice.

- Hankinson Duckett Associates's AONB Setting Analysis Report (a supporting document for the PSLP, referred to as an evidence base) is, in its analysis of AL/BE3&4, unsound. The analysis argues that development at these sites will enhance the setting of the AONB. It illustrates the argument with photos of the hospital chapel and its carpark. Neither the chapel nor car park are in the area up for development.

### **3. Policies AL/BE3&4 are not consistent with the PSLP's Vision objectives nor with its strategies, nor with KCC's policies, nor with the NPPF.**

- The PSLP's Vision Objective 1 is: "to improve access to suitable, especially affordable housing, including for local young people and older households." But this is inconsistent with allocations AL/BE 3 & 4. BHS is asking in its comments on the LP first draft, for a lower number of affordable homes because of the high cost of brownfield development. Living isolated in the countryside, families will need at least two cars. Old and young will be unable to walk to schools, shops or any other amenities. This is not a suitable site for a borough which (see para

2.16) expects the population over the age of 65 + to increase by around 40% between 2020 and 2038. The PSLP's Vision Objective 2 is to ensure sustainable development which allocations at AL/BE 3&4 do not achieve. On the contrary, the KCC warns that even with the existing permission for 24 houses on AL/BE3, the highway authority had concerns. This is an isolated location, deep in the countryside (see KCC Highways email 13 Nov 2019). More than 24 houses in this location is not sustainable.

- Policy PSTR/BEI, LBD 5.416 states "the LBD around Benenden village sets the extent of existing and planned development .. " This conflicts with the recommendation that major development be instated three miles beyond the LBD, on the border with Biddenden.

- **Policy STR 2** "The Council requires the use of masterplanning, including the use of design codes and sustainable design standards where appropriate, for strategic and larger-scale developments .. " This is undermined by AL/BE 3&4 which calls for a masterplan for an area not included in the PSLP and not presented. Para 1a of Policy AL/BE3 states that there is a need to "show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*" It is not sound to proceed with an LP where the land to be developed is not clearly indicated from the start.

- **A masterplan is essential to avoid current inconsistencies on the size of areas to be developed:** AL/BE3 excludes one of the 2 Local Wildlife Sites (LWS) at the site, yet the BNP includes both. Para 5.458 states "Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development.." They do not. The PSLP states that in the event of a successful referendum, the BNP's proposals will prevail. If this is so, are we supposed to assume that AL/BE3 map is inaccurate?

- A similar problem arises at the northern site (AL/BE4) here there are currently 18 dwellings. The proposal allows for these to be demolished and another 25 dwellings added to the site. The size of the area to be developed varies between the LP and the BNP. The LP includes the LWS in the area to be developed but the BNP includes only a small section, but says in the event of a successful referendum the BNP plan will be overruled by the LP plan (see the BPC response April 2021 to the Independent Examiner's queries). This is the reverse of 5.421 & 2. It is unsound to proceed with a plan when the NP and the LP are at odds with each other.

- **The PSLP claims building will only be within existing footprints**, an approach which is at odds with that of the BHS. Plans for 47 new houses in AL/BE3, presented to the village on 17th February 2020 by the hospital architects, show the buildings are not to be built within the footprint of previous buildings nor to respect LWS.

- **Policy STR 3** calls for the use of brownfield sites "within settlements" and in "sustainable locations." AL/BE 3 consists of disused medical buildings and 2 LWS with parkland and veteran trees (depending on whether this second LWS is included or not). 5.448 is therefore incorrect. The site should be described not as brownfield but as partly brownfield. It is not on the Brownfield Register. Because of its remote location and its valuable LWS sites, it is not free from constraints which could be mitigated. As such, Policy AL/BE3 does not meet the criteria needed under the NPPF, Section 11, para 117 for development in "a way that makes as much use as possible of previously-developed or 'brownfield' land." AL/BE 4 contains in-use residential housing and an LWS and therefore is not entirely brownfield.

- **Policy STR 5** states that "New residential ... development will be supported if sufficient infrastructure capacity is either available or can be provided in time to serve the development." Will this happen at AL/BE3&4? Developers themselves are to provide the infrastructure at AL/BE 3&4. The LP proposes to take on trust suggestions that the BHS will avoid building on the LWS and will provide play-grounds, sports facilities and tennis courts. We know from submissions following the first draft LP, that BHS is actually planning to remove one LWS entirely and that its plans include building on the LWS and beyond the foot print of previous buildings. BHS suggests, in its response to the first draft LP (OLP\_ 4956) that it is unlikely to provide play-grounds, sports facilities and tennis courts. The PSLP' s approach does not take comments to the first draft LP into account.

- **Policy STR 6** proposes to "Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough." In the case of the two isolated hospital sites, the PSLP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport. The Benenden hospital sites have no daily bus service and

no active travel link to the village, and neither the PSLP nor the BHS provide credible information on how these links are to be provided. The KCC email of Nov 13 suggests that the hospital is uncooperative on the proposal to organise a minibus service and the SHELAA says of AL/BE3 that it is "Remote from a settlement centre," (unlike sites 158, 222 and LS8); that residents will rely heavily on private cars and thus air quality and travel objectives score negatively; and that, "although promoted by the policy, shared transport and active travel options are unlikely to take precedence over private vehicle use thus air quality and climate change score negatively." This is crucial. For all the talk of mitigating the remoteness of the hospital sites with a minibus link and cycle routes, nobody actually believes that any of these measures will succeed. As for the proposal to create links suitable for electric personal vehicles, such as mobility scooters (as suggested under STR 6), it is difficult to see, when the closest link with the village is a single-track lane (Walkhurst Road), how any personal electric vehicle could make that journey. The PSLP is creating, through its policies AL/BE3&4, a car dependent community. This thereby negates the sense of the LP's supporting document, *Transport Strategy Review Sept 2019* which urges reducing the need to travel.

- AL/BE3&4 also undermine TWBC's Full Council motion of July 2019 to reduce CO2 emissions. "The dominance of the car as a mode of transport can lead to congestion, more road accidents, air and noise pollution. In addition it contributes to climate change, reduces social cohesion and leads to less healthy lifestyles" (para 44 *Transport Review*). According to TW's own SA from 2006, if social cohesion, reduction in air pollutants, and public health were indeed the borough's priorities, site 158 would have been among those chosen for Benenden, as originally intended.

- **PSLP paras 5.453 and 5.467** state that "residents of development in this location will rely heavily on private cars." These plans runs counter to STR6 policy on the environment see paras 6.8, 6.9, 6.10, 6.11 and 6.13. It also contravenes KCC policies on climate change and the NPPF (see KCC's Nov 13, 2019 letter on this subject).

- **Para 5.414** "The parish provides two relatively large sources of employment: at Benenden Hospital and at Benenden School." The inference is that the employment opportunities are linked somehow to the population of Benenden. There is in fact little connection. The 300 plus staff at the hospital drive into the parish along GGR to work and, since the hospital is isolated from the village, their contribution to the local economy is negligible.

- **Policy STR 6** The LP proposes to "**Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough.**" In the case of the two isolated hospital sites, the LP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport.

- **Cycle routes:** The PSLP's standards on the public benefits of cycling and walking are based on the *Cycle Strategy Supporting Document*, but these standards are undermined by site allocation in Benenden. The Cycle document states that: "When more people cycle or walk the health of the population improves and our roads become safer and less congested." Its objectives 4 and 5 are to improve safety for cyclists and air quality for all, but AL/BE 3 & 4 will create a community, deep in the countryside, entirely dependent on the car and will contribute to poorer air quality for all. The allocation of these sites, as opposed to sites such as 158, is difficult to understand.

- *The Cycle Strategy* states that fear of traffic is possibly the main factor discouraging people from cycling. National Cycle Route 18 runs from the Rolvenden Road, down Stepneyford Lane, to Green Lane, before joining the Benenden Road near the hospital, turning right and leading to Castleton's Oak Cross roads and Gribblebridge Lane. This route is a largely on-road ride travelling through the High Weald, using narrow, picturesque country lanes as much as possible. Green Lane/Stepneyford Lane is mentioned in TWBC's *Rural Lanes: Supplementary Planning Guidance*. It is particularly high scoring in terms of its landscape, its recreational value, its natural beauty and its history. For these reasons, it is part of National Route 18. Rather than encouraging cycling, AL/BE3, which proposes two exits for this major development on GGR and two on Green Lane (where a second housing estate, at Cleveland Farm is already leading to Kent Highways calling for road widening and the elimination of grass verges - see building application 20/03267/FULL) will cause an increase in those factors, identified in *TW Cycle Strategy*, as discouraging cyclists, namely, traffic and the loss of unspoilt country lanes. Policy AL/BE3 also contravenes Kent Structure Plan Policy ENV13: "Rural lanes which are of landscape, amenity, nature conservation, historic or archaeological importance will be protected from changes which would damage their character, and enhanced." In any event, the cycle route is purely recreational and will not enhance the sustainability of these sites.

- **Policy STR 7** proposes, in dealing with TWBC's 2019 legally binding commitment to manage climate change, that all development in the borough will support the Council's target to achieve net zero emissions by 2030. It is unsound, with such a goal, to propose a major development on the parish periphery, 3 miles equidistant from two villages where there is no shop (in spite of the PLSP's statement AL/BE 3&4) and no cafe (BHS says its cafe was built for its own use not for the use of the public - see comments on the first draft of the LP). Residents will need their cars for almost everything.
- **Policy STR1** promotes the effective use of previously developed land, having due regard to relevant Plan policies, but in promoting AL/BE3&4, the PSLP disregards STR6 (environmental goals) & STR7 (transport goals). Under the NPPF, sustainability is the priority, as the PSLP acknowledges in STR3, 4.65 "A presumption of sustainability lies at the heart of the NPPF", but in allocating AL/BE 3&4, the PSLP fails to respect its own and the NPPF's strategic priorities.
- **Policy STR 8** states that development should contribute to and enhance rural landscapes with particular regard to the High Weald (HW) AONB. The PSLP promotes nature conservation. Its biodiversity objective is to achieve net gains and, where possible, secure long-term management of sites for biodiversity. AL/BE3 runs counter to this strategy since the BHS has produced plans showing houses built over the LWS. It has, furthermore, produced a document requiring that one of the two LWS be dug up and removed to another unspecified location, thereby nullifying the terms of the existing Landscape and Ecology Management Plan (LEMP) for that site. Para 3.21 of the BHS submission on the first draft LP states: *"The Society supports the requirement for long-term management of the core areas of LWS associated with the hospital land This includes all but the modest area within the SEQ adjoining Peak Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."* This is a particularly significant site for biodiversity. A letter from Keith Nicholson, former Planning and Conservation officer for the Kent Wildlife Trust, dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert states that the hospital LWS are of national importance, mainly for the large number of different varieties of waxcaps. He states that they could well have been designated SSSI. Both in terms of waxcaps and in terms of valuable acid grassland, the hospital sites have high environmental value, see Comment DLP \_3458 on the first draft of the LP, from the High Weald AONB Unit. The Benenden Hospital site *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network"* AL/BE3&4 threaten the biodiversity of significant species in the LWS at the hospital sites, contrary to EN1.
- The LWS to the south of AL/BE3 is included in the BNP and BPC argues that this has been done in order to protect it (see their response to the Independent Examiner April 2021). It is difficult to follow this logic. The inclusion of the site in the area to be developed suggests that it too could be under threat.
- There is no plan showing the placement of houses on AL/BE 4, which is currently home to a large LWS and is the site of 18 habitable dwellings, almost all of the them currently in use and let. The proposal allows for these to be demolished and another 25 dwellings added to the site. The PSLP includes the LWS in the area to be developed and the BNP excludes most of it. Benenden Parish Council (BPC), in its April 2021 response to the Independent Examiner, has said that, in the case of a successful referendum, the PSLP's plan (which includes the LWS), will prevail. In other words, of the 3 LWS in AL/BE 3&4, one is slated for removal, one will be built over if the PSLP prevails and one may be built over if the BNP prevails. This undermines STR8.
- The PSLP claims that the hospital development "has the potential to improve the setting of the HW AONB through the delivery of a more sensitive redevelopment of existing buildings" (para 5.454), but the claim is not supported by evidence produced by *Hankinson & Duckett* (see above) while the HW AONB unit's own view is the opposite. See TW first Draft LP, **DLP\_3458 High Weald AONB Unit** (which objects to the Plan): *".... In our view the development at Benenden Hospital will have a significant effect on the setting of the AONB and the purposes of its designation, and this issue has not been properly considered by the Plan."*
- *The NPPF section 2 para 11 states: "Plans and decisions should apply a presumption in favour of sustainable development... ..(b) strategic policies should provide for objectively assessed needs for housing ... 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"* And see Footnote 6:

*the policies referred to are those in the Framework ... relating to habitat sites (and those sites listed in para 176) and/or designated as SSSI, AONBs ....*

•NPPF para 177 states: *"The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site."*

**PSLP ENI para 5. Biodiversity and geodiversity.**AL/BE 3&4 run counter to this policy as stated above in relation to the LWS.

**The Environment**STR8 sets high environmental standards but these are undermined in the site allocations. This is particularly startling in the light of the July 2019 Full Council motion to recognise the climate and biodiversity emergency, in fact, the Benenden allocations put into question whether the motion was passed in good faith.

**ENI para 5** (Biodiversity and geodiversity) says that proposals should maximise opportunities to increase biodiversity. This goal may make sense in an urban setting, but development in the countryside, as is proposed in AL/BE 3 & 4, cannot hope to ever mitigate biodiversity loss. The destruction of trees and wild spaces, the introduction of lighting, kerbs, driveways, wider roads and narrower verges, the use of concrete, tarmac, bricks and mortar in a deeply rural setting cannot "increase biodiversity".

**EN1 provides for Long-term Management plans** which would be satisfactory within an urban context. In a rural location like the East End, such plans are no substitute for natural wild spaces. A 'managed' green space set among streets is less likely to promote biodiversity and less likely to conserve wildlife than 'unmanaged' green space. Further, the three LWS in AL/BE3 & 4 are all already part of an existing LEMP agreement, and since one or all would be removed in the case of development as outlined by BHS under AL/BE3&4, instead of creating a long-term management plan, AL/BE3 & 4 would all but terminate an existing one. The sentiments expressed in ENI are mocked by AL/BE3 & 4.

#### **4. Site policies**

**AL/BE3** excludes one of the 2 LWS at the site, and the BNP includes both, yet para 5.458 states "Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development.." This does not appear to be the case. Further, the SHELAA treats this site twice, once including the southern LWS (and excluding Windmill Cottage) and once excluding the LWS and including Windmill Cottage (SHELAA pages 1-3 and pages 18-19). In the second instance, the suggestion is for 67-73 houses, presumably building over the LWS. The first plan is the one adopted in the PSLP and appears to be the more accurate of the two in that it describes the site as "mostly PDL". The second ignores all greenfield aspects and is almost identical to the plan in the BNP, a plan which BNP claims will prevail if it wins a referendum. Is AL/BE3 presenting us with the wrong plan?

**AL/BE3 and AL/BE4** provide for a phased timetable for development of the two sites at different time intervals without calling for a comprehensive masterplan for the hospital site as a whole i.e. for the entire built up area. This is inconsistent with STR2, which requires a masterplan for large developments. The full extent of the area to be developed must be clear. See para 1a of Policy AL/BE3 which states that there is a need to "show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land" It is not sound to proceed with an LP where the land to be developed is not indicated from the start.

**AL/BE3&4** both call for an active travel link between the site and Benenden village. This proposal has been costed (see BPC's April 2021 reply to the Independent Examiner) at between £180,000 and £220,000 for a 3m wide tarmacked surface, plus costs to upgrade it to a bridleway, plus the costs associated with obtaining landowners' consent or, failing that, of starting compulsory purchase proceedings which TWBC expresses reluctance to undertake because of the significant compensation costs and legal costs which would be involved. No steps have been taken either by the BNP or TWBC to ascertain the willingness of landowners to give up their land although the major landowner involved wrote to BNP on 11th Sept. 2019 objecting to the plan. It is understood that he was not contacted for subsequent discussion.

**AL/BE3&4** calls for the repurposing of the existing tennis courts for the use of local residents, which BHS denies it will offer for public use; for the public use of the hospital's cafe; for the creation of a hospital shop (5.413); for a minibus service linking the hospital to the village ("The Society is not a transport provider" is BHS' response); for green space, a playground and provision of a community hall - most of these policies are refuted in Savills' comments on behalf of BHS, in the first draft of the LP, DLP\_4956 paras 3.14, 3.18, 3.19, 3.20, 3.46 and 3.47. Rather than agreeing to such policies, the hospital is calling on TWBC to introduce a more flexible funding system to allow a reduction of developer costs. BHS argues these will be high because they wish to demolish existing buildings. It is unsound to propose policies which cannot be implemented. Once the sites are sold, no relevant conditions to this effect could be imposed.

## **5. The PSLP is unsound because of inconsistencies in the treatment of different sites.**

(i) **Uphill, AL/BE1** is described as having archaeological potential (para 5.428) requiring possible mitigation measures. This is not because of historical finds on the site, but because they *might* be found. A listed manor house lies on the other side of New Pond Road and, according to AL/BE1, "the site lies within, or very close to the relevant impact risk zone for Parsonage Wood", a SSSI which is, in fact, several miles away. The archaeological significance of AL/BE 3&4 is far more certain and substantial. The hospital sites are where a bronze age palstaff was found (see the National Monument Register - SMR Number /Hob UID)) and the sites lie close to two ancient routeways. A Roman Road runs west-east (on BHS farmland) a few yards to the south of AL/BE3 and a medieval drove road (GGR), runs west-east between the two sites. Further, two Grade II Listed Buildings are sited here, also on BHS land. The Lister building stands a few yards to the west of AL/BE3 and Cleveland Farm house (the farmyard of which BHS is trying to develop separately and simultaneously as if a minor planning project) lies a few yards to the south. Instead of mentioning these facts, AL/BE3&4 reads (5.456 and 5.468) "Kent County Council states that the site includes significant archaeology, which could be dealt with through suitable conditions on a planning approval." The imbalance in the treatment of the two sites is substantial and suggests confirmatory bias or prejudice.

(ii) The SHELAA assessment of site 158 suggests a potential yield of 50-65 houses, but then concludes that only the Uphill part of the site is suitable (20 houses). It states that "the remainder of the site is sensitive in landscaping terms and there is concern regarding scale and impact on the character of the landscape and settlement pattern". This is contrary to the views of TW's 2006 SA; to the TW 2018 document proposing 174 houses; and to the first draft of the LP. The dismissal of 158 as a suitable site is not supported by the evidence and suggests prejudice.

(iii) Site 222, west of the cross roads, was also considered in 2006, as a possible site for the new village school, though it was not one of the top two sites put to a referendum. The SHELAA suggests 222 has a potential for 76 houses. The site is considered unsuitable partly because the new LBD, if adopted, will exclude all houses west of the cross roads, when the village actually extends a considerable length along this road to the west. There is no mention of the fact that the owners of this site are offering the pond at the south west corner of the crossroads as village green space. The dismissal of 222 is not supported by the evidence and suggests prejudice.

(iv) The SHELAA suggests a capacity of 26 houses at Site LS8 in Iden Green, stating that it lies adjacent to the recreation ground and a children's nursery and that there is a pavement on both sides of Iden Green's main road. It fails to mention that the easternmost side of this pavement connects the village to the village primary school. The SHELAA dismisses the site as unsuitable saying that it is located in a remote location relative to services, facilities and public transport, but this site is far less remote than sites AL/BE3&4. The dismissal of site LS8 is not supported by the evidence and suggests prejudice.

(v) The proposed new LBD has been constructed so as to include the newsite at Uphill and to exclude 222, when in fact, the actual built development extends westwards from the crossroads and includes site 222. The LBD is ignored in respect of AL/BE3&4. Manipulation of the LBD to suit allocated sites is inappropriate.

As a general comment, I have found the process unnecessarily difficult to navigate. In fact, from the point of view of the ordinary lay-man, I would term the process 'hostile'. The interactive on-line site was unmanageable. Question 4a is very badly worded. The PSLP's prose entirely suited the opacity of the procedure. Here is one example from the SA (page 163) "However, the education objective does not deteriorate when considering cumulative effects as the schools in Tenterden will be a viable option for residents in East End and thus are likely to take the pressure off Benenden Primary School." What does that mean?

## 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 modifications needed are included in the submissions set out above. In summary, development on site AL/BE 3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE 4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre and school. Paragraphs 5.421 and 5.422 should be omitted.

## 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 to put over my case, and to answer those with vested interests who may seek to put forward arguments against it.

## Question 8

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

1. The Sustainability Appraisal (SA) is misleading. Table 58 on page 163 states that all Benenden sites "lack services, facilities and travel options". This belies the fact that AL/BE2 (Feoffee almshouses) is close to the Street as is AL/BE 1 (Uphill). Both sites are within walking distance of the bus stop for daily bus services, the post office, village shop, the primary school, the village green, the butchers, pub, community hall, church, recreation ground and children's playground. AL/BE 3 & 4 are three miles north east of the village with no daily bus service and no amenities whatsoever.
2. The commentary on Table 58, (page 163 of the SA), states that East End sites score badly on



Climate Change and Travel, yet these are the sites promoted for most houses.

3. The SA argues on page 163 that East End residents will send their children to schools in Tenterden instead of to the village primary school, and that this will lessen the otherwise seriously negative effects of the two hospital sites. This is pure conjecture and possibly wishful thinking. The school has a good reputation and currently between 70 and 75% of children there come from outside the parish. East End children will have precedence over these, since intake depends on the distance of a child's residence from the school. Pressure on Benenden Primary School will increase, not decrease. Further, the use of a car, whether it drives to Tenterden (5-6 miles) or to Benenden (3 miles), pollutes and deprives residents of the health-giving pleasure of walking to school. The AL/BE 3&4 are contrary to STR2, to the NPPF and to KCC policy on climate change.

4. Appendix L (pp33 I-2) shows Scores for Reasonable Sites in Benenden. Here we see scores for 158 and 222, two sites close to the village centre. Of 158, we read "A site that scores several neutrals with some positives, let down by its land use and landscape score impacted by a loss of a greenfield site in the AONB and lack of services and facilities including public transport at the settlement." This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of I: primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - issues and Options report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there.

5. In April 2018, BNP Steering Committee Deputy Chair, a borough councillor, showed the committee a piece of paper from TWBC saying that TWBC wishes to build 174 houses on site 158. He committed himself to seeing these numbers reduced and the numbers at the East End raised. After a meeting between representatives from the BNP group and TW planners on June 19th, 2018, the minutes reported that "At times the workshop was emotive ...". Following that meeting TW planners put site 158 on temporary hold, limiting development there to a future Local Plan by asking, in the first draft of the LP on page 270, that the Uphill site on New Pond Road, adjacent to 158 and allocated at that time as AL/BE3, should, under Clause 8, provide for vehicular access through Uphill to the site behind (158) "which may be allocated for development as part of a future Local Plan." In the PSLP, this wording for Clause 8 has disappeared. Where is the evidence-base for such wording to be included in the first draft and excluded in the second? Why is the site considered suitable in 2006, in 2018, and in the first draft, but not suitable in the PSLP?

6. Site 222, like 158 is described in Appendix L of the PSLP's SA as suffering from "a lack of services and facilities including public transport at the settlement." This is inaccurate. There is a daily bus service along Benenden Street and site 222 is within easy walking distance of the bus stop, shops, pub, community hall, primary school and all other amenities.

7. Site LS8, in the heart of Iden Green is, along with site 158 and 222, a site which on-the-ground evidence suggests is eminently suitable for development, but which the SA fails to allocate. Appendix L of the SA gives LS8 virtually the same scores as Uphill (LS 16 of AL/BE 1) yet the latter is included for development and the former is not. The commentary states of LS8 "A number of scores are negative however, reflecting the remote location of the site from services and facilities and public transport. It scores negatively in heritage terms as the site is a relatively sizeable piece of the Iden Green Conservation Area." This site is far less remote than sites AL/BE 3 & 4. It is one mile from the village and connected to it by a paved footpath running past a Roadside Conservation Area and then (still paved) through a field to the church and primary school. It is on a bus route and the bus stop is next to LS8. Iden Green has a community hall, tennis courts, a children's playground and pub/restaurant. The SA information is unreliable and the PSLP's use of it for site allocation is unwise.

8. In so far as Benenden is concerned, the sites were allocated before any sustainability appraisal was commissioned. It is not therefore a relevant factor in the allocation of sites for housing.

#### **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:**

No, I do not wish to be notified of future stages of the Local Plan

## Supporting Information File Ref No: SI\_124a-z

### Comment

Agent	Mr Douglas Bond [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Woolf Bond Planning
Address	[REDACTED] [REDACTED] READING [REDACTED]
Consultee	[REDACTED]
Company / Organisation	Castle Hill Developments Ltd
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Castle Hill Developments Ltd [REDACTED]
Comment ID	PSLP_1912
Response Date	03/06/21 16:55
Consultation Point	Policy STR 1 The Development Strategy ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.6
Files	<a href="#">APP07H~1.PDF</a> <a href="#">APP04S~1.PDF</a> <a href="#">APP10E~1.PDF</a> <a href="#">APP14A~1.PDF</a> <a href="#">APP09U~1.PDF</a> <a href="#">APP03S~1.PDF</a> <a href="#">APP14D~1.PDF</a> <a href="#">APP14E~1.PDF</a> <a href="#">APP21T~1.PDF</a> <a href="#">Castle Hill TWBC Reg 19 Reps June 2021 Written Statement (003).pdf</a> <a href="#">APP01L~1.PDF</a> <a href="#">APP14B~1.PDF</a> <a href="#">APP11R~1.PDF</a> <a href="#">APP16W~1.PDF</a> <a href="#">App 20 Castle Hill A21 Appraisal.pdf</a> <a href="#">APP14C~1.PDF</a> <a href="#">APP13S~1.PDF</a>

[App 18 Castle Hill Masterplan.pdf](#)  
[APP05C~1.PDF](#)  
[APP02I~1.PDF](#)  
[APP08T~1.PDF](#)  
[APP11C~1.PDF](#)  
[APP12I~1.PDF](#)  
[APP17A~1.PDF](#)  
[APP19C~1.PDF](#)  
[APP06S~1.PDF](#)  
[APP15S~1.PDF](#)

Data inputter to enter their initials here KJ

**Question 1**

Respondent's Name and/or Organisation Castle Hill Developments Ltd

**Question 2**

Agent's Name and Organisation (if applicable) Woolf Bond 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 STR 1 The Development Strategy

*[TWBC: see full representation attached. Parts have been input into Policy STR1 (PSLP\_1912), STR8 (PSLP\_1922 ), STR9 (PSLP\_1925), STR/RTW1 (PSLP\_1929) and STR/SS3 (PSLP\_1932). See also appendices attached]*

**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.**

## 1. INTRODUCTION

1.1 Our clients (Castle Hill Developments Ltd) control the land at Castle Hill that lies to the north of Tunbridge Wells. This site has been promoted through earlier stages in the Local Plan as an alternative location for strategic growth in the Borough, taking account of its significant credentials as a sustainable location for growth adjoining the extensive existing and committed facilities within Royal Tunbridge Wells town. In contrast to other locations, the development of new homes at the site will ensure the embedment of behaviour associated with the sustainable living unlike other locations in the Borough, especially the new community proposed at Tudeley Village.

1.2 An indicative masterplan for the development of Castle Hill is shown below. This relates to the land which has been promoted for residential development through the SHLAA (DPC7).

*[TWBC: see full representation attached for Figure 1 – Indicative masterplan for delivery of around 900 homes and associated facilities at Castle Hill, Royal Tunbridge Wells]*

1.3 Further to our submissions on earlier stages in the preparation of the Local Plan, the Council has failed to provide an appropriate strategy which seeks to meet the Borough's development needs, especially with respect of housing. Consequently, for the reasons outlined in these submissions, it is not considered that the Draft Submission Plan adequately addresses the Borough's housing needs in locations which are accessible to existing or committed infrastructure and services such as those at Castle Hill which adjoins the edge of the town of Royal Tunbridge Wells, the administrative and commercial heart of the borough and surrounding area with its extensive range of services and facilities including health, education, culture, leisure and employment. Such locations should be considered in advance of the unjustified removal of land from the Green Belt which as detailed in the representations would be wholly consistent with the approach of national policy in the NPPF. We therefore advocate changes to the Local Plan to address these matters.

1.4 Have regard to the concerns with respect of the appropriateness of the approach and its challenges of delivering sustainable growth, we therefore advocate the removal of the proposed allocation at Tudeley Village with its replacement with an allocation at Castle Hill. For the reasons detailed in this submission, growth at Castle Hill due to its relationship with existing and committed development and facilities would result in achievement of sustainable development. Furthermore, the proximity of Castle Hill to services and facilities that residents will need to undertake their daily life ensures that sustainable behaviours are embedded in residents from initial occupation of the homes. This contrasts with that at Tudeley Village which due to the limitations in that local area will result in need for longer journeys to undertake daily lives, which are therefore likely to result in increased use of the car. Once this behaviour becomes the normal for residents in Tudeley, it will be harder to encourage them to switch to more sustainable alternatives once / if they become available.

1.5 The reports and documents submitted with this representation demonstrate the suitability of the approach advocated. As detailed in the representations, this land is not subject to constraints which would prevent its delivery for development at an early stage during the emerging plan period should this be confirmed through the examination of the Plan.

1.6 We also have several comments/representations on the policies within the Draft Submission Tunbridge Wells Borough Local Plan which should be addressed prior to its submission for examination by the Secretary of State.

1.7 In addition, as outlined in our representations to policy STR1, we have significant concerns that the authority has failed in its obligation to discharge the Duty to Co-operate under the Planning &

Compulsory Purchase Act 2004 (as amended), especially with respect of its engagement with other local authorities, especially Sevenoaks District and Tonbridge & Malling Borough.

1.8 As recognised by Inspector's examining other Local Plans (See paragraph 9 of the Inspector's Report into Examination of the Sevenoaks Local Plan (appendix 3) and paragraph 22 of the Letter from the Inspector's regarding the St Albans City & District Local Plan (appendix 13)), the failure to discharge the Duty to Co-operate cannot be rectified once the Plan has been submitted for examination and therefore it must be withdrawn. This is consequently our preferred solution to the Draft Plan as currently prepared.

## 2. REPRESENTATIONS AND SUPPORTING INFORMATION

2.1 Our comments upon the various draft policies and proposals are set out below and are accompanied by the following Documents:

- Duly Completed Response Form.
- Copy of submissions on behalf of Castle Hill Development Ltd to the Council's Call for Sites in November 2019 (appendix 1)
- Copy of Inspector's assessment of the Tonbridge & Malling Local Plan (15th December 2020) (appendix 2)
- Inspector's Report into Examination of the Sevenoaks Local Plan (2nd March 2020) (appendix 3)
- Sevenoaks DC v Secretary of State for Communities, Housing & Local Government [2020] EWHC 3054 (appendix 4)
- Calverton PC v Nottinghamshire County Council [2015] EWHC 1078 (Admin) (appendix 5)
- St Albans City & District v Hunston Properties [2013] EWCA Civ 1610 (appendix 6)
- Hundal v South Bucks DC [2012] EWHC 7912 (Admin) (appendix 7)
- Tandridge LP Inspector's interim conclusions (11th December 2020) (appendix 8)
- Uttlesford Local Plan post Stage 1 hearings Inspector's letter to Council 10th January 2020 (appendix 9)
- North Essex Authorities (Braintree, Colchester & Tendring) Inspector's Report (10th December 2020) (appendix 10)
- Committee Report on planning application 19/02267/OUT – land east of Kingstanding Way, Tunbridge Wells (appendix 11)
- Decision Notice on application 19/02267/OUT (appendix 12)
- Examiners Report into the City & District of St Albans Local Plan (14th April 2020) (appendix 13)
- Report to Tonbridge & Malling Borough Council's Planning & Transportation Advisory Board of 17th May 2021 (including annexes and minutes) (appendix 14)
- Sevenoaks District Council's press release of 12th April 2021 regarding Local Plan (appendix 15)
- Inspector's Report into Examination of the West Dorset, Weymouth & Portland Local Plan (August 2015) (appendix 16)
- Advearse v Dorset Council [2020] EWHC 807 (Admin) (appendix 17)
- Castle Hill Masterplan (appendix 18)
- Overview Transport Strategy for Castle Hill, addressing transport principles and connectivity. Prepared by i Transport (appendix 19)
- Land at Castle Hill, Tunbridge Wells A21 Impact Appraisal. Prepared by i Transport (appendix 20)
- Land at Tudeley Village Sustainability Technical Note. Prepared by i Transport (appendix 21)

2.2 Our client's representations upon the Draft Local Plan can be summarised as relating to the following:

### **Policy**

#### **Representation**

Policy STR1: The Development Strategy

Objection

Policy STR8: Conserving and enhancing the natural, built, and historic environment

Objection

Policy STR9: Green Belt

Objection

Policy STR/RTW1: The Strategy for Royal Tunbridge Wells

Objection

Policy STR/SS3: The Strategy for Tudeley Village

Objection

Omission site – Land at Castle Hill, Tunbridge Wells (DPC7) – failure to include as an allocation in policy STR/RTW1

Objection

The proposed change that is sought by the objector are:

1. The plan be withdrawn owing to the failure on Duty to Co-operate.

2. Changes sought to the Local Plan with respect of policy STR1.

A) Ensure that the plan period is 2020 to 2039.

B) That the housing requirement is increased to 14,364 dwellings;

C) That the 14ha of employment floorspace is clarified to reflect the assessed need for around 6ha of offices and 8ha of industrial/ warehousing space; and

D) That reference to a new garden settlement at Tudeley Village is removed from the plan.

E) Reference is made to an urban extension allocation at Castle Hill, North Tunbridge Wells.

3. Changes sought to the Local Plan with respect of policy STR8.

The Plan therefore as currently prepared in not sound with respect of:

a) It is not justified with respect of the inconsistency in consideration of landscape impacts between housing and employment sites in the AONB. The Plan includes major employment development in the AONB notwithstanding the clear availability of alternatives such as at Paddock Wood. The authority has not applied the same approach to housing; and b) It is also inconsistent with national policy in the approach to major development in paragraph 172 of the NPPF. This is clear, as indicated in the representation to policy STR1 that there is a clear need for additional housing in the Borough which consequently provides the justification for major development in the AONB, such as that proposed on our client's land at Castle Hill.

4. Changes sought to the Local Plan with respect of the approach to Tudeley village in policy STR8. The Plan therefore as currently prepared in not sound with respect of:

a) It is not justified as the evidence does not support the removal of land at Tudeley for the garden community; and b) It is also inconsistent with national policy in the approach does not adequately reflect the guidance on considering all sustainable opportunities within the Green Belt before contemplating poorly located greenfield sites like Tudeley. It is therefore contrary to paragraphs 137 and 138 of the NPPF.

To address these matters of soundness, a range of amendments are proposed. The proposed changes are:

That reference to Tudeley village is omitted from policy STR8, alongside consequential amendments to other parts of the plan i.e., the policies map to ensure that the Tudeley site is retained in the Green Belt.

5. Changes sought to the Local Plan with respect of the policy STR/RTW1

The Plan therefore as currently prepared in not sound with respect of:

a) Not positively prepared as the policy (alongside others in the document) fails to meet the areas housing needs, including a contribution towards unmet needs of neighbouring authorities,

b) Is not justified as the evidence does not support the exclusion of the Castle Hill site whereas other sites are included which are inconsistent with the assessments and appraisals of the Council; and c) The policy is not consistent with national policy as it fails to deliver sufficient housing to meet the Borough's needs, including that arising in neighbouring ones.

To address these matters of soundness, several amendments are proposed. The proposed changes are. That policy STR/RTW1 is amended to ensure that it acknowledges the allocation of Castle Hill as a development site with consequential amendments made to the document reflecting its identification.

6. Changes sought to the Local Plan with respect of the approach to Tudeley village in policy STR/SS3. The Plan therefore as currently prepared in not sound with respect of:

a) It is not justified as the evidence does not support the removal of land at Tudeley for the garden community; and b) It is also inconsistent with national policy in the approach does not adequately reflect the guidance on considering all sustainable opportunities within the Green Belt before contemplating poorly located greenfield sites like Tudeley. It is therefore contrary to paragraphs 137 and 138 of the NPPF.

To address these matters of soundness, a range of amendments are proposed. The proposed changes are.

That policy STR/SS3 is omitted from Local Plan, alongside consequential amendments to other parts of the plan i.e., the policies map to ensure that the Tudeley site is retained in the Green Belt.

#### 7. Castle Hill Omission Site: Change sought to the Local Plan.

To ensure that the local plan is sound, land at Castle Hill should be included as a residential allocation with consequential amendments to the settlement boundaries on the northern edge of Royal Tunbridge Wells.

### 3. OVERARCHING POSITION

3.1 We have a strong belief in the principle of the plan-led system and in setting out our representations upon these policies, we hope to be able to work with the Council between now and the formal submission of the Draft Local Plan pursuant to Regulation 22 of The Town and County Planning (Local Planning) (England) Regulations 2012 (as amended), to ensure the Local Plan satisfies the tests of soundness at paragraph 35 of the NPPF.

3.2 We have considerable experience and expertise in dealing with and realising development schemes similar to the Castle Hill proposal at Royal Tunbridge Wells through the development plan system having appeared at EIPs constantly over the last 30 years. These appearances have included representations on plan policy and the promotion of urban extensions in Surrey, Essex, Kent, Berkshire, West Sussex, East Sussex, Essex, Hertfordshire, Buckinghamshire, Devon, County Durham, Cambridgeshire, Hampshire and Oxfordshire. In this context, a principal constraint to the timely delivery of housing is the way in which policies for the allocation of sites have been formulated.

3.3 Local Plans must be capable of delivering from the point at which they are adopted. This means scrutinising the policy wording to ensure the Plans are sound and that the allocations contained therein are capable of being delivered at the point envisaged. This is particularly the case in relation to the need for Councils to collate a robust evidence base to justify the imposition of certain policies and/or their wording so as not to over burden and/or stifle sustainable and appropriate development.

3.4 In this instance, the draft Local Plan needs to be amended in order to ensure it robustly plans for the delivery of sufficient housing to address a housing requirement established in accordance with national planning policy and guidance. If the Borough's housing requirement was increased by the current capped requirement, this would result in the need for a further 678 dwellings in the Plan.

3.5 However, we contend that if, contrary to our evidence on the Duty to Cooperate obligation, the Inspector concludes Tunbridge Wells Borough has complied with the Duty to Co-operate, a contribution towards unmet housing needs in adjoining authorities should be made, then the Borough's housing requirement should be increased from 678dpa to 756dpa. This uplift together with an extended plan period, which reflects a robust period for examination of the draft Submission Local Plan, indicates that rather than requiring 12,204 dwellings from 2020 to 2038, this should be increased instead to 14,364 dwellings from 2020 to 2039. This is consequently an increase of 2,162 dwellings. On either basis, a proportion of these much needed additional homes could be delivered through the allocation of the land at Castle Hill, to the north of Royal Tunbridge Wells. A March 2039 plan end date would provide for 15 years after the 2023/24 monitoring period during which adoption could be realistic anticipated.

3.6 To address this requirement for additional homes, we contend that land north of Tunbridge Wells, at Castle Hill should be allocated for residential development (SHLAA ref DPC7). Following site analysis reflected in the submitted master plan, the Castle Hill site can accommodate 900 dwellings. As indicated in these representations and the supporting documents this would be a sustainable addition to the town.

3.7 The representations also highlight a failure of the plan as currently drafted to contribute towards addressing the acknowledged unmet needs of neighbouring authorities and the allocation of Castle Hill can also supply homes to resolve this issue. As detailed in the representations, the Castle Hill site would be a logical addition to the existing and committed development at north Royal Tunbridge Wells (Including the development approached east of Kingstanding Way (appendices 11 and 12)) and should consequently be included in the defined extent of the town, alongside its removal from the Green Belt.

3.8 We also advocate other revisions to the Draft Submission Local Plan to ensure it is consistent with the evidence base prepared by the authority.



3.9 We are concerned to ensure that the Local Plan is robust, and it is in this context that we set out our representations.

#### 4. THE NPPF TESTS OF SOUNDNESS

4.1 Section 3 of the NPPF (Feb 2019) sets out the principal components to be included in Local Plans. Paragraph 35 requires that to be “sound” a DPD should be positively prepared, justified, effective and consistent with national policy.

4.2 A positively prepared plan provides 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 practical to do so and is consistent with achieving sustainable development.

4.3 In order to be justified, the Draft Submission Local Plan must have an appropriate strategy, taking into account reasonable alternatives and be based on proportionate evidence.

4.4 Effective means the document must be deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred and evidenced by the statements of common ground.

4.5 The Local Plan should seek to meet the Council’s full housing need. However, we have concerns regarding to the rationale for and robustness of the housing numbers the Council is seeking to accommodate within the Draft Submission Local Plan. We also have concerns regarding the appropriateness of the sites selected for contributing towards addressing the borough’s development needs.

4.6 For the reasons set out in these representations there are several shortcomings with the Plan, as currently drafted, that result in the need for amendments.

4.7 These amendments relate to the need to increase the level of housing provision within a more appropriate plan period, thereby ensuring the emerging plan is consistent with the Government’s planning advice and policy. They also advocated changes to the extent of the defined settlement area of Royal Tunbridge Wells alongside consequential revisions to the Green Belt together with amendments to other policies of the plan.

4.8 These amendments would reflect our view of the clear sustainability advantages of growth at Castle Hill in preference to unsustainable locations where development conflicts with the approach of the NPPF i.e., Tudeley Village. In the case of Tudeley village, due to its identification in advance of locations which are to be preferred having regard to the approach of the NPPF, we contend that the new settlement proposal should be omitted from the Plan with the site retained in the Green Belt.

4.9 Furthermore, to address the additional identified housing need, we advocate that land at Castle Hill, to the north of Royal Tunbridge Wells (DPC7) should be included as an additional allocation within draft policy STR/RTW1.

4.10 The remainder of this submission is focused on providing responses to the Council’s draft policies in the Local Plan.

#### 5. POLICY STR1: THE DEVELOPMENT STRATEGY

##### Representations

##### The Housing Requirement and Plan Period and robustness of supply

5.1 Policy STR1 indicates that the Local Plan must accommodate land for at least 12,204 dwellings and 14 hectares of employment land over the period 2020-2038. The accompanying Housing Needs Assessment Topic Paper details the derivation of this housing requirement through determining the area’s minimum Local Housing Need consistent with the NPPF (Appendix 1). The appendix (Page 36) of the Housing Needs Topic Paper recognises that the equivalent annual figure (678dpa) which derives the overall plan requirement of 12,204 is the result of a 40% cap within step 3 of the Standard Method Calculation (PPG ID ref 2a-004-202021216).

5.2 The PPG (ID ref 2a-007-20190220) is clear that application of the 40% cap within step 3 of the Standard Method does not reduce an areas housing need. It confirms that the area’s housing need remains the uncapped figure which the authority should seek to address at the earliest opportunity, including through an early review. To avoid an early review the authority should consider the scope that the area could address the uncapped housing need of the area now, especially as the Housing

Needs Topic Paper (paragraphs 2.25 and 2.26) recognises that the areas' high median workplace affordability ratio was influenced by wider macro-economic factors and housing needs associated with London and the wider South East. The failure to consider the scope for a higher housing requirement through either inclusion of the uncapped housing requirement or an alternative uplift to contribute towards addressing acknowledged unmet housing needs of other authorities is a key concern that the draft Submitted Plan is inconsistent with National Policy. The Housing Needs Topic Paper (paragraph 2.15) suggests that the Borough's uncapped housing need is for 741dpa (Page 35 of the Topic Paper indicates that the figure is 749dpa), rather than the 678dpa that the authority is currently committed to delivery within policy STR1.

5.3 The Housing Needs Topic Paper (Step 2 as shown in appendix 1 (page 35)) indicates that the median workplace affordability ratio relied upon within the calculation is 12.76. This was the figure issued in March 2019 and related to 2018. However, on 25th March 2021, the 2020 based affordability ratios were issued and this indicates that the figure for Tunbridge Wells Borough is now 13.27. The application of the approach in Step 2 of the Standard Method (PPG ID ref 2a-004-20201216) means that the 13.27 affordability ratio results in an increase of 57.9375% above the household projections, rather than 54.75% as detailed in the Topic Paper.

5.4 Using the same annual average increase in households (2020-30) which the authority has used in their Topic Paper (484.3) means that the correct uncapped housing need for the Borough would be 765dpa ( $484.3 \times 1.579375$ ). The revised uncapped figure using the latest affordability ratios is therefore 12.8% above the 678dpa within the draft Submission Local Plan. Had the authority (as we contend) relied upon the uncapped requirement to set their target in the draft submission Local Plan, it would negate the need for an early review to address this need as obligated in the NPPF and PPG (ID ref 2a-007-20190220).

5.5 Achieving delivery of the uncapped housing need of 765dpa would ensure that the authority is actively seeking to address the very significant affordability issues within the Borough (as a result of the high median workplace based ratio) together with demonstrating that it is seeking to contribute towards addressing the very significant unmet housing needs of other authorities, especially Sevenoaks District as detailed below.

5.6 In addition to challenging the failure to consider address the Borough's uncapped housing need of 765dpa, we dispute the reasonableness of the expected Plan period and its consistency with the clear obligation in the NPPF to provide strategic policy for at least 15 years post adoption (NPPF, paragraph 22).

#### Housing needs of other authorities

5.7 As indicated above, the uncapped housing need for the Borough is 765dpa compared to the capped figure of 678dpa. We contend that the authority should have used the uncapped housing requirement as the basis for determining the Borough's annual housing needs as it provides a greater boost towards meeting the Borough's housing needs consistent with the NPPF (paragraph 60).

5.8 In addition, paragraph 60 is clear that in determining an areas' housing needs, account should also be taken of any requirements which cannot be addressed by neighbouring authorities. The Council's current Duty to Co-operate (DtC) Statement accompanying the Draft Submission document summarises the discussions and engagement that the authority has had with other bodies pursuant to the Duty to Co-operate.

5.9 The current DtC Statement is clear that Sevenoaks District has identified a clear challenge for that authority to meet its' housing needs. Whilst the DtC Statement indicates that Tunbridge Wells Borough does not consider it can contribute towards addressing unmet housing needs from Sevenoaks District, it is clear that had the authority incorporated the uncapped housing need of 765dpa, rather than 678dpa, the difference of 87 dwellings annually could have made a valuable contribution towards the significant unmet needs of Sevenoaks District.

5.10 A review of the Council's Sustainability Appraisal which considered the impacts of uncapped housing growth (growth strategies 10 & 11) indicates that the overall impacts of these would be similar to that of the draft submission Local Plan. It is therefore clear that delivering growth consistent with the uncapped housing needs is therefore a reasonable and justified approach. For the reasons detailed in the representations, had the draft Submission Local Plan included the Castle Hill site, this would have made a useful contribution towards meeting the Borough's housing needs, including those of adjoining authorities which have yet to be addressed.

5.11 The DtC Statement indicates that part of the justification for not providing additional homes in Tunbridge Wells Borough is the need to await the outcome of Sevenoaks District's challenge of the conclusions in the Inspector's Report detailing the examination of the Sevenoaks Local Plan that the authority had failed to comply with the Duty to Co-operate.

5.12 The Inspector's Report into the Sevenoaks Local Plan Examination (March 2020) (appendix 3) is clear (paragraph 28) that Tunbridge Wells Borough on 11th April 2019 received a request from Sevenoaks DC to make a contribution towards unmet housing needs. Details of this request from Sevenoaks DC are not however included within appendix B6 of the Council's DtC Statement. Given that this is highlighted as an important event by the Sevenoaks Local Plan Inspector, it is concerning that this is not referenced within Tunbridge Wells' analysis. This is a clear illustration that the authority has not provided the full evidence of engagement with other authorities and our view outlined earlier that the Council has failed in its obligation.

5.13 The Sevenoaks Local Plan Inspector was clear that the significant extent of unmet housing need (potentially at least 1,316 dwellings as indicated in paragraph 14). Furthermore, that Inspector was clear that there had been a failure to effectively engage with neighbouring authorities, notwithstanding the preparation of Statements of Common Ground with other bodies and the engagement in an external peer review of the acceptability of their approach. The Sevenoaks Inspector is clear that it is a matter of planning judgment whether the DtC obligation within the Planning legislation has been achieved (Paragraph 16).

5.14 Sevenoaks District Council's approach to the Duty to Co-operate was further assessed through the subsequent Court judgement (appendix 4). This refers to the specific actions that Sevenoaks undertook with neighbouring authorities including Tunbridge Wells (paragraph 7), the preparation of Statements of Common Ground and the independent review by a former Inspector (paragraph 19). Whilst this implied that the authority had Achieved the Duty, the Courts nevertheless confirmed that through the formal examination process, the Inspector had rightly reached their own judgement and subsequent conclusions that the Plan had failed the legal test.

5.15 Although the DtC Statement accompanying the Tunbridge Wells Plan indicates that they were awaiting the conclusions of the Court with respect of whether there would be any unmet need in Sevenoaks District, it is not considered that this is a robust position for the authority to take. The Sevenoaks judgement (appendix 4) was issued before Tunbridge Wells agreed the draft Submission Local Plan and therefore it was clear that there would be unmet need arising from Sevenoaks District (as acknowledged in paragraph 6 of the letter of the Inspector's examining the Tonbridge & Malling Local Plan (appendix 2)).

5.16 Furthermore, the latest position of Sevenoaks District (appendix 15) confirms that the authority is still unable to address its housing needs and consequently is reliant upon neighbouring authorities like Tunbridge Wells Borough to contribute towards the solution.

5.17 The Council's avoidance of any contribution towards Sevenoaks unmet housing needs reflects the position of Tonbridge & Malling BC (TMBC) (who adjoin both Sevenoaks and Tunbridge Wells). The Inspector examining the submitted Tonbridge & Malling Local Plan reported their conclusions in December 2020 (Appendix 2). In paragraph 4, the TMBC LP Inspector states:

The Council explained at the hearings that it was not clear until SDC's Regulation 19 plan was published in December 2018 what the scale of unmet need was and even then it was not certain as the plan had not been examined by an Inspector and the housing requirement found sound. The Tonbridge and Malling Regulation 19 plan was submitted for examination in January 2019 to meet the transitional deadline set out in paragraph 214 of annex 1 to the July 2018 and February 2019 versions of the National Planning Policy Framework (the Framework).

5.18 The Inspector (paragraphs 6 and 7) clarifies the timing of TMBC's knowledge of the expected deficit in Sevenoaks District. The Inspectors report states:

6. However, it appears from the evidence before us that the Council knew for a number of years, prior to the submission of their plan for examination, that it was highly unlikely that SDC would be able to meet its housing requirement in full. Despite this there is no evidence that the Council engaged in any meaningful discussions with SDC to consider how the strategic matter of unmet need could be resolved. Instead the Council has relied on the fact that SDC did not formally ask them for help. However, from the evidence it seems that SDC chose not to make any formal request for help because they knew that the answer from Tonbridge and Maling would be 'no' due to 'constraints'<sup>1</sup>. We consider Tonbridge

and Malling were complicit with this for having said no without any active, ongoing and constructive engagement. This is not indicative of an attempt by Tonbridge and Malling Council to engage constructively or actively to resolve this issue.

7. Indeed, the Council accepted at the hearings that they knew of the unmet need much earlier than December 2018, but say that they could not do anything as the unmet need was a large range and there was an expectation that it would have been met by SDC through increased densities on allocated sites. SDC's Regulation 18 plan which it consulted on, between July and September 2018, identified a need for 13,960 dwellings and identified sites to meet between 6,582 and 13,382 dwellings<sup>2</sup>. So, at this stage it was clear there was a likely shortfall of around 600 dwellings, and this was the best case scenario. At worst it was closer to approximately 7000. In the submitted Regulation 19 plan the unmet need was in the order of 3,392 dwellings.

5.19 The TMBC LP Inspector (appendix 2) was clear (paragraph 15) that the authority was fully aware that Sevenoaks District had an element of unmet housing need and it was subsequently a requirement for the authority to actively and constructively engage in solutions through the Duty. As a result of the failure by TMBC with respect of the Duty, the Inspector examining that Local Plan concluded that that document had failed in its obligation within statute with respect of the Duty to Co-operate.

5.20 The TMBC LP Inspector's conclusions with respect of the failure of the Duty was likewise irrespective of any Statements of Common Ground or Memorandum of Understanding that had been prepared. The TMBC Inspector also emphasised that it had been a long standing issue that Sevenoaks District was unable to address its housing needs and therefore was reliant upon its neighbours to help resolve. Tunbridge Wells cannot therefore absolve itself from contributing towards its resolution given this long standing position.

5.21 Therefore, having regard to the clear longstanding indications that Sevenoaks District could not meet its housing needs, the approach of Tunbridge Wells Borough, as indicated in their DtC Statement (page 18), it is not considered reasonable that it should not await the outcome of Sevenoaks' challenge through the Court. Instead, as acknowledged through the Council's own Sustainability Appraisal it is clear that Tunbridge Wells Borough could readily accommodate and address their uncapped housing need. In such an instance, the authority could have been clear that the difference between the capped and uncapped housing requirements (678dpa and 765dpa respectively) would have been a means of addressing unresolved housing needs of others, whilst also making a contribution towards significantly boosting the supply of housing.

5.22 Having regard to the consistency of the approach of Tunbridge Wells to that rejected by the Inspector in Tonbridge & Malling that there was uncertainty over the extent of shortfall arising in Sevenoaks District and their corresponding inability to address it equally applies in Tunbridge Wells Borough, it is contended that this plan has also failed in addressing the statutory obligation with respect of the Duty.

5.23 As with the conclusions of the Inspectors' who examined both Sevenoaks and the Tonbridge & Malling Local Plans, this must likewise confirm that Tunbridge Wells' Local Plan has failed the Duty and must consequently be withdrawn. This is because as recognised by both these Inspectors' once the Plan has been submitted there is no solution available to the Inspector for addressing the statutory test with respect of the Duty (Section 33A of the Planning & Compulsory Purchase Act 2004 (as amended)). Therefore, the Plan should be found not to be legally compliant and should not be examined further.

5.24 If the Inspector nevertheless considers that the Plan has complied with the Statutory test associated with the Duty, we nevertheless contend that the Borough's housing need should be increased from the current 678dpa to 765dpa as this has been examined through the Sustainability Appraisal and the increase of 87dpa would make a valuable contribution towards addressing longstanding and unresolved housing needs arising in the adjoining Sevenoaks District.

5.25 Additionally, whilst the current DtC Statement for the Draft Plan indicates that the authority has effectively engaged with TMBC, as confirmed in the report to that authority's Planning & Transportation Advisory Board on 17th May 2021 (appendix 14), this has yet to be confirmed. As indicated in the minutes of the meeting, TMBC was of the view that:

Members expressed concerns on a number of matters including the significant impacts related to increased volumes of traffic; lack of infrastructure to support health care and education; insufficient assessment of visual, ecological and biodiversity impacts; and an increased risk of flooding and did

not feel that the mitigation measures proposed by Tunbridge Wells Borough Council adequately offset the scale of development in this location.

5.26 Furthermore, as indicated in the TMBC Report (appendix 14), they have concerns with respect of the infrastructure impacts of Tudeley village on them, especially as it lies close to the borough boundary and the town of Tonbridge would be attractive to any residents as a result of its proximity and extensive range of services. There concerns indicates that this is a further failure of the currently drafted Local Plan with respect of the Duty to Co-operate and the significant cross-boundary impacts that arise from Tudeley.

5.27 Consequently, alongside the obligation with respect of unmet housing need from Sevenoaks District, there are clearly other strategic concerns with respect of the approach envisaged by Tunbridge Wells Borough and its impacts upon Tonbridge & Malling Borough. These also have yet to be resolved.

#### Robustness of Plan period

5.28 Although the Council's latest Local Development Scheme (February 2021) indicates that consultation on the Draft Submission Plan is to occur from 26th March until 21st May 2021 followed by submission in July 2021 and adoption in June 2022, this is not considered realistic.

5.29 A review of the time taken for the examination of Strategic Local Plans consulted upon and submitted for examination since the original NPPF was published in March 2012 (Data on progress of Strategic Local Plans until 1st March 2021 from Local Plans: the examination process - GOV.UK ([www.gov.uk](http://www.gov.uk))) indicates that on average the period from submission through to the document's adoption was 581 days (i.e. 1 year 7 months) (for the more than 200 Strategic documents found sound until 1st March 2021).5.30 The average period from consultation on a draft Submission Plan until its adoption was 764 days (i.e. over 2 years).

5.31 Alternatively, when considering the 8 Strategic Local Plans submitted for examination since the end of the transition period in paragraph 214 of the 2019 NPPF (Submitted on or before 24th January 2019), these have taken 575 days (1 year 7 months) from consultation through to adoption or 457 days from submission to adoption (1 year 3 months). As this is a very small sample size, it is clear that a longer timeframe for the document's examination would be more realistic.

5.32 As consultation on the Draft Submission Plan commenced in March 2021, allowing at least 2 years until adoption indicates that this would not occur until April 2023. With submission expected in summer 2021, the larger sample size indicates that adoption would not occur until early 2023.

5.33 To ensure consistency of the Plan with the requirements of NPPF paragraph 22, the Strategic policies (including STR1) should therefore look ahead a minimum 15 years from adoption of the Local Plan, that will be to at least March 2039, an additional year longer than the currently envisaged timeframe.

5.34 If the Borough's housing requirement was increased by the current capped requirement, this would result in the need for a further 678 dwellings in the Plan. If the Borough's housing requirement was increased by the current capped requirement, this would result in the need for a further 678 dwellings in the Plan. However, we contend that if, contrary to our evidence on the Duty to Cooperate obligation, the Inspector concludes Tunbridge Wells Borough has complied with the Duty to Co-operate, a contribution towards unmet housing needs in adjoining authorities should still be made. The Borough's housing requirement should be increased from 678dpa to 756dpa.

5.35 This uplift together with an extended plan period, which reflects a robust period for examination of the draft Submission Local Plan, indicates that rather than requiring 12,204 dwellings from 2020 to 2038, this should be increased instead to 14,364 dwellings from 2020 to 2039. This is consequently an increase of 2,162 dwellings. On either basis, a proportion of these much needed additional homes could be delivered through the allocation of the land at Castle Hill, to the north of Royal Tunbridge Wells.

5.36 A March 2039 plan end date would therefore provide for 15 years after the 2023/24 monitoring period during which adoption could be realistic anticipated.

#### Robustness of housing land supply

5.37 Irrespective of the need for the plan to identify between 678 and 2,162 additional dwellings, the Council (Table 3 of Draft Submission Plan) indicates that to achieve its housing requirement of 12,204, after deducting existing commitments (permissions (3,313 dwellings)) together with windfalls (1,670

dwellings) sites for at least 7,721 dwellings should be identified. The information in Table 4 of the Draft Submission Plan indicates that the document includes allocations that can deliver between 8,076 and 8,461 dwellings.

5.38 For the reasons detailed in the representation to policy STR/SS3, we do not consider that the Allocation at Tudeley has been justified. The contribution of this within the plan period (2,100 dwellings) should therefore be omitted. Therefore, the actual number of homes allocated in the plan is consequently between 5,976 and 6,361 dwellings.

5.39 In addition, as the response above, indicates, rather than requiring the delivery of 12,204 dwellings, we contend that the authority should instead plan for at least 14,364 dwellings. Therefore, having regard to the increased requirement (to ensure the authority makes a contribution towards unmet needs of other authorities together with providing for the minimum 15 years post adoption required by the NPPF (paragraph 22) instead of having to identify land to accommodate at least 7,721 dwellings the Council assessed as needed, the authority actually needs to identify land for between 8,399 and 9,883 dwellings. It is therefore clear, irrespective of the unjustified allocation of Tudeley that further sites are needed. One site which should be included as an allocation is the land controlled by our clients at Castle Hill. The suitability of this site is detailed in the section with respect of the omission site.

#### Employment land need

5.40 Policy STR1 indicates that the authority needs to identify at least 14ha of employment land. The Employment Development Topic Paper indicates that this quantum of employment land is derived from extrapolation of the need as evaluated in the Economic Needs Study with an adjustment to ensure that the timeframe is consistent with the draft Submission Plan. Whilst we have no comments on the overall quantum of employment land required, we note that the justification within the Economic Needs Study is clear (Table 10.1) that the 14ha of employment floorspace required is derived from the combination of growth in both offices (around 6ha) alongside industrial/warehousing premises (around 8ha).

5.41 Whilst we have no comments on the derivation of the requirement for employment floorspace through the Economic Needs Study, having regard to the clear advice in the NPPF that offices are a main town centre use, the Council's strategy for delivering employment floorspace must recognise this distinction, especially with respect of the assessment of sites to address the identified need.

5.42 With regard to the identification of sites, the plan allocates land at Paddock Wood (policy STR/SS1) together with north of Longfield Road, Tunbridge Wells (policy AL/RTW17). These were the areas promoted for employment uses as indicated in the SHLAA. As these locations are not in town centres, the authority would need to demonstrate why the office element could not be accommodated in the relevant areas where the NPPF is clear with respect of the suitability of land for main town centre uses.

5.43 The extent of these areas significantly exceeds the 8ha of land necessary to address the Council's identified need for industrial/ warehousing. The Economic Needs Study is clear (Paragraph 5.6) that both Paddock Wood alongside Longfield Road, Tunbridge Wells are both existing significant employment locations and are therefore suitable for further growth reflecting market demand (NPPF chapter 6).

5.44 Whilst we do not comment on the Council's approach to allocating significant areas of employment land at both Tunbridge Wells and at Paddock Wood, it is noted that the site north of Longfield Road is located within both the Green Belt and AONB. The Draft Submission Local Plan (paragraph 5.109) indicates that the Council has resolved to grant permission for the erection of up to 74,000m<sup>2</sup> of office/ warehousing development (Class E) on this site, notwithstanding that it is located within these designations. This permission has subsequently been issued by the authority (appendix 12) following the Council's consideration of the application (appendix 11).

5.45 The Council's approval of significant employment development north of Longfield Road, Tunbridge Wells was due to the limited opportunities for such floorspace in the Borough. However as indicated in the SHLAA, significant areas were and have been promoted for employment development at Paddock Wood which is also attractive for operators and occupiers. These areas could have come forward instead of the Council's acceptance of major development in both the AONB and Green Belt. Nevertheless, as indicated by the draft allocation in the Plan together with the Council's resolution to approve (Appendix 11) (now granted (Appendix 12)), the authority has concluded that sites within these constraints can be developed notwithstanding the availability of alternatives in other locations.

5.46 As indicated in these submissions, the Council's approach with respect of housing is inconsistent with that applied for employment in that it has arbitrarily rejected locations in the AONB for major development, like Castle Hill whereas due to its inherent sustainability from proximity to Royal Tunbridge Wells it should have been selected. In contrast, the authority has selected less sustainable housing locations like Tudeley village due to the availability of options outside of the AONB. As indicated, this is inconsistent with the Council's approach to employment whereas notwithstanding opportunities which could address employment needs outside of both the Green Belt and AONB at Paddock Wood, it has nevertheless selected a location within it – land north of Longfield Way (policy AL/RTW17).

#### Conclusions

5.47 The approach of policy STR1 is therefore not sound as it fails to provide for at least 15 years post adoption together with a failure to plan for a requirement which reflects the Government's objectives of significantly boosting the supply of housing. This would be achieved through seeking to address the uncapped rather than capped local housing need as the difference would make a contribution towards addressing unmet housing needs of neighbouring authorities.

### 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.**

Changes sought to the Local Plan with respect of the Borough's development requirements in policy STR1.

5.48 The Plan therefore as currently prepared does not comply with the Duty to Co-operate through a failure to effectively consider how unmet housing needs of neighbouring authorities, especially Sevenoaks District, is to be addressed. The authority has not actively engaged with Sevenoaks and like Tonbridge & Malling (whose plan has also been found to fail the Duty) it is clear that the approach of Tunbridge Wells is insufficient in respect of their legal obligations. The plan also fails under Duty to Co-operate given the significant cross-boundary impacts that arise from Tudeley on neighbouring Tonbridge & Malling. The plan should consequently be withdrawn, and the authority tasked with demonstrating compliance with the duty.

5.49 Irrespective of the failure to comply with the Duty to Co-operate, the policy is not sound with respect of:

a) It is not positively prepared as it does not seek to address the borough's housing needs, therefore further sites should be allocated;b) It is not positively prepared as it fails to boost the supply of housing by seeking to address the uncapped housing need derived through local housing need. This failure is compounded by the lack of identification of further sites to contribute towards addressing unmet need of neighbouring authorities;c) It is not justified with regard to the timeframe that the examination of the Local Plan will take resulting in a delayed adoption of the document;d) It is not justified with respect of the inclusion of land at Tudeley Village to which we object (the reasons are detailed later);e) Is not justified in detailing the split in employment needs between offices and industrial/warehousing space; andf) It is also inconsistent with national policy in the failure to both boost housing supply and make a contribution towards addressing the housing needs of neighbouring authorities as required by paragraph 60 of the NPPF.

5.50 To address these matters of soundness, several amendments are proposed. The proposed changes are.

1. That policy STR1 is amended to:

A) Ensure that the plan period is 2020 to 2039.B) That the housing requirement is increased to 14,364 dwellings;C) That the 14ha of employment floorspace is clarified to reflect the assessed need for around 6ha of offices and 8ha of industrial/ warehousing space; andD) That reference to a new garden settlement at Tudeley Village is removed from the plan.E) Reference is made to an urban extension allocation at Castle Hill, North Tunbridge Wells.

5.51. Those consequential amendments are made to the document to reflect these revisions.

## 11. OVERALL CONCLUSIONS

11.1 The representations to the draft submission Local Plan have identified a number of concerns with the document as drafted, especially with respect of its soundness.

11.2 As indicated in the representations, the Plan as currently prepared does not comply with the Duty to Co-operate through a failure to effectively consider how unmet housing needs of neighbouring authorities, especially Sevenoaks District, is to be addressed. The authority has not actively engaged with Sevenoaks and like Tonbridge & Malling (whose plan has also been found to fail the Duty) it is clear that the approach of Tunbridge Wells is insufficient in respect of their legal obligations. The plan also fails under Duty to Co-operate given the significant cross-boundary impacts that arise from Tudeley on neighbouring Tonbridge & Malling. The plan should consequently be withdrawn, and the authority tasked with demonstrating compliance with the Duty to Co-operate obligation including how best to address housing need in the wider area.

11.3 The plan should consequently be withdrawn, and the authority tasked with demonstrating compliance with the duty.

11.4 Irrespective of the failure to comply with the Duty to Co-operate, the plan is not sound with respect of:

a) It is not positively prepared as it does not seek to address the borough's housing needs, therefore further sites should be allocated;b) It fails to allocate land at Castle Hill that has been demonstrated to be a suitable, available and deliverable site that can contribute in a sustainable way to meeting the Council's and wider area's housing needs;c) It is not positively prepared as it fails to boost the supply of housing by seeking to address the uncapped housing need derived through local housing need. This failure is compounded by the lack of identification of further sites to contribute towards addressing unmet need of neighbouring authorities;d) It is not justified with regard to the timeframe that the examination of the Local Plan will take resulting in a delayed adoption of the document;e) It is not justified with respect of the inclusion of land at Tudeley Village to which we object;f) Is not justified in detailing the split in employment needs between offices and industrial/warehousing space; and  
g) It is also inconsistent with national policy in the failure to both boost housing supply and make a contribution towards addressing the housing needs of neighbouring authorities as required by paragraph 60 of the NPPF.

11.5. These matters can consequently be addressed through Main Modifications to the plan allowing for a Sound Plan.

11.5 To address these matters of soundness, several amendments are proposed. The proposed changes are.

That policy STR1 is amended to:

A) Ensure that the plan period is 2020 to 2039.B) That the housing requirement is increased to 14,364 dwellings;C) That the 14ha of employment floorspace is clarified to reflect the assessed need for around 6ha of offices and 8ha of industrial/ warehousing space; andD) That reference to a new garden settlement at Tudeley Village is removed from the plan.E) Reference is made to an urban extension allocation at Castle Hill, North Tunbridge Wells.

## 12. FINAL REMARKS

12.1 We trust the above comments are of assistance in preparing the next iteration of the Local Plan and await confirmation of receipt of our representations in due course.

12.2 We welcome the opportunity to open up dialogue with the Council in order to further proposals which would result in the changes advocated, including the allocation of our clients' land.



12.3 Additionally, we confirm that we wish to be notified of each further step in the preparation of the Local Plan, including its submission to the Secretary of State, the publication of the Inspector's Report into the Examination of the Plan together with the adoption of 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 assist the Inspector and examination on Duty to Cooperate and issues of soundness that require verbal submissions in response to Matters and Issues to be identified by the Inspector.

#### 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\_124a-z

### Comment

Agent	Mr Douglas Bond [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Woolf Bond Planning
Address	[REDACTED] [REDACTED] READING [REDACTED]
Consultee	[REDACTED]
Company / Organisation	Castle Hill Developments Ltd
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Castle Hill Developments Ltd [REDACTED]
Comment ID	PSLP_1922
Response Date	03/06/21 16:55
Consultation Point	Policy STR 8 Conserving and Enhancing the Natural, Built, and Historic Environment ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.5
Files	<a href="#">APP01L~1.PDF</a> <a href="#">APP14D~1.PDF</a> <a href="#">Castle Hill TWBC Reg 19 Reps June 2021 Written Statement (003).pdf</a> <a href="#">APP02I~1.PDF</a> <a href="#">APP08T~1.PDF</a> <a href="#">APP16W~1.PDF</a> <a href="#">APP11R~1.PDF</a> <a href="#">APP04S~1.PDF</a> <a href="#">APP06S~1.PDF</a> <a href="#">App 20 Castle Hill A21 Appraisal.pdf</a> <a href="#">APP12I~1.PDF</a> <a href="#">APP09U~1.PDF</a> <a href="#">APP03S~1.PDF</a> <a href="#">APP15S~1.PDF</a> <a href="#">APP11C~1.PDF</a> <a href="#">APP14B~1.PDF</a>

[APP19C~1.PDF](#)  
[APP10E~1.PDF](#)  
[APP13S~1.PDF](#)  
[APP14A~1.PDF](#)  
[App 18 Castle Hill Masterplan.pdf](#)  
[APP14C~1.PDF](#)  
[APP14E~1.PDF](#)  
[APP21T~1.PDF](#)  
[APP07H~1.PDF](#)  
[APP17A~1.PDF](#)  
[APP05C~1.PDF](#)

Data inputter to enter their initials here KJ

**Question 1**

Respondent's Name and/or Organisation Castle Hill Developments Ltd

**Question 2**

Agent's Name and Organisation (if applicable) Woolf Bond 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 STR 8 Conserving and Enhancing the Natural, Built, and Historic Environment

*[TWBC: see full representation attached. Parts have been input into Policy STR1 (PSLP\_1912), STR8 (PSLP\_1922 ), STR9 (PSLP\_1925), STR/RTW1 (PSLP\_1929) and STR/SS3 (PSLP\_1932). See also appendices attached]*

**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.**

## 1. INTRODUCTION

1.1 Our clients (Castle Hill Developments Ltd) control the land at Castle Hill that lies to the north of Tunbridge Wells. This site has been promoted through earlier stages in the Local Plan as an alternative location for strategic growth in the Borough, taking account of its significant credentials as a sustainable location for growth adjoining the extensive existing and committed facilities within Royal Tunbridge Wells town. In contrast to other locations, the development of new homes at the site will ensure the embedment of behaviour associated with the sustainable living unlike other locations in the Borough, especially the new community proposed at Tudeley Village.

1.2 An indicative masterplan for the development of Castle Hill is shown below. This relates to the land which has been promoted for residential development through the SHLAA (DPC7).

*[TWBC: see full representation attached for Figure 1 – Indicative masterplan for delivery of around 900 homes and associated facilities at Castle Hill, Royal Tunbridge Wells]*

1.3 Further to our submissions on earlier stages in the preparation of the Local Plan, the Council has failed to provide an appropriate strategy which seeks to meet the Borough's development needs, especially with respect of housing. Consequently, for the reasons outlined in these submissions, it is not considered that the Draft Submission Plan adequately addresses the Borough's housing needs in locations which are accessible to existing or committed infrastructure and services such as those at Castle Hill which adjoins the edge of the town of Royal Tunbridge Wells, the administrative and commercial heart of the borough and surrounding area with its extensive range of services and facilities including health, education, culture, leisure and employment. Such locations should be considered in advance of the unjustified removal of land from the Green Belt which as detailed in the representations would be wholly consistent with the approach of national policy in the NPPF. We therefore advocate changes to the Local Plan to address these matters.

1.4 Have regard to the concerns with respect of the appropriateness of the approach and its challenges of delivering sustainable growth, we therefore advocate the removal of the proposed allocation at Tudeley Village with its replacement with an allocation at Castle Hill. For the reasons detailed in this submission, growth at Castle Hill due to its relationship with existing and committed development and facilities would result in achievement of sustainable development. Furthermore, the proximity of Castle Hill to services and facilities that residents will need to undertake their daily life ensures that sustainable behaviours are embedded in residents from initial occupation of the homes. This contrasts with that at Tudeley Village which due to the limitations in that local area will result in need for longer journeys to undertake daily lives, which are therefore likely to result in increased use of the car. Once this behaviour becomes the normal for residents in Tudeley, it will be harder to encourage them to switch to more sustainable alternatives once / if they become available.

1.5 The reports and documents submitted with this representation demonstrate the suitability of the approach advocated. As detailed in the representations, this land is not subject to constraints which would prevent its delivery for development at an early stage during the emerging plan period should this be confirmed through the examination of the Plan.

1.6 We also have several comments/representations on the policies within the Draft Submission Tunbridge Wells Borough Local Plan which should be addressed prior to its submission for examination by the Secretary of State.

1.7 In addition, as outlined in our representations to policy STR1, we have significant concerns that the authority has failed in its obligation to discharge the Duty to Co-operate under the Planning &

Compulsory Purchase Act 2004 (as amended), especially with respect of its engagement with other local authorities, especially Sevenoaks District and Tonbridge & Malling Borough.

1.8 As recognised by Inspector's examining other Local Plans (See paragraph 9 of the Inspector's Report into Examination of the Sevenoaks Local Plan (appendix 3) and paragraph 22 of the Letter from the Inspector's regarding the St Albans City & District Local Plan (appendix 13)), the failure to discharge the Duty to Co-operate cannot be rectified once the Plan has been submitted for examination and therefore it must be withdrawn. This is consequently our preferred solution to the Draft Plan as currently prepared.

## 2. REPRESENTATIONS AND SUPPORTING INFORMATION

2.1 Our comments upon the various draft policies and proposals are set out below and are accompanied by the following Documents:

- Duly Completed Response Form.
- Copy of submissions on behalf of Castle Hill Development Ltd to the Council's Call for Sites in November 2019 (appendix 1)
- Copy of Inspector's assessment of the Tonbridge & Malling Local Plan (15th December 2020) (appendix 2)
- Inspector's Report into Examination of the Sevenoaks Local Plan (2nd March 2020) (appendix 3)
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- Advearse v Dorset Council [2020] EWHC 807 (Admin) (appendix 17)
- Castle Hill Masterplan (appendix 18)
- Overview Transport Strategy for Castle Hill, addressing transport principles and connectivity. Prepared by i Transport (appendix 19)
- Land at Castle Hill, Tunbridge Wells A21 Impact Appraisal. Prepared by i Transport (appendix 20)
- Land at Tudeley Village Sustainability Technical Note. Prepared by i Transport (appendix 21)

2.2 Our client's representations upon the Draft Local Plan can be summarised as relating to the following:

### **Policy**

#### **Representation**

Policy STR1: The Development Strategy

Objection

Policy STR8: Conserving and enhancing the natural, built, and historic environment

Objection

Policy STR9: Green Belt

Objection

Policy STR/RTW1: The Strategy for Royal Tunbridge Wells

Objection

Policy STR/SS3: The Strategy for Tudeley Village

Objection

Omission site – Land at Castle Hill, Tunbridge Wells (DPC7) – failure to include as an allocation in policy STR/RTW1

Objection

The proposed change that is sought by the objector are:

1. The plan be withdrawn owing to the failure on Duty to Co-operate.

2. Changes sought to the Local Plan with respect of policy STR1.

A) Ensure that the plan period is 2020 to 2039.

B) That the housing requirement is increased to 14,364 dwellings;

C) That the 14ha of employment floorspace is clarified to reflect the assessed need for around 6ha of offices and 8ha of industrial/ warehousing space; and

D) That reference to a new garden settlement at Tudeley Village is removed from the plan.

E) Reference is made to an urban extension allocation at Castle Hill, North Tunbridge Wells.

3. Changes sought to the Local Plan with respect of policy STR8.

The Plan therefore as currently prepared in not sound with respect of:

a) It is not justified with respect of the inconsistency in consideration of landscape impacts between housing and employment sites in the AONB. The Plan includes major employment development in the AONB notwithstanding the clear availability of alternatives such as at Paddock Wood. The authority has not applied the same approach to housing; and b) It is also inconsistent with national policy in the approach to major development in paragraph 172 of the NPPF. This is clear, as indicated in the representation to policy STR1 that there is a clear need for additional housing in the Borough which consequently provides the justification for major development in the AONB, such as that proposed on our client's land at Castle Hill.

4. Changes sought to the Local Plan with respect of the approach to Tudeley village in policy STR8. The Plan therefore as currently prepared in not sound with respect of:

a) It is not justified as the evidence does not support the removal of land at Tudeley for the garden community; and b) It is also inconsistent with national policy in the approach does not adequately reflect the guidance on considering all sustainable opportunities within the Green Belt before contemplating poorly located greenfield sites like Tudeley. It is therefore contrary to paragraphs 137 and 138 of the NPPF.

To address these matters of soundness, a range of amendments are proposed. The proposed changes are:

That reference to Tudeley village is omitted from policy STR8, alongside consequential amendments to other parts of the plan i.e., the policies map to ensure that the Tudeley site is retained in the Green Belt.

5. Changes sought to the Local Plan with respect of the policy STR/RTW1

The Plan therefore as currently prepared in not sound with respect of:

a) Not positively prepared as the policy (alongside others in the document) fails to meet the areas housing needs, including a contribution towards unmet needs of neighbouring authorities,

b) Is not justified as the evidence does not support the exclusion of the Castle Hill site whereas other sites are included which are inconsistent with the assessments and appraisals of the Council; and c) The policy is not consistent with national policy as it fails to deliver sufficient housing to meet the Borough's needs, including that arising in neighbouring ones.

To address these matters of soundness, several amendments are proposed. The proposed changes are. That policy STR/RTW1 is amended to ensure that it acknowledges the allocation of Castle Hill as a development site with consequential amendments made to the document reflecting its identification.

6. Changes sought to the Local Plan with respect of the approach to Tudeley village in policy STR/SS3. The Plan therefore as currently prepared in not sound with respect of:

a) It is not justified as the evidence does not support the removal of land at Tudeley for the garden community; and b) It is also inconsistent with national policy in the approach does not adequately reflect the guidance on considering all sustainable opportunities within the Green Belt before contemplating poorly located greenfield sites like Tudeley. It is therefore contrary to paragraphs 137 and 138 of the NPPF.

To address these matters of soundness, a range of amendments are proposed. The proposed changes are.

That policy STR/SS3 is omitted from Local Plan, alongside consequential amendments to other parts of the plan i.e., the policies map to ensure that the Tudeley site is retained in the Green Belt.

#### 7. Castle Hill Omission Site: Change sought to the Local Plan.

To ensure that the local plan is sound, land at Castle Hill should be included as a residential allocation with consequential amendments to the settlement boundaries on the northern edge of Royal Tunbridge Wells.

### 3. OVERARCHING POSITION

3.1 We have a strong belief in the principle of the plan-led system and in setting out our representations upon these policies, we hope to be able to work with the Council between now and the formal submission of the Draft Local Plan pursuant to Regulation 22 of The Town and County Planning (Local Planning) (England) Regulations 2012 (as amended), to ensure the Local Plan satisfies the tests of soundness at paragraph 35 of the NPPF.

3.2 We have considerable experience and expertise in dealing with and realising development schemes similar to the Castle Hill proposal at Royal Tunbridge Wells through the development plan system having appeared at EIPs constantly over the last 30 years. These appearances have included representations on plan policy and the promotion of urban extensions in Surrey, Essex, Kent, Berkshire, West Sussex, East Sussex, Essex, Hertfordshire, Buckinghamshire, Devon, County Durham, Cambridgeshire, Hampshire and Oxfordshire. In this context, a principal constraint to the timely delivery of housing is the way in which policies for the allocation of sites have been formulated.

3.3 Local Plans must be capable of delivering from the point at which they are adopted. This means scrutinising the policy wording to ensure the Plans are sound and that the allocations contained therein are capable of being delivered at the point envisaged. This is particularly the case in relation to the need for Councils to collate a robust evidence base to justify the imposition of certain policies and/or their wording so as not to over burden and/or stifle sustainable and appropriate development.

3.4 In this instance, the draft Local Plan needs to be amended in order to ensure it robustly plans for the delivery of sufficient housing to address a housing requirement established in accordance with national planning policy and guidance. If the Borough's housing requirement was increased by the current capped requirement, this would result in the need for a further 678 dwellings in the Plan.

3.5 However, we contend that if, contrary to our evidence on the Duty to Cooperate obligation, the Inspector concludes Tunbridge Wells Borough has complied with the Duty to Co-operate, a contribution towards unmet housing needs in adjoining authorities should be made, then the Borough's housing requirement should be increased from 678dpa to 756dpa. This uplift together with an extended plan period, which reflects a robust period for examination of the draft Submission Local Plan, indicates that rather than requiring 12,204 dwellings from 2020 to 2038, this should be increased instead to 14,364 dwellings from 2020 to 2039. This is consequently an increase of 2,162 dwellings. On either basis, a proportion of these much needed additional homes could be delivered through the allocation of the land at Castle Hill, to the north of Royal Tunbridge Wells. A March 2039 plan end date would provide for 15 years after the 2023/24 monitoring period during which adoption could be realistic anticipated.

3.6 To address this requirement for additional homes, we contend that land north of Tunbridge Wells, at Castle Hill should be allocated for residential development (SHLAA ref DPC7). Following site analysis reflected in the submitted master plan, the Castle Hill site can accommodate 900 dwellings. As indicated in these representations and the supporting documents this would be a sustainable addition to the town.

3.7 The representations also highlight a failure of the plan as currently drafted to contribute towards addressing the acknowledged unmet needs of neighbouring authorities and the allocation of Castle Hill can also supply homes to resolve this issue. As detailed in the representations, the Castle Hill site would be a logical addition to the existing and committed development at north Royal Tunbridge Wells (Including the development approached east of Kingstanding Way (appendices 11 and 12)) and should consequently be included in the defined extent of the town, alongside its removal from the Green Belt.

3.8 We also advocate other revisions to the Draft Submission Local Plan to ensure it is consistent with the evidence base prepared by the authority.

3.9 We are concerned to ensure that the Local Plan is robust, and it is in this context that we set out our representations.

#### 4. THE NPPF TESTS OF SOUNDNESS

4.1 Section 3 of the NPPF (Feb 2019) sets out the principal components to be included in Local Plans. Paragraph 35 requires that to be “sound” a DPD should be positively prepared, justified, effective and consistent with national policy.

4.2 A positively prepared plan provides 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 practical to do so and is consistent with achieving sustainable development.

4.3 In order to be justified, the Draft Submission Local Plan must have an appropriate strategy, taking into account reasonable alternatives and be based on proportionate evidence.

4.4 Effective means the document must be deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred and evidenced by the statements of common ground.

4.5 The Local Plan should seek to meet the Council’s full housing need. However, we have concerns regarding to the rationale for and robustness of the housing numbers the Council is seeking to accommodate within the Draft Submission Local Plan. We also have concerns regarding the appropriateness of the sites selected for contributing towards addressing the borough’s development needs.

4.6 For the reasons set out in these representations there are several shortcomings with the Plan, as currently drafted, that result in the need for amendments.

4.7 These amendments relate to the need to increase the level of housing provision within a more appropriate plan period, thereby ensuring the emerging plan is consistent with the Government’s planning advice and policy. They also advocated changes to the extent of the defined settlement area of Royal Tunbridge Wells alongside consequential revisions to the Green Belt together with amendments to other policies of the plan.

4.8 These amendments would reflect our view of the clear sustainability advantages of growth at Castle Hill in preference to unsustainable locations where development conflicts with the approach of the NPPF i.e., Tudeley Village. In the case of Tudeley village, due to its identification in advance of locations which are to be preferred having regard to the approach of the NPPF, we contend that the new settlement proposal should be omitted from the Plan with the site retained in the Green Belt.

4.9 Furthermore, to address the additional identified housing need, we advocate that land at Castle Hill, to the north of Royal Tunbridge Wells (DPC7) should be included as an additional allocation within draft policy STR/RTW1.

4.10 The remainder of this submission is focused on providing responses to the Council’s draft policies in the Local Plan.

#### 6. POLICY STR8: CONSERVING AND ENHANCING THE NATURAL, BUILT, AND HISTORIC ENVIRONMENT

##### Representations

6.1 Policy STR8 indicates how the authority will protect important features in the borough, included the High Weald AONB. As indicated in the representation to policy STR1, the authority has allowed major development in the AONB north of Longfield Road, Tunbridge Wells notwithstanding there were clear opportunities to deliver this outside of the designation at Paddock Wood. Paddock Wood like Tunbridge Wells are both key employment areas with demand for additional floorspace.

6.2 As indicated in the omission site section which emphasises that Castle Hill is a suitable and sustainable location for growth, a reason why this was discounted for housing growth was the extensive opportunities outside of the AONB within the Borough (Row 14 in Table 27 of the Sustainability Appraisal).

6.3 However, the authority has been inconsistent in its approach to employment which; as indicated in the representation to policy STR1; has confirmed development in the AONB even though there were sufficient suitable alternatives outside of this designation available. Therefore, it is clear that the Council



allows major development in the AONB notwithstanding the availability of alternatives. This should therefore be recognised in the policy alongside the allocation of land at Castle Hill.

## Conclusions

6.4 The approach of the policy should consequently allow development in the AONB where it is allocated for development within the Local Plan.

## 11. OVERALL CONCLUSIONS

11.1 The representations to the draft submission Local Plan have identified a number of concerns with the document as drafted, especially with respect of its soundness.

11.2 As indicated in the representations, the Plan as currently prepared does not comply with the Duty to Co-operate through a failure to effectively consider how unmet housing needs of neighbouring authorities, especially Sevenoaks District, is to be addressed. The authority has not actively engaged with Sevenoaks and like Tonbridge & Malling (whose plan has also been found to fail the Duty) it is clear that the approach of Tunbridge Wells is insufficient in respect of their legal obligations. The plan also fails under Duty to Co-operate given the significant cross-boundary impacts that arise from Tudeley on neighbouring Tonbridge & Malling. The plan should consequently be withdrawn, and the authority tasked with demonstrating compliance with the Duty to Co-operate obligation including how best to address housing need in the wider area.

11.3 The plan should consequently be withdrawn, and the authority tasked with demonstrating compliance with the duty.

11.4 Irrespective of the failure to comply with the Duty to Co-operate, the plan is not sound with respect of:

a) It is not positively prepared as it does not seek to address the borough's housing needs, therefore further sites should be allocated;b) It fails to allocate land at Castle Hill that has been demonstrated to be a suitable, available and deliverable site that can contribute in a sustainable way to meeting the Council's and wider area's housing needs;c) It is not positively prepared as it fails to boost the supply of housing by seeking to address the uncapped housing need derived through local housing need. This failure is compounded by the lack of identification of further sites to contribute towards addressing unmet need of neighbouring authorities;d) It is not justified with regard to the timeframe that the examination of the Local Plan will take resulting in a delayed adoption of the document;e) It is not justified with respect of the inclusion of land at Tudeley Village to which we object;f) Is not justified in detailing the split in employment needs between offices and industrial/warehousing space; and  
g) It is also inconsistent with national policy in the failure to both boost housing supply and make a contribution towards addressing the housing needs of neighbouring authorities as required by paragraph 60 of the NPPF.

11.5. These matters can consequently be addressed through Main Modifications to the plan allowing for a Sound Plan.

11.5 To address these matters of soundness, several amendments are proposed. The proposed changes are.

That policy STR1 is amended to:

A) Ensure that the plan period is 2020 to 2039.B) That the housing requirement is increased to 14,364 dwellings;C) That the 14ha of employment floorspace is clarified to reflect the assessed need for around 6ha of offices and 8ha of industrial/ warehousing space; andD) That reference to a new garden settlement at Tudeley Village is removed from the plan.E) Reference is made to an urban extension allocation at Castle Hill, North Tunbridge Wells.

## 12. FINAL REMARKS

12.1 We trust the above comments are of assistance in preparing the next iteration of the Local Plan and await confirmation of receipt of our representations in due course.

12.2 We welcome the opportunity to open up dialogue with the Council in order to further proposals which would result in the changes advocated, including the allocation of our clients' land.

12.3 Additionally, we confirm that we wish to be notified of each further step in the preparation of the Local Plan, including its submission to the Secretary of State, the publication of the Inspector's Report into the Examination of the Plan together with the adoption of the Local Plan.

## 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.**

Changes sought to the Local Plan with respect of policy STR8.

6.5 The Plan therefore as currently prepared in not sound with respect of:

- a) It is not justified with respect of the inconsistency in consideration of landscape impacts between housing and employment sites in the AONB. The Plan includes major employment development in the AONB notwithstanding the clear availability of alternatives such as at Paddock Wood. The authority has not applied the same approach to housing; and
- b) It is also inconsistent with national policy in the approach to major development in paragraph 172 of the NPPF. This is clear, as indicated in the representation to policy STR1 that there is a clear need for additional housing in the Borough which consequently provides the justification for major development in the AONB, such as that proposed on our client's land at Castle Hill.

## 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 assist the Inspector and examination on Duty to Cooperate and issues of soundness that require verbal submissions in response to Matters and Issues to be identified by the Inspector.

## 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\_124a-z

## Comment

Agent	Mr Douglas Bond [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Woolf Bond Planning
Address	[REDACTED] Basingstoke Road READING [REDACTED]
Consultee	[REDACTED]
Company / Organisation	Castle Hill Developments Ltd
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Castle Hill Developments Ltd [REDACTED]
Comment ID	PSLP_1925
Response Date	03/06/21 16:55
Consultation Point	Policy STR 9 Green Belt ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.4
Files	<a href="#">APP16W~1.PDF</a> <a href="#">APP14D~1.PDF</a> <a href="#">APP11R~1.PDF</a> <a href="#">APP13S~1.PDF</a> <a href="#">APP10E~1.PDF</a> <a href="#">APP05C~1.PDF</a> <a href="#">APP19C~1.PDF</a> <a href="#">APP02I~1.PDF</a> <a href="#">APP08T~1.PDF</a> <a href="#">APP15S~1.PDF</a> <a href="#">APP07H~1.PDF</a> <a href="#">APP17A~1.PDF</a> <a href="#">APP11C~1.PDF</a> <a href="#">APP14B~1.PDF</a> <a href="#">APP09U~1.PDF</a> <a href="#">APP03S~1.PDF</a> <a href="#">APP04S~1.PDF</a> <a href="#">APP14E~1.PDF</a>

[APP121~1.PDF](#)  
[App 20 Castle Hill A21 Appraisal.pdf](#)  
[Castle Hill TWBC Reg 19 Repts June 2021 Written Statement \(003\).pdf](#)  
[APP06S~1.PDF](#)  
[APP21T~1.PDF](#)  
[APP01L~1.PDF](#)  
[APP14C~1.PDF](#)  
[App 18 Castle Hill Masterplan.pdf](#)  
[APP14A~1.PDF](#)

Data inputter to enter their initials here KJ

**Question 1**

Respondent's Name and/or Organisation Castle Hill Developments Ltd

**Question 2**

Agent's Name and Organisation (if applicable) Woolf Bond 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 STR 9 Green Belt

*[TWBC: see full representation attached. Parts have been input into Policy STR1 (PSLP\_1912), STR8 (PSLP\_1922 ), STR9 (PSLP\_1925), STR/RTW1 (PSLP\_1929) and STR/SS3 (PSLP\_1932). See also appendices attached]*

**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.**

## 1. INTRODUCTION

1.1 Our clients (Castle Hill Developments Ltd) control the land at Castle Hill that lies to the north of Tunbridge Wells. This site has been promoted through earlier stages in the Local Plan as an alternative location for strategic growth in the Borough, taking account of its significant credentials as a sustainable location for growth adjoining the extensive existing and committed facilities within Royal Tunbridge Wells town. In contrast to other locations, the development of new homes at the site will ensure the embedment of behaviour associated with the sustainable living unlike other locations in the Borough, especially the new community proposed at Tudeley Village.

1.2 An indicative masterplan for the development of Castle Hill is shown below. This relates to the land which has been promoted for residential development through the SHLAA (DPC7).

*[TWBC: see full representation attached for Figure 1 – Indicative masterplan for delivery of around 900 homes and associated facilities at Castle Hill, Royal Tunbridge Wells]*

1.3 Further to our submissions on earlier stages in the preparation of the Local Plan, the Council has failed to provide an appropriate strategy which seeks to meet the Borough's development needs, especially with respect of housing. Consequently, for the reasons outlined in these submissions, it is not considered that the Draft Submission Plan adequately addresses the Borough's housing needs in locations which are accessible to existing or committed infrastructure and services such as those at Castle Hill which adjoins the edge of the town of Royal Tunbridge Wells, the administrative and commercial heart of the borough and surrounding area with its extensive range of services and facilities including health, education, culture, leisure and employment. Such locations should be considered in advance of the unjustified removal of land from the Green Belt which as detailed in the representations would be wholly consistent with the approach of national policy in the NPPF. We therefore advocate changes to the Local Plan to address these matters.

1.4 Have regard to the concerns with respect of the appropriateness of the approach and its challenges of delivering sustainable growth, we therefore advocate the removal of the proposed allocation at Tudeley Village with its replacement with an allocation at Castle Hill. For the reasons detailed in this submission, growth at Castle Hill due to its relationship with existing and committed development and facilities would result in achievement of sustainable development. Furthermore, the proximity of Castle Hill to services and facilities that residents will need to undertake their daily life ensures that sustainable behaviours are embedded in residents from initial occupation of the homes. This contrasts with that at Tudeley Village which due to the limitations in that local area will result in need for longer journeys to undertake daily lives, which are therefore likely to result in increased use of the car. Once this behaviour becomes the normal for residents in Tudeley, it will be harder to encourage them to switch to more sustainable alternatives once / if they become available.

1.5 The reports and documents submitted with this representation demonstrate the suitability of the approach advocated. As detailed in the representations, this land is not subject to constraints which would prevent its delivery for development at an early stage during the emerging plan period should this be confirmed through the examination of the Plan.

1.6 We also have several comments/representations on the policies within the Draft Submission Tunbridge Wells Borough Local Plan which should be addressed prior to its submission for examination by the Secretary of State.

1.7 In addition, as outlined in our representations to policy STR1, we have significant concerns that the authority has failed in its obligation to discharge the Duty to Co-operate under the Planning &

Compulsory Purchase Act 2004 (as amended), especially with respect of its engagement with other local authorities, especially Sevenoaks District and Tonbridge & Malling Borough.

1.8 As recognised by Inspector's examining other Local Plans (See paragraph 9 of the Inspector's Report into Examination of the Sevenoaks Local Plan (appendix 3) and paragraph 22 of the Letter from the Inspector's regarding the St Albans City & District Local Plan (appendix 13)), the failure to discharge the Duty to Co-operate cannot be rectified once the Plan has been submitted for examination and therefore it must be withdrawn. This is consequently our preferred solution to the Draft Plan as currently prepared.

## 2. REPRESENTATIONS AND SUPPORTING INFORMATION

2.1 Our comments upon the various draft policies and proposals are set out below and are accompanied by the following Documents:

- Duly Completed Response Form.
- Copy of submissions on behalf of Castle Hill Development Ltd to the Council's Call for Sites in November 2019 (appendix 1)
- Copy of Inspector's assessment of the Tonbridge & Malling Local Plan (15th December 2020) (appendix 2)
- Inspector's Report into Examination of the Sevenoaks Local Plan (2nd March 2020) (appendix 3)
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2.2 Our client's representations upon the Draft Local Plan can be summarised as relating to the following:

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Objection

Policy STR9: Green Belt

Objection

Policy STR/RTW1: The Strategy for Royal Tunbridge Wells

Objection

Policy STR/SS3: The Strategy for Tudeley Village

Objection

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The proposed change that is sought by the objector are:

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B) That the housing requirement is increased to 14,364 dwellings;

C) That the 14ha of employment floorspace is clarified to reflect the assessed need for around 6ha of offices and 8ha of industrial/ warehousing space; and

D) That reference to a new garden settlement at Tudeley Village is removed from the plan.

E) Reference is made to an urban extension allocation at Castle Hill, North Tunbridge Wells.

3. Changes sought to the Local Plan with respect of policy STR8.

The Plan therefore as currently prepared in not sound with respect of:

a) It is not justified with respect of the inconsistency in consideration of landscape impacts between housing and employment sites in the AONB. The Plan includes major employment development in the AONB notwithstanding the clear availability of alternatives such as at Paddock Wood. The authority has not applied the same approach to housing; and b) It is also inconsistent with national policy in the approach to major development in paragraph 172 of the NPPF. This is clear, as indicated in the representation to policy STR1 that there is a clear need for additional housing in the Borough which consequently provides the justification for major development in the AONB, such as that proposed on our client's land at Castle Hill.

4. Changes sought to the Local Plan with respect of the approach to Tudeley village in policy STR8. The Plan therefore as currently prepared in not sound with respect of:

a) It is not justified as the evidence does not support the removal of land at Tudeley for the garden community; and b) It is also inconsistent with national policy in the approach does not adequately reflect the guidance on considering all sustainable opportunities within the Green Belt before contemplating poorly located greenfield sites like Tudeley. It is therefore contrary to paragraphs 137 and 138 of the NPPF.

To address these matters of soundness, a range of amendments are proposed. The proposed changes are:

That reference to Tudeley village is omitted from policy STR8, alongside consequential amendments to other parts of the plan i.e., the policies map to ensure that the Tudeley site is retained in the Green Belt.

5. Changes sought to the Local Plan with respect of the policy STR/RTW1

The Plan therefore as currently prepared in not sound with respect of:

a) Not positively prepared as the policy (alongside others in the document) fails to meet the areas housing needs, including a contribution towards unmet needs of neighbouring authorities,

b) Is not justified as the evidence does not support the exclusion of the Castle Hill site whereas other sites are included which are inconsistent with the assessments and appraisals of the Council; and c) The policy is not consistent with national policy as it fails to deliver sufficient housing to meet the Borough's needs, including that arising in neighbouring ones.

To address these matters of soundness, several amendments are proposed. The proposed changes are. That policy STR/RTW1 is amended to ensure that it acknowledges the allocation of Castle Hill as a development site with consequential amendments made to the document reflecting its identification.

6. Changes sought to the Local Plan with respect of the approach to Tudeley village in policy STR/SS3. The Plan therefore as currently prepared in not sound with respect of:

a) It is not justified as the evidence does not support the removal of land at Tudeley for the garden community; and b) It is also inconsistent with national policy in the approach does not adequately reflect the guidance on considering all sustainable opportunities within the Green Belt before contemplating poorly located greenfield sites like Tudeley. It is therefore contrary to paragraphs 137 and 138 of the NPPF.



To address these matters of soundness, a range of amendments are proposed. The proposed changes are.

That policy STR/SS3 is omitted from Local Plan, alongside consequential amendments to other parts of the plan i.e., the policies map to ensure that the Tudeley site is retained in the Green Belt.

#### 7. Castle Hill Omission Site: Change sought to the Local Plan.

To ensure that the local plan is sound, land at Castle Hill should be included as a residential allocation with consequential amendments to the settlement boundaries on the northern edge of Royal Tunbridge Wells.

### 3. OVERARCHING POSITION

3.1 We have a strong belief in the principle of the plan-led system and in setting out our representations upon these policies, we hope to be able to work with the Council between now and the formal submission of the Draft Local Plan pursuant to Regulation 22 of The Town and County Planning (Local Planning) (England) Regulations 2012 (as amended), to ensure the Local Plan satisfies the tests of soundness at paragraph 35 of the NPPF.

3.2 We have considerable experience and expertise in dealing with and realising development schemes similar to the Castle Hill proposal at Royal Tunbridge Wells through the development plan system having appeared at EIPs constantly over the last 30 years. These appearances have included representations on plan policy and the promotion of urban extensions in Surrey, Essex, Kent, Berkshire, West Sussex, East Sussex, Essex, Hertfordshire, Buckinghamshire, Devon, County Durham, Cambridgeshire, Hampshire and Oxfordshire. In this context, a principal constraint to the timely delivery of housing is the way in which policies for the allocation of sites have been formulated.

3.3 Local Plans must be capable of delivering from the point at which they are adopted. This means scrutinising the policy wording to ensure the Plans are sound and that the allocations contained therein are capable of being delivered at the point envisaged. This is particularly the case in relation to the need for Councils to collate a robust evidence base to justify the imposition of certain policies and/or their wording so as not to over burden and/or stifle sustainable and appropriate development.

3.4 In this instance, the draft Local Plan needs to be amended in order to ensure it robustly plans for the delivery of sufficient housing to address a housing requirement established in accordance with national planning policy and guidance. If the Borough's housing requirement was increased by the current capped requirement, this would result in the need for a further 678 dwellings in the Plan.

3.5 However, we contend that if, contrary to our evidence on the Duty to Cooperate obligation, the Inspector concludes Tunbridge Wells Borough has complied with the Duty to Co-operate, a contribution towards unmet housing needs in adjoining authorities should be made, then the Borough's housing requirement should be increased from 678dpa to 756dpa. This uplift together with an extended plan period, which reflects a robust period for examination of the draft Submission Local Plan, indicates that rather than requiring 12,204 dwellings from 2020 to 2038, this should be increased instead to 14,364 dwellings from 2020 to 2039. This is consequently an increase of 2,162 dwellings. On either basis, a proportion of these much needed additional homes could be delivered through the allocation of the land at Castle Hill, to the north of Royal Tunbridge Wells. A March 2039 plan end date would provide for 15 years after the 2023/24 monitoring period during which adoption could be realistic anticipated.

3.6 To address this requirement for additional homes, we contend that land north of Tunbridge Wells, at Castle Hill should be allocated for residential development (SHLAA ref DPC7). Following site analysis reflected in the submitted master plan, the Castle Hill site can accommodate 900 dwellings. As indicated in these representations and the supporting documents this would be a sustainable addition to the town.

3.7 The representations also highlight a failure of the plan as currently drafted to contribute towards addressing the acknowledged unmet needs of neighbouring authorities and the allocation of Castle Hill can also supply homes to resolve this issue. As detailed in the representations, the Castle Hill site would be a logical addition to the existing and committed development at north Royal Tunbridge Wells (Including the development approached east of Kingstanding Way (appendices 11 and 12)) and should consequently be included in the defined extent of the town, alongside its removal from the Green Belt.

3.8 We also advocate other revisions to the Draft Submission Local Plan to ensure it is consistent with the evidence base prepared by the authority.

3.9 We are concerned to ensure that the Local Plan is robust, and it is in this context that we set out our representations.

#### 4. THE NPPF TESTS OF SOUNDNESS

4.1 Section 3 of the NPPF (Feb 2019) sets out the principal components to be included in Local Plans. Paragraph 35 requires that to be “sound” a DPD should be positively prepared, justified, effective and consistent with national policy.

4.2 A positively prepared plan provides 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 practical to do so and is consistent with achieving sustainable development.

4.3 In order to be justified, the Draft Submission Local Plan must have an appropriate strategy, taking into account reasonable alternatives and be based on proportionate evidence.

4.4 Effective means the document must be deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred and evidenced by the statements of common ground.

4.5 The Local Plan should seek to meet the Council’s full housing need. However, we have concerns regarding to the rationale for and robustness of the housing numbers the Council is seeking to accommodate within the Draft Submission Local Plan. We also have concerns regarding the appropriateness of the sites selected for contributing towards addressing the borough’s development needs.

4.6 For the reasons set out in these representations there are several shortcomings with the Plan, as currently drafted, that result in the need for amendments.

4.7 These amendments relate to the need to increase the level of housing provision within a more appropriate plan period, thereby ensuring the emerging plan is consistent with the Government’s planning advice and policy. They also advocated changes to the extent of the defined settlement area of Royal Tunbridge Wells alongside consequential revisions to the Green Belt together with amendments to other policies of the plan.

4.8 These amendments would reflect our view of the clear sustainability advantages of growth at Castle Hill in preference to unsustainable locations where development conflicts with the approach of the NPPF i.e., Tudeley Village. In the case of Tudeley village, due to its identification in advance of locations which are to be preferred having regard to the approach of the NPPF, we contend that the new settlement proposal should be omitted from the Plan with the site retained in the Green Belt.

4.9 Furthermore, to address the additional identified housing need, we advocate that land at Castle Hill, to the north of Royal Tunbridge Wells (DPC7) should be included as an additional allocation within draft policy STR/RTW1.

4.10 The remainder of this submission is focused on providing responses to the Council’s draft policies in the Local Plan.

#### 7. POLICY STR9: GREEN BELT

3.1 Through policy STR9, the Council seeks to remove land from the Green Belt for the delivery of a garden community at Tudeley whereas it does not propose the exclusion of the Castle Hill site, adjoining north Royal Tunbridge Wells.

3.2 For the reasons detailed below, we object to the proposal in that it entails the removal of very significant areas from the Green Belt for which there is no justification. This is both with respect of the scale of housing and other development envisaged. Furthermore, as indicated in the Council’s Viability Assessment, development of Tudeley Village is only viable where property values exceeding that expected elsewhere in the Borough are achieved. This poor viability of the scheme provides a further justification why very special circumstances are not demonstrated to indicate that Tudeley should be removed from the Green Belt. In contrast development at Castle Hill is viable at property values expected elsewhere in the Borough.

3.3 The NPPF is clear (paragraph 137) of the need to fully consider all options before contemplating removal of land from the Green Belt. Paragraph 138 also emphasises that where Green Belt revisions

are envisaged the consequences for the achievement of sustainable development must be examined. The paragraph is clear that:

“Where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which is previously development and/or is well served by public transport.”

3.4 The Council's choice of Tudeley village does not accord with either of these criteria, whereas Castle Hill, with its relationship to existing services and facilities in north Tunbridge Wells, does accord with this advice. Furthermore, as indicated in other representations, although Castle Hill lies within an AONB, the authority has accepted major employment growth north of Longfield Road which is within both the AONB and Green Belt although there were clear opportunities for development in attractive areas for commercial development outside of both designations (at Paddock Wood). Therefore, it is clear that the need for development, be this either employment or housing can justify major development in both designations. This therefore confirms the preference for Castle Hill in contrast with the unsuitability of Tudeley Village.

3.5 Additionally, the Stage 2 Viability Assessment (appendix IIa) is clear that whilst the necessary infrastructure and affordable housing is viable for the scale of development proposed at Paddock Wood, it is less clear that this applies at Tudeley. This is especially noticeable as whilst Tudeley village is reliant upon a number of strategic transport improvements which are also necessary for Paddock Wood's growth i.e. the Colt Hill bypass, unlike the later it is not expected to contribute towards its funding. Nevertheless, the development proposed at Tudeley has fewer scenarios where development is viable (primarily at the lowest existing land value and highest market value of the homes). As detailed in the representation of policy STR/SS3 it is not considered that the authority's identification of Tudeley Village is justified with respect of other matters, not just inconsistency with the advice in the NPPF concerning preferred locations for removal from the Green Belt.

Consideration of whether justification of the Exceptional Circumstances required by the NPPF (paragraphs 133–139) to revise the Borough's Green Belt boundaries exists.

3.6 The Council in advancing revisions to its Green Belt is under a duty (imposed by Section 39(2) of the Planning & Compulsory Purchase Act 2004) to exercise the function associated with the preparation of local development document with objective of contributing to the achievement of sustainable development. This is a positive obligation (Jay J Calverton (Appendix 5 paragraph 10)).

3.7 Planning policy makes provision for changes to be made to the Green Belt. Changes to the Green Belt are permitted through a review of a local plan (Revised NPPF, paragraph 136). To make a change to the Green Belt boundary in the local plan there have to be "exceptional circumstances". Development needs that take up land such as housing and employment can be an exceptional circumstance to justify a review of a Green Belt boundary. This principle has been acknowledged in Hunston, in the Court of Appeal (Appendix 6) where Sir David Keene observed at [21]:

"In principle, a shortage of housing land when compared to the needs of an area is capable of amounting to very special circumstances."

3.8 At paragraph 10 of his judgement, Sir David Keene also said in respect of earlier NPPF (2012) paragraphs 87 and 88 that:

"The framework does not seek to define further what "other considerations" might outweigh the damage to the Green Belt, but in principle there seems no reason why in certain circumstances a shortfall in housing land supply might not do so."

3.9 In the Calverton case (Appendix 5) Jay J also reinforced these points finding at paragraph 44:

"The issue is whether, in the existence of planning judgement and in the overall context of the positive statutory duty to achieve sustainable development, exceptional circumstances existed to justify the release of Green Belt."

3.10 In the Hundal case (Appendix 7) paragraph 50 confirmed that the failure to meet needs since a Green Belt boundary had been defined could also amount to exceptional circumstances:

"The overriding policy of PPG2 is that the Green Belt boundaries should remain fixed once they have been validly determined. It is only if a relevant circumstance occurs that requires a change in the future for planning purposes that the circumstance will be an exceptional circumstance. An obvious example would be if, in the present case, the First Defendant had determined that it could not meet the projected

housing requirements for its area up to 2031 without using Green Belt land. In that case, for the purposes of the Core Strategy, the exceptional circumstance may have been made out (assuming no other practical alternatives). At that point, a subsidiary question may arise as to which land that was currently within the Green Belt should now be freed for development. In making that latter decision, I accept that the fact that land had recently and erroneously been included within the Green Belt when the local plan was developed might be a relevant consideration in deciding where the boundary had changed but it would be highly unlikely to be the only or the dominant factor”.

3.11 The Council advocates revisions to the Green Belt, as there are insufficient opportunities to deliver the necessary growth without resorting to the Borough's Green Belt. Accordingly, exceptional circumstances do exist. However, whilst housing/employment development needs can, as a matter of planning judgement, as well as the desire to promote, plan and achieve sustainable patterns of development, amount to exceptional circumstances through the development plan review process this must be demonstrated by clear evidence of a need and that there are no other more sustainable solutions towards its addressing (see paragraph 138 of NPPF). Such an approach would be consistent with Section 39(2) and national policy (NPPF paragraphs 136 and 137).

3.12 As outlined within this statement and appendix 21, development at Tudeley village will not result in delivery of sustainable development and this further confirms that exceptional circumstances do not exist. This contrasts with Castle Hill where sustainable development will be achieved and therefore exceptional circumstances can be demonstrated.

3.13 The Calverton case (Appendix 5) helpfully sets out the matters to examine in establishing exceptional circumstances in the context of national policy and the positive obligation in section 39(2) to plan for sustainable development. The judgement at paragraph 51 states:

“In a case such as the present, it seems to me that, having undertaken the first-stage of the Hunston approach (sc. assessing objectively assessed need), the planning judgments involved in the ascertainment of exceptional circumstances in the context of both national policy and the positive obligation located in section 39(2) should, at least ideally, identify and then grapple with the following matters: (i) the acuteness/intensity of the objectively assessed need (matters of degree may be important); (ii) the inherent constraints on supply/availability of land prima facie suitable for sustainable development; (iii) (on the facts of this case) the consequent difficulties in achieving sustainable development without impinging on the Green Belt; (iv) the nature and extent of the harm to this Green Belt (or those parts of it which would be lost if the boundaries were reviewed); and (v) the extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced to the lowest reasonably practicable extent”.

3.14 Each of these 5 matters are interrelated and applying to Tunbridge Wells Borough the following points arise:

(i) the acuteness/intensity of the objectively assessed needs (matters of degree may be important);(ii) the inherent constraints on supply/availability of land prima facie suitable for sustainable development;

3.15 Matters (i) and (ii) are confirmed as the Council has demonstrated that its Local Housing Need cannot be resolved without relying upon the Green Belt. However, matter (ii) also needs to have regard to whether the release of land will achieve sustainable development through consideration of the approach outlined in paragraph 138 of the NPPF.

(iii) (On the facts of this case) the consequent difficulties in achieving sustainable development without impinging on the Green Belt.

3.16 The Council's Draft Submission Local Plan has demonstrated that it cannot address its housing needs without considering locations in the Green Belt. Therefore, there is an identified difficulty to meeting the Borough's development needs without impinging on the Green Belt. However, any release must contribute towards the achievement of sustainable development as indicated in paragraph 138 of the NPPF.

(iv) The nature and extent of the harm to this Green Belt (all those parts of it which would be lost if the boundaries were reviewed); and

3.17 The Council commissioned a Green Belt Review (Stages 1 and 2). This considered whether the land now envisaged for removal from the Green Belt served the relevant purposes. Tudeley village lies within parcels BA3 and BA4. The Study concluded that all these parcels served Green Belt purposes and consequently there was no justification for their removal. The Stage 3 Report (page 70) confirms

that the removal of Tudeley village will be harmful to the Green Belt. Consequently, it is clear that the envisaged removal would be harmful to the wider Green Belt, and consequently should be avoided.

(v) The extent to which the consequent impact on the purposes of the Green Belt maybe ameliorated or reduced to the lowest reasonably practicable extent.

3.18 The proposed Green Belt boundaries envisaged in the Draft Submission Local Plan do not reflect the requirements in the NPPF (paragraph 139).

3.19 Whilst the Stage 3 Study (pages 70 and 71) suggests measures to reduce impact, these are applicable to any site and do not demonstrate how the Tudeley scheme has been specifically designated to ensure that the impact associated with the removal of the site can be ameliorated or reduced to its lowest reasonably practicable extent.

3.20 This reinforces my view that there are no exceptional circumstances supporting a change to the Green Belt here.

3.21 Exceptional circumstances do not exist for the removal of Tudeley village. Whilst a matter of planning judgement, the Council cannot therefore make such a judgement as this would not be consistent with their statutory duty (section 39(2)) and the revised NPPF. The points raised above confirm that exceptional circumstances do not exist, are not soundly based and therefore do not support revisions to the Green Belt at Tudeley Village.

3.22 By contrast, the Castle Hill Masterplan highlights the very limited harm to the borough's Green Belt given the well contained nature and definition of the site (by the A21 to the east, railway line to the west and mature Ancient Woodland to the north) which would arise from this site's omission from the Green Belt. This matter is addressed further below.

## 11. OVERALL CONCLUSIONS

11.1 The representations to the draft submission Local Plan have identified a number of concerns with the document as drafted, especially with respect of its soundness.

11.2 As indicated in the representations, the Plan as currently prepared does not comply with the Duty to Co-operate through a failure to effectively consider how unmet housing needs of neighbouring authorities, especially Sevenoaks District, is to be addressed. The authority has not actively engaged with Sevenoaks and like Tonbridge & Malling (whose plan has also been found to fail the Duty) it is clear that the approach of Tunbridge Wells is insufficient in respect of their legal obligations. The plan also fails under Duty to Co-operate given the significant cross-boundary impacts that arise from Tudeley on neighbouring Tonbridge & Malling. The plan should consequently be withdrawn, and the authority tasked with demonstrating compliance with the Duty to Co-operate obligation including how best to address housing need in the wider area.

11.3 The plan should consequently be withdrawn, and the authority tasked with demonstrating compliance with the duty.

11.4 Irrespective of the failure to comply with the Duty to Co-operate, the plan is not sound with respect of:

a) It is not positively prepared as it does not seek to address the borough's housing needs, therefore further sites should be allocated;b) It fails to allocate land at Castle Hill that has been demonstrated to be a suitable, available and deliverable site that can contribute in a sustainable way to meeting the Council's and wider area's housing needs;c) It is not positively prepared as it fails to boost the supply of housing by seeking to address the uncapped housing need derived through local housing need. This failure is compounded by the lack of identification of further sites to contribute towards addressing unmet need of neighbouring authorities;d) It is not justified with regard to the timeframe that the examination of the Local Plan will take resulting in a delayed adoption of the document;e) It is not justified with respect of the inclusion of land at Tudeley Village to which we object;f) Is not justified in detailing the split in employment needs between offices and industrial/warehousing space; and  
g) It is also inconsistent with national policy in the failure to both boost housing supply and make a contribution towards addressing the housing needs of neighbouring authorities as required by paragraph 60 of the NPPF.

11.5. These matters can consequently be addressed through Main Modifications to the plan allowing for a Sound Plan.

11.5 To address these matters of soundness, several amendments are proposed. The proposed changes are.

That policy STR1 is amended to:

A) Ensure that the plan period is 2020 to 2039. B) That the housing requirement is increased to 14,364 dwellings; C) That the 14ha of employment floorspace is clarified to reflect the assessed need for around 6ha of offices and 8ha of industrial/ warehousing space; and D) That reference to a new garden settlement at Tudeley Village is removed from the plan. E) Reference is made to an urban extension allocation at Castle Hill, North Tunbridge Wells.

## 12. FINAL REMARKS

12.1 We trust the above comments are of assistance in preparing the next iteration of the Local Plan and await confirmation of receipt of our representations in due course.

12.2 We welcome the opportunity to open up dialogue with the Council in order to further proposals which would result in the changes advocated, including the allocation of our clients' land.

12.3 Additionally, we confirm that we wish to be notified of each further step in the preparation of the Local Plan, including its submission to the Secretary of State, the publication of the Inspector's Report into the Examination of the Plan together with the adoption of the Local Plan.

## 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.**

Changes sought to the Local Plan with respect of the approach to Tudeley village in policy STR8

3.23 The Plan therefore as currently prepared is not sound with respect of:

a) It is not justified as the evidence does not support the removal of land at Tudeley for the garden community; and b) It is also inconsistent with national policy in the approach does not adequately reflect the guidance on considering all sustainable opportunities within the Green Belt before contemplating poorly located greenfield sites like Tudeley. It is therefore contrary to paragraphs 137 and 138 of the NPPF.

3.24 To address these matters of soundness, a range of amendments are proposed. The proposed changes are:

1. That reference to Tudeley village is omitted from policy STR8, alongside consequential amendments to other parts of the plan i.e., the policies map to ensure that the Tudeley site is retained in the Green Belt.

## 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 assist the Inspector and examination on Duty to Cooperate and issues of soundness that require verbal submissions in response to Matters and Issues to be identified by the Inspector.

#### 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\_124a-z

## Comment

Agent	Mr Douglas Bond [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Woolf Bond Planning
Address	The Mitfords Basingstoke Road READING RG7 1AT
Consultee	[REDACTED]
Company / Organisation	Castle Hill Developments Ltd
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Castle Hill Developments Ltd [REDACTED]
Comment ID	PSLP_1929
Response Date	03/06/21 16:55
Consultation Point	Policy STR/RTW 1 The Strategy for Royal Tunbridge Wells ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.4
Files	<a href="#">APP13S~1.PDF</a> <a href="#">APP21T~1.PDF</a> <a href="#">APP10E~1.PDF</a> <a href="#">APP06S~1.PDF</a> <a href="#">APP16W~1.PDF</a> <a href="#">APP03S~1.PDF</a> <a href="#">APP121~1.PDF</a> <a href="#">APP14E~1.PDF</a> <a href="#">APP08T~1.PDF</a> <a href="#">APP02I~1.PDF</a> <a href="#">APP14A~1.PDF</a> <a href="#">APP19C~1.PDF</a> <a href="#">APP05C~1.PDF</a> <a href="#">App 18 Castle Hill Masterplan.pdf</a> <a href="#">APP07H~1.PDF</a> <a href="#">APP15S~1.PDF</a> <a href="#">APP04S~1.PDF</a>



[APP11R~1.PDF](#)  
[APP14C~1.PDF](#)  
[APP14D~1.PDF](#)  
[APP01L~1.PDF](#)  
[APP17A~1.PDF](#)  
[App 20 Castle Hill A21 Appraisal.pdf](#)  
[APP11C~1.PDF](#)  
[APP14B~1.PDF](#)  
[APP09U~1.PDF](#)  
[Castle Hill TWBC Reg 19 Reps June 2021 Written Statement \(003\).pdf](#)

Data inputter to enter their initials here KJ

**Question 1**

Respondent's Name and/or Organisation Castle Hill Developments Ltd

**Question 2**

Agent's Name and Organisation (if applicable) Woolf Bond 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 STR/RTW 1 The Strategy for Royal Tunbridge Wells

*[TWBC: see full representation attached. Parts have been input into Policy STR1 (PSLP\_1912), STR8 (PSLP\_1922 ), STR9 (PSLP\_1925), STR/RTW1 (PSLP\_1929) and STR/SS3 (PSLP\_1932). See also appendices attached]*

**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.**

## 1. INTRODUCTION

1.1 Our clients (Castle Hill Developments Ltd) control the land at Castle Hill that lies to the north of Tunbridge Wells. This site has been promoted through earlier stages in the Local Plan as an alternative location for strategic growth in the Borough, taking account of its significant credentials as a sustainable location for growth adjoining the extensive existing and committed facilities within Royal Tunbridge Wells town. In contrast to other locations, the development of new homes at the site will ensure the embedment of behaviour associated with the sustainable living unlike other locations in the Borough, especially the new community proposed at Tudeley Village.

1.2 An indicative masterplan for the development of Castle Hill is shown below. This relates to the land which has been promoted for residential development through the SHLAA (DPC7).

*[TWBC: see full representation attached for Figure 1 – Indicative masterplan for delivery of around 900 homes and associated facilities at Castle Hill, Royal Tunbridge Wells]*

1.3 Further to our submissions on earlier stages in the preparation of the Local Plan, the Council has failed to provide an appropriate strategy which seeks to meet the Borough's development needs, especially with respect of housing. Consequently, for the reasons outlined in these submissions, it is not considered that the Draft Submission Plan adequately addresses the Borough's housing needs in locations which are accessible to existing or committed infrastructure and services such as those at Castle Hill which adjoins the edge of the town of Royal Tunbridge Wells, the administrative and commercial heart of the borough and surrounding area with its extensive range of services and facilities including health, education, culture, leisure and employment. Such locations should be considered in advance of the unjustified removal of land from the Green Belt which as detailed in the representations would be wholly consistent with the approach of national policy in the NPPF. We therefore advocate changes to the Local Plan to address these matters.

1.4 Have regard to the concerns with respect of the appropriateness of the approach and its challenges of delivering sustainable growth, we therefore advocate the removal of the proposed allocation at Tudeley Village with its replacement with an allocation at Castle Hill. For the reasons detailed in this submission, growth at Castle Hill due to its relationship with existing and committed development and facilities would result in achievement of sustainable development. Furthermore, the proximity of Castle Hill to services and facilities that residents will need to undertake their daily life ensures that sustainable behaviours are embedded in residents from initial occupation of the homes. This contrasts with that at Tudeley Village which due to the limitations in that local area will result in need for longer journeys to undertake daily lives, which are therefore likely to result in increased use of the car. Once this behaviour becomes the normal for residents in Tudeley, it will be harder to encourage them to switch to more sustainable alternatives once / if they become available.

1.5 The reports and documents submitted with this representation demonstrate the suitability of the approach advocated. As detailed in the representations, this land is not subject to constraints which would prevent its delivery for development at an early stage during the emerging plan period should this be confirmed through the examination of the Plan.

1.6 We also have several comments/representations on the policies within the Draft Submission Tunbridge Wells Borough Local Plan which should be addressed prior to its submission for examination by the Secretary of State.

1.7 In addition, as outlined in our representations to policy STR1, we have significant concerns that the authority has failed in its obligation to discharge the Duty to Co-operate under the Planning &

Compulsory Purchase Act 2004 (as amended), especially with respect of its engagement with other local authorities, especially Sevenoaks District and Tonbridge & Malling Borough.

1.8 As recognised by Inspector's examining other Local Plans (See paragraph 9 of the Inspector's Report into Examination of the Sevenoaks Local Plan (appendix 3) and paragraph 22 of the Letter from the Inspector's regarding the St Albans City & District Local Plan (appendix 13)), the failure to discharge the Duty to Co-operate cannot be rectified once the Plan has been submitted for examination and therefore it must be withdrawn. This is consequently our preferred solution to the Draft Plan as currently prepared.

## 2. REPRESENTATIONS AND SUPPORTING INFORMATION

2.1 Our comments upon the various draft policies and proposals are set out below and are accompanied by the following Documents:

- Duly Completed Response Form.
- Copy of submissions on behalf of Castle Hill Development Ltd to the Council's Call for Sites in November 2019 (appendix 1)
- Copy of Inspector's assessment of the Tonbridge & Malling Local Plan (15th December 2020) (appendix 2)
- Inspector's Report into Examination of the Sevenoaks Local Plan (2nd March 2020) (appendix 3)
- Sevenoaks DC v Secretary of State for Communities, Housing & Local Government [2020] EWHC 3054 (appendix 4)
- Calverton PC v Nottinghamshire County Council [2015] EWHC 1078 (Admin) (appendix 5)
- St Albans City & District v Hunston Properties [2013] EWCA Civ 1610 (appendix 6)
- Hundal v South Bucks DC [2012] EWHC 7912 (Admin) (appendix 7)
- Tandridge LP Inspector's interim conclusions (11th December 2020) (appendix 8)
- Uttlesford Local Plan post Stage 1 hearings Inspector's letter to Council 10th January 2020 (appendix 9)
- North Essex Authorities (Braintree, Colchester & Tendring) Inspector's Report (10th December 2020) (appendix 10)
- Committee Report on planning application 19/02267/OUT – land east of Kingstanding Way, Tunbridge Wells (appendix 11)
- Decision Notice on application 19/02267/OUT (appendix 12)
- Examiners Report into the City & District of St Albans Local Plan (14th April 2020) (appendix 13)
- Report to Tonbridge & Malling Borough Council's Planning & Transportation Advisory Board of 17th May 2021 (including annexes and minutes) (appendix 14)
- Sevenoaks District Council's press release of 12th April 2021 regarding Local Plan (appendix 15)
- Inspector's Report into Examination of the West Dorset, Weymouth & Portland Local Plan (August 2015) (appendix 16)
- Advearse v Dorset Council [2020] EWHC 807 (Admin) (appendix 17)
- Castle Hill Masterplan (appendix 18)
- Overview Transport Strategy for Castle Hill, addressing transport principles and connectivity. Prepared by i Transport (appendix 19)
- Land at Castle Hill, Tunbridge Wells A21 Impact Appraisal. Prepared by i Transport (appendix 20)
- Land at Tudeley Village Sustainability Technical Note. Prepared by i Transport (appendix 21)

2.2 Our client's representations upon the Draft Local Plan can be summarised as relating to the following:

### **Policy**

#### **Representation**

Policy STR1: The Development Strategy

Objection

Policy STR8: Conserving and enhancing the natural, built, and historic environment

Objection

Policy STR9: Green Belt

Objection

Policy STR/RTW1: The Strategy for Royal Tunbridge Wells

Objection

Policy STR/SS3: The Strategy for Tudeley Village

Objection

Omission site – Land at Castle Hill, Tunbridge Wells (DPC7) – failure to include as an allocation in policy STR/RTW1

Objection

The proposed change that is sought by the objector are:

1. The plan be withdrawn owing to the failure on Duty to Co-operate.

2. Changes sought to the Local Plan with respect of policy STR1.

A) Ensure that the plan period is 2020 to 2039.

B) That the housing requirement is increased to 14,364 dwellings;

C) That the 14ha of employment floorspace is clarified to reflect the assessed need for around 6ha of offices and 8ha of industrial/ warehousing space; and

D) That reference to a new garden settlement at Tudeley Village is removed from the plan.

E) Reference is made to an urban extension allocation at Castle Hill, North Tunbridge Wells.

3. Changes sought to the Local Plan with respect of policy STR8.

The Plan therefore as currently prepared in not sound with respect of:

a) It is not justified with respect of the inconsistency in consideration of landscape impacts between housing and employment sites in the AONB. The Plan includes major employment development in the AONB notwithstanding the clear availability of alternatives such as at Paddock Wood. The authority has not applied the same approach to housing; and b) It is also inconsistent with national policy in the approach to major development in paragraph 172 of the NPPF. This is clear, as indicated in the representation to policy STR1 that there is a clear need for additional housing in the Borough which consequently provides the justification for major development in the AONB, such as that proposed on our client's land at Castle Hill.

4. Changes sought to the Local Plan with respect of the approach to Tudeley village in policy STR8. The Plan therefore as currently prepared in not sound with respect of:

a) It is not justified as the evidence does not support the removal of land at Tudeley for the garden community; and b) It is also inconsistent with national policy in the approach does not adequately reflect the guidance on considering all sustainable opportunities within the Green Belt before contemplating poorly located greenfield sites like Tudeley. It is therefore contrary to paragraphs 137 and 138 of the NPPF.

To address these matters of soundness, a range of amendments are proposed. The proposed changes are:

That reference to Tudeley village is omitted from policy STR8, alongside consequential amendments to other parts of the plan i.e., the policies map to ensure that the Tudeley site is retained in the Green Belt.

5. Changes sought to the Local Plan with respect of the policy STR/RTW1

The Plan therefore as currently prepared in not sound with respect of:

a) Not positively prepared as the policy (alongside others in the document) fails to meet the areas housing needs, including a contribution towards unmet needs of neighbouring authorities,

b) Is not justified as the evidence does not support the exclusion of the Castle Hill site whereas other sites are included which are inconsistent with the assessments and appraisals of the Council; and c) The policy is not consistent with national policy as it fails to deliver sufficient housing to meet the Borough's needs, including that arising in neighbouring ones.

To address these matters of soundness, several amendments are proposed. The proposed changes are. That policy STR/RTW1 is amended to ensure that it acknowledges the allocation of Castle Hill as a development site with consequential amendments made to the document reflecting its identification.

6. Changes sought to the Local Plan with respect of the approach to Tudeley village in policy STR/SS3. The Plan therefore as currently prepared in not sound with respect of:

a) It is not justified as the evidence does not support the removal of land at Tudeley for the garden community; and b) It is also inconsistent with national policy in the approach does not adequately reflect the guidance on considering all sustainable opportunities within the Green Belt before contemplating poorly located greenfield sites like Tudeley. It is therefore contrary to paragraphs 137 and 138 of the NPPF.

To address these matters of soundness, a range of amendments are proposed. The proposed changes are.

That policy STR/SS3 is omitted from Local Plan, alongside consequential amendments to other parts of the plan i.e., the policies map to ensure that the Tudeley site is retained in the Green Belt.

#### 7. Castle Hill Omission Site: Change sought to the Local Plan.

To ensure that the local plan is sound, land at Castle Hill should be included as a residential allocation with consequential amendments to the settlement boundaries on the northern edge of Royal Tunbridge Wells.

### 3. OVERARCHING POSITION

3.1 We have a strong belief in the principle of the plan-led system and in setting out our representations upon these policies, we hope to be able to work with the Council between now and the formal submission of the Draft Local Plan pursuant to Regulation 22 of The Town and County Planning (Local Planning) (England) Regulations 2012 (as amended), to ensure the Local Plan satisfies the tests of soundness at paragraph 35 of the NPPF.

3.2 We have considerable experience and expertise in dealing with and realising development schemes similar to the Castle Hill proposal at Royal Tunbridge Wells through the development plan system having appeared at EIPs constantly over the last 30 years. These appearances have included representations on plan policy and the promotion of urban extensions in Surrey, Essex, Kent, Berkshire, West Sussex, East Sussex, Essex, Hertfordshire, Buckinghamshire, Devon, County Durham, Cambridgeshire, Hampshire and Oxfordshire. In this context, a principal constraint to the timely delivery of housing is the way in which policies for the allocation of sites have been formulated.

3.3 Local Plans must be capable of delivering from the point at which they are adopted. This means scrutinising the policy wording to ensure the Plans are sound and that the allocations contained therein are capable of being delivered at the point envisaged. This is particularly the case in relation to the need for Councils to collate a robust evidence base to justify the imposition of certain policies and/or their wording so as not to over burden and/or stifle sustainable and appropriate development.

3.4 In this instance, the draft Local Plan needs to be amended in order to ensure it robustly plans for the delivery of sufficient housing to address a housing requirement established in accordance with national planning policy and guidance. If the Borough's housing requirement was increased by the current capped requirement, this would result in the need for a further 678 dwellings in the Plan.

3.5 However, we contend that if, contrary to our evidence on the Duty to Cooperate obligation, the Inspector concludes Tunbridge Wells Borough has complied with the Duty to Co-operate, a contribution towards unmet housing needs in adjoining authorities should be made, then the Borough's housing requirement should be increased from 678dpa to 756dpa. This uplift together with an extended plan period, which reflects a robust period for examination of the draft Submission Local Plan, indicates that rather than requiring 12,204 dwellings from 2020 to 2038, this should be increased instead to 14,364 dwellings from 2020 to 2039. This is consequently an increase of 2,162 dwellings. On either basis, a proportion of these much needed additional homes could be delivered through the allocation of the land at Castle Hill, to the north of Royal Tunbridge Wells. A March 2039 plan end date would provide for 15 years after the 2023/24 monitoring period during which adoption could be realistic anticipated.

3.6 To address this requirement for additional homes, we contend that land north of Tunbridge Wells, at Castle Hill should be allocated for residential development (SHLAA ref DPC7). Following site analysis reflected in the submitted master plan, the Castle Hill site can accommodate 900 dwellings. As indicated in these representations and the supporting documents this would be a sustainable addition to the town.

3.7 The representations also highlight a failure of the plan as currently drafted to contribute towards addressing the acknowledged unmet needs of neighbouring authorities and the allocation of Castle Hill can also supply homes to resolve this issue. As detailed in the representations, the Castle Hill site would be a logical addition to the existing and committed development at north Royal Tunbridge Wells (Including the development approached east of Kingstanding Way (appendices 11 and 12)) and should consequently be included in the defined extent of the town, alongside its removal from the Green Belt.

3.8 We also advocate other revisions to the Draft Submission Local Plan to ensure it is consistent with the evidence base prepared by the authority.

3.9 We are concerned to ensure that the Local Plan is robust, and it is in this context that we set out our representations.

#### 4. THE NPPF TESTS OF SOUNDNESS

4.1 Section 3 of the NPPF (Feb 2019) sets out the principal components to be included in Local Plans. Paragraph 35 requires that to be “sound” a DPD should be positively prepared, justified, effective and consistent with national policy.

4.2 A positively prepared plan provides 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 practical to do so and is consistent with achieving sustainable development.

4.3 In order to be justified, the Draft Submission Local Plan must have an appropriate strategy, taking into account reasonable alternatives and be based on proportionate evidence.

4.4 Effective means the document must be deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred and evidenced by the statements of common ground.

4.5 The Local Plan should seek to meet the Council’s full housing need. However, we have concerns regarding to the rationale for and robustness of the housing numbers the Council is seeking to accommodate within the Draft Submission Local Plan. We also have concerns regarding the appropriateness of the sites selected for contributing towards addressing the borough’s development needs.

4.6 For the reasons set out in these representations there are several shortcomings with the Plan, as currently drafted, that result in the need for amendments.

4.7 These amendments relate to the need to increase the level of housing provision within a more appropriate plan period, thereby ensuring the emerging plan is consistent with the Government’s planning advice and policy. They also advocated changes to the extent of the defined settlement area of Royal Tunbridge Wells alongside consequential revisions to the Green Belt together with amendments to other policies of the plan.

4.8 These amendments would reflect our view of the clear sustainability advantages of growth at Castle Hill in preference to unsustainable locations where development conflicts with the approach of the NPPF i.e., Tudeley Village. In the case of Tudeley village, due to its identification in advance of locations which are to be preferred having regard to the approach of the NPPF, we contend that the new settlement proposal should be omitted from the Plan with the site retained in the Green Belt.

4.9 Furthermore, to address the additional identified housing need, we advocate that land at Castle Hill, to the north of Royal Tunbridge Wells (DPC7) should be included as an additional allocation within draft policy STR/RTW1.

4.10 The remainder of this submission is focused on providing responses to the Council’s draft policies in the Local Plan.

#### 8. POLICY STR/RTW1: THE STRATEGY FOR ROYAL TUNBRIDGE WELLS

8.1 This policy provides an overview of the allocations and development proposed for the town. To be consistent with the amendments advocated elsewhere in these representations it is essential that the policy is revised to ensure that it reflects the changes associated with the allocation of Castle Hill.

#### 10. OMISSION SITE: FAILURE TO INCLUDE ALLOCATION OF LAND AT CASTLE HILL, TUNBRIDGE WELLS AS AN ALLOCATION WITHIN THE LOCAL PLAN CONSISTENT WITH POLICY STR/RTW1 (DPC7)

10.1 Through the other representations submitted to the policies of the plan, there is a need to allocate additional land for housing development. Having regard to the representations and the earlier promotion of the Castle Hill site for residential development, it is clear that this is a suitable location for allocation. These reasons for this are detailed below.

Consideration of Castle Hill through the Sustainability Appraisal

10.2 Alongside the requirements for duty to Co-operate, the authority also has to provide a Sustainability Appraisal (SA). As acknowledged in the Inspector's conclusions on the St Albans Local Plan (paragraph 3) (appendix 13), the assessment can be regarded as flawed if it omits consideration of seemingly obvious reasonable alternatives. In the case of St Albans District, this was with respect of the consideration of smaller non-strategic locations (up to 500 dwellings) which could be reviewed for potential removal from the Green Belt to address the authority's housing needs.

10.3 With respect of employment opportunities, the Sustainability Appraisal for Tunbridge Wells appraised the potential of sites within the AONB and whether the need for this use would justify development within this protected landscape. As indicated in the SA, the authority accepted that the need for employment justifying the release of 13.4ha of land north of Longfield Road, Tunbridge Wells (AL/RTW17) from the Green Belt, notwithstanding its location within the AONB. The SA refers to the role of landscaping as part of the mitigation of the impacts of this employment development (page 304).

10.4 However, the SA discounts all potential strategic allocations for residential development where the site is within the AONB (Table 27, page 86). There is therefore an inconsistency in the Council's approach and therefore an indication that the authority has rejected a reasonable alternative. This is explored further.

10.5 Since the Castle Hill site adjoins the land north of Longfield Road, Tunbridge Wells employment allocation (AL/RTW17), it would be appropriate to have considered its suitability as part of a wider mixed use development as a reasonable alternative.

10.6 The current SA indicates that only two strategic sites were identified as reasonable alternatives (Table 27, page 86). These were growth at Paddock Wood together with the new settlement at Tudeley. The latter was on the basis that the site:

"has potential for good road and rail transport links to London and the larger settlements of Tonbridge and Paddock Wood. Cycle and pedestrian links to either of the latter were felt to be possible. Additionally, the total area of the sites combined would be sufficient to provide many services and facilities within the settlement, thus reducing the need for regular travel to other centres. For these reasons, this site was considered to be worthy of further examination."

10.7 Although this was the justification for assuming Tudeley was a reasonable alternative for a new settlement, there is no reappraisal of whether the assumptions over the deliverability of potential sustainable transport links for the current proposal and infrastructure requirements.

10.8 As indicated in the review of the viability study for Tudeley, it remains unclear how the scheme is supported by robust evidence to secure an effective and justified plan. Similar parallels with the failure of the North Essex Authorities Plan with respect of several of their proposed new communities (appendix 10), the Uttlesford Local Plan (appendix 9) alongside the one in Tandridge (appendix 8). Consequently, the identified viability confirms that other reasonable alternatives such as Castle Hill must be reviewed.

10.9 Furthermore, Castle Hill has ready access to the services of Tunbridge Wells, by virtue of its proximity, as well as being co-located adjacent to major employment opportunities. Consequently, sustainable behaviours can be embedded in new residents here. This contrasts with Tudeley where the necessary local facilities to enable a sustainable lifestyle will not be available for several years, and the scheme will not deliver the scale and scope of facilities and services that can compare to those present at Tunbridge Wells. Therefore, early residents will not have embedded sustainable behaviours.

#### Landscape impacts upon the AONB

10.10 The Sustainability Appraisal current discounts strategic housing sites like Castle Hill due to their inclusion within the AONB. It has nevertheless through the identification of the employment allocation on land north of Longfield Road, Tunbridge Wells accepted the principle of major development within the AONB (albeit for commercial units).

10.11 This has been further confirmed by the authority's resolution to grant planning permission for up to 74,000m<sup>2</sup> GEA of B1 and B8 class floorspace on the site (19/022870/OUT). This application was subsequently approved (appendix 12). The Planning Panel Report which considered this application (appendix 11) details the justification in employment terms for allowing the major scheme in the AONB. It states:

“It is recognised within the evidence base for the Draft Local Plan that there is limited availability of potential economic sites and existing sites able to accommodate growth. Bearing in mind the level of employment land required (as discussed above) together with the nature of such sites which generally comprise large buildings with extensive areas of hardstanding, such sites are better positioned within or next to existing built up areas. Another important factor is the connectivity of the sites and their positioning in relation to the surrounding highway and public transport networks. More isolated sites in rural areas (but outside of the AONB) are less suited to this type of use purely due to connectivity and even if such sites were to be allocated, they are less desirable in the market which therefore jeopardises the delivery of planned employment growth.”

10.12 However as indicated above, there were sites promoted at Paddock Wood (Land west of Maidstone Road and north of Eldon Way (Site ref 51 (7.5ha)), land at Little Rhoden Farm, Lucks Lane (site ref 218 (15.8ha)), land at Eastland Cottages, Maidstone Road (site ref 315 (3.16ha)), Kerrylands Sale Field, Lucks Lane (site ref 340 (6.23ha)) and Swatlands Farm, Lucks Lane (site re 347 (8.56ha))) which have been allocated for Employment use in the draft Submission Plan (Policy STR/SS1) and are outside of both the AONB and Green Belt. Furthermore, the Council's evidence on employment indicates that Paddock Wood is an equally attractive location to the market for employment and like Royal Tunbridge Wells has access to both road and rail networks. Therefore, it is clear that there were clear opportunities for employment growth within the Borough whilst avoiding both the Green Belt and AONB. This is especially important as sufficient land had been promoted at Paddock Wood to address the identified needs for employment floorspace, especially for industrial/warehousing without any need to consider land in either the AONB and/or Green Belt.

10.13 It is therefore clear that there were alternatives to the Longfield Road site. Nevertheless, the Council has confirmed major employment growth within the AONB and Green Belt. Consequently, the Council's discounting of major housing growth in the AONB is inconsistent with its acceptance for employment where there were clear opportunities in unaffected areas.

10.14 Therefore, this is a further illustration that the authority has discounted a reasonable alternative with respect of housing growth at Castle Hill, the same applies with respect of the undue weight given to the protection of designated landscape. The authority is clear that development needs can justify major employment development in the AONB notwithstanding the availability of alternatives (as recognised in paragraph 172 of the NPPF), the same therefore applies with respect of housing growth as confirmed above, the potential of employment growth at Paddock Wood was a suitable and deliverable alternative for major employment growth whilst avoiding the AONB and Green Belt at Royal Tunbridge Wells.

10.15 The NPPF (paragraph 172) acknowledges that great weight should be given to conserving and enhancing landscape and scenic beauty in AONB. With respect of the determination of applications, it identifies three elements that could be included in an assessment of the scheme. These are.

a) The need for the development;b) The cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; andc) The effect on the environment, landscape and recreational opportunities, and the extent to which that could be moderated.

10.16 The Council's rejection of opportunities for strategic residential growth in the AONB through the SA does not confirm that the authority has particularly considered the latter criterion for considering schemes, especially when it has accepted major employment growth in the designation, notwithstanding the suitability and viability of land outside of the designation.

10.17 As indicated on the Castle Hill Masterplan (appendix 18) there are clear opportunities for mitigating the impacts upon the wider AONB in allowing development of the site for around 900 dwellings.

10.18 Through robust assessment, the resulting scheme, as shown in the illustrative masterplan, is located sensitively within an edge of the AONB, an edge adjacent to the major settlement of Royal Tunbridge Wells, where the settlement's urban influence is very apparent.

10.19 Both desk-based and field-based baseline assessments, have informed the illustrative design response, from the initial spatial arrangement to an exceptional vision. In relation to the former, development is located down the hill and towards the urban edge, adjacent to existing built edge. One of the attributes of the AONB, the woodland, enable development to be sensitively assimilated into the receiving landscape, set below and behind adjacent mature trees. The retained and enhanced woodlands, Castlehill Wood, Appletree Wood, Devils Wood and Pilgrims Wood, with associated ghyll streams further down the slopes, visually frame and contained the illustrative scheme.



10.20 All of these landscape elements are retained and enhanced as part of the emerging place, as are the two significant hilltop green spaces which includes Castle Hill and the Hilltop Park. In totality, the site is an area of a little over 118.24ha and the land proposed for new built form is 30.34ha. This limitation of extent has moderated the effect of the scheme on the AONB consistent with NPPF paragraph 172 c.

10.21 Beyond the above moderation, further moderation is to be achieved through high quality design, including commitment to a Design Guide. This will commit to the delivery of an exceptional scheme where blue and green infrastructure, biodiversity net gain, detailing of the built form and assemblage of this built form into lanes and streets, that is characteristic of the best parts of the AONB, will positively responded to the High Weald AONB.

10.22 As with any greenfield site, there will be adverse effects upon the environment, landscape and recreational opportunities, but through successful design, the scheme will moderate such effects to the extent that there are beneficial outcomes, as follows:

- Protects and enhances the green, wooded framework, in part (Ancient Woodland) of the site;
- Protects and enhances blue infrastructure, through the retention of ponds and ghyll streams, and the addition of new components of this 'blue' network through a Sustainable Urban Drainage System;
- Provides new accommodation of a high quality, characteristic form and appearance;
- Provides a landscape mosaic of grassland, and buffer planting;
- Improves accessibility through the landscape, via footpath improvements and links into the major development of Tunbridge Wells;
- Proposes a network of external spaces, for both amenity and ecological benefits, spaces for the benefit of the new and existing community alike;
- Creates a new place where both the homes and the landscape positively respond to their context and reflect local character. The scheme recognises that design quality has to be high, and the early visioning work will be translated into an exceptionally high quality scheme.

10.23 Overall, the scheme represents a logical inclusion of a high quality new place into its urban edge context where the sensitivities of the AONB have been recognised. Great weight has been applied to conserving and enhancing the landscape and scenic beauty of the designation, whilst significantly moderating the extent of any detrimental effect on the environment and landscape, through sensitive master planning and design; and the natural ability of the site to successfully assimilate built form. The proposal is therefore consistent with NPPF paragraph 172.

10.24 The authority has indicated that there were limited opportunities promoted for employment development which necessitated the allocation of land within it to meet the identified needs off Longfield Road. Without commenting on this, the draft policy in the Plan emphasises the role of this location (criterion 4 of Policy STR/RTW1) of providing significant employment growth with approximately 90,000m<sup>2</sup> of B2 and B8 floorspace. The preceding paragraph 5.15 highlights the importance of the Longfield Road allocation to reinforce the site as a prestigious business park for the town, Borough and west Kent. This therefore illustrates the importance of the site.

10.25 With significant job growth envisaged at Longfield Road of between 950 and 2,500 workers on the site (Applying the employment density matrices in the HCA Employment Density Guide of 36m<sup>2</sup>/worker (B2) and 70-95m<sup>2</sup>/worker (B8)), there would be a justification for additional homes nearby to minimise journey lengths and providing the opportunity to embed sustainable behaviours i.e., walk and cycle to work. This would therefore provide justification for the development of homes on the adjoining Castle Hill.

10.26 It is also acknowledged that although the draft Plan envisages some employment development at the expanded Paddock Wood (A recognised existing employment location in the Borough as detailed in the Employment Needs Study (i.e. paragraphs 6.49 and 7.8)), there is none specified for Tudeley Garden Settlement in Table 5 of Draft Plan (Paragraph 5.204 of Draft Plan indicates that 10,000m<sup>2</sup> of commercial and office space will be provided in Tudeley village centre. This will include retail alongside of commercial activities and business space. The Tudeley Delivery Strategy from the site promoters indicates that less than 3,000m<sup>2</sup> commercial space would be provided alongside more significant retail development). This Table is followed by further explanation (paragraph 4.56) indicating:

"These allocations total some 26.5 hectares. The sites, which are all 'key employment areas' in the Local Plan, each provide for a mix of business (B and E class) uses. They tend to be developed at a lower density than purely office sites, with consequently lower floorspace coverage. Overall, it is still expected that these allocations are appropriate in relation to the minimum provision required. This takes account of the geographic spread of the sites and their relationship to major housing growth. Also, it recognises that there will be additional floorspace, likely in the form of smaller offices and

possibly workshops, as part of the new settlement at Tudeley Village, the locations of which will be identified through the proposed Supplementary Planning Document (SPD).” (My underlining)

10.27 It is therefore clear that locations for housing and employment growth have been carefully considered to be reflective of the distribution. However, with Tunbridge Wells providing over ½ the employment growth, it would be logical and appropriate for it to provide a similar share of housing.

10.28 The authority has indicated that the limited promotion of employment land necessitated the identification of land in the AONB for employment whereas this was not required for housing. The analysis with respect of policy STR1 indicates that the borough’s need for industrial and warehousing space could readily have been met through locations outside of both the AONB and Green Belt at Paddock Wood (Review of the site submissions/assessments especially those of Paddock Wood). Nevertheless, the Council has concluded that it is justified for employment development in both these designations.

10.29 Therefore, the discounting of Castle Hill for housing due to the availability of alternatives is inconsistent with the Council’s approach to employment. Therefore, as indicated in the landscape submissions above, residential development at Castle Hill can be achieved without harm to the wider area. Furthermore, due to the proximity of the site to existing and committed infrastructure and services, Castle Hill is sustainably located for such development, especially as resident’s sustainable behaviour can be embedded from initial occupation. This contrasts with a need for measures to change resident’s behaviour at Tudeley once the services and facilities can be provided.

10.30 Through the examination of the West Dorset, Weymouth & Portland Local Plan (an authority which also had the potential for growth on land within and outside of an AONB (alongside other significant constraints detailed in footnote 6 of the NPPF – see extract below)), nevertheless considered the suitability of an allocation for significant growth at Bridport. This was a site for around 760 homes and 4ha of employment at Vearse Farm, west of Bridport.

[TWBC: see full representation attached for Extract of constraints in West Dorset and Weymouth & Portland]

10.31 The suitability of the Vearse Farm allocation in the draft Plan was assessed in paragraphs 172-177 of the Inspector’s Report (appendix 16). These indicate:

“172. As the largest settlement in this part of West Dorset, Bridport is the most suitable location to meet future development needs in both the immediate and wider area. The proposed development of Vearse Farm on the western fringes of Bridport is therefore consistent with sustainability principles but led to a large number of representations, including a petition, opposed to the allocation. Local residents and organisations object to the choice and scale of the site and contend that development would see a significant expansion in the population of the town adding to existing problems of traffic congestion and pressure on local services and facilities.

173. The size and extent of the allocation challenges the presumption in the NPPF that major development should be avoided in AONB unless there are exceptional circumstances. It is clear to me that the Councils are well aware of the importance of protecting designated landscape but face the difficult problem of balancing such concerns with the need to provide homes and jobs to meet future needs. In order to achieve this and adhere to sustainable development principles it is inevitable that some areas in the AONB will be affected.

174. From my visits to the area I concur with those who say that buildings on Vearse Farm would be visible from various points in the immediate and wider landscape. However, the topography would make it difficult to appreciate the size of the development from any one location and this could be reinforced by appropriate landscaping. If attention is paid to the design throughout the phasing programme it would be possible to introduce variety in the form and layout to help offset some of the concerns about the scale and massing of the development.

175. I was told of various issues such as flooding problems affecting the site, as well as land downstream, which could increase the likelihood that development would intensify run-off and have adverse consequences for areas between Bridport and West Bay. I cannot discount this but there has been no formal objection by the Environment Agency to suggest this is so serious an issue to curtail either some or all of the housing and employment uses proposed for the site.

176. Similarly, there are fears that traffic generated by the scheme would add to congestion and pressure on the highway network, particularly West Allington Road (B3162). This is the main route into Bridport from the west and one which, I was told, is very sensitive to further development. I am aware that congestion is a significant issue, particularly at peak times and during the summer months. Nevertheless, the Highway Authority is satisfied that measures can be taken to accommodate the level of development involved.

177. It was suggested the forthcoming neighbourhood plan for Bridport could be used to examine development options before a final decision was made. I regard this as unrealistic given that the plan is at an early stage of preparation. The delivery of Vearse Farm is a crucial element in the Councils' housing land supply calculations. Deferring a decision until such time as a neighbourhood plan can be put in place would undermine the soundness of the LP and increase the risk of schemes being promoted in locations where the individual and cumulative impact of development may be greater. On balance and having regard to the site's location and other issues I have referred to, I consider there are exceptional circumstances to justify the identification of Vearse Farm in the LP."

10.32 The approach in West Dorset clearly considered the impact upon the AONB and how the housing/employment needs of the area justified major development in this designation through the Local Plan. The same approach can readily be followed in Tunbridge Wells Borough with respect of Castle Hill, given the benefits of providing housing and employment growth on adjoining sites adjacent to the main town in the authority.

10.33 The appropriateness of the approach for Vearse Farm, Bridport, Dorset in accepting major development in an AONB has been endorsed by the Courts in the judgement of *Adverse et al v Dorset Council* [2020] EWHC 807 (Admin) (appendix 17). This related to an assessment of the Council's determination of an application for 760 dwellings, 4ha of employment and other uses on the site allocated in the Local Plan. The judgement (paragraph 40) acknowledged that the suitability of major development in the AONB had been thoroughly reviewed through the examination of the Local Plan and therefore the authority was justified to conclude the application was acceptable. The judgement (paragraph 41) referenced that the Local Plan Inspector had considered the scope for meeting development outside the designated area before concluding it was appropriate.

10.34 Whilst the NPPF (paragraph 171) indicates that there should be a hierarchy to the protection of designated sites, it recognises that land of the least environmental value should be selected for development. As outlined in the representations, the site at Castle Hill is significantly better in terms of its sustainability credentials due to its proximity to existing and committed services and facilities to ensure appropriate behaviours are embedded from initial construction, unlike that feasible at Tudeley village.

10.35 Although paragraph 172 is of particular relevance to determining applications, it also provides a framework for determining the suitability of growth within an AONB through plan making.

10.36 Having regard to the three criteria, both housing and employment need (latter already accepted by the authority with respect of the land east of Kingstanding Way) provides justification for development in the AONB. As noted, the Council's acceptance of a need for employment was accepted, notwithstanding the clear suitability and availability of land at Paddock Wood which could meet the identified needs whilst avoiding both the AONB and Green Belt.

10.37 Secondly, in contrast to the clear sustainability benefits arising from the proximity of housing at Castle Hill to the existing and committed services and facilities in Royal Tunbridge Wells, it is clear that this is a further factor in support of the site, rather than Tudeley village. The benefits of locating significant housing and employment close to each other at Royal Tunbridge Wells is therefore a further justification for growth at Castle Hill.

10.38 Thirdly, the Castle Hill scheme will retain the existing blocks of woodland (as indicated on the masterplan). The scheme will also include significant landscaping to further minimise impacts (A solution accepted by the authority as mitigation for the Kingstanding AONB impacts in paragraphs 10.78 of the Planning Committee Report (appendix 11)). Additionally, the bulk and scale of buildings will be less than the commercial units which the authority have accepted on the land east of Kingstanding Way (see paragraph 10.68 of the Planning Committee Report (appendix 11) and like the employment scheme, will be viewed within the context of the adjoining built development (paragraphs 10.69 & 10.70).

10.39 Consequently, as recognised by the Council in their assessment of the employment site on land east of Kingstanding Way, development at Castle Hill would also be acceptable having regard to paragraph 172 of the NPPF. accordingly, the Castle Hill site has the ability to successfully accommodate the proposed form and scale of development within the AONB without overriding detrimental effects.

10.40 Furthermore, the SA approach to the strategic employment allocation within the AONB (Appendix F, Page 304) notes the highest levels of employment need occur at Tunbridge Wells as a justification for development within the AONB and that the landscape score reflects the significant but, short-term impacts that will arise but will reduce once the woodland to the east matures. Adopting this NPPF 172 compliant approach to the Castle Hill scheme, this too is in the area of highest residential need.

10.41 As to the extent to which the proposal can be moderated (NPPF paragraph 172c), the Council have relied upon proposed landscaping maturing for the Longfield Road employment allocation. In contrast, the Castle Hill project is moderated by its existing blocks of mature woodland that already contain and therefore moderate the effect of the proposal on the wider surrounding AONB landscape. Evidently, there is an inconsistency within the SA to the consideration of these major schemes within the AONB. If the approach adopted by the SA to the Longfield Road employment site is applied to the Castle Hill scheme, then the latter should not have been rejected at the initial AONB sieving stage and could have come forward as a reasonable alternative and be included within the local plan. A modification to the Local Plan is consequently required to address this.

#### Green Belt

10.42 The Castle Hill Masterplan highlights the very limited harm to the borough's Green Belt given the well contained nature and definition of the site (by the A21 to the east, railway line to the west and mature Ancient Woodland to the north) which would arise from this site's omission from this designation.

10.43 Although the Council's Stage 1 and 2 Green Belt assessments discounted the suitability of the Castle Hill site, this was with respect of a larger area of land that had been promoted for development. The studies also rejected the suitability of the Tudeley new settlement location, nevertheless through an unpublished 3rd Study an alternative conclusion has potentially been reached. Had the same exercise been undertaken for a more refined Castle Hill site, its acceptability would have also been confirmed.

10.44 Castle Hill lies within the wider BA2 parcel with Tudeley split between parcels BA3 and BA4 which is also a large parcel.

*[TWBC: for map see full representation attached]*

10.45 Although the Castle Hill site was appraised through the Council's Green Belt assessment (parcel BA2), as illustrated on the extract above, this related to an extensive area of land. In contrast, the Council in assessing the parcel containing the land off Kingstanding Way allocation concluded that the site could be developed without significant impact or harm to the Green Belt (parcel TW4 in the Stage 2 Study).

10.46 The table below therefore assesses the contribution of the Castle Hill site based upon the smaller area promoted through site DPC7, rather than the extensive area of BA2.

#### Purpose

#### Comments

#### Rating

##### 1 – Check the unrestricted sprawl of large built-up areas

The parcel is adjacent to the large built-up area and has a strong degree of containment by permanent features including rising land, the A21, railway line and blocks off ancient woodland. This containment limits the degree of unrestricted sprawl of a large built up area to only a localised and site area only degree.

#### Moderate

##### 2 – Prevent neighbouring towns merging into one another

Development of this parcel would result in no perception of the narrowing of the gap between towns, especially in the context of the topography and screening provided by the woodland on the northern edge of the site which would be retained

Weak or no contribution

3 – Assist in safeguarding the countryside from encroachment

The parcel relates more strongly to the settlement than to the wider countryside. The strong degree of site containment limits the degree of encroachment to a localised and site area only degree.

Relatively weak

4 – To preserve the special character of historic towns

The parcel forms a minor element in the historic setting of Tunbridge Wells

Relatively weak

5 – Assist in urban regeneration by encouraging the recycling of derelict and other urban land

Individual parcels are considered by the authority in their Green Belt Assessment to make an equal contribution towards this purpose. The same logically applies to the Castle Hill site and therefore it is not assessed further.

Not assessed

Green Belt boundary Strength

The distinct change in landform, mature blocks of woodland, the A21 and railway line create strong Green Belt boundaries, as confirmed in the Landscape Assessment.

10.47 The assessment in the table is clear that development of the Castle Hill site can be released from the Green Belt without significant harm, comparable to the position of the authority with respect of the Kingstanding Way allocation (that has subsequently been granted permission). The Castle Hill site by its degree of containment and physical and visual association with the existing built up area of Royal Tunbridge Wells is less sensitive in Green Belt terms than the Tudeley village allocation, irrespective of the relative sustainability characteristics of the two locations.

Castle Hill Transport Connectivity and Sustainability

10.48 The client's transport consultants have prepared a note of an overview Transport Strategy for Castle Hill, addressing transport principles and connectivity. This is attached as appendix 19.

[TWBC: see full representation for Location and Connectivity of Castle Hill to Tunbridge Wells]

10.49 The location of Castle Hill makes it highly suitable for major and sustainable development being:

- Located adjacent to the main service and administrative centre in the area (Tunbridge Wells), reducing the length of journeys required to reach key services and facilities;
- Collocated with major employment opportunities, offering an unrivalled opportunity for sustainable access to jobs on the doorstep and promoting access by active mode;
- Closely located to everyday facilities within reasonable walking and cycling distance of the site;
- Well-connected to key transport infrastructure, including an established bus and rail network, and good quality walking and cycling connections to local destinations and attractions; and
- Adjacent to the primary road network (the A21 and Longfield Road) ensuring that residual car demands are directed to roads suitable and able to accommodate additional traffic.

10.50 Overall, the scheme would represent a logical and sustainable extension to Tunbridge Wells and one that is better located by comparison to most if not all other alternatives at this scale of development.

10.51 Underpinning the proposals for Castle Hill are a series of transport principles which will guide the development of the site to ensure the delivery of a sustainable and successful new community:

- Connected Communities
- Healthy Lives
- Better Environment
- Smart Development

10.52 The location of the site relevant to key local facilities, and benefiting from sustainable travel connections on the doorstep, means that the development offers a significant opportunity to create a sustainable and integrated development, without the need for a significant and unviable / undeliverable transport strategy, a characteristic of the Tudeley village allocation.

10.53 Existing opportunities for sustainable movement will be enhanced by the provision of a mixture of everyday uses on the site and the delivery of a comprehensive Sustainable Transport Strategy comprising a package of measures to enhance access by all travel modes.

10.54 Existing bus services can be extended to incorporate the site and the scheme can connect to established movement corridors, and the national rail network is within easy reach of the scheme.

10.55 Walking and cycling connections can be achieved to Pembury Road, to connect to the existing Tonbridge – Tunbridge Wells cycle route, and south to North Farm / Kingstanding major employment area and wider Tunbridge Wells urban area, accessing established walking and cycling infrastructure. Public rights of way and local routes can be improved to enhance opportunities for sustainable movement.

10.56 Vehicular access to the site can be achieved to the A21 at Pembury Road, with secondary access to Longfield Road and North Farm Lane (for access to Dowding Way). The northbound A21 slips would be relocated to the site and would deliver quality access to Castle Hill.

10.57 Notwithstanding the sustainable credentials of the site, Castle Hill will generate traffic demands on the local network. Appraisal of traffic impacts identifies that:

- The Castle Hill Scheme is well located to the strategic road network, in a location which does not exhibit any significant congestion issues; and
- The scheme will result in generally a less than 5% impact on the local network, resulting in 1-2 additional vehicle trips each minute on local roads in peak periods. This is a modest impact and capable of being accommodated.

10.58 The location of the Castle Hill adjacent to the established main settlement and connecting to existing and established infrastructure means that no major infrastructure (such as new roads) is needed.

10.59 Overall, there are no transport reasons why Castle Hill cannot be successfully achieved in line with National Planning requirements. The site would represent an excellent opportunity to achieve a sustainable new community, connected to the primary settlement in the district which offers unrivalled sustainable travel opportunities, and in an area where there is adequate infrastructure to accommodate the demands of growth.

#### Castle Hill A21 Access

10.60 The clients transport consultants have prepared a 'A21 Impact Appraisal' (appendix 20 which sets out the proposed access strategy to the Castle Hill site and provides an assessment of the impact of the access strategy on the A21. The assessment has been informed by engagement with Highways England. It has been demonstrated that:

1) New slip roads can be provided onto the northbound A21 carriageway that comply with design standards and have sufficient capacity to accommodate the additional traffic from the proposed development; 2) The geometry of the Capel junction onto the southbound A21 carriageway complies with design standards and has sufficient capacity to accommodate the additional traffic from the proposed development; 3) The layout of the existing on and off slips at the A22 / Longfield Road / Tonbridge Road junction are underutilised and therefore no junction layout alterations are necessary; 4) The A21 / Longfield roundabout and A21 / Tonbridge Road roundabout improvement being delivered as part of the expansion to Kingstanding Business Park will operate within capacity with the additional traffic from the proposed development; 5) New slip roads will be provided onto the northbound A21 carriageway to address concerns raised by Highways England in relation to the separation between the Capel and Longfield Road junction; and 6) The existing slip roads onto the A21 southbound carriageway will be retained (which have a greater degree of separation). The development will only result in a modest increase in weaving movements. The analysis indicates that short weaving sections of around 200m may be appropriate on urban roads with weaving flows of the magnitude anticipated in the Design Year. This is shorter than the 400m weaving section available between the junctions on the southbound A21 carriageway. Moreover, the additional weaving movements will be undertaken by motorists largely familiar with the layout of the junctions and because there is no lane gain or lane drop between the junctions, traffic from the development does not need to change lane between the junctions.

10.55 The A21 impact appraisal confirms that the site can be satisfactorily accessed off the A21 in addition to vehicular connections to the south.

[TWBC: see full representation for Castle Hill Masterplan]

10.61 The masterplan for Castle Hill looks to bring together a new neighbourhood of an exceptional quality, inspired by the High Weald and set within a natural, well-enclosed site on the northern edge of Royal Tunbridge Wells. New homes build upon the surrounding High Weald character and form,

drawing on the AONB Design guide to reflect the architectural and landscape qualities found within the area. The scheme will function as a natural sustainable urban extension to the town, well-contained by the A21 to the east, a woodland ridge to the north and a railway line to the west.

10.62 The site is naturally formed by the wooded areas that frame the site. The north-eastern part of the site is on rising ground, with mature woodland forming the wooded ridge that forms a prominent skyline feature within distant views to the south and also north on the approach along the A21. The masterplan successfully retains and works around these wooded areas that act as a strong visual amenity feature, contributing to the appearance of the local and wider landscape, and enclosing the site and embedding it into the landscape. The site includes areas of Ancient Woodland and Castle Hill Scheduled Ancient Monument, both of which have been incorporated into the masterplan design. Each are dealt with in turn below.

10.63 The woodlands within the site form a strong sylvan framework within the local and wider landscape. In particular, the wooded ridge to the north forms a prominent skyline feature within views from the south that naturally contains the site. As previously stated, the site is well-enclosed in the wider landscape, is physically and visually well related to the urban area of Royal Tunbridge Wells to the south and will, for the scale of the proposed development, have limited localised effects on the wider AONB landscape. The mature landscape framework ensures that the proposal and its effect on the AONB is moderated to a significant degree from the outset. More localised effects will be moderated by the careful location of development parcels and its sensitive integration with green and blue infrastructure. New homes will be planned within this existing landscape framework, enclosed by the woodland ridgeline and setting of Castle Hill.

10.64 Given the inclusion of Priority Habitat woodland on the site, the masterplan incorporates 25m buffer zones within the design, protecting the Ancient Woodland. The size and type of buffer zone required varies depending on the type, scale and impact of development. Natural England recommend a development set back of at least 15m to protect the woodland, create an appropriate setting and contribute to wider ecological networks and be part of the green infrastructure of the site. The masterplan has, however, increased the buffer zone to 25m, in accordance with TWBC draft Local Plan Policy EN15. The masterplan respects these features by using the appropriate offsets to secure the preservation of the Ancient Woodland. There will be a positive opportunity to improve the Ancient Woodland through the development scheme, including woodland management, rationalising existing recreational activities and woodland restoration including a transition to native species.

10.65 The masterplan creates new areas of parkland, linking together key landscape features and woodland groups. A northern ridgeline park opens views to the northern woodland ridge and acts as a connecting parkland between both the hilltop areas to the east (Castle Hill) and west (proposed Hilltop Park). A new wetland and wooded parkland is also created in the southern part of the site, with the creation of new habitat and drainage ponds located within new woodland groups. This southern park also acts to protect the character of the western hamlet and creates key habitat and ecological connections between Ancient Woodland groups.

10.66 The Castle Hill Scheduled Ancient Monument lies on the north-eastern part of the site. It is primarily of significance for its archaeological value and is of limited historical value. It is not considered that the SAM has any architectural or artistic value. Based on the information currently available, the significance of the Scheduled Monument is considered to be high and the remains of national importance. However, the condition of the monument is likely to have been degraded as a result of historic and particularly modern ploughing. In addition, a series of archaeological excavations and the installation of pylons during the 20th century will have further degraded the condition of the monument.

10.67 A new local centre has been created around the existing Oast House, located at Castle Hill Farm, establishing a new heart to the community and creating a welcoming arrival from the A21. New community facilities and a retirement / care home are located at the foot of Castle Hill. A new two-form entry primary school has been located closely to the local centre, benefitting from the immediate access to the A21 and the local facilities. The school pitches offer the potential to offer additional provision and use to the local and wider community.

10.68 The local centre acts as a central hub for infrastructure, with traffic incoming from the A21 with northbound access. Connections to the old A21 provide southbound access to the A21. The local centre acts as the interchange for these routes, with links further into the development via the proposed spine street. Primary access to the development is located to the east, with immediate access from the A21. A newly designed slipway from the motorway provides access into the scheme, running

adjacent to the historic driveway. New landscape and avenue planting create a unique arrival into the development and extends along the spine street through the development.

10.69 The spine street acts as the primary route through the scheme, as well as key pedestrian and cycle links. The historic driveway is also identified as a key pedestrian and cycle route east-west through the development and links to wider cycle and pedestrian routes. The route will be enhanced to function as a key route with new landscaping and tree planting along its route to create a feature route and sets the edge to the development.

10.70 The masterplan seeks to achieve access to the south from the recently approved Kingstanding development and from North Farm Lane. These routes provide immediate access to Dowding Way and North Farm Road, with direct links towards the centre of Royal Tunbridge Wells.

10.71 The masterplan for Castle Hill sets out a strategic framework for delivering a new community set within the existing landscape setting north of Royal Tunbridge Wells. The site takes into account all the physical constraints of the site, above and below ground, to create a scheme that achieves a balance between both nature, landscape and new homes. In doing so, the proposal creates a place that is embedded within the character of the High Weald as a Hillside community, set within the existing landscape framework.

10.72 We consider that part of the solution to addressing the identified shortfall is to allocate land at Castle Hill, Tunbridge Wells as a high quality and sensitive sustainable urban extension for residential development alongside consequential changes to the policy map.

## 11. OVERALL CONCLUSIONS

11.1 The representations to the draft submission Local Plan have identified a number of concerns with the document as drafted, especially with respect of its soundness.

11.2 As indicated in the representations, the Plan as currently prepared does not comply with the Duty to Co-operate through a failure to effectively consider how unmet housing needs of neighbouring authorities, especially Sevenoaks District, is to be addressed. The authority has not actively engaged with Sevenoaks and like Tonbridge & Malling (whose plan has also been found to fail the Duty) it is clear that the approach of Tunbridge Wells is insufficient in respect of their legal obligations. The plan also fails under Duty to Co-operate given the significant cross-boundary impacts that arise from Tudeley on neighbouring Tonbridge & Malling. The plan should consequently be withdrawn, and the authority tasked with demonstrating compliance with the Duty to Co-operate obligation including how best to address housing need in the wider area.

11.3 The plan should consequently be withdrawn, and the authority tasked with demonstrating compliance with the duty.

11.4 Irrespective of the failure to comply with the Duty to Co-operate, the plan is not sound with respect of:

a) It is not positively prepared as it does not seek to address the borough's housing needs, therefore further sites should be allocated;b) It fails to allocate land at Castle Hill that has been demonstrated to be a suitable, available and deliverable site that can contribute in a sustainable way to meeting the Council's and wider area's housing needs;c) It is not positively prepared as it fails to boost the supply of housing by seeking to address the uncapped housing need derived through local housing need. This failure is compounded by the lack of identification of further sites to contribute towards addressing unmet need of neighbouring authorities;d) It is not justified with regard to the timeframe that the examination of the Local Plan will take resulting in a delayed adoption of the document;e) It is not justified with respect of the inclusion of land at Tudeley Village to which we object;f) Is not justified in detailing the split in employment needs between offices and industrial/warehousing space; and  
g) It is also inconsistent with national policy in the failure to both boost housing supply and make a contribution towards addressing the housing needs of neighbouring authorities as required by paragraph 60 of the NPPF.

11.5. These matters can consequently be addressed through Main Modifications to the plan allowing for a Sound Plan.

11.5 To address these matters of soundness, several amendments are proposed. The proposed changes are.

That policy STR1 is amended to:



A) Ensure that the plan period is 2020 to 2039. B) That the housing requirement is increased to 14,364 dwellings; C) That the 14ha of employment floorspace is clarified to reflect the assessed need for around 6ha of offices and 8ha of industrial/ warehousing space; and D) That reference to a new garden settlement at Tudeley Village is removed from the plan. E) Reference is made to an urban extension allocation at Castle Hill, North Tunbridge Wells.

## 12. FINAL REMARKS

12.1 We trust the above comments are of assistance in preparing the next iteration of the Local Plan and await confirmation of receipt of our representations in due course.

12.2 We welcome the opportunity to open up dialogue with the Council in order to further proposals which would result in the changes advocated, including the allocation of our clients' land.

12.3 Additionally, we confirm that we wish to be notified of each further step in the preparation of the Local Plan, including its submission to the Secretary of State, the publication of the Inspector's Report into the Examination of the Plan together with the adoption of the Local Plan.

## 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.**

Change sought to the Local Plan.

10.73 To ensure that the plan is therefore sound as detailed in the representations, land at Castle Hill should be included as a residential allocation with consequential amendments to settlement boundaries on the northern edge of Royal Tunbridge Wells.

## 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 assist the Inspector and examination on Duty to Cooperate and issues of soundness that require verbal submissions in response to Matters and Issues to be identified by the Inspector.

## 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\_124a-z

## Comment

Agent	Mr Douglas Bond [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Woolf Bond Planning
Address	The Mitfords Basingstoke Road READING RG7 1AT
Consultee	[REDACTED]
Company / Organisation	Castle Hill Developments Ltd
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Castle Hill Developments Ltd [REDACTED]
Comment ID	PSLP_1932
Response Date	03/06/21 16:55
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.4
Files	<a href="#">APP19C~1.PDF</a> <a href="#">APP03S~1.PDF</a> <a href="#">Castle Hill TWBC Reg 19 Reps June 2021 Written Statement (003).pdf</a> <a href="#">APP08T~1.PDF</a> <a href="#">APP13S~1.PDF</a> <a href="#">APP06S~1.PDF</a> <a href="#">APP14C~1.PDF</a> <a href="#">APP02I~1.PDF</a> <a href="#">APP11R~1.PDF</a> <a href="#">APP07H~1.PDF</a> <a href="#">APP15S~1.PDF</a> <a href="#">APP21T~1.PDF</a> <a href="#">APP16W~1.PDF</a> <a href="#">APP01L~1.PDF</a> <a href="#">APP17A~1.PDF</a> <a href="#">APP09U~1.PDF</a>

[APP14A~1.PDF](#)  
[App 18 Castle Hill Masterplan.pdf](#)  
[App 20 Castle Hill A21 Appraisal.pdf](#)  
[APP121~1.PDF](#)  
[APP14D~1.PDF](#)  
[APP14E~1.PDF](#)  
[APP04S~1.PDF](#)  
[APP14B~1.PDF](#)  
[APP11C~1.PDF](#)  
[APP05C~1.PDF](#)  
[APP10E~1.PDF](#)

Data inputter to enter their initials here KJ

**Question 1**

Respondent's Name and/or Organisation Castle Hill Developments Ltd

**Question 2**

Agent's Name and Organisation (if applicable) Woolf Bond 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 STR/SS 3 The Strategy for Tudeley Village

*[TWBC: see full representation attached. Parts have been input into Policy STR1 (PSLP\_1912), STR8 (PSLP\_1922 ), STR9 (PSLP\_1925), STR/RTW1 (PSLP\_1929) and STR/SS3 (PSLP\_1932). See also appendices attached]*

**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.**

## 1. INTRODUCTION

1.1 Our clients (Castle Hill Developments Ltd) control the land at Castle Hill that lies to the north of Tunbridge Wells. This site has been promoted through earlier stages in the Local Plan as an alternative location for strategic growth in the Borough, taking account of its significant credentials as a sustainable location for growth adjoining the extensive existing and committed facilities within Royal Tunbridge Wells town. In contrast to other locations, the development of new homes at the site will ensure the embedment of behaviour associated with the sustainable living unlike other locations in the Borough, especially the new community proposed at Tudeley Village.

1.2 An indicative masterplan for the development of Castle Hill is shown below. This relates to the land which has been promoted for residential development through the SHLAA (DPC7).

*[TWBC: see full representation attached for Figure 1 – Indicative masterplan for delivery of around 900 homes and associated facilities at Castle Hill, Royal Tunbridge Wells]*

1.3 Further to our submissions on earlier stages in the preparation of the Local Plan, the Council has failed to provide an appropriate strategy which seeks to meet the Borough's development needs, especially with respect of housing. Consequently, for the reasons outlined in these submissions, it is not considered that the Draft Submission Plan adequately addresses the Borough's housing needs in locations which are accessible to existing or committed infrastructure and services such as those at Castle Hill which adjoins the edge of the town of Royal Tunbridge Wells, the administrative and commercial heart of the borough and surrounding area with its extensive range of services and facilities including health, education, culture, leisure and employment. Such locations should be considered in advance of the unjustified removal of land from the Green Belt which as detailed in the representations would be wholly consistent with the approach of national policy in the NPPF. We therefore advocate changes to the Local Plan to address these matters.

1.4 Have regard to the concerns with respect of the appropriateness of the approach and its challenges of delivering sustainable growth, we therefore advocate the removal of the proposed allocation at Tudeley Village with its replacement with an allocation at Castle Hill. For the reasons detailed in this submission, growth at Castle Hill due to its relationship with existing and committed development and facilities would result in achievement of sustainable development. Furthermore, the proximity of Castle Hill to services and facilities that residents will need to undertake their daily life ensures that sustainable behaviours are embedded in residents from initial occupation of the homes. This contrasts with that at Tudeley Village which due to the limitations in that local area will result in need for longer journeys to undertake daily lives, which are therefore likely to result in increased use of the car. Once this behaviour becomes the normal for residents in Tudeley, it will be harder to encourage them to switch to more sustainable alternatives once / if they become available.

1.5 The reports and documents submitted with this representation demonstrate the suitability of the approach advocated. As detailed in the representations, this land is not subject to constraints which would prevent its delivery for development at an early stage during the emerging plan period should this be confirmed through the examination of the Plan.

1.6 We also have several comments/representations on the policies within the Draft Submission Tunbridge Wells Borough Local Plan which should be addressed prior to its submission for examination by the Secretary of State.

1.7 In addition, as outlined in our representations to policy STR1, we have significant concerns that the authority has failed in its obligation to discharge the Duty to Co-operate under the Planning &

Compulsory Purchase Act 2004 (as amended), especially with respect of its engagement with other local authorities, especially Sevenoaks District and Tonbridge & Malling Borough.

1.8 As recognised by Inspector's examining other Local Plans (See paragraph 9 of the Inspector's Report into Examination of the Sevenoaks Local Plan (appendix 3) and paragraph 22 of the Letter from the Inspector's regarding the St Albans City & District Local Plan (appendix 13)), the failure to discharge the Duty to Co-operate cannot be rectified once the Plan has been submitted for examination and therefore it must be withdrawn. This is consequently our preferred solution to the Draft Plan as currently prepared.

## 2. REPRESENTATIONS AND SUPPORTING INFORMATION

2.1 Our comments upon the various draft policies and proposals are set out below and are accompanied by the following Documents:

- Duly Completed Response Form.
- Copy of submissions on behalf of Castle Hill Development Ltd to the Council's Call for Sites in November 2019 (appendix 1)
- Copy of Inspector's assessment of the Tonbridge & Malling Local Plan (15th December 2020) (appendix 2)
- Inspector's Report into Examination of the Sevenoaks Local Plan (2nd March 2020) (appendix 3)
- Sevenoaks DC v Secretary of State for Communities, Housing & Local Government [2020] EWHC 3054 (appendix 4)
- Calverton PC v Nottinghamshire County Council [2015] EWHC 1078 (Admin) (appendix 5)
- St Albans City & District v Hunston Properties [2013] EWCA Civ 1610 (appendix 6)
- Hundal v South Bucks DC [2012] EWHC 7912 (Admin) (appendix 7)
- Tandridge LP Inspector's interim conclusions (11th December 2020) (appendix 8)
- Uttlesford Local Plan post Stage 1 hearings Inspector's letter to Council 10th January 2020 (appendix 9)
- North Essex Authorities (Braintree, Colchester & Tendring) Inspector's Report (10th December 2020) (appendix 10)
- Committee Report on planning application 19/02267/OUT – land east of Kingstanding Way, Tunbridge Wells (appendix 11)
- Decision Notice on application 19/02267/OUT (appendix 12)
- Examiners Report into the City & District of St Albans Local Plan (14th April 2020) (appendix 13)
- Report to Tonbridge & Malling Borough Council's Planning & Transportation Advisory Board of 17th May 2021 (including annexes and minutes) (appendix 14)
- Sevenoaks District Council's press release of 12th April 2021 regarding Local Plan (appendix 15)
- Inspector's Report into Examination of the West Dorset, Weymouth & Portland Local Plan (August 2015) (appendix 16)
- Advearse v Dorset Council [2020] EWHC 807 (Admin) (appendix 17)
- Castle Hill Masterplan (appendix 18)
- Overview Transport Strategy for Castle Hill, addressing transport principles and connectivity. Prepared by i Transport (appendix 19)
- Land at Castle Hill, Tunbridge Wells A21 Impact Appraisal. Prepared by i Transport (appendix 20)
- Land at Tudeley Village Sustainability Technical Note. Prepared by i Transport (appendix 21)

2.2 Our client's representations upon the Draft Local Plan can be summarised as relating to the following:

### **Policy**

#### **Representation**

Policy STR1: The Development Strategy

Objection

Policy STR8: Conserving and enhancing the natural, built, and historic environment

Objection

Policy STR9: Green Belt

Objection

Policy STR/RTW1: The Strategy for Royal Tunbridge Wells

Objection

Policy STR/SS3: The Strategy for Tudeley Village

Objection

Omission site – Land at Castle Hill, Tunbridge Wells (DPC7) – failure to include as an allocation in policy STR/RTW1

Objection

The proposed change that is sought by the objector are:

1. The plan be withdrawn owing to the failure on Duty to Co-operate.

2. Changes sought to the Local Plan with respect of policy STR1.

A) Ensure that the plan period is 2020 to 2039.

B) That the housing requirement is increased to 14,364 dwellings;

C) That the 14ha of employment floorspace is clarified to reflect the assessed need for around 6ha of offices and 8ha of industrial/ warehousing space; and

D) That reference to a new garden settlement at Tudeley Village is removed from the plan.

E) Reference is made to an urban extension allocation at Castle Hill, North Tunbridge Wells.

3. Changes sought to the Local Plan with respect of policy STR8.

The Plan therefore as currently prepared in not sound with respect of:

a) It is not justified with respect of the inconsistency in consideration of landscape impacts between housing and employment sites in the AONB. The Plan includes major employment development in the AONB notwithstanding the clear availability of alternatives such as at Paddock Wood. The authority has not applied the same approach to housing; and b) It is also inconsistent with national policy in the approach to major development in paragraph 172 of the NPPF. This is clear, as indicated in the representation to policy STR1 that there is a clear need for additional housing in the Borough which consequently provides the justification for major development in the AONB, such as that proposed on our client's land at Castle Hill.

4. Changes sought to the Local Plan with respect of the approach to Tudeley village in policy STR8. The Plan therefore as currently prepared in not sound with respect of:

a) It is not justified as the evidence does not support the removal of land at Tudeley for the garden community; and b) It is also inconsistent with national policy in the approach does not adequately reflect the guidance on considering all sustainable opportunities within the Green Belt before contemplating poorly located greenfield sites like Tudeley. It is therefore contrary to paragraphs 137 and 138 of the NPPF.

To address these matters of soundness, a range of amendments are proposed. The proposed changes are:

That reference to Tudeley village is omitted from policy STR8, alongside consequential amendments to other parts of the plan i.e., the policies map to ensure that the Tudeley site is retained in the Green Belt.

5. Changes sought to the Local Plan with respect of the policy STR/RTW1

The Plan therefore as currently prepared in not sound with respect of:

a) Not positively prepared as the policy (alongside others in the document) fails to meet the areas housing needs, including a contribution towards unmet needs of neighbouring authorities,

b) Is not justified as the evidence does not support the exclusion of the Castle Hill site whereas other sites are included which are inconsistent with the assessments and appraisals of the Council; and c) The policy is not consistent with national policy as it fails to deliver sufficient housing to meet the Borough's needs, including that arising in neighbouring ones.

To address these matters of soundness, several amendments are proposed. The proposed changes are. That policy STR/RTW1 is amended to ensure that it acknowledges the allocation of Castle Hill as a development site with consequential amendments made to the document reflecting its identification.

6. Changes sought to the Local Plan with respect of the approach to Tudeley village in policy STR/SS3. The Plan therefore as currently prepared in not sound with respect of:

a) It is not justified as the evidence does not support the removal of land at Tudeley for the garden community; and b) It is also inconsistent with national policy in the approach does not adequately reflect the guidance on considering all sustainable opportunities within the Green Belt before contemplating poorly located greenfield sites like Tudeley. It is therefore contrary to paragraphs 137 and 138 of the NPPF.

To address these matters of soundness, a range of amendments are proposed. The proposed changes are.

That policy STR/SS3 is omitted from Local Plan, alongside consequential amendments to other parts of the plan i.e., the policies map to ensure that the Tudeley site is retained in the Green Belt.

#### 7. Castle Hill Omission Site: Change sought to the Local Plan.

To ensure that the local plan is sound, land at Castle Hill should be included as a residential allocation with consequential amendments to the settlement boundaries on the northern edge of Royal Tunbridge Wells.

### 3. OVERARCHING POSITION

3.1 We have a strong belief in the principle of the plan-led system and in setting out our representations upon these policies, we hope to be able to work with the Council between now and the formal submission of the Draft Local Plan pursuant to Regulation 22 of The Town and County Planning (Local Planning) (England) Regulations 2012 (as amended), to ensure the Local Plan satisfies the tests of soundness at paragraph 35 of the NPPF.

3.2 We have considerable experience and expertise in dealing with and realising development schemes similar to the Castle Hill proposal at Royal Tunbridge Wells through the development plan system having appeared at EIPs constantly over the last 30 years. These appearances have included representations on plan policy and the promotion of urban extensions in Surrey, Essex, Kent, Berkshire, West Sussex, East Sussex, Essex, Hertfordshire, Buckinghamshire, Devon, County Durham, Cambridgeshire, Hampshire and Oxfordshire. In this context, a principal constraint to the timely delivery of housing is the way in which policies for the allocation of sites have been formulated.

3.3 Local Plans must be capable of delivering from the point at which they are adopted. This means scrutinising the policy wording to ensure the Plans are sound and that the allocations contained therein are capable of being delivered at the point envisaged. This is particularly the case in relation to the need for Councils to collate a robust evidence base to justify the imposition of certain policies and/or their wording so as not to over burden and/or stifle sustainable and appropriate development.

3.4 In this instance, the draft Local Plan needs to be amended in order to ensure it robustly plans for the delivery of sufficient housing to address a housing requirement established in accordance with national planning policy and guidance. If the Borough's housing requirement was increased by the current capped requirement, this would result in the need for a further 678 dwellings in the Plan.

3.5 However, we contend that if, contrary to our evidence on the Duty to Cooperate obligation, the Inspector concludes Tunbridge Wells Borough has complied with the Duty to Co-operate, a contribution towards unmet housing needs in adjoining authorities should be made, then the Borough's housing requirement should be increased from 678dpa to 756dpa. This uplift together with an extended plan period, which reflects a robust period for examination of the draft Submission Local Plan, indicates that rather than requiring 12,204 dwellings from 2020 to 2038, this should be increased instead to 14,364 dwellings from 2020 to 2039. This is consequently an increase of 2,162 dwellings. On either basis, a proportion of these much needed additional homes could be delivered through the allocation of the land at Castle Hill, to the north of Royal Tunbridge Wells. A March 2039 plan end date would provide for 15 years after the 2023/24 monitoring period during which adoption could be realistic anticipated.

3.6 To address this requirement for additional homes, we contend that land north of Tunbridge Wells, at Castle Hill should be allocated for residential development (SHLAA ref DPC7). Following site analysis reflected in the submitted master plan, the Castle Hill site can accommodate 900 dwellings. As indicated in these representations and the supporting documents this would be a sustainable addition to the town.

3.7 The representations also highlight a failure of the plan as currently drafted to contribute towards addressing the acknowledged unmet needs of neighbouring authorities and the allocation of Castle Hill can also supply homes to resolve this issue. As detailed in the representations, the Castle Hill site would be a logical addition to the existing and committed development at north Royal Tunbridge Wells (Including the development approached east of Kingstanding Way (appendices 11 and 12)) and should consequently be included in the defined extent of the town, alongside its removal from the Green Belt.

3.8 We also advocate other revisions to the Draft Submission Local Plan to ensure it is consistent with the evidence base prepared by the authority.



3.9 We are concerned to ensure that the Local Plan is robust, and it is in this context that we set out our representations.

#### 4. THE NPPF TESTS OF SOUNDNESS

4.1 Section 3 of the NPPF (Feb 2019) sets out the principal components to be included in Local Plans. Paragraph 35 requires that to be “sound” a DPD should be positively prepared, justified, effective and consistent with national policy.

4.2 A positively prepared plan provides 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 practical to do so and is consistent with achieving sustainable development.

4.3 In order to be justified, the Draft Submission Local Plan must have an appropriate strategy, taking into account reasonable alternatives and be based on proportionate evidence.

4.4 Effective means the document must be deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred and evidenced by the statements of common ground.

4.5 The Local Plan should seek to meet the Council’s full housing need. However, we have concerns regarding to the rationale for and robustness of the housing numbers the Council is seeking to accommodate within the Draft Submission Local Plan. We also have concerns regarding the appropriateness of the sites selected for contributing towards addressing the borough’s development needs.

4.6 For the reasons set out in these representations there are several shortcomings with the Plan, as currently drafted, that result in the need for amendments.

4.7 These amendments relate to the need to increase the level of housing provision within a more appropriate plan period, thereby ensuring the emerging plan is consistent with the Government’s planning advice and policy. They also advocated changes to the extent of the defined settlement area of Royal Tunbridge Wells alongside consequential revisions to the Green Belt together with amendments to other policies of the plan.

4.8 These amendments would reflect our view of the clear sustainability advantages of growth at Castle Hill in preference to unsustainable locations where development conflicts with the approach of the NPPF i.e., Tudeley Village. In the case of Tudeley village, due to its identification in advance of locations which are to be preferred having regard to the approach of the NPPF, we contend that the new settlement proposal should be omitted from the Plan with the site retained in the Green Belt.

4.9 Furthermore, to address the additional identified housing need, we advocate that land at Castle Hill, to the north of Royal Tunbridge Wells (DPC7) should be included as an additional allocation within draft policy STR/RTW1.

4.10 The remainder of this submission is focused on providing responses to the Council’s draft policies in the Local Plan.

#### 9. POLICY STR/SS3: THE STRATEGY FOR TUDELEY VILLAGE

9.1 Through policy STR/SS3, the Council seeks to remove land from the Green Belt for the delivery of a new village at Tudeley.

9.2 For the reasons detailed below, we object to the proposal in that it entails the removal of very significant areas from the Green Belt for which there is no justification. This is with respect of the scale of housing development envisaged as detailed in the representation to policy STR9. As we do not consider that very special circumstances have been demonstrated, this is a further indication that no revision to the Green Belt should occur at Tudeley as detailed in the representation to policy STR9.

##### Sustainability of Tudeley village

9.3 Appendix 21 prepared by the client’s highway consultants examines the sustainability credentials of the Tudeley village (TV) proposal. Fundamental to the allocation is the delivery of a sustainable development using ‘garden village’ principles.

9.4 It is inescapable that TV is not in a site in a sustainable location, and that the combination of the scale of the scheme (for example TV would generate only 500 jobs for its ~6,750 residents), and the significant travel distances to higher order settlements which are well beyond walkable distances, will lead to an unsustainable development and increased car use compared to more sustainable solutions. The measures proposed will not make what is an unsustainable location, sustainable.

9.5 The assumptions in the Transport Assessment are significantly overly optimistic (in terms of traffic generation and trip containment of TV, and in relation to the success of modal shift measures). The traffic generation that TV will create beyond the garden settlement is significantly underestimated, and there are significant differences between the traffic generation of TV assumed in the SWECO TA (700 external trips) and the Stantec Assessment supporting the DL Masterplan Study (1200-2000 external trip). The proposed submitted local plan (PSLP) does not therefore provide for the infrastructure that will be needed to soundly support the proposal.

9.6 Indeed, the only means by which the PSLP Transport Assessment has managed to conclude that the PSLP is sound is by applying a universal reduction in traffic flows (of 10%) across the entire network and greater still reductions in Tunbridge Wells, TV and Paddock Wood (15%), on the basis of what in real terms is limited investment in sustainable travel measures. The majority of the planned investment is focussed on the Strategic Sites and will do little if anything to create what is a very significant change in behaviour of general traffic patterns on the wider network. This is unrealistic and not supported by the limited evidence base.

9.7 TV really falls between stalls; it is not far enough away from key service centres (i.e. Tonbridge and Royal Tunbridge Wells) that TV residents will be disincentivised from obtaining their services in the higher order settlements; is not of sufficient scale to meaningfully deliver many everyday needs can be properly addressed internally to the site; and is not close enough to the higher order settlements to make sustainable travel options realistic for many. It risks creating a car dominated development area, contrary to the Vision and does not demonstrate the high levels of connectivity and containment that the PSLP seeks.

9.8 Furthermore, there are a series of disconnections between the evidence base and policy requirements, as well as significant delivery risks to key infrastructure:

- The SWECO Transport Assessment identifies that the A228 Colts Hill Bypass and Five Oak Green bypass are required – it did not test any other options. Yet the PSLP identifies a reduced scheme for A228 Colts Hill. There is no evidence to demonstrate this will be successful. The DL Masterplan Study goes further to assume that if TV comes forward in isolation, the A228 improvements may not even be needed. There is no published evidence to show how this conclusion has been reached. • No assessment has been carried out to determine the point in development at TV that the A228 improvements and Five Oak Green Bypass are needed, and the PSLP does not secure their ultimate delivery, simply deferring to the payment of contributions. There is no guarantee that there will be sufficient funding to deliver the works, that the schemes are deliverable, or that the council will receive funding in a timely and coordinated manner to allow the schemes to be delivered when they are needed.
- The PSLP advocates the accessibility of TV to higher order settlements by walking and cycling. In practical terms, this is simply not feasible for many people to achieve the distances required on a regular basis. Moreover the PSLP does not identify in detail how any connections will be formed. The Walking and Cycling Strategy advocates use of private tracks, countryside links and rights of way. Such routes will not offer attractive, accessible and convenient routes which have a real prospect of attracting regular users. • TV is reliant on three separate improvements to crossings of the mainline rail network. No evidence has been presented to demonstrate that these connections can actually be achieved, or that Network Rail are supportive of the schemes. The viability assessment does not demonstrate how NR expected consideration / compensation has been factored into the estimates, which may be significant sums. • TV is also reliant on various schemes which require third party land / and/or where no feasibility work has been presented, including Five Oak Green Bypass (in third party ownership), the B2017 widening (where no scheme or assessment is presented) and at A228 Colts Hill. The PSLP does not identify how these schemes will be delivered and instead seeks simple contributions from TV to their delivery. The viability assessment did not include allowances for land costs. There is a significant risk that essential infrastructure will not be delivered. • The PSLP identifies in its vision that TV will deliver high frequency / Rapid bus connections, yet the frequencies assumed offer nowhere near this level of service and will not offer the 'turn-up-and-go style service that would stand any chance of attracting significant trips away from car based travel. The viability assessment has assumed a bus service contribution of £3m across TV and Paddock Wood. This will be wholly

inadequate to provide the service levels needed to achieve the laudable sustainability aspirations, and will ultimately expire, leaving a very real prospect that services will not be available at any sort of attractive frequency in the longer term. • The only locational advantage of TV is its placement on the mainline rail network. Despite this, and contrary to the NPPF, the PSLP does not require a rail connection to be formed and provides only tepid aspirations that this may be considered later. If the connection is not planned and required at the start, it will not be delivered. The lack of rail connectivity, alongside the limited public transport on offer and the prohibitive distances from TV to higher-order centres will result in unsustainable development and will not achieve the PSLP Vision.

9.9 The key impacts of this approach are likely to be:

- A development that will not achieve the high aspirations for containment and sustainability, leading to significant car-based travel demand outside of TV.
- Car dominated patterns of travel between TV and higher order settlements (Tonbridge, Paddock Wood and Royal Tunbridge Wells). The lack of realistic alternatives to car travel will not create the aspired transport behaviour.
- A significant underestimation of traffic generation of TV and overestimation of the success of travel planning measures in the wider district, undermining the evidence base.
- A demand for significant further highway interventions to accommodate the development demands.

9.10 On this basis, the allocation of TV is not sound, is not sustainable, is not supported by adequate and robust evidence to demonstrate that the scheme can be achieved without significant unreported impacts and that it will be accompanied by the necessary mitigation measures at the right time.

9.11 The KCC concerns raised in relation to TV at the Reg 18 stage, have not been addressed in the PSLP.

#### Infrastructure

9.12 As noted in the SA, to enable the delivery of Tudeley, significant infrastructure improvements will be required. This includes:

- Colts Hill - £20m includes, £8m of which for TV
- Five Oak Green Bypass - £9m, all on TV
- Rail Tunnel - £20m on TV
- All modes rail bridge - £10m on TV
- Ped Cycle rail bridge - £3.5m on TV
- Widening of B2017 (to Tonbridge) - £3.1m
- Bus route subsidy - £3m, of which £1.5m on TV
- Travel Plan - £1.25m

9.13 Additional infrastructure to serve the site will include utility services, education, community, health and leisure facilities. For these factors, no indication has been provided in the current Draft Infrastructure Delivery Plan of the costs or delivery mechanism of these significant and also essential infrastructure investments. Without this information there is no certainty that the Plan can be delivered and consequently would be effective.

9.14 The Plans prepared by both Uttlesford Council (appendix 9) and the North Essex Authorities (appendix 10) failed with respect of some of the new settlements envisaged as the costs assumed were unrealistic and did not include sufficient contingency. The Tandridge Local Plan Inspector has significant doubts with respect of the uncertainty of funding the major new road infrastructure associated with the South Godstone Garden Village, following a rejected HIF bid (appendix 8).

9.15 Although the Council has prepared information with respect of costs and delivery mechanisms for Tudeley, as indicated earlier in this submission, the new settlement is not expected to contribute towards all the necessary infrastructure i.e. the Colts Hill off-line improvement (This is only included in the financial appraisals for development at Paddock Wood) which is required alongside the Five Oak Green bypass (which Tudeley is expected to contribute towards) (See the Viability assessment schedules in Appendix II of the Stage 2 Viability Appraisal). Furthermore, notwithstanding the financial viability assessments not including all infrastructure, development at Tudeley is not as viable as indicated under the same range of variables as other schemes. Tudeley is reliant on lower existing land values and higher property values to show it is viable. The limited evidence that development at Tudeley is viable is a further indication of the unsuitability and soundness of the current strategy.

#### Conclusion

9.16 Exceptional circumstances do not exist for the removal of Tudeley village. Whilst a matter of planning judgement, the Council cannot therefore make such a judgement as this would not be consistent with their statutory duty (section 39(2)) and the revised NPPF. The points raised above confirm that exceptional circumstances do not exist, are not soundly based and therefore do not support revisions to the Green Belt at Tudeley Village.

## 11. OVERALL CONCLUSIONS

11.1 The representations to the draft submission Local Plan have identified a number of concerns with the document as drafted, especially with respect of its soundness.

11.2 As indicated in the representations, the Plan as currently prepared does not comply with the Duty to Co-operate through a failure to effectively consider how unmet housing needs of neighbouring authorities, especially Sevenoaks District, is to be addressed. The authority has not actively engaged with Sevenoaks and like Tonbridge & Malling (whose plan has also been found to fail the Duty) it is clear that the approach of Tunbridge Wells is insufficient in respect of their legal obligations. The plan also fails under Duty to Co-operate given the significant cross-boundary impacts that arise from Tudeley on neighbouring Tonbridge & Malling. The plan should consequently be withdrawn, and the authority tasked with demonstrating compliance with the Duty to Co-operate obligation including how best to address housing need in the wider area.

11.3 The plan should consequently be withdrawn, and the authority tasked with demonstrating compliance with the duty.

11.4 Irrespective of the failure to comply with the Duty to Co-operate, the plan is not sound with respect of:

a) It is not positively prepared as it does not seek to address the borough's housing needs, therefore further sites should be allocated;b) It fails to allocate land at Castle Hill that has been demonstrated to be a suitable, available and deliverable site that can contribute in a sustainable way to meeting the Council's and wider area's housing needs;c) It is not positively prepared as it fails to boost the supply of housing by seeking to address the uncapped housing need derived through local housing need. This failure is compounded by the lack of identification of further sites to contribute towards addressing unmet need of neighbouring authorities;d) It is not justified with regard to the timeframe that the examination of the Local Plan will take resulting in a delayed adoption of the document;e) It is not justified with respect of the inclusion of land at Tudeley Village to which we object;f) Is not justified in detailing the split in employment needs between offices and industrial/warehousing space; and  
g) It is also inconsistent with national policy in the failure to both boost housing supply and make a contribution towards addressing the housing needs of neighbouring authorities as required by paragraph 60 of the NPPF.

11.5. These matters can consequently be addressed through Main Modifications to the plan allowing for a Sound Plan.

11.5 To address these matters of soundness, several amendments are proposed. The proposed changes are.

That policy STR1 is amended to:

A) Ensure that the plan period is 2020 to 2039.B) That the housing requirement is increased to 14,364 dwellings;C) That the 14ha of employment floorspace is clarified to reflect the assessed need for around 6ha of offices and 8ha of industrial/ warehousing space; andD) That reference to a new garden settlement at Tudeley Village is removed from the plan.E) Reference is made to an urban extension allocation at Castle Hill, North Tunbridge Wells.

## 12. FINAL REMARKS

12.1 We trust the above comments are of assistance in preparing the next iteration of the Local Plan and await confirmation of receipt of our representations in due course.

12.2 We welcome the opportunity to open up dialogue with the Council in order to further proposals which would result in the changes advocated, including the allocation of our clients' land.

12.3 Additionally, we confirm that we wish to be notified of each further step in the preparation of the Local Plan, including its submission to the Secretary of State, the publication of the Inspector's Report into the Examination of the Plan together with the adoption of the Local Plan.

## 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.**

Changes sought to the Local Plan with respect of the approach to Tudeley village in policy STR/SS3.

3.25 The Plan therefore as currently prepared in not sound with respect of:

a) It is not justified as the evidence does not support the removal of land at Tudeley for the garden community; and b) It is also inconsistent with national policy in the approach does not adequately reflect the guidance on considering all sustainable opportunities within the Green Belt before contemplating poorly located greenfield sites like Tudeley. It is therefore contrary to paragraphs 137 and 138 of the NPPF.

3.26 To address these matters of soundness, a range of amendments are proposed. The proposed changes are.

1. That policy STR/SS3 is omitted from Local Plan, alongside consequential amendments to other parts of the plan i.e., the policies map to ensure that the Tudeley site is retained in the Green Belt.

#### 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 assist the Inspector and examination on Duty to Cooperate and issues of soundness that require verbal submissions in response to Matters and Issues to be identified by the Inspector.

#### 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	Alan and Claire Cattermole [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Golden Green [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Alan and Claire Cattermole [REDACTED]
Comment ID	PSLP_29
Response Date	07/04/21 11:56
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel ( <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	Claire Cattermole
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 STR/SS 1: The Strategy for Paddock Wood, including land at east Capel	
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 . It is not justified 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.**

15th August 2019

Dear Sir

We are writing to you as concerned citizens and residents of Golden Green. WE are wondering why, when there is so much space in Tunbridge Wells you have found it necessary to try and impose the erection of 4,000 homes on the borders of Tonbridge. You state that you are interested in helping to maintain green belt land and ancient woodland but have chosen a site in Tonbridge borders where both of these are going to be destroyed.

How can you justify putting large expensive, unaffordable houses on land bordering Tonbridge and then using the revenue to support Tunbridge Wells facilities? Not really fair is it.

Not only is Tonbridge green belt but also in a flood plain as well as an ANOB. Are you suggesting that you erect all 4,000 home in Tonbridge borders without providing a decent system to deal with the flooding? What happens when the Medway overflows as often happens in the winter, especially around the swimming pool area and Sainsburys. Don't you think the concrete involved in erecting these houses will exacerbate the flooding situation?

I wonder how you think you are going to solve the traffic problem with the addition of a further 4,000 homes. Tonbridge is already suffering from tailbacks in both directions onto the high street much of the day. Rush hours are practically impossible to move around in. I suppose the plan is to use even more green belt land to increase the road area.

Where are those commuters in the expensive houses going to park their cars when they travel to London? Are they even going to be able to board the trains? These are often packed by the time they arrive at Tonbridge. There aren't going to be parking places at other stations are there. There has been mention of new businesses in Tonbridge but where are they? And where are they going to go if more are mooted? There was mention of a new station being built at Capel. I wonder what the situation is regarding this? Capel and Tudeley are small and charming little villages where there is the renowned church – a major tourist attraction with the Chagall Windows.

WE have heard too that there is talk of a Capel bypass. How much greenbelt land will disappear under tarmac and how many animals and natural habitats will be destroyed to achieve this aim?

Rumour has it that Tonbridge Cottage Hospital could be commandeered by the local council who will then use the land to build houses. That is a very important facility for the people of Tonbridge with many facilities, the disappearance of which would lead to more disruption.

There is talk about a new school being built opposite Somerhill Schools. How is this even possible? How is it proposed that the children get to school? This will only add to the already hugely overcrowded roads in Tonbridge. ON top of that how many children will be bussed in from other areas. Imagine the destruction to the roads!

How will the small town of Tonbridge sustain such a huge influx of people? Are there plans to knock down the High Street and rebuild?

What a shame that Tonbridge is being used to achieve the aims of Tunbridge Wells fulfilling their housing quota just because the boundary seeps over the edge – BUILDING A NEW TOWN.

Yours faithfully

Alan & Claire Cattermole

#### 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

#### 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	Bernadette Cawley [REDACTED]
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Bernadette Cawley [REDACTED]
Comment ID	PSLP_1107
Response Date	02/06/21 15:19
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Bernadette Cawley
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 STR/SS 3 The Strategy for Tudeley Village	
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.**

Since the website is extremely difficult to navigate, I am enclosing my views as a Word Document and hope that the Planning Department are able to include these views in the consultation responses, as the website set up seems not to work well.

Introduction - I am a regular visitor to Tudeley and have been so for over 26 years, visiting family who live just outside Tudeley village, in the country. They will be directly affected by what is proposed and the consequences.

I am aware that my grown up nieces cannot afford to buy houses locally, as the market is well out of reach of those on even medium income salaries.

I have experienced the **traffic volumes** currently on the B2017 and the idea of adding yet more is horrific. Not only will more housing **increase the traffic, pollution and noise on the B road, it is counter to government policy to reduce emissions** [The Climate Change Act 2008 (2050 Target Amendment) Order 2019] not only from the vehicles needed to build the proposed homes over a prolonged period of time, but then also from the people who are expected to live in that housing. Either way, this is not in line with current government policy. I will expand on this below at paragraph 1[1]

Climate change

Local Plans should include policies to ensure that the development and use of land contributes to the mitigation of, and adaptation to, climate change consistent with S19 (1A) of the Planning and Compulsory Purchase Act 2004. It is clear that this plan does not make sufficient effort to encourage mitigation of and adaptation to climate change. The Policy STR7 titled 'Climate Change' lacks urgency and bears no relationship to the Government's 'nearly zero' targets. It is important that TWBC's strategic commitment is clear and achievable.

In policy STR/SS3 (The Strategy for Tudeley Village) the requirement for renewable energy production should be specified as an item 'which will be delivered'. Instead the renewable energy element of the policy is buried under 'high quality layout and design'. This is insufficient, given the scale of the climate emergency and the end date of the plan which corresponds closely with the Government's 2030 target for net zero. Given this relationship it is essential that large scale development in the Borough can aim to be a zero-carbon development. If this cannot be achieved on a new development site, then the TWBC target to achieve net zero emissions across the borough by 2030 is all but certain to fail. The failings of the largest strategic sites (which are fundamental to the overarching strategy of the Local Plan) to contribute adequately to the Government's 'nearly zero' 2030 targets, means that this Local Plan does not secure development and use of land which will contribute to the mitigation of, and adaptation to, climate change consistent with

S19 (1A) of the Planning and Compulsory Purchase Act 2004.

The village of Tudeley is precisely that – a village “a group of houses and associated buildings, larger than a hamlet and **smaller than a town, situated in a rural area**”. The proposal would entirely change the nature of the village into a town, but one without infrastructure. Tudeley is not the right place for the level of housing proposed. It is a small village and the imposition of thousands of houses would have a grave impact on the lives of the people there.

The people coming to live in the proposed houses will expect to gravitate to Tonbridge for their education, health and shopping needs, as it is far closer than Tunbridge Wells. But there are **no proposals** to address these resulting shortages, in education, health or transport. It has absolutely **no infrastructure, and none is proposed**. Effectively what is proposed is a large estate with no connections, no transport and utterly requiring the use of cars (see paragraphs 1 & 3 below)

For me the overriding reason not to build at Tudeley is that the area identified for development **floods**. I have seen this on numerous occasions for myself. The land is on a **flood plain**. To build there is a monumental error, other than the developer taking the receipts and leaving the people with the flood problems and the risk of never being able to purchase home insurance.[2] This will create massive problems for the householders and much misery.

The land identified is in the **Green Belt, and is active productive farmland**.

There are 4 houses at Bank Farm Cottages which will be in the middle of the proposed development. Those householders were not made aware of the plans originally, they have asked for the incorrect information in the original consultation to be rectified to show their ownership of those houses, which was not done, they have received no individual notifications from TWDC about these proposals, all of which indicates that their interests as residents are not being considered and **the process is flawed**.

I will address both of these issues at paragraph 2 & 10[3]

## DETAILED RESPONSE

- 1 The huge amount of documentation issued by TWBC does not include any specific named document on Climate Change, recognised by government as a requirement in planning.[4]  
“Effective spatial planning is an important part of a successful response to climate change as it can influence the emission of greenhouse gases. In doing so, local planning authorities should ensure that protecting the local environment is properly considered alongside the broader issues of protecting the global environment. Planning can also help increase resilience to climate change impact through the location, mix and design of development.

In addition to the statutory requirement to take the Framework into account in the preparation of Local Plans, there is a statutory duty on local planning authorities to include policies in their Local Plan designed to tackle climate change and its impacts. The National Planning Policy Framework emphasises that responding to climate change is central to the economic, social and environmental dimensions of sustainable development.”

I have read the documents published, which purport to generally address some of these issues, but in reality woefully fail to consider the impact on the countryside, the village and its inhabitants of building so many houses on Green Belt land, which was so designated for a purpose, to ensure that it remained green, for the benefit of the people, both near and far. Significantly the Glossary does not mention “Climate Change” or the Climate Change Act at all.

The Sustainability Appraisal at page 10 of the Local Development Scheme equally omits any mention of either. This means that the Scheme does not directly, or in my view indirectly, address the Council's climate change obligations, which means it is seriously deficient as a document, and one that no local authority could reasonably adopt or approve. In fact the Plan contradicts the TWBC's own Environmental policy to achieve Carbon Reduction targets. To fail to mention the 2008 Act, and also to fail to mention the local authority's duties under Section 19(1A) of the Planning and Compulsory Purchase Act 2004 which requires local planning authorities to include in their Local Plans “policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change”. Government makes clear that “This will be a consideration when a Local Plan is examined”. [5]

- 1 The 5 main purposes of the Green Belt in the National Planning Policy Framework are :
  - . **To check the unrestricted sprawl of large built up areas**
  - . **To prevent neighbouring towns merging into one another**

- . **To assist in saving the countryside from encroachment**
  - . To preserve the setting and special character of historic towns
  - . **To assist in urban regeneration, by encouraging the recycling of derelict and other urban land**
- 1 Regarding the **unrestricted sprawl**, what is being proposed will have the effect of joining Tonbridge to Paddock Wood via Tudeley and East Capel, **neighbouring areas merging into one another**. Exactly the kind of urban sprawl the Green Belt was created to ensure does not happen.
  - 1 The proposed development is utterly out of kilter with local needs. The physical factors which the local people will have to endure are noise, vibration, small, fumes, smoke and artificial lighting, as well as the discharge on to their properties of any solid or liquid substance. The plans do not mention the additional traffic which will be generated, the noise from the plant and generating equipment, the odour and dust problems, the light pollution, over a proposed 15 year period. Tudeley village is a rural place and is constrained with limited capacity to develop services and infrastructure to support such significant development. The roads already struggle to cope with present traffic, and would be much more impassable with more development.
  - 1 Regarding **saving the countryside from encroachment**, in 2016 the Inspector considering the Site Allocation Local Plan said "I do not accept a need to allocate any land currently in the Green Belt" and "I have not recommended that any land within the Green Belt should be allocated". The situation regarding the need to safeguard green spaces has not changed, indeed it has grown. Climate change and the safety of our green resources is now even more important.
  - 1 Regarding the encroachment of the countryside, in order to develop in the Green Belt "very special circumstances" are needed to be proven to outweigh the harm caused. Other than 'we need to build houses' TWBC have not shown what the special circumstances are, and proven they exist. Circular 42/55 from 3 August 1955 set out the original Green Belt policy: *"Inside a Green Belt, approval should not be given, except in very special circumstances for the construction of new buildings or for the change of use of existing buildings for purposes other than agriculture, sport, cemeteries, institutions standing in extensive grounds, and other uses appropriate to a rural area."* The successor to Circular 42/55, The National Planning Policy Framework (19 February 2019) (NPPF), has the Green Belt still entrenched in policy and on a similar basis *"The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence (Paragraph 133 NPPF).*
  - 1 As recently as 5th February 2020 Lord Carnwath in the Supreme Court [6] stated *"Key features of development control in Green Belts are the concepts of "appropriate" and "inappropriate" development, and the need in the latter case to show "very special circumstances" to justify the grant of planning permission. In R (Lee Valley Regional Park Authority) v Epping Forest District Council [2016] EWCA Civ 404; [2016] Env LR 30 ("the Lee Valley case"), Lindblom LJ explained their relationship:*  
*"18. A fundamental principle in national policy for the Green Belt, unchanged from PPG2 to the NPPF, is that the construction of new buildings in the Green Belt is 'inappropriate' development and should not be approved except in 'very special circumstances', unless the proposal is within one of the specified categories of exception in the 'closed lists' in paras 89 and 90.... The distinction between development that is 'inappropriate' in the Green Belt and development that is not 'inappropriate' (ie appropriate) governs the approach a decision-maker must take in determining an application for planning permission. 'Inappropriate development' in the Green Belt is development 'by definition, harmful' to the Green Belt - harmful because it is there - whereas development in the excepted categories in paras 89 and 90 of the NPPF is not. ..."*
  - 1 *These concepts are expressly preserved in the policies for the control of development set out in paras 87ff of the NPPF:*  
*"As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*  
*... 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations."* (paras 87-88)"
- Nowhere in the vast array of documents on the TWBC website is any document headed "very special circumstances". There is a definition section saying an inadequate definition of Green Belt, but no single document explaining explicitly what the very special circumstances are which justify this

redesignation of the Green Belt land at Tudeley. TWBC have cited reasons for not allocating houses at other, alternative, sites (including that at Castle Hill) – but disregard such reasons when selecting CA1 (Tudeley) for a Garden Village. They justify a single land-owner as being the reason for the special circumstances. And state Castle Hill is a multi-land-owner site (which it is not). Lazy Planning is not a reason for Very Special Circumstances. No alternative creation of Green Belt is planned by TWBC in mitigation to the reclassified Green Belt to be lost.

- 1 With regard to urban regeneration, this is woefully not addressed in the documentation. One would think there were no brownfield sites at all in the Tunbridge Wells area – this has clearly **not** been a priority for the Council. There has been an inadequate analysis of brownfield sites such as Castle Hill, Blantyre and of vacant offices in Tunbridge Wells itself. A Google search by me today indicates there are at least 38 offices available in Tunbridge Wells and I dare say more would be available if I spent time canvassing local estate agents. This whole availability of brownfield sites is available on [digital-land.github.io](https://digital-land.github.io) (via [www.gov.uk](https://www.gov.uk)) shows 41 sites on the Tunbridge Wells BC area. This is not addressed in any significant way in the documentation currently available for consultation. This deficiency shows that inadequate consideration has been given to this issue – a failing of a duty and a flaw in the process. No reasonable Council can or should adopt a plan with such ineffective analysis.

#### 1 **Flooding**

I have seen for myself the fields flooded, over a number of fields. The 48,000 homes affected by the 2007 floods cost, on average, between £20,000 to £30,000 to repair while the cost to the economy was £3.2bn. About 30% of householders had to move out while repairs were carried out, with 1 in 10 displaced for more than a year, creating huge disruption to home life - source The Environment Agency Report – The Costs of the Summer 2007 Floods in England, available at [www.gov.uk](https://www.gov.uk). “The flooding in 2015/16 was estimated to cost the economy £1.6bn. The flooding in 2019/20 was estimated to be £78m”, again on [www.gov.uk](https://www.gov.uk) from the Environment Agency.

#### 1 **Flawed Process**

This process has been flawed from the beginning. The residents of Tudeley were not notified individually about the plans of TWBC which if passed will impact immensely on their quiet enjoyment of their homes. During the Regulation 19 consultation, 97% of the respondents opposed the plans. The response from TWBC was not to address the concerns expressed but, to add insult to injury, added in hundreds of more dwellings to Capel parish, thereby not allowing the residents of those dwellings to be able to respond to the Regulation 18 consultation. By any legal test, this has disadvantaged those people. But that is not the only procedural flaw. The website which is supposed to attract responses to this plan is extremely difficult to make work, as if designed to NOT allow responses. I have used a computer since 1998, and consider myself a competent amateur, but that website would not allow me to insert my comments, hence this submission being by post.

The 1985 Gunning case[7] set out the principles for a fair and proper consultation exercise :

- . That consultation must be at a time when proposals are at a formative stage
- . That the proposer must give sufficient reasons for any proposal to permit of intelligent consideration & response
- . That adequate time is given for consideration and response
- . That the product of consultation is conscientiously taken into account when finalising the decision.

These principles have been reaffirmed as lately as November 2020 in the Court of Appeal[8] and therefore remain requirements.

One of the pre-requisites of the above is that information provided by the public authority involved is accurate. TWBC were informed by residents at Bank Farm Cottages that the Regulation 19 consultation information provided was accurate in that it stated that the land their houses are on was owned by the proposed developer. That was inaccurate and could have been checked with the Land Registry. Not only did TWBC not check ownership of the land (and thereby identify people entitled as of right to be consulted on the proposals) but when told of the correct information, declined to alter their own information, thereby continuing the misleading information for that consultation. It is hard for people to give “intelligent consideration & response” when the information provided is just plain wrong.

I don't believe that there are sufficient reasons set out for the proposals to build thousands of houses on Green Belt land. TWBC have not entered into this consultation ‘with clean hands’ by the way that they did not inform residents about their plans directly, did not alter their information when told it was inaccurate, and added in additional houses to Capel parish without giving those residents the opportunity to make their own representations.

Section 61W of the 1990 Town & Country Planning Act requires a prospective developer to “publicise the proposed application in such manner as .....is likely to bring the proposed application to the attention of a majority of the persons who live at, or otherwise occupy premises in the vicinity of the land.” Since the residents of Bank Farm Cottages who live at and in the vicinity of the land received no such information from the developer, the developer failed in his statutory duty, which MUST affect the legitimacy of his proposals and should be taken into account by TWBC and the Inspector when considering the future of this plan.

TWBC has not fulfilled its duty to co-operate under section 111 of the Localism Act 2011. The duty:

- . relates to sustainable development or use of land that would have a significant impact on at least two local planning areas or on a planning matter that falls within the remit of a county council
- . requires that councils set out planning policies to address such issues
- . requires that councils and public bodies 'engage constructively, actively and on an ongoing basis' to develop strategic policies
- . requires councils to consider joint approaches to plan making.

TWBC launched into planning the development affecting Tudeley without consulting Tonbridge and Mailing Council, which is the area most likely to pick up the infrastructure problems, until eventually it had to. It has in no way engaged constructively to develop strategic policies, at every turn being dismissive of accurate information and not engaging truly in proper consultation.

## **CONCLUSION**

To go back to the issues listed in Question 4, my responses address the issues

### **Issue**

#### **My response**

Local Plan as proposed is **legally compliant**,

**Paragraphs 1, 2, 5, 6, 8, 9, 10**

#### **Sound**

**Paragraphs 1, 2, 3, 4, 7, 8, 10**

**Complies with the duty to co-operate**

**Paragraph 10**

**The plan is not positively prepared**

**Paragraph 10**

**The plan is not effective**

**Paragraphs 2, 3, 8, 9**

**The plan is not justified**

**Paragraphs 4, 5, 6, 8**

**The plan is not consistent with national policy**

**Paragraphs 1, 2, 3, 5, 6, 8, 9, 10**

[1] Paragraph 1 below

[2] The 48,000 homes affected by the 2007 floods cost the economy £3.2bn - source The Environment Agency Report – The Costs of the Summer 2007 Floods in England, available at [www.gov.uk](http://www.gov.uk)

[3] Green Belt & flawed process

[4] Climate Change Guidance 2019 – [www.gov.uk](http://www.gov.uk)

[5] Climate Change Guidance at [www.gov.uk](http://www.gov.uk)



[6] Lord Carnwath in R(Samuel Smith Old Brewery (Tadcaster) & others v North Yorkshire County Council (2020) UKSC 3

[7] R v London Borough of Brent ex parts Gunning [1985] LGR 168

[8] R (On the application of) v Secretary of State for Education [2020] EWCA Civ 1577

#### 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:**

It is necessary for me to attend so that the Inspector hears from people other than locals about the wider impact and consequences of what is being proposed.

## Comment

Consultee	R G Cazalet [REDACTED]
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	R G Cazalet [REDACTED]
Comment ID	PSLP_1683
Response Date	04/06/21 16:32
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel ( <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	Mrs Rosemary Cazalet
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 STR/SS 1 The Strategy for Paddock Wood, including land at east Capel	
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 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.**

I wish to comment on STR/SS3 and also STR/SS1

We have lived in North Tonbridge for 38 years, worked locally and educated two children in local schools. Obviously there have been many changes in the town and surrounding area over the years but nothing so drastic as the proposed developments in the Tudeley and Capel area. These, to me, seem insensitive on many levels and possibly unnecessary if TWBC recheck some of their data which may not be as up to date as it could be. There does seem to be a cynical element to this proposal sited as it is so near the borough boundary, with the obvious local amenities and the station being situated in Tonbridge rather than Tunbridge Wells who will collect the Council Tax but be relieved of the burden of the extra population and traffic.

Creating a garden settlement at Tudeley of 2,100 dwellings together with a further 2,100 at Capel will cause immense harm to residents of the Parish of Capel and to residents of Tonbridge. There will be a significant increase in traffic into Tonbridge from the B2017, exacerbating the extreme traffic congestion that exists on this road and generally in Tonbridge every morning.

People living in Tudeley will use Tonbridge Station for commuting and Tonbridge town services creating parking issues. The increase in traffic may be more than Tonbridge can cope with. Its roads are already full at peak times and can't be made wider in most places. The increased numbers of passengers on already packed commuter trains from Tonbridge Station will be unsustainable. Parking in and around Tonbridge Station will be even more difficult. Network Rail have confirmed that a station at Tudeley is not viable at present and so will not be built in this plan period.

Paras 5.210 and 5.217. Most people living in the new garden settlements will drive privately owned cars, despite initiatives to encourage bus and bicycle use. Many will have to travel for work, school etc even if many 'day-to-day requirements' can be met on site as stated. It is unrealistic to label local roads as pedestrian/cycle routes as shown on your maps due to narrowness, bends and increased traffic. Even with completely separate cycling provision cycling is likely to be within the proposed new development rather than for school, work journeys.

The costs of infrastructure on the Tonbridge & Malling side of the boundary will have to be carried by Tonbridge & Malling residents whilst Tunbridge Wells will receive council tax from the residents in the new dwellings. The cost to Tonbridge based businesses due to traffic issues may drive businesses from the area. There will be an increase in pressure on Tonbridge health services, amenities and car parking as residents from the new garden settlement at Tudeley will use Tonbridge as their local town, not Tunbridge Wells, because Tonbridge is much closer.

Large parts of the developments will occur on the Medway floodplain with flood risk assessments based on old data that does not fully consider the impact of climate change. Flood mitigation measures may help, but I believe that flood risks will increase. Covering farmed fields with houses and roads will

make the Medway flood more often and cause increased flood risk not only in Tudeley but in Golden Green, East Peckham, Tonbridge and Yalding. Surely we should be learning from the flooding in Yorkshire in 2019. There will be an increase in air, light and noise pollution that will spread across the boundary into Tonbridge & Malling and create a visual scar across the landscape as the area is visible for many miles. Views from Tonbridge to the Low and High Weald will be impaired, including the setting of historic assets like All Saint's Church in Tudeley and the Hadlow Tower. The church at Tudeley may end up being surrounded by houses, bus lanes and sit next to a busy road in sight of a big roundabout. That will cause great harm to its value as a heritage asset of world renown (due to the complete set of Marc Chagall windows). We have, over the years, had many adult language students staying here all of whom have been taken to see the Chagall windows as well as for country walks in the area with which they have been impressed.

Creating so much housing in Capel Parish will require the destruction of woodland, hedgerows, meadows, and farmland that is Green Belt land and should be protected. It will spoil the landscape and kill wildlife that is very special to the area, including rare species. This area should remain rural with agricultural land that can be used to provide food.

Para 4.125 I do not agree that 'there are exceptional circumstances' which justify the removal of land at Tudeley and East Capel from the Green Belt.

I believe that housing need calculated by the government can be reduced if it requires development of Green Belt land unless "exceptional circumstances" exist. I would like to see TWBC use this argument to remove the garden settlement at Tudeley from this plan. TWBC is already providing more than their housing need figure in the draft Local Plan.

Para 4.52. The difference in the Local Plan allocations between Paddock Wood/Capel/Tudeley and Tunbridge Wells/Southborough/Bidborough is startling. Surely Tunbridge Wells has more capacity for expansion? Since Covid 19 work patterns have changed, office space may now be available for conversion.

The proposed Tudeley Village has been referred to as securing a long term option for the borough to deliver the needs of future generations. It is clear from this statement that you intend to add more and more housing to this "garden settlement" in each five year review of future Local Plans. I think that TWBC want to fill Tudeley and East Capel with housing until they coalesce with Tonbridge to the West and Paddock Wood to the East, ultimately creating a massive conurbation that will dwarf Tunbridge Wells town centre. TWBC is using Capel to dump their housing needs on green fields and meadows, polluting a rural area rather than spreading development across the borough on brownfield sites or placing the garden settlement in the middle of the borough, to make it accessible north and south. The developments in Tudeley and East Capel are unsustainable and place huge pressure on Tonbridge. Will they actually meet TWBC's housing need which to me suggests the need of local people to find housing in the area. I suspect that this type of development is likely to be too expensive for many local people including some of the carers I currently have contact with. and is more likely to encourage commuters wishing to move from London and thus to need road and rail transport from Tonbridge.

I object to the inclusion of land in East Capel in "The Strategy for Paddock Wood" (STR/SS1)

This land is Green Belt land and should only be built upon if an "exceptional circumstance" exists. TWBC's own assessments in their Sustainability Appraisal show that Paddock Wood can expand and meet most of the plan's aims without using the Green Belt land at East Capel. The comment above about coalescence and the creation of a conurbation from Paddock Wood right across to Tonbridge is very relevant here, as is the land's use as a flood plain. Building here, even with flood risk mitigation and "betterment" could have disastrous consequences for all, as the measures being looked at are based on old data that does not fully consider the impact of climate change. As the current flooding elsewhere shows there is a lot to be learnt about the causes and the prevention of flooding and about how actions in one area can have serious effects elsewhere. This surely should, at present, be a very strong argument against building on any area of flood plain.

## 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

## Comment

Consultee	R G Cazalet ( [REDACTED] )
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	R G Cazalet ( [REDACTED] )
Comment ID	PSLP_1676
Response Date	04/06/21 16:32
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village ( <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	Mrs Rosemary Cazalet
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To which part of the Local Plan does this representation relate?	Policy
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Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR/SS 3 The Strategy for Tudeley Village	
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 effective
- . It is not justified
- . It is not consistent with national policy

#### Question 5

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Large parts of the developments will occur on the Medway floodplain with flood risk assessments based on old data that does not fully consider the impact of climate change. Flood mitigation measures may help, but I believe that flood risks will increase. Covering farmed fields with houses and roads will

make the Medway flood more often and cause increased flood risk not only in Tudeley but in Golden Green, East Peckham, Tonbridge and Yalding. Surely we should be learning from the flooding in Yorkshire in 2019. There will be an increase in air, light and noise pollution that will spread across the boundary into Tonbridge & Malling and create a visual scar across the landscape as the area is visible for many miles. Views from Tonbridge to the Low and High Weald will be impaired, including the setting of historic assets like All Saint's Church in Tudeley and the Hadlow Tower. The church at Tudeley may end up being surrounded by houses, bus lanes and sit next to a busy road in sight of a big roundabout. That will cause great harm to its value as a heritage asset of world renown (due to the complete set of Marc Chagall windows). We have, over the years, had many adult language students staying here all of whom have been taken to see the Chagall windows as well as for country walks in the area with which they have been impressed.

Creating so much housing in Capel Parish will require the destruction of woodland, hedgerows, meadows, and farmland that is Green Belt land and should be protected. It will spoil the landscape and kill wildlife that is very special to the area, including rare species. This area should remain rural with agricultural land that can be used to provide food.

Para 4.125 I do not agree that 'there are exceptional circumstances' which justify the removal of land at Tudeley and East Capel from the Green Belt.

I believe that housing need calculated by the government can be reduced if it requires development of Green Belt land unless "exceptional circumstances" exist. I would like to see TWBC use this argument to remove the garden settlement at Tudeley from this plan. TWBC is already providing more than their housing need figure in the draft Local Plan.

Para 4.52. The difference in the Local Plan allocations between Paddock Wood/Capel/Tudeley and Tunbridge Wells/Southborough/Bidborough is startling. Surely Tunbridge Wells has more capacity for expansion? Since Covid 19 work patterns have changed, office space may now be available for conversion.

The proposed Tudeley Village has been referred to as securing a long term option for the borough to deliver the needs of future generations. It is clear from this statement that you intend to add more and more housing to this "garden settlement" in each five year review of future Local Plans. I think that TWBC want to fill Tudeley and East Capel with housing until they coalesce with Tonbridge to the West and Paddock Wood to the East, ultimately creating a massive conurbation that will dwarf Tunbridge Wells town centre. TWBC is using Capel to dump their housing needs on green fields and meadows, polluting a rural area rather than spreading development across the borough on brownfield sites or placing the garden settlement in the middle of the borough, to make it accessible north and south. The developments in Tudeley and East Capel are unsustainable and place huge pressure on Tonbridge. Will they actually meet TWBC's housing need which to me suggests the need of local people to find housing in the area. I suspect that this type of development is likely to be too expensive for many local people including some of the carers I currently have contact with. and is more likely to encourage commuters wishing to move from London and thus to need road and rail transport from Tonbridge.

I object to the inclusion of land in East Capel in "The Strategy for Paddock Wood" (STR/SS1)

This land is Green Belt land and should only be built upon if an "exceptional circumstance" exists. TWBC's own assessments in their Sustainability Appraisal show that Paddock Wood can expand and meet most of the plan's aims without using the Green Belt land at East Capel. The comment above about coalescence and the creation of a conurbation from Paddock Wood right across to Tonbridge is very relevant here, as is the land's use as a flood plain. Building here, even with flood risk mitigation and "betterment" could have disastrous consequences for all, as the measures being looked at are based on old data that does not fully consider the impact of climate change. As the current flooding elsewhere shows there is a lot to be learnt about the causes and the prevention of flooding and about how actions in one area can have serious effects elsewhere. This surely should, at present, be a very strong argument against building on any area of flood plain.

## 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\_141

### Comment

Agent	Mr Jonathan Buckwell ( [REDACTED] )
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Consultee	( [REDACTED] )
Email Address	[REDACTED]
Company / Organisation	Cedardrive Ltd
Address	[REDACTED] [REDACTED] [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Cedardrive Ltd ( [REDACTED] )
Comment ID	PSLP_2054
Response Date	03/06/21 17:12
Consultation Point	Section 3: Vision and Objectives ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.8
Files	<a href="#">DHA Planning for Cedardrive - full representation.pdf</a>
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Cedardrive Ltd
Question 2	
Agent's Name and Organisation (if applicable)	DHA Planning
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.

Section 3: Vision and Objectives

[TWBC: the full representation attached has been divided between Policy STR/HA (PSLP\_2053), Vision and Strategic Objectives (PSLP\_2054), Policy STR1 (PSLP\_2055), Policy AL/HA3 (PSLP\_2056) and Development Management Policies (PSLP\_2057)

### 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 Cedardrive Ltd in respect of the Tunbridge Wells Borough Council Regulation 19 Local Plan consultation – referred to herein as the Pre-Submission Local Plan (PSLP). 1.1.2 These representations relate to land at Hawkhurst Golf Club, which Cedardrive is promoting the construction of a new relief road to reduce congestion in Hawkhurst together with residential redevelopment and other amenities 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.

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1.2.1 The Hawkhurst Golf Club site currently measures 20.69 hectares and comprises a nine-hole golf course, formed by 1968 on the land on the north western side of Hawkhurst, as shown in Figure 1.

1.2.2 The site is irregular and sinuous in shape stretching from the A268 to the south, north along the A229 as far as Gills Green. The A229 Cranbrook Road forms the site's eastern boundary.

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[TWBC: see full representation attached for Figure 1: Aerial view of the Appeal Site (Courtesy of Google Earth 2021)]

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(10) Provision of public electric vehicle charging points and car share facilities in accordance with Policy TP 2: Transport Design and Accessibility.

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(12) Demonstration through the submission of relevant and proportionate heritage investigations that the proposals have taken account of Holman's farmstead and other heritage assets located in proximity to the site and will not have a materially harmful impact upon these assets.

(13) Water courses; SUDs mitigation to protect areas within the Environment Agency's flood zone 3.

(14) Provision of on-site allotments, amenity/natural green space, parks and recreation grounds, children's play space and youth play space in accordance with the requirements of Policy OSSR 2: Provision of publicly accessible open space and recreation.

(15) The provision of land to accommodate a community facility, to include adequate public parking within the site, or alternatively contributions towards the provision of the facility including adequate public parking on an alternative suitable site which shall be agreed through the planning process.

1.2.9 Cedar drive provided representations at the Regulation 18 stage supporting the draft allocation.

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1.2.12 This new relief road will remove the need for some traffic movements to have to pass through the heavily congested A268/A229 Highgate crossroads in the centre of Hawkhurst. This will improve the performance of that junction, reducing queue lengths and journey times, even taking into account both the proposed development and other committed developments in the area. As a result, the proposals would result in an improvement in traffic conditions at the crossroads, with significant associated air quality benefits within the recently declared Air Quality Management Area (AQMA) on Cranbrook Road. KCC Highways has confirmed that the scheme would improve traffic conditions, as set out later in these representations.

1.2.13 The proposals also included a care home, doctor's surgery and/or community hall or similar use, a public car park, public park, open space, woodland planting and recreation facilities and other associated works. Detailed permission was sought for the road, with outline planning permission sought for the remaining development.

1.2.14 Without prior warning, the Council removed the Golf Club draft allocation from the Regulation 19 Local Plan, which was first published in draft form in December 2020. Following confirmation from planning officers in January 2021 that the application proposals would no longer be supported, an appeal against non-determination has since been lodged, which is due to be heard at a public inquiry in September 2021.

## **1.3 Background**

1.3.1 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.

1.3.2 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.

1.3.3 This submission comments on the plan having regard to these tests of soundness.

## **1.4 Legal Compliance**

1.4.1 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.

1.4.2 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.

1.4.3 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.

## **1.5 Assessment of Soundness**

1.5.1 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.

1.5.2 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.

1.5.3 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.

### **Vision and Strategic Objectives**

1.5.4 The pre-submission plan is underpinned by vision and strategic objectives.

1.5.5 The vision is set out below:

*[TWBC: representation sets out duplicate of PSLP Vision here - see full representation attached]*

1.5.6 In order to deliver the vision the plan sets a number of strategic objectives:

*[TWBC: representation sets out duplicate of PSLP Strategic Objectives here - see full representation attached]*

### **1.5.7 Response**

1.5.8 We broadly support the general thrust of the vision and these objectives, which seek to meet identified housing needs and boost the supply of new affordable homes. However, the vision and objectives could be more positive and set a framework whereby suitable development opportunities are actively embraced. As drafted, the message is clear that meeting need is somewhat enforced.

1.5.9 Indeed, we would suggest some minor modification to ensure that the plan is positively prepared and fully aligned with the provisions of the National Planning Policy Framework ('NPPF'). Indeed, we consider that the vision should be modified to read.

'Growth in new homes, jobs, and supporting infrastructure to meet boroughwide needs will actively be pursued in full and in a manner that best complements the distinctive qualities of the borough'.

1.5.10 Furthermore, we consider that objective 2 should be modified to read:

'To significantly boost the supply of all forms of housing and supporting infrastructure to meet the full needs of our population, with particular emphasis on affordable housing'

1.5.11 With the above modifications, the objectives and vision will then be positively prepared.

## **1.6 Summary and Conclusions**

1.6.1 In summary, this representation has been prepared on behalf of Cedardrive Ltd 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.

1.6.2 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.

1.6.3 We object strongly to the unjustified removal of Hawkhurst Golf Club from the draft Local Plan, which renders the plan unsound for the reasons set out above.

## 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.**

### 1.5.7 Response

1.5.8 We broadly support the general thrust of the vision and these objectives, which seek to meet identified housing needs and boost the supply of new affordable homes. However, the vision and objectives could be more positive and set a framework whereby suitable development opportunities are actively embraced. As drafted, the message is clear that meeting need is somewhat enforced.

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### Comment

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Email Address	[REDACTED]
Company / Organisation	DHA Planning Ltd
Address	Eclipse House Eclipse Park MAIDSTONE ME14 3EN
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Email Address	[REDACTED]
Company / Organisation	Cedardrive Ltd
Address	[REDACTED] [REDACTED] [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Cedardrive Ltd ( [REDACTED] )
Comment ID	PSLP_2055
Response Date	03/06/21 17:12
Consultation Point	Policy STR 1 The Development Strategy ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.5
Files	<a href="#">DHA Planning for Cedardrive - full representation.pdf</a>
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Cedardrive Ltd
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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

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Policy STR 1 The Development Strategy

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1.3.2 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:

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- 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.

1.3.3 This submission comments on the plan having regard to these tests of soundness.

## **1.4 Legal Compliance**

1.4.1 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.

1.4.2 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.

1.4.3 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.

## **1.5 Assessment of Soundness**

1.5.1 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.

1.5.2 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.

1.5.3 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.

### **Development Strategy and Strategic Policies (Policy STR1)**

1.5.12 The purpose of the Development Strategy is to outline how much development will be provided to meet the needs of the borough and where that development will be located.

1.5.13 In terms of the amount of housing, paragraph 59 of the NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it should be informed by a local housing needs assessment conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals.

1.5.14 The Council confirm that their housing need target for the plan period to 2038 is 12,200 dwellings (678 dwellings per annum), which is calculated using the Government's standard method and the 2014-based household projections. We support this approach.

1.5.15 In terms of the different supply components, the Council consider that the Local Plan must (as a minimum) include additional allocations to accommodate 6,945 homes. This figure was formulated taking into account; extant planning permissions (3,313); Windfall allowances (1,670); and outstanding site allocations (276).

1.5.16 At Regulation 18 the Council subsequently applied a 10% non-delivery rate to these figures to err on the side of caution. This is not referenced within the Regulation 19 version as such requires clarification and potential modification if this provision has not been carried forward to the pre-submission plan.

*[TWBC: PSLP Figure 5 Key Diagram has been duplicated here - see full representation attached]*

1.5.17 In terms of how these needs will be met, policy ST1 sets the development strategy and states:

*[TWBC: PSLP Policy STR1 has been duplicated here - see full representation attached]*

1.5.18 In terms of justification, the Council state that The Draft Local Plan consultation concluded that, having seized all reasonable opportunities for growth 'across the board', meeting the housing need can only be met if the development strategy includes the strategic growth of certain settlements. However, it goes on to state that it is evident from site assessment work that there is very little scope for Indeed, in some cases, the scale of major developments in the AONB have been found to be unacceptably great.

1.5.19 Paddock Wood is said to be a logical choice for strategic growth for a number of reasons; being an existing service and employment centre, having a central railway station and main road links, giving wider accessibility.

1.5.20 Tudeley Village is acknowledged to involve the loss of a large area of Green Belt but this is justified because it is outside the AONB, is well located in terms of accessibility to nearby towns, would be of a scale that supports a good range of services, and can be planned in a holistic, comprehensive manner.

1.5.21 The full proposed distribution of development is set out below.

*[TWBC: PSLP Table 4 Distribution of housing allocations has been duplicated here - see full representation attached]*

1.5.22 It should be noted that, as referred to below, TWBC has recently refused planning permission for a 71-unit development on PSLP allocation site AL/HA4 at Highgate Hill/Copthall Avenue, which is proposed for the allocation of 71-79 dwellings. The application was refused on points of principle relating to the impact on Highgate Crossroads and the AONB. Whilst the allocation remains in the draft Local Plan, since the Council appears to be opposed to the scheme in principle, it does call into question whether the site has sufficient political support to be retained in the plan.

#### Response

1.5.23 We agree that TWBC is capable of meeting its need in full and support this approach to plan-making.

1.5.24 We broadly support the general thrust of the development strategy, which proposes a strategy to meet the housing needs of the borough with a dispersed growth approach. Nonetheless, we have concerns regarding the deliverability of the strategy. The Council's Housing Trajectory Topic Paper states that for Tudeley Village (STR/SS 3), it is proposed that for the first 10 years of delivery from 2025/26, 150 units are expected per annum, increasing to 200 per annum during the years after. For the plan period, 2,100 homes are allowed for.

1.5.25 Based on this statement, we say that the proposed trajectory is potentially over optimistic and the assumption that a new village is likely to be found to be acceptable via the examination process, be masterplanned, obtain planning consent, deliver key infrastructure and to commence delivering 150 dwellings per annum from the period 2025/26 is wholly unrealistic.

1.5.26 In this regard, we would draw attention back to the 2016 document published by Nathaniel Lichfield's and Partners (NLP) - 'Start to Finish: How Quickly do Large- Scale Housing Sites Deliver', which provides evidence pertaining to the speed and rate of delivery of large-scale housing, based on a large number of sites across England and Wales. It identifies that the average lead in time for the submission of a planning application is 3.9 years, from the date the site is first identified. In terms of the planning approval period, for larger scale sites (2,000 + homes) this is circa 6 years. After planning permission is granted, larger sites start to deliver within a year and the average build out rate thereafter is 161 dwellings per annum, although it can be as high as 301 dwellings per annum.

1.5.27 On the basis of this research, if the Local plan is adopted by 2022, planning permission approved by 2024 and delivery commences within 6 years (2030), the likely deliver for the plan period would be significantly less than envisaged by the Council.

1.5.28 Taking the above into account, our view is that the Council have applied overly optimistic development trajectory for the delivery of strategic sites, both in terms of the start date for completions and the expected build out rates.

1.5.29 Given the absence of any similar scale strategic sites in Tunbridge Wells Borough as a point of comparison, one could have regard to similar scale delivery in neighbouring authority Tonbridge and Malling Borough. In this respect, we provide evidence below of its three key strategic sites and the associated delivery rates (derived from the Tonbridge and Malling BV Annual Monitoring Report).

1.5.30 Kings Hill is an extremely prudent example to consider in the context of the Paddock wood extension and new garden village at Tudeley, how deliverable this would be. Indeed, Kings Hill was a new village started in 1989 near land previously occupied by RAF West Malling. The concept was for a multipurpose site of both residential and office business space. The development is still being delivered some 30 years later, despite having multiple national housebuilders delivering different phases concurrently. Based on the most up-to-date delivery data for the last decade, Kings Hill has

only delivered 131 dwellings per annum, despite being a highly desirable location and multiple developers delivering concurrently. Furthermore, the earlier delivery phases were delivered at lower rates given the need to front load infrastructure.

1.5.31 Therefore, we consider that whilst some development may come forward in the plan period from the two proposed strategic sites, in reality these strategic allocations are longer terms aspirations that will extend well beyond 2038.

1.5.32 Having regard to paragraph 11 of the NPPF, plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means that plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change.

1.5.33 The over reliance upon Tudeley Garden Village is such that if it is not delivered as planned there is no flexibility to address any resulting shortfall in housing. Accordingly, the plan is unsound on the basis it conflicts with NPPF paragraph 11 and lacks sufficient strategic flexibility.

1.5.34 Notwithstanding our objection, the over reliance of the site within the trajectory need not be fatal. In order to remedy it, we consider that any delivery from Tudeley should be assumed to come forward in the next plan period, once there is a greater degree of certainty that the scheme will be progressed and is acceptable from a Green Belt perspective. In the intervening time, further sites should be added to offset the loss of the housing relied upon from Tudeley. In particular, the previously proposed allocation at Hawkhurst Golf Club should be added back into the Plan.

1.5.35 In respect of the wider, strategy, we support the general principle of proportionately spreading the benefits of growth. Adopting a pattern of dispersed growth approach would allow a number of sites to be developed at the same time, serving different segments of the local housing market, which is preferable to saturation of the market in a single area. Nonetheless, we do not accept the Council's conclusion that there is very little scope for adding much in the way of further housing numbers to the rural settlements.

### **Green Belt vs AONB Release**

1.5.36 Policy SRT9 sets out that exceptional circumstances justify the proposed release of Green Belt land for development.

1.5.37 We acknowledge that some greenfield Green Belt release is needed to meet housing need in the areas of the borough affected by that designation.

1.5.38 *Calverton Parish Council v Nottingham City Council, Broxtowe Borough Council and Gedling Borough Council* [2015] EWHC 1078 (Admin)) provides very clear guidelines for determining whether exceptional circumstances exist.

'planning judgments involved in the ascertainment of exceptional circumstances in the context of both national policy and the positive obligation located in section 39(2) should, at least ideally, identify and then grapple with the following matters:

(i) the acuteness/intensity of the objectively assessed need (matters of degree may be important); (ii) the inherent constraints on supply/availability of land *prima facie* suitable for sustainable development; (iii) (on the facts of this case) the consequent difficulties in achieving sustainable development without impinging on the Green Belt; (iv) the nature and extent of the harm to this Green Belt (or those parts of it which would be lost if the boundaries were reviewed); and (v) the extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced to the lowest reasonably practicable extent'.

1.5.39 Considering these parameters, the acuteness of the local housing need is clear. The Council's housing need (12,200 for the plan period) is more than double of that previously been required (6,000 between 2006 and 2026) and many urban sites have been depleted since the last plan review. However, it must also be recognised that only 22% of borough lies within the Metropolitan Green Belt and so it is possible to channel much of the development beyond this designated area.

1.5.40 In respect of the extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced, this is to be judged on a site by site basis and small scale release can be mitigated with relative ease given many have limited role in fulfilling the requirements of the Green Belt. However, the same cannot be said of a new settlement within the Green Belt whereby the impact by way of loss of openness would be substantial.

1.5.41 Taking the above into consideration, it is our view that the Calverton judgement sets out very clear parameters for assessing whether Exceptional Circumstances exist and that a sound case could be made for releasing some Green Belt land in line with NPPF guidance. However, we do not consider the evidence exists to justify the scale currently proposed within the plan, at least not until all reasonable alternatives have been assessed.

### **Housing Delivery**

1.5.42 It is widely acknowledged that there is a housing crisis in this country, which has arisen as a direct consequence of too few houses being built to keep pace with a growing population. Accordingly, the Government has repeatedly indicated that 300,000 additional homes per year should be constructed.

1.5.43 It is evidence that the LPA has fallen a long way behind the required rate of delivery in the years since the NPPF was published. Indeed, the LPA's average annual housing delivery for the period 2016 to 2020 is 506 dwellings per annum, resulting in a deficit that is increasing by circa 172 dwellings per annum. Whilst the draft plan seeks to bridge this gap in delivery, we remain concerned about where a consistent level of delivery is likely to be achievable based on the pre-submission draft and the close repetition of the current Core Strategy.

1.5.44 The current Core Strategy pre-dates the publication of the NPPF, published in March 2012. The effectiveness of the strategy was in question long before this date and there is an evidenced legacy of failure of the Core Strategy that is unrelated to the introduction of the need to plan for the full objectively assessed development needs of the area.

1.5.45 Indeed, as outlined within the table below, for the immediate five years since adoption of the Core Strategy in 2010, the LPA achieved only 829 new homes against a target of 1,500 dwellings. This amounts to just 166 dwellings per annum for the initial five year plan period.

*[TWBC: for table showing Housing completion rates 2010 to 2015 see full representation attached]*

1.5.46 Based on this evidence, the persistent failure of the Core Strategy began long prior to the introduction of housing targets set by the SHMA and Standard Methodology. As a consequence, mirroring the early strategy with a stringent restriction of development beyond the established limits to built development is likely to result in a similar failure. Instead, a mechanism is needed to ensure that a consistent level of housing can be brought forward at all times.

1.5.47 Turning to the context following the publication of the standard methodology, the LPA's delivery rate between 2015 and 2020 has improved slightly, but not to a level that meets the recognised needs of the area. The LPA achieved 2,473 new homes against a target of 3,360 dwellings. This amounts to just 495 dwellings per annum for the five year period and a reduction on the previous five year rate.

*[TWBC: for table showing Housing completion rates 2015 to 2020 (statement of common ground) see full representation attached]*

1.5.48 The recently published Housing Delivery Test (January 2021) results also confirm the need for the LPA to prepare a further action plan to demonstrate how delivery will be addressed moving forward.

1.5.49 In summary, there is a historic legacy of under delivery over the last decade and even with the preparation of the pre-submission plan, past delivery rates provide compelling evidence that the Core Strategy has never been effective in delivering housing at the rates needed to meet the needs of borough residents and that a far more significant buffer or contingency is needed if the new plan is to be effective.

### **Maintaining a Five Year Housing Land Supply**

1.5.50 The continued need to deliver more houses is reflected within the NPPF. In particular, paragraph 11 reiterates the presumption in favour of sustainable development and that plans should positively seek opportunities to meet the development needs of their area and be sufficiently flexible to adapt to rapid change. Furthermore, 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.

1.5.51 The NPPF requires Local Planning Authorities to ensure that their Local Plan meets the full needs for market and affordable housing. Policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot show a robust five year supply of housing land and cannot fulfil the requirements of the Government's Housing Delivery Test.

1.5.52 It is common ground that the LPA is not currently able to demonstrate a robust five year housing land supply pending the outcome of the development plan review process. Indeed, based on the latest published update is agreed that the Tunbridge Wells Borough Council Five-Year Housing Land Supply Statement 2019/2020 (September 2020) that the supply to be 4.83 years, an improvement on the 4.69 years published for the period 2018/2019.

1.5.53 Nonetheless, we would express our caution in accepting there has been a material improvement in position over the last monitoring year and that the Council is close to achieving a robust supply of land. Published data shows that within the latest monitoring year the annual housing delivery target was missed by 204 units and the published supply only increased by 82 homes. As such, the overall supply context actually worsened by 122 homes. Indeed, the projected supply is a single unit more than it was when the 2017/18 updated position was published suggesting little genuine progress in increasing the supply of land.

*[TWBC: for table showing LPA published five year supply no of dwellings see full representation attached]*

1.5.54 Based upon the evidence, the Council's supply position appears much more robust than it really is owing to the repeated resetting of the base date upon which the five year supply calculation is based. The claimed justification for this is that the Standard Method takes into account previous delivery so there is no need to separately address any previous under-supply.

1.5.55 Whilst we do not challenge the fact that guidance permits this, the underlying effect of resetting the base date is to disguise a worsening situation as an improvement. This allied with a persistent failure to meet historic targets means that there must be a clear basis for assuming that adoption of the pre-submission Local Plan will result in an immediate step change in decision making and delivery of housing. We see no evidence to suggest that this step change will occur and therefore the plan fails the test of being both positively prepared and effective.

1.5.56 Cedardrive has not given an option to any major national housebuilder and is therefore able to ensure that the site is not land-banked, but rather will be delivered quickly.

### **Affordable Housing Need**

1.5.57 There is a chronic affordable housing need within the Borough. In this respect, The LPA's SHMA (2015) finds that the borough would need 341 affordable homes per annum to meet their housing needs.

1.5.58 The more recent Housing Needs Study (2018) prepared to accompany work on the pre-submission Local Plan, further assessed affordable requirements by taking into account the need from existing and newly-forming households within subareas of the borough of Tunbridge Wells, and comparing this with the supply of affordable housing. This assessment reveals that there is a net annual shortfall of 443 affordable dwellings across the Borough.

1.5.59 The LPA's Local Plan Housing Need Assessment Topic Paper (2019) concludes that the corrected affordable housing need over a 15-year period is actually 391 dwellings/year.

1.5.60 In terms of past delivery, Table 26 of the Annual Monitoring Report 2018/19 outlines the completion rates for affordable units, with an annual average delivery rate of just 82.5 affordable units per annum for the period 2006 to 2019.

1.5.61 Based on this context, immediate delivery of onsite affordable housing is a significant benefit that should weigh heavily in devising a new strategy. In this regard, the absence of a cogent strategy for a new garden village places grave uncertainty as to whether it can deliver at the same rate as non-strategic sites. Even if it would, there is likely to be a long delay with any affordable being delivered towards the back end of this current plan period. In the context, the plan fails to put in place a robust strategy to meet affordable need and is therefore ineffective, not justified and inconsistent with National Planning Policy.

1.5.62 This being the case, removing the reliance of delivery of Tudeley Garden Village in this plan period, and supplementing the plan with genuinely deliverable sites, start.

1.5.63 Cedardrive Ltd has not given an option to any major national housebuilder and is therefore able to ensure that the site is not "land banked".

## 1.6 Summary and Conclusions

1.6.1 In summary, this representation has been prepared on behalf of Cedardrive Ltd 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.

1.6.2 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.

1.6.3 We object strongly to the unjustified removal of Hawkhurst Golf Club from the draft Local Plan, which renders the plan unsound for the reasons set out 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)?**

# Supporting Information File Ref No: SI\_141

## Comment

Agent	Mr Jonathan Buckwell ( [REDACTED] )
Email Address	[REDACTED]
Company / Organisation	DHA Planning Ltd
Address	Eclipse House Eclipse Park MAIDSTONE ME14 3EN
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Address	[REDACTED] [REDACTED] [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Cedardrive Ltd ( [REDACTED] )
Comment ID	PSLP_2053
Response Date	03/06/21 17:12
Consultation Point	Policy STR/HA 1 The Strategy for Hawkhurst parish ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.10
Files	<a href="#">DHA Planning for Cedardrive - full representation.pdf</a>
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Cedardrive Ltd
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 STR/HA 1 The Strategy for Hawkhurst parish

[TWBC: the full representation attached has been divided between Policy STR/HA (PSLP\_2053), Vision and Strategic Objectives (PSLP\_2054), Policy STR1 (PSLP\_2055), Policy AL/HA3 (PSLP\_2056) and Development Management Policies (PSLP\_2057)

### 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 Cedardrive Ltd in respect of the Tunbridge Wells Borough Council Regulation 19 Local Plan consultation – referred to herein as the Pre-Submission Local Plan (PSLP). 1.1.2 These representations relate to land at Hawkhurst Golf Club, which Cedardrive is promoting the construction of a new relief road to reduce congestion in Hawkhurst together with residential redevelopment and other amenities 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 The site

1.2.1 The Hawkhurst Golf Club site currently measures 20.69 hectares and comprises a nine-hole golf course, formed by 1968 on the land on the north western side of Hawkhurst, as shown in Figure 1.

1.2.2 The site is irregular and sinuous in shape stretching from the A268 to the south, north along the A229 as far as Gills Green. The A229 Cranbrook Road forms the site's eastern boundary.

1.2.3 The main buildings on the site comprise the existing club house, and two squash courts. The clubhouse building lies at the southern end of the site where the principal vehicular access is located from the A268 High Street leading to an area of parking for visitors. This part of the site is bordered on either side by residential properties with further residential and farm/equestrian properties adjoining the golf course to the west and south-east.

[TWBC: see full representation attached for Figure 1: Aerial view of the Appeal Site (Courtesy of Google Earth 2021)]

1.2.4 The southern part of the site borders the Highgate area of Hawkhurst, which comprises the main village centre. The northern part of the site borders the Gills Green area of Hawkhurst. A new care home has recently been constructed to the east of the northeast of the site on Cranbrook Road, immediately opposite the northernmost part of the site.

1.2.5 The land in the southeast corner of the Site (formerly Springfield Nursery) was granted outline planning consent at appeal (all matters except access reserved) in November 2020, for the erection of up to 24 dwellings on the site (reference 17/02192/OUT). The site is served by an existing access onto the A229 Cranbrook Road to the east.

### **Regulation 18 Local Plan**

1.2.6 The site was proposed to be allocated in the Regulation 18 draft Local Plan, published for consultation in September 2019.

1.2.7 Policy AL/HA1 (land forming part of the Hawkhurst Golf Club course to the north of the High Street) allocated the site for residential development providing approximately 400 – 450 dwellings, a relief road, and community centre (with associated public parking provision).

1.2.8 The policy stated that development on the site should accord with the following requirements:

(1) The development proposals to be informed by a masterplan, which sets out how high levels of permeability will be provided through the site and linkages with the wider surrounding areas will be established.

(2) No buildings to be constructed in the open space landscape and buffer area defined on the site allocations plan, reflecting landscape and topographical constraints.

(3) The provision of a new road through the site to act as a relief road to the existing road network serving Hawkhurst, and to reduce traffic congestion at and around the crossroads of the A268 Rye Road with Cranbrook Road/Highgate Hill at the centre of Hawkhurst.

(4) The relief road shall be fully constructed and brought into use, the closure of the northern arm of Cranbrook Road (at the Rye Road crossroads), and the completion of the public realm works shall be undertaken in accordance with an appropriate timetable, which will be agreed as part of any planning application.

(5) An assessment of the new relief road upon the viability of the commercial area located along the A268 Rye Road.

(6) Transport modelling to inform the location of junctions, traffic lights, bus stops within the site, new/improved pedestrian footways and crossings, to include consideration of the wider settlement centre. Any proposed new or improved junctions with Cranbrook Road to include an assessment of the impact upon trees and the requirement for engineering works, reflecting the steep tree covered banks that are currently present along parts of the site boundary with Cranbrook Road.

(7) The design and layout to be informed by a comprehensive energy and climate change strategy.

(8) Air quality modelling required to inform the location and design of road junctions in close proximity to sensitive receptors, including Marlborough House School and Hawkhurst House Care Home.

(9) The provision of a pedestrian/cycle link through the site to link Gill's Green to the commercial centre of Hawkhurst. Opportunities for other pedestrian/cycle links to be explored, including through the Springfield area located to the north east of the site.

(10) Provision of public electric vehicle charging points and car share facilities in accordance with Policy TP 2: Transport Design and Accessibility.

(11) Development proposals will need to demonstrate a positive contribution to Biodiversity Opportunity Area targets.

(12) Demonstration through the submission of relevant and proportionate heritage investigations that the proposals have taken account of Holman's farmstead and other heritage assets located in proximity to the site and will not have a materially harmful impact upon these assets.

(13) Water courses; SUDs mitigation to protect areas within the Environment Agency's flood zone 3.

(14) Provision of on-site allotments, amenity/natural green space, parks and recreation grounds, children's play space and youth play space in accordance with the requirements of Policy OSSR 2: Provision of publicly accessible open space and recreation.

(15) The provision of land to accommodate a community facility, to include adequate public parking within the site, or alternatively contributions towards the provision of the facility including adequate public parking on an alternative suitable site which shall be agreed through the planning process.

1.2.9 Cedar drive provided representations at the Regulation 18 stage supporting the draft allocation.

### **Planning application and non-determination appeal**

1.2.10 A planning application was submitted for a development of up to 417 dwellings (since reduced to 374) and a new relief road connecting the A229 Cranbrook Road and A268 High Street.

1.2.11 One of the key benefits of the scheme is a new, public road through the centre of the site which would link the A268 High Street and A229 Cranbrook Road. Combined with the proposals to amend the Highgate crossroads, by closing off the northern arm, this would effectively result in the A229 being diverted through the site.

1.2.12 This new relief road will remove the need for some traffic movements to have to pass through the heavily congested A268/A229 Highgate crossroads in the centre of Hawkhurst. This will improve the performance of that junction, reducing queue lengths and journey times, even taking into account both the proposed development and other committed developments in the area. As a result, the proposals would result in an improvement in traffic conditions at the crossroads, with significant associated air quality benefits within the recently declared Air Quality Management Area (AQMA) on Cranbrook Road. KCC Highways has confirmed that the scheme would improve traffic conditions, as set out later in these representations.

1.2.13 The proposals also included a care home, doctor's surgery and/or community hall or similar use, a public car park, public park, open space, woodland planting and recreation facilities and other associated works. Detailed permission was sought for the road, with outline planning permission sought for the remaining development.

1.2.14 Without prior warning, the Council removed the Golf Club draft allocation from the Regulation 19 Local Plan, which was first published in draft form in December 2020. Following confirmation from planning officers in January 2021 that the application proposals would no longer be supported, an appeal against non-determination has since been lodged, which is due to be heard at a public inquiry in September 2021.

## **1.3 Background**

1.3.1 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.

1.3.2 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:

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1.3.3 This submission comments on the plan having regard to these tests of soundness.

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- 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.

1.4.2 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.

1.4.3 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.

## **1.5 Assessment of Soundness**

1.5.1 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.

1.5.2 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.

1.5.3 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**

1.5.64 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 STR/HA1**

1.5.65 Cedardrive Ltd STRONGLY OBJECTS to Policy STR/HA1. In particular:

- The proposed reduction in development at Hawkhurst (criterion 2), compared to the Reg 18 proposals, is unacceptable and unsound;
- In particular, the deletion of Reg 18 allocation of Hawkhurst Golf Club is unsound; and
- The requirement for development proposals to establish an acceptable impact on the Hawkhurst crossroads (criterion 3) cannot be achieved without the relief road proposed as part of the Golf Club scheme, and is therefore also unsound.

1.5.66 The PSLP proposes a significantly reduced level of development in Hawkhurst compared to the Regulation 18 plan – reducing from up to 731 homes in the Reg 18 version to up to 170 in the PSLP. Paragraph 5.354 of the PSLP states:

"This is a substantial reduction on that put forward for consultation at an earlier stage. This reflects the outcome of additional evidence base studies and research, notably in relation to the likely impacts of sites' development, individually and cumulatively, on the High Weald AONB, as well as in relation to traffic congestion at the crossroads and associated air quality implications (now recognised by the recent declaration of an Air Quality Management Area)..."

1.5.67 This "justification" for reducing development ignores that fact that the proposed Hawkhurst Golf Club development would both reduce congestion at the crossroads and reduce air quality effects to the level that would effectively remove the need for the AQMA. These issues are discussed further below.

1.5.68 For the reasons set out below, the removal of the Golf Club from the PSLP results in a Local Plan which has not been positively prepared, is based on a strategy which is not justified, and would not be effective.

### **The case for development at Hawkhurst Golf Club**

1.5.69 It is clear that TWBC were previously of the view that the public benefits of the Golf Club proposal outweighed any landscape and other harms that would result, in proposing to allocate the site for development in the Reg 18 Local Plan.

1.5.70 In addition to the significant public benefit of providing much-needed market housing and affordable housing (including the provision of specialist elderly care housing, for which there is also a particular need), the main benefit of the proposals is the delivery of a new relief road which would address a serious traffic congestion problem which has existed for decades and continues to get worse. There are also various other benefits as identified below.

#### *Traffic congestion*

1.5.71 As is recognised at paragraph 3.12 of TWBC's Infrastructure Delivery Plan (IDP), "the A229 is constrained at the junction with the A268 in Hawkhurst and this crossroads suffers from **severe congestion** at peak times and other times of the day." (our emphasis).

1.5.72 A relief road for Hawkhurst has been mooted since at least the 1990s. The crossroads in the centre of Hawkhurst are severely congested, and not just at peak hours, with the north-south alignment in particular slowing larger vehicles down. This is compounded by parked cars along Cranbrook Road meaning that vehicles often have to stop and wait to allow traffic to pass the parked cars, which can often result in the crossroads becoming blocked and the efficiency of the junction being compromised.

1.5.73 Policy AM1 of the Hawkhurst Neighbourhood Plan highlights the crossroads as a major problem and seeks a solution. That plan envisaged a double-roundabout solution, but this has since been discounted as technically unworkable.

1.5.74 The IDP lists several proposed road improvements at paragraph 3.15. Despite up to 170 new homes being proposed at Hawkhurst in the PSLP, neither the Local Plan nor the IDP propose any improvements to the junction. The Local Plan therefore makes no provision whatsoever to address congestion which the Council's own evidence acknowledges to be severe.

1.5.75 On 19 May 2021, TWBC refused planning permission for the development of 71 dwellings at Highgate Hill (PSLP allocation site AL/HA4), the second reason for refusal for which was:

"The development would result in a quantum of traffic that would have a significant adverse effect on capacity and congestion of the crossroads in Hawkhurst and the wider transport network. This effect would not result in a sustainable development and would be contrary to Core Policy 3 of the Core Strategy 2010, Policy AM1 of the Hawkhurst Neighbourhood Plan and paragraph 108 of the National Planning Policy Framework 2019 and the National Planning Practice Guidance."

1.5.76 It is evident from this that there is a severe problem at Hawkhurst Crossroads which the PSLP does not attempt to address and which is causing the Council to refuse planning permission for a development in Hawkhurst on the only draft allocated site not to already have planning permission.

1.5.77 PSLP paragraph 5.358 states that future applications for development in Hawkhurst will need to consider traffic impacts on the crossroads and provide suitable mitigation.

1.5.78 It should be noted here that in its response to the Golf Club planning application (see Appendix 1), KCC Highways agreed in September 2020 that the Golf Club's relief road proposals, together with the proposed closure of the Cranbrook Road arm of the crossroads (and taking into account the planned housing both at the Golf Club and in the Reg 18 Local Plan) "will improve the overall junction operation, with a lower average delay per vehicle" and would result in "overall betterment".

1.5.79 By contrast, nobody else has ever identified a workable and deliverable scheme to improve the congestion at the crossroads. The relief road proposed by the Cedar drive at a cost of several million pounds is therefore the only realistic potential solution. As will be summarised below, any pedestrian, driver and cyclist using the Highgate Crossroads will benefit.

#### *Air Quality*

1.5.80 The traffic congestion issues at the Hawkhurst crossroads currently lead to air quality problems, as recognised in PSLP paragraph 4.46.

1.5.81 TWBC's Environmental Health Officer has confirmed that there were no objections to the planning application on air quality grounds. Indeed, Cedar drive will demonstrate at the forthcoming appeal that the proposed closure of the northern arm of the Highgate crossroads will lead to significant

air quality benefits within the recently declared AQMA on Cranbrook Road by removing all through traffic from the worst affected part of village centre.

1.5.82 This is a very significant benefit of the proposals.

#### *Walking and cycling infrastructure*

1.5.83 IDP paragraph 3.59 refers to a list of other future improvements required to deliver Local Plan growth. These include:

- A Local Cycling and Walking Infrastructure Plan for Hawkhurst village with improved pedestrian and cycling routes within the existing area; and
- An improved footpath on A229 between Hawkhurst, Cranbrook and Sissinghurst

1.5.84 In relation to the latter point, there is currently a continuous footpath along the A229 past the Golf Club site, though this runs adjacent to the busy road. The Golf Club proposals include new footpaths through the proposed new village park, which would provide a more attractive route for pedestrians than at present. Improvements to cycling and walking links are an objective of the Parish Council as set out in Policy AM4 of their made Neighbourhood Plan.

1.5.93 The HDA assessment notes that the site is a “typical golf course” which “is not representative” of any of the key landscape characteristics of the landscape character areas – indeed, it is a “landscape pattern [which] is at odds with the wider landscape”. It is “very well contained from public viewpoints”.

1.5.94 The assessment recognises that development would have positive effects on recreation as there is currently no public access within the site.

1.5.95 Overall the assessment acknowledges that there are both adverse and beneficial effects resulting from the development. Some concerns are raised in relation to particular aspects of the proposal, specifically the northern parcel, though it concludes that any changes to the draft allocation would need to be balanced against the viability of the site.

1.5.96 Indeed, HDA's summarised policy recommendations are limited to the following:

- Include wording restricting built development, road infrastructure and external lighting within the proposed open space and landscape buffer;
- Seek a requirement for a detailed access design for the vehicular junction onto the A229. The design should include tree survey data, proposed changes in level and visibility splays and should clearly identify and feature loss and subsequent mitigation planting.
- Provision of a long-term maintenance plan for the open space within the site; and
- Include a requirement for an LVIA as part of the application, to inform the masterplan for the site.

1.5.97 All of these recommendations could have been easily accommodated.

1.5.98 Since HDA did not recommend removal of the site, and they recognise that there are benefits as well as concerns, this report does not provide strong evidence to justify the removal from the plan of an allocation which provides so many clear public benefits. The Council could and should have weighed up any remaining concerns against the public benefits and concluded that the allocation should have been retained, whilst reducing the quantum of development to match the 374 units shown in the revised planning application.

#### *Comments on the Sustainability Appraisal*

1.5.99 The Sustainability Appraisal for the site has been altered from that published at the Reg 18 stage. Two changes have been made:

- The Biodiversity score has been downgraded from ‘neutral’ to ‘slightly negative’. It is not clear why this change has been made. The accompanying commentary remains as when assessed previously, stating that “Despite being a predominantly greenfield site, the previous use as a golf course would mean impacts upon biodiversity are limited and can be adequately controlled with protection buffers.”
- The Air Quality score has been upgraded from ‘slightly positive’ to ‘slightly to very positive’, with the commentary now amended to state that “The relief road is a significant piece of transport infrastructure and is likely to bring large noise and air benefits to the centre of Hawkhurst by diverting traffic away from the AQMA on Cranbrook Rd.”

1.5.100 These appear to be the only changes to the appraisal and do not provide justification for removing the site from the plan.

#### *TWBC Development Strategy*

1.5.101 The Development Strategy Topic Paper (DSTP) states at paragraph 6.40 that the Sustainability Appraisal justifies the reduction of development in the AONB, including in Hawkhurst, subject to further consideration of site-specific merits and 'exceptional circumstances'.

1.5.102 National policy must of course be followed, though in a borough where 69% of the land area is within the AONB, it is almost inevitable that some major development will be required there. This is especially the case in larger settlements such as Hawkhurst which are washed over by the AONB designation, and particularly so where there are existing problems that urgently require a solution, such as the severe traffic problems that already affect the village.

1.5.103 Adverse effects to the AONB cannot always be avoided, as is recognised at DSTP paragraph 6.140. The benefits of a proposed allocation must also be weighed in the balance.

1.5.104 DSTP paragraph 6.161 states that the Golf Club allocation – originally for up to 450 units – was removed primarily due to AONB impacts. The current planning appeal is for a scheme already reduced from this figure, with up to 374 units proposed – 24 of which are already accounted for within allocation AL/HA3.

1.5.105 According to the DSTP, the Council considers all of the following PSLP allocations to comprise "major development" in the AONB:

- AL/RTW16 Spratsbrook Farm, Tunbridge Wells: 120 dwellings
- AL/RTW17 Longfield Road, Tunbridge Wells: 80,000sqm employment – planning permission already granted
- AL/CRS1 Brick Kiln Farm, Cranbrook: 180 dwellings – planning permission already granted
- AL/CRS3 Turnden Farm, Cranbrook: 204 dwellings – resolution to grant planning permission subject to S106, though the SoS has called the application in for his own determination
- AL/HA1 White House, Hawkhurst: 43 retirement apartments – planning permission already granted
- AL/HA4 Copthall Avenue/Highgate Hill: Up to 79 dwellings – planning permission refused, on grounds of AONB and effect on Hawkhurst crossroads
- AL/BM1 Brenchley Road, Matfield: 45 dwellings – planning permission granted
- AL/PE2 Hubbles Farm, Pembury: 80 dwellings
- AL/PE3 Land south of Hastings Road, Pembury: 80 dwellings

1.5.106 Of these, two of the three largest allocations already benefit from a planning permission, where the paragraph 172 exceptional circumstances test has already been applied.

1.5.107 In the case of Brick Kiln Farm, the committee report for the 2018 outline permission concluded that:

"There is an unmet housing need, together with ongoing supply challenges that represent the exceptional circumstances necessary to justify the growth of Cranbrook." (Planning committee report 28 March 2018 for application reference 16/502860/OUT)

1.5.108 In the case of an application for 165 dwellings at Turnden, the 2021 committee report concluded that:

"it is considered that principally due to the housing delivery benefits (market and affordable at 40%) outweighing the identified harm to the landscape and environment, there are exceptional circumstances in this instance to depart from the NPPF presumption against major development in the AONB" (Planning committee report 27 January 2021 for application reference 20/00815/FULL)

1.5.109 The Turnden committee report also refers to landscaping improvements and a greater than 10% biodiversity net gain as contributing to the exceptional circumstances.

1.5.110 It is recognised that the Hawkhurst Golf Club proposals are larger than these two schemes. But it should also be noted that the public benefits arising from the proposal are significantly greater too. These include but are not limited to:

- The boosting of the Council's housing supply by up to 374 units (assuming a reduction in allocated numbers to match that of the current scheme);
- A significant boost to the Council's affordable housing supply;
- A recognised improvement to the village crossroads junction where existing transport congestion is agreed to be severe, and where no other solution has been identified, and at a cost of several million pounds;
- Improvements to air quality in the village centre that would remove the need for the recently confirmed Air Quality Management Area;
- The provision of a new public park;
- The provision of a new public car park, in a village where parking options are very limited;
- New pedestrian and cycle routes between Highgate and Gills Green;
- Closing off the northern arm of the Highgate crossroads has the potential to create an attractive, pedestrianised new focal point for the

village; and• The re-use of a little-used golf course, which has already created an unnatural landscape feature, in preference to developing on agricultural fields.

1.5.111 This is a substantial list of public benefits which outweigh any landscape harm.

#### *Conclusion*

1.5.112 It is clear from the above analysis that the removal of the Golf Club allocation is not justified by the evidence which is claimed in support of the decision. Not only does the plan unnecessarily remove 374 planned homes, it also means that the only identified solution to address Hawkhurst's longstanding severe traffic congestion issues has been removed from the plan. No alternative solution is suggested, thereby preventing existing residents from seeing this burden addressed, whilst also limiting the potential for future growth in Hawkhurst and any other nearby settlements, such as Sandhurst, where travel through this junction would be required.

## **1.6 Summary and Conclusions**

1.6.1 In summary, this representation has been prepared on behalf of Cedardrive Ltd 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.

1.6.2 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.

1.6.3 We object strongly to the unjustified removal of Hawkhurst Golf Club from the draft Local Plan, which renders the plan unsound for the reasons set out 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)?**



## Supporting Information File Ref No: SI\_141

### Comment

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Consultee	( )
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Company / Organisation	Cedardrive Ltd
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Event Name	Pre-Submission Local Plan
Comment by	Cedardrive Ltd ( )
Comment ID	PSLP_2056
Response Date	03/06/21 17:12
Consultation Point	Policy AL/HA 3 Former site of Springfield Nurseries, Cranbrook Road, Hawkhurst ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.4
Files	<a href="#">DHA Planning for Cedardrive - full representation.pdf</a>
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Cedardrive Ltd
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/HA 3 Former site of Springfield Nurseries, Cranbrook Road, Hawkhurst

[TWBC: the full representation attached has been divided between Policy STR/HA (PSLP\_2053), Vision and Strategic Objectives (PSLP\_2054), Policy STR1 (PSLP\_2055), Policy AL/HA3 (PSLP\_2056) and Development Management Policies (PSLP\_2057)

### 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 Cedardrive Ltd in respect of the Tunbridge Wells Borough Council Regulation 19 Local Plan consultation – referred to herein as the Pre-Submission Local Plan (PSLP). 1.1.2 These representations relate to land at Hawkhurst Golf Club, which Cedardrive is promoting the construction of a new relief road to reduce congestion in Hawkhurst together with residential redevelopment and other amenities 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 The site

1.2.1 The Hawkhurst Golf Club site currently measures 20.69 hectares and comprises a nine-hole golf course, formed by 1968 on the land on the north western side of Hawkhurst, as shown in Figure 1.

1.2.2 The site is irregular and sinuous in shape stretching from the A268 to the south, north along the A229 as far as Gills Green. The A229 Cranbrook Road forms the site's eastern boundary.

1.2.3 The main buildings on the site comprise the existing club house, and two squash courts. The clubhouse building lies at the southern end of the site where the principal vehicular access is located from the A268 High Street leading to an area of parking for visitors. This part of the site is bordered on either side by residential properties with further residential and farm/equestrian properties adjoining the golf course to the west and south-east.

[TWBC: see full representation attached for Figure 1: Aerial view of the Appeal Site (Courtesy of Google Earth 2021)]

1.2.4 The southern part of the site borders the Highgate area of Hawkhurst, which comprises the main village centre. The northern part of the site borders the Gills Green area of Hawkhurst. A new care home has recently been constructed to the east of the northeast of the site on Cranbrook Road, immediately opposite the northernmost part of the site.

1.2.5 The land in the southeast corner of the Site (formerly Springfield Nursery) was granted outline planning consent at appeal (all matters except access reserved) in November 2020, for the erection of up to 24 dwellings on the site (reference 17/02192/OUT). The site is served by an existing access onto the A229 Cranbrook Road to the east.

### **Regulation 18 Local Plan**

1.2.6 The site was proposed to be allocated in the Regulation 18 draft Local Plan, published for consultation in September 2019.

1.2.7 Policy AL/HA1 (land forming part of the Hawkhurst Golf Club course to the north of the High Street) allocated the site for residential development providing approximately 400 – 450 dwellings, a relief road, and community centre (with associated public parking provision).

1.2.8 The policy stated that development on the site should accord with the following requirements:

(1) The development proposals to be informed by a masterplan, which sets out how high levels of permeability will be provided through the site and linkages with the wider surrounding areas will be established.

(2) No buildings to be constructed in the open space landscape and buffer area defined on the site allocations plan, reflecting landscape and topographical constraints.

(3) The provision of a new road through the site to act as a relief road to the existing road network serving Hawkhurst, and to reduce traffic congestion at and around the crossroads of the A268 Rye Road with Cranbrook Road/Highgate Hill at the centre of Hawkhurst.

(4) The relief road shall be fully constructed and brought into use, the closure of the northern arm of Cranbrook Road (at the Rye Road crossroads), and the completion of the public realm works shall be undertaken in accordance with an appropriate timetable, which will be agreed as part of any planning application.

(5) An assessment of the new relief road upon the viability of the commercial area located along the A268 Rye Road.

(6) Transport modelling to inform the location of junctions, traffic lights, bus stops within the site, new/improved pedestrian footways and crossings, to include consideration of the wider settlement centre. Any proposed new or improved junctions with Cranbrook Road to include an assessment of the impact upon trees and the requirement for engineering works, reflecting the steep tree covered banks that are currently present along parts of the site boundary with Cranbrook Road.

(7) The design and layout to be informed by a comprehensive energy and climate change strategy.

(8) Air quality modelling required to inform the location and design of road junctions in close proximity to sensitive receptors, including Marlborough House School and Hawkhurst House Care Home.

(9) The provision of a pedestrian/cycle link through the site to link Gill's Green to the commercial centre of Hawkhurst. Opportunities for other pedestrian/cycle links to be explored, including through the Springfield area located to the north east of the site.

(10) Provision of public electric vehicle charging points and car share facilities in accordance with Policy TP 2: Transport Design and Accessibility.

(11) Development proposals will need to demonstrate a positive contribution to Biodiversity Opportunity Area targets.

(12) Demonstration through the submission of relevant and proportionate heritage investigations that the proposals have taken account of Holman's farmstead and other heritage assets located in proximity to the site and will not have a materially harmful impact upon these assets.

(13) Water courses; SUDs mitigation to protect areas within the Environment Agency's flood zone 3.

(14) Provision of on-site allotments, amenity/natural green space, parks and recreation grounds, children's play space and youth play space in accordance with the requirements of Policy OSSR 2: Provision of publicly accessible open space and recreation.

(15) The provision of land to accommodate a community facility, to include adequate public parking within the site, or alternatively contributions towards the provision of the facility including adequate public parking on an alternative suitable site which shall be agreed through the planning process.

1.2.9 Cedar drive provided representations at the Regulation 18 stage supporting the draft allocation.

### **Planning application and non-determination appeal**

1.2.10 A planning application was submitted for a development of up to 417 dwellings (since reduced to 374) and a new relief road connecting the A229 Cranbrook Road and A268 High Street.

1.2.11 One of the key benefits of the scheme is a new, public road through the centre of the site which would link the A268 High Street and A229 Cranbrook Road. Combined with the proposals to amend the Highgate crossroads, by closing off the northern arm, this would effectively result in the A229 being diverted through the site.

1.2.12 This new relief road will remove the need for some traffic movements to have to pass through the heavily congested A268/A229 Highgate crossroads in the centre of Hawkhurst. This will improve the performance of that junction, reducing queue lengths and journey times, even taking into account both the proposed development and other committed developments in the area. As a result, the proposals would result in an improvement in traffic conditions at the crossroads, with significant associated air quality benefits within the recently declared Air Quality Management Area (AQMA) on Cranbrook Road. KCC Highways has confirmed that the scheme would improve traffic conditions, as set out later in these representations.

1.2.13 The proposals also included a care home, doctor's surgery and/or community hall or similar use, a public car park, public park, open space, woodland planting and recreation facilities and other associated works. Detailed permission was sought for the road, with outline planning permission sought for the remaining development.

1.2.14 Without prior warning, the Council removed the Golf Club draft allocation from the Regulation 19 Local Plan, which was first published in draft form in December 2020. Following confirmation from planning officers in January 2021 that the application proposals would no longer be supported, an appeal against non-determination has since been lodged, which is due to be heard at a public inquiry in September 2021.

## **1.3 Background**

1.3.1 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.

1.3.2 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.

1.3.3 This submission comments on the plan having regard to these tests of soundness.

## **1.4 Legal Compliance**

1.4.1 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.

1.4.2 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.

1.4.3 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.

## **1.5 Assessment of Soundness**

1.5.1 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.

1.5.2 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.

1.5.3 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.

### **Policy AL/HA3: Former site of Springfield Nurseries, Cranbrook Road, Hawkhurst**

1.5.113 Cedardrive **SUPPORTS** this policy which allocates this site for up to 24 dwellings. This is consistent with the planning permission which Cedardrive secured on appeal in 2020.(APP/M2270/W/20/3245562)

1.5.114 The site also forms part of the wider Golf Club planning application site, which is currently the subject of a non-determination appeal. However, Cedardrive confirms that this scheme is deliverable independently of the Golf Club scheme.

## **1.6 Summary and Conclusions**

1.6.1 In summary, this representation has been prepared on behalf of Cedardrive Ltd 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.

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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)?**

## Supporting Information File Ref No: SI\_141

### Comment

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Event Name	Pre-Submission Local Plan
Comment by	Cedardrive Ltd ( [REDACTED] )
Comment ID	PSLP_2057
Response Date	03/06/21 17:12
Consultation Point	Section 6: Development Management Policies ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.4
Files	<a href="#">DHA Planning for Cedardrive - full representation.pdf</a>
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Cedardrive Ltd
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.

Section 6: Development Management Policies

[TWBC: the full representation attached has been divided between Policy STR/HA (PSLP\_2053), Vision and Strategic Objectives (PSLP\_2054), Policy STR1 (PSLP\_2055), Policy AL/HA3 (PSLP\_2056) and Development Management Policies (PSLP\_2057)

### 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 Cedardrive Ltd in respect of the Tunbridge Wells Borough Council Regulation 19 Local Plan consultation – referred to herein as the Pre-Submission Local Plan (PSLP). 1.1.2 These representations relate to land at Hawkhurst Golf Club, which Cedardrive is promoting the construction of a new relief road to reduce congestion in Hawkhurst together with residential redevelopment and other amenities 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 The site

1.2.1 The Hawkhurst Golf Club site currently measures 20.69 hectares and comprises a nine-hole golf course, formed by 1968 on the land on the north western side of Hawkhurst, as shown in Figure 1.

1.2.2 The site is irregular and sinuous in shape stretching from the A268 to the south, north along the A229 as far as Gills Green. The A229 Cranbrook Road forms the site's eastern boundary.

1.2.3 The main buildings on the site comprise the existing club house, and two squash courts. The clubhouse building lies at the southern end of the site where the principal vehicular access is located from the A268 High Street leading to an area of parking for visitors. This part of the site is bordered on either side by residential properties with further residential and farm/equestrian properties adjoining the golf course to the west and south-east.

[TWBC: see full representation attached for Figure 1: Aerial view of the Appeal Site (Courtesy of Google Earth 2021)]

1.2.4 The southern part of the site borders the Highgate area of Hawkhurst, which comprises the main village centre. The northern part of the site borders the Gills Green area of Hawkhurst. A new care home has recently been constructed to the east of the northeast of the site on Cranbrook Road, immediately opposite the northernmost part of the site.

1.2.5 The land in the southeast corner of the Site (formerly Springfield Nursery) was granted outline planning consent at appeal (all matters except access reserved) in November 2020, for the erection of up to 24 dwellings on the site (reference 17/02192/OUT). The site is served by an existing access onto the A229 Cranbrook Road to the east.

### **Regulation 18 Local Plan**

1.2.6 The site was proposed to be allocated in the Regulation 18 draft Local Plan, published for consultation in September 2019.

1.2.7 Policy AL/HA1 (land forming part of the Hawkhurst Golf Club course to the north of the High Street) allocated the site for residential development providing approximately 400 – 450 dwellings, a relief road, and community centre (with associated public parking provision).

1.2.8 The policy stated that development on the site should accord with the following requirements:

(1) The development proposals to be informed by a masterplan, which sets out how high levels of permeability will be provided through the site and linkages with the wider surrounding areas will be established.

(2) No buildings to be constructed in the open space landscape and buffer area defined on the site allocations plan, reflecting landscape and topographical constraints.

(3) The provision of a new road through the site to act as a relief road to the existing road network serving Hawkhurst, and to reduce traffic congestion at and around the crossroads of the A268 Rye Road with Cranbrook Road/Highgate Hill at the centre of Hawkhurst.

(4) The relief road shall be fully constructed and brought into use, the closure of the northern arm of Cranbrook Road (at the Rye Road crossroads), and the completion of the public realm works shall be undertaken in accordance with an appropriate timetable, which will be agreed as part of any planning application.

(5) An assessment of the new relief road upon the viability of the commercial area located along the A268 Rye Road.

(6) Transport modelling to inform the location of junctions, traffic lights, bus stops within the site, new/improved pedestrian footways and crossings, to include consideration of the wider settlement centre. Any proposed new or improved junctions with Cranbrook Road to include an assessment of the impact upon trees and the requirement for engineering works, reflecting the steep tree covered banks that are currently present along parts of the site boundary with Cranbrook Road.

(7) The design and layout to be informed by a comprehensive energy and climate change strategy.

(8) Air quality modelling required to inform the location and design of road junctions in close proximity to sensitive receptors, including Marlborough House School and Hawkhurst House Care Home.

(9) The provision of a pedestrian/cycle link through the site to link Gill's Green to the commercial centre of Hawkhurst. Opportunities for other pedestrian/cycle links to be explored, including through the Springfield area located to the north east of the site.

(10) Provision of public electric vehicle charging points and car share facilities in accordance with Policy TP 2: Transport Design and Accessibility.

(11) Development proposals will need to demonstrate a positive contribution to Biodiversity Opportunity Area targets.

(12) Demonstration through the submission of relevant and proportionate heritage investigations that the proposals have taken account of Holman's farmstead and other heritage assets located in proximity to the site and will not have a materially harmful impact upon these assets.

(13) Water courses; SUDs mitigation to protect areas within the Environment Agency's flood zone 3.



(14) Provision of on-site allotments, amenity/natural green space, parks and recreation grounds, children's play space and youth play space in accordance with the requirements of Policy OSSR 2: Provision of publicly accessible open space and recreation.

(15) The provision of land to accommodate a community facility, to include adequate public parking within the site, or alternatively contributions towards the provision of the facility including adequate public parking on an alternative suitable site which shall be agreed through the planning process.

1.2.9 Cedar drive provided representations at the Regulation 18 stage supporting the draft allocation.

### **Planning application and non-determination appeal**

1.2.10 A planning application was submitted for a development of up to 417 dwellings (since reduced to 374) and a new relief road connecting the A229 Cranbrook Road and A268 High Street.

1.2.11 One of the key benefits of the scheme is a new, public road through the centre of the site which would link the A268 High Street and A229 Cranbrook Road. Combined with the proposals to amend the Highgate crossroads, by closing off the northern arm, this would effectively result in the A229 being diverted through the site.

1.2.12 This new relief road will remove the need for some traffic movements to have to pass through the heavily congested A268/A229 Highgate crossroads in the centre of Hawkhurst. This will improve the performance of that junction, reducing queue lengths and journey times, even taking into account both the proposed development and other committed developments in the area. As a result, the proposals would result in an improvement in traffic conditions at the crossroads, with significant associated air quality benefits within the recently declared Air Quality Management Area (AQMA) on Cranbrook Road. KCC Highways has confirmed that the scheme would improve traffic conditions, as set out later in these representations.

1.2.13 The proposals also included a care home, doctor's surgery and/or community hall or similar use, a public car park, public park, open space, woodland planting and recreation facilities and other associated works. Detailed permission was sought for the road, with outline planning permission sought for the remaining development.

1.2.14 Without prior warning, the Council removed the Golf Club draft allocation from the Regulation 19 Local Plan, which was first published in draft form in December 2020. Following confirmation from planning officers in January 2021 that the application proposals would no longer be supported, an appeal against non-determination has since been lodged, which is due to be heard at a public inquiry in September 2021.

## **1.3 Background**

1.3.1 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.

1.3.2 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.

1.3.3 This submission comments on the plan having regard to these tests of soundness.

## **1.4 Legal Compliance**

1.4.1 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.

1.4.2 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.

1.4.3 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.

## **1.5 Assessment of Soundness**

1.5.1 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.

1.5.2 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.

1.5.3 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.

### **Development Management Policies**

1.5.115 In addition to our comments on the strategy, we have reviewed the proposed replacement development management policies as set out in chapter 6 of the document.

1.5.116 In general terms, we would refer back to paragraph 15 of the NPPF that promotes succinct and up-to-date plans, which provide a positive vision.

1.5.117 As a general comment, there are large numbers of policies that effectively seek to provide a localised policy approach that mirrors the NPPF. For example, good design, protection of heritage assets etc. Not only are these policies repetitive, but many are of such prescriptive detail that they are neither positively prepared nor flexible enough to allow for a range of different circumstances. Furthermore, many aspirations result in inevitable conflict. On this basis, we would recommend that the majority of proposed policies are deleted where they offer nothing beyond the guidance already contained in the NPPF. This will also avoid the plan being quickly rendered out of date in the event of a change to the NPPF.

1.5.118 Turning to detailed policies, there are a number of contradictory elements that need to be remedied. For example, policy EN1 seeks to ensure development must respect the established character and surrounding form. However, policy EN3 places significant emphasis on measures to radically reduce greenhouse gas emissions.

1.5.119 The provision of a step change towards more sustainable construction and climate change is, inevitably going to result in a need for a change in attitude towards design, material and construction. Accordingly, a cohesive policy approach is needed that allows innovative and different design if supported on wider environmental and planning grounds. As drafted the policies fail to be succinct and instead are overly prescriptive.

1.5.120 A number of policies also seek to provide guidance rather than policy. For example, policy EN4 seeks to clarify what information is needed in order to assess a heritage proposal. This level of information is already established via the NPPF and should instead feature within a support SPD not policy.

1.5.121 Turning to housing policies, policy H2 states that development should make efficient use of land, having full regard to the context of the site, including its character, landscape setting, topography, surrounding built form, and access to infrastructure and services.

1.5.122 In our view, this policy adds nothing beyond the advice contained in the NPPF and therefore adds little. It also goes against the principle of preparing succinct Local Plans.

1.5.123 Policy H3 sets out affordable housing requirements. Whilst we support the general thrust of the objectives and the securing of affordable provision, we object to the rounding up of the calculations and contributions being based on a net rather than gross number of units. For small scale proposals this will often see the proposed percentage increase to closer to 45% and 35% respectively. Such thresholds would therefore need to be tested and justified by evidence. A pragmatic approach would be to apply traditional rounding up or down.

1.5.124 The phasing of affordable provision also needs to be sufficiently flexible so as to not prohibit wider delivery. In this regard, we consider that entering into contract with a registered affordable provider prior ahead of the 50% occupation should provide the certainty of delivery, but without risking a wider delay in market delivery. The timing of affordable delivery should also be dictated by scale, size and type of site.

1.5.125 The Council will be aware of wider country wide discussions regarding the viability of providing social rented accommodation as part of a wider offer. Such provision is becoming increasingly difficult and without robust policy in place that addresses this matter, this matter is likely to significantly slow housing delivery.

1.5.126 In summary, whilst this overview is not exhaustive, we do have concerns about the nature of the proposed policy framework and the degree to which it appears to be trying to limit and frustrate development. Accordingly, in the interests of positive planning, we recommend that the policy framework is simplified and refined and subject to further detailed consultation and focussed on planning matters.

## **1.6 Summary and Conclusions**

1.6.1 In summary, this representation has been prepared on behalf of Cedardrive Ltd 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.

1.6.2 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.

1.6.3 We object strongly to the unjustified removal of Hawkhurst Golf Club from the draft Local Plan, which renders the plan unsound for the reasons set out 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	Paul Chalklin [REDACTED]
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Paul Chalklin [REDACTED]
Comment ID	PSLP_735
Response Date	01/06/21 10:18
Consultation Point	Map 33 Transport Connections: Tudeley Village (published with the permission of David Lock Associates Ltd) ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.2
Question 1	
Respondent's Name and/or Organisation	Paul Chalklin
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.	
Map 33	
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 positively prepared

#### 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.

##### Link road from proposed Colts Hill Bypass to junction of B2017 and Church Lane

The plan for a new road linking the potential Colts Hill bypass to the junction with the B2017 and Church Lane proposes a junction outside Five Oak Green Infants and Junior school and the proposed Secondary school. This junction will be busy and producing pollution at the junction in close proximity to children, being a primary link between Tunbridge Wells to the proposed Tudeley Village and a link from villages to the east and Tonbridge.

This proposed link road also crosses Sychem Lane with no indication on the plan how this intersection is to be made. This road is very popular with local residents walking in the area. It would appear to just sever the lane.

The proposed link road although to the south of Five Oak Green still passes very close to residential housing and will be a permanent source of noise and light pollution. This road also proposes to cross Green Belt land.

#### 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\_23

### Comment

Consultee	Michael Challis [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Michael Challis [REDACTED]
Comment ID	PSLP_420
Response Date	26/05/21 11:18
Consultation Point	Policy AL/RTW 5 Land to the south of Speldhurst Road and west of Reynolds Lane at Caenwood Farm, Speldhurst Road ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.2
Files	<a href="#">Damage to car on Speldhurst Road.jpg</a> <a href="#">Traffic on Spelhurst Rd &amp; Prospect Road.jpg</a> <a href="#">Deer on Speldhurst Road.jpg</a>
Question 1	
Respondent's Name and/or Organisation	Michael Challis
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.	
	Policy AL/RTW 5
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.

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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.**

Firstly, the representation process is extremely confusing for a member of the public with no prior knowledge of the process. I am completing this form to the best of my ability in the hope that my comments will be taken in to account regardless of whether I have completed the form correctly. I currently live on Prospect Road at the end adjoining Speldhurst Road. I recently moved from Speldhurst Road. I completed on my purchase in February 2021 and was extremely shocked to learn of the inclusion of this site in the local plan. It was omitted from our local searches because a formal planning application has not been submitted. This feels like a flawed system to me and i feel misled in our purchase. Google shows mention of this development back in 2019 so i find it hard to compute why this isn't made clear on local searches.

In my opinion, the proposed development of the Caenwood Farm site is not justified for the following reasons:

##### **- Impact on Wildlife**

I have witnessed badgers and deer in the proposed site. Please see attached photograph of the Deer. I have proof of Badgers too but cannot upload more than 3 photos. I cannot see how building on the green belt site will not decimate the habitat of countless species.

##### **- Traffic**

Please see attached photographsshowing the gridlocked traffic already present on Speldhurst Road, backed up to the junction of Prospect Road. I have multiple examples of this but cannot upload more than 3 photos. I also attach a photograph of my car that was written off on Speldhurst Road. I know of other incidents of cars being damaged on this road caused by the already overcrowded locality.

The introduction of a further 100 houses all with cars accessing the site via Speldhurst Road will impact the air quality and flow of traffic significantly. There are many schools in the vicinity and it is surely only a matter of time before a child is hit by a car. You can see in one of the photos taken from my house in Prospect Road the car exiting the junction on the wrong side of the road with a pedestrian in front of them. I can only assume that the entrance to the proposed site will be opposite the junction of Prospect Road. There are metal gates present and it is the only gap in the protected trees along Speldhurst Road. This entrance would be incredibly damaging to our way of life.

#### 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.**

I consider the site at Caenwood Farm to be completely unsuitable for development and believe it should be removed from the local plan entirely.

#### **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.**

I would like to mirror my comments on wildlife and traffic.

**If you would like to attach a file in support of your comments, please upload it here.** [Deer on Speldhurst Road.jpg](#)

**If you would like to attach a file in support of your comments, please upload it here.** [Traffic on Spelhurst Rd & Prospect Road.jpg](#)

**If you would like to attach a file in support of your comments, please upload it here.** [Damage to car on Speldhurst Road.jpg](#)

#### **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	Alan Chambers [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Hawkhurst [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Alan Chambers [REDACTED]
Comment ID	PSLP_1093
Response Date	03/06/21 14:04
Consultation Point	Policy STR/HA 1 The Strategy for Hawkhurst parish ( <a href="#">View</a> )
Status	Processed
Submission Type	Other
Version	0.3
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Mr Alan Chambers
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 STR/HA 1 The Strategy for Hawkhurst parish	
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

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I wish to support the reduced housing allocation for Hawkhurst, as the previous plan had too many houses. The traffic in the village is already excessive and pollutes the High Street and traffic lights.

I am particularly pleased that Hawkhurst Golf Club is no longer included for housing development in the new local plan. The Hawkhurst Golf Club proposal is not suitable for an AONB.

It would be more appropriate surely to increase development at larger sites of T'Wells and Paddock Wood.

#### 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

## Comment

Consultee	Mrs Liane Chambers [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Hawkhurst [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mrs Liane Chambers [REDACTED]
Comment ID	PSLP_1126
Response Date	03/06/21 16:23
Consultation Point	Policy STR/HA 1 The Strategy for Hawkhurst parish ( <a href="#">View</a> )
Status	Processed
Submission Type	Other
Version	0.3
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Mrs Liane Chambers
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 STR/HA 1 The Strategy for Hawkhurst parish	
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

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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 strongly welcome the changes in the current draft plan, removing the housing allocation for the Golf Club site in Hawkhurst.

I also support the reduction in the housing allocation for Hawkhurst, as the previous numbers were unsustainable and not suitable for the AONB.

#### 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

## Comment

Consultee	Fiona Chapman [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Biddenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Fiona Chapman [REDACTED]
Comment ID	PSLP_243
Response Date	18/05/21 12:24
Consultation Point	Policy PSTR/BE 1 The Strategy for Benenden parish ( <a href="#">View</a> )
Status	Processed
Submission Type	Other
Version	0.10
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Fiona Chapman
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/BE 1 The Strategy for Benenden parish

*[TWBC: this representation has been input against Policies PSTR/BE 1, AL/BE 3 and AL/BE 4 - see Comment Numbers PSLP\_243, PSLP\_246 and PSLP\_247]*

**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.**

Paragraph No(s) Para 5.413, 5.414, 5.416, 5.420, 5.421, 5.422, 5.428, 5.452, 5.453, 5.454, 5.456, 5.458, 5.467, 5.468

Policy No. Objective 1, Objective 2, STR1, STR2, STR3, STR5, STR6, STR7, STR8, PSTR/BE1, Policy AL/BE1, Policy AL/BE3, Policy AL/BE4, EN1

Sustainability Appraisal SHELAA

Policies Map (Inset Map No(s)) Inset Map 18

This submission concerns the parish of Benenden, the only parish in the borough to have made its own allocations. The Benenden Neighbourhood Plan (BNP) has been developed in close consultation with TWBC, with the BNP in the lead. The BNP announced its allocations in February 2019, before inviting AECOM to produce its Strategic Environmental Assessment. Pre-Submission Local Plan, para 5.420 reads "The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020." But the allocations had been made and published in February 2019. Further, Para 5.420 states "The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan." BNP allocations were first published in February 2019 i.e. before LP site allocation policies.

Allocations made by the LP, when it took up the BNP's baton, are therefore inevitably linked to BNP's weaknesses. Yet if the BNP passes a referendum before acceptance of the LP, it is said that it will take precedence over the LP (see para 5.421), with the exception of its plans for the northern site at Benenden hospital, which will be overruled by the plans advanced in the LP (see Benenden Parish Council April 2021 response to Independent Examiner queries on the BNP). This is in contravention of para 5.422 which talks of making "modifications to the LP" so that it matches the BNP.

**1 Community involvement. EN1: this requirement has not been respected.**

- . In Benenden, almost all new housing is slated for the East End, yet the Friends of the East End (FEE), were never asked to meet with the BNP steering group.
- . See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others. The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the Informal Draft NP (published on February 23, 2019), in which the allocations later adopted by the LP were first set out. A FEE submission with 164 signatures was submitted in October 2019 objecting to

the first draft of the LP, and in the same month, a FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. See the FEE's current online petition with more than 450 signatures <https://www.change.org/EastEndFriends>

- . Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that "I'm of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about.* At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward."
- . One of the regular articles on the BNP submitted by the chair of the BNP Steering Group appeared in January 2020. It dismisses FEE opposition suggesting only "31 residents from the East End" sent in comments.
- . The core group behind the BNP has consistently tried to persuade those who support the FEE to desist. The chair of the Parish Council and the chair of the BNP Steering Group have twice asked to meet a Tunbridge Wells Alliance (TWA) Borough Councillor for the parish, once together with a TWA borough council candidate, in efforts to persuade them to adhere to the BNP's approach and not to listen to the FEE.
- . The organiser of the FEE was a member of the Steering Committee 2017/2018 as chair of the Environmental Group. She expressed strong disagreement with a Borough Councillor who lives in the village (on occasion, he deputises as chair of the Steering Group) about his wish to step up allocations in the East End and suppress TWBC's wish to build 174 houses on site 158. As a result, the Steering Group chair (using his own word), "sacked" her. This is contrary to EN1 para 9, encouraging early, proactive and effective engagements and the requirement that views expressed should be properly considered.
- . Consultation also failed in relation to the neighbouring parish of Biddenden. The Clerk of Biddenden Council has repeatedly responded to BPC in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP's mismanagement of the parish of Biddenden in the Biddenden Parish Magazine, February 2021.
- . The LP is based on the BNP and BNP allocations were made before consultations with stakeholders such as the AONB. This is not consulting in a timely fashion. Further, the LP requires surveys of the hospital sites *after* the designation of the sites for development, for example, archaeological surveys (see AL/BE 3&4). Historic England (HE) asks for the surveys to be carried out *before*. See HE's comments on the first draft LP (DLP\_4556) - "we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted.*"
- 1 **The PSLP is not based on sound evidence**
  - . Throughout the LP process, misstatements have been made about amenities in Benenden's East End. These may be traced back to a submission made by traffic and highways consultants, Transport Planning Associates (TPA) to Benenden Healthcare Society Ltd. (BHS). This submission was recently disclosed in BHS's response to the Independent Examiner's queries in relation to the BNP. TPA's information is sometimes inaccurate and sometimes misleading and we consider it here in detail because it is difficult otherwise, to understand how the LP was able to continue, iteration after iteration, to relate false information about the hospital site.
  - . In October 2019, TPA reported (para 2.6) that there was a footpath along the southern edge of Goddards Green Road (GGR) and the PSLP, para 5.452 states "There is an intermittent pavement along GGR". The GGR is a long road running from New Pond Road to Castleton's Oak crossroads, and was formerly a lane. The pavement is limited to the short section immediately outside the hospital buildings. To say that there is an intermittent pavement along GGR is misleading.
  - . The TPA refers to the East End as a village, which it is not. The East End runs from the junction of GGR and Walkhurst Road, along the GGR to the border with Tenterden, then turns south to reach close to Hole Park in Rolvenden, then east back to Walkhurst Road at the site of the stream, then along Walkhurst Road back to GGR (see the old Electoral Roll for 2004 when the East End had its own polling station). It is a large, totally rural area of several square miles, which was why it was chosen as the site for an isolation hospital in 1906. Today it contains only 76 houses scattered across the entire area. The PSLP consistently refers to the East End as a hamlet. It is

not, which is why BPC is able to advertise itself on its website as “Serving the people of Benenden and Iden Green” without any reference to the East End.

- . The TPA says that “a day nursery is located immediately to the north of the Site within 400m.” There is incorrect, yet this error is repeated in para 5.413 of the PSLP “There are also nursery/pre-school facilities at Iden Green and East End.” An accurate account would mention Iden Green only.
- . The TPA states that there are daily bus services along GGR provided by bus nos. 24 and 299, and twice a day service provided by the Hopper bus. This information is incorrect. The 2019 Hopper bus, operated by the Tenterden social services hub on an experimental basis, failed in only a matter of months. While the 24 and the 299 buses pass along GGR, they do so on only one day a week. The 24 on Tuesdays and the 299 on Wednesdays. The East End has almost no public transport.
- . The TPA makes several statements in relation to traffic which have fed misinformation into the system to be reflected in AL/BA3&4. This misinformation was only recently revealed when documents were provided by BHS following April 2021 queries raised by the Independent Examiner on the BNP. These documents include a TPA ‘Scoping Note’ on road and traffic conditions at the site and a letter written in response to this Note from KCC Highways, dated 13 Nov. 2019. The TPA states that the GGR is 7m wide at the hospital site which detracts from the fact that it is actually a winding rural lane, now called a road, and varies considerably in width. It may at some point be 7m wide, but at others, it is so narrow that two lorries have difficulty passing each other. The TPA claims that there is no need for a road safety review because there have been “no personal injury accidents” recorded within 1,000m. Castleton’s Oak crossroads lie 1.5 km from the site and accidents there are frequent, largely due to increasing traffic at the hospital. The hospital has turned itself into an almost exclusively out-patient centre and almost all its 300 employees drive in to work from outside the parish (formerly, they were housed on site in hospital staff buildings). Kent County Council (KCC) Highways make constant and repeated attempts to lower the risk of injury at the crossroads. Works there are ongoing at this time. The TPA claims that no traffic surveys are necessary which is a point queried in the KCC Highways’ email. The email talks of the “heavy car dependency” of residents in any housing in this location and says this was one of its concerns, even at the time of the original application asking for only 24 houses. The email states that BHS’s plans (and therefore AL/BE 3&4) are contrary to the NPPF and to KCC’s own policy objectives, and points out that the hospital has not co-operated over the idea of a minibus to provide transport from the site to Benenden. The letter calls for: traffic counts along the GGR; a wider crash analysis; and expresses concern over the proposed access points to the SE Quadrant - 2 on Green Lane and 2 on GGR. Lastly, on trip generation, the TPA projects that 47 houses at the site will produce only 106 trips a day, though the consultants admit that they have difficulty in basing their estimate on comparable sites because there are none. These trip generation figures ignore existing traffic from local residents, from patients, from hospital staff and from the newly (January 2021) proposed housing estate at Cleveland. The AL/BE 3&4 fails to provide a traffic count, fails to ask for a road safety review and fails to acknowledge frequent traffic accidents near the sites.
- . Pre-submission supporting documents also produce inaccurate and sometimes irrelevant evidence. The hospital sites are within the setting of an AONB and even overlap into it, yet *Inset Map 18* (Benenden Hospital), unlike other maps attached, makes no reference to the AONB boundary. The BNP claims that the hospital is outside the AONB and on this basis, since the rest of the village is wholly within the AONB, largely justifies placing most of Benenden’s housing in the East End. The relationship of the AONB boundary to the hospital sites is important yet it is ignored on the map. This looks like prejudice.
- . Hankinson Duckett Associates’s *AONB Setting Analysis Report* (a supporting document for the PSLP, referred to as an evidence base) is, in its analysis of AL/BE3&4, unsound. The analysis argues that development at these sites will enhance the setting of the AONB. It illustrates the argument with photos of the hospital chapel and its carpark. Neither chapel nor car park are in the area up for development.
- 1 **Policies AL/BE3&4 are not consistent with the PSLP’s Vision objectives nor with its strategies, nor with KCC’s policies, nor with the NPPF.**
- . The PSLP’s Vision Objective 1 is : “to improve access to suitable, especially affordable housing, including for local young people and older households.” But this is inconsistent with allocations AL/BE 3 &4. BHS is asking in its comments on the LP first draft, for a lower number of affordable homes because of the high cost of brownfield development. Living isolated in the countryside,



families will need at least two cars. Old and young will be unable to walk to schools, shops or any other amenities. This is not a suitable site for a borough which (see para 2.16) expects the population over the age of 65 + to increase by around 40% between 2020 and 2038.

The PSLP's Vision Objective 2 is to ensure sustainable development which allocations at AL/BE 3&4 do not achieve. On the contrary, the KCC warns that even with the existing permission for 24 houses on AL/BE3, the highway authority had concerns. This is an isolated location, deep in the countryside (see KCC Highways email 13 Nov 2019). More than 24 houses in this location is not sustainable.

- . **Policy PSTR/BE1**, LBD 5.416 states "the LBD around Benenden village sets the extent of existing and planned development .." This conflicts with the recommendation that major development be instated three miles beyond the LBD, on the border with Biddenden.
- . **Policy STR 2** "The Council requires the use of masterplanning, including the use of design codes and sustainable design standards where appropriate, for strategic and larger-scale developments.." This is undermined by AL/BE 3&4 which calls for a masterplan for an area not included in the PSLP and not presented. Para 1a of Policy AL/BE3 states that there is a need to "show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*" It is not sound to proceed with an LP where the land to be developed is not clearly indicated from the start.
- . **A masterplan is essential to avoid current inconsistencies on the size of areas to be developed:** AL/BE3 excludes one of the 2 Local Wildlife Sites (LWS) at the site, yet the BNP includes both. Para 5.458 states "Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development.." They do not. The PSLP states that in the event of a successful referendum, the BNP's proposals will prevail. If this is so, are we supposed to assume that AL/BE3 map is inaccurate?
- . A similar problem arises at the northern site (AL/BE4) here there are currently 18 dwellings. The proposal allows for these to be demolished and another 25 dwellings added to the site. The size of the area to be developed varies between the LP and the BNP. The LP includes the LWS in the area to be developed but the BNP includes only a small section, but says in the event of a successful referendum the BNP plan will be over-ruled by the LP plan (see the BPC response April 2021 to the Independent Examiner's queries). This is the reverse of 5.421 & 2. It is unsound to proceed with a plan when the NP and the LP are at odds with each other.
- . **The PSLP claims building will only be within existing footprints**, an approach which is at odds with that of the BHS. Plans for 47 new houses in AL/BE3, presented to the village on 17th February 2020 by the hospital architects, show the buildings are not to be built within the footprint of previous buildings nor to respect LWS.
- . **Policy STR 3** calls for the use of brownfield sites "within settlements" and in "sustainable locations." AL/BE 3 consists of disused medical buildings and 2 LWS with parkland and veteran trees (depending on whether this second LWS is included or not). 5.448 is therefore incorrect. The site should be described not as brownfield but as partly brownfield. It is not on the brownfield register. Because of its remote location and its valuable LWS sites, it is not free from constraints which could be mitigated. As such, Policy AL/BE3 does not meet the criteria needed under the NPPF, Section 11, para 117 for development in "a way that makes as much use as possible of previously-developed or 'brownfield' land." AL/BE 4 contains in-use residential housing and an LWS and therefore is not brownfield.
- . **Policy STR 5** states that "New residential ... development will be supported if sufficient infrastructure capacity is either available or can be provided in time to serve the development." Will this happen at AL/BE3&4? Developers themselves are to provide the infrastructure at AL/BE 3&4. The LP proposes to take on trust suggestions that the BHS will avoid building on the LWS and will provide play-grounds, sports facilities and tennis courts. We know from submissions following the first draft LP, that BHS is actually planning to remove one LWS entirely and that its plans include building on the LWS and beyond the foot print of previous buildings. BHS suggests, in its response to the first draft LP (DLP\_4956) that it is unlikely to provide play-grounds, sports facilities and tennis courts. The PSLP's approach does not take comments to the first draft LP into account.
- . **Policy STR 6** proposes to "Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough." In the case of the two isolated hospital sites, the PSLP contradicts its own strategic policy and fails to offer choices in

transport or to prioritise active travel and public transport. The Benenden hospital sites have no daily bus service and no active travel link to the village, and neither the PSLP nor the BHS provide credible information on how these links are to be provided. The KCC email of Nov 13 suggests that the hospital is uncooperative on the proposal to organise a minibus service and the SHELAA says of AL/BE3 that it is "Remote from a settlement centre," (unlike sites 158, 222 and LS8); that residents will rely heavily on private cars and thus air quality and travel objectives score negatively; and that, "although promoted by the policy, shared transport and active travel options are unlikely to take precedence over private vehicle use thus air quality and climate change score negatively." This we feel is the nub of the issue. For all the talk of mitigating the remoteness of the hospital sites with a minibus link and cycle routes, nobody actually believes that any of these measures will succeed. As for the proposal to create links suitable for electric personal vehicles, such as mobility scooters (as suggested under STR 6), it is difficult to see, when the closest link with the village is a single-track lane (Walkhurst Road), how any personal electric vehicle could make that journey. The PSLP is creating, through its policies AL/BE3&4, a car dependent community. This thereby negates the sense of the LP's supporting document, *Transport Strategy Review Sept 2019* which urges reducing the need to travel.

AL/BE3&4 also undermine TWBC's Full Council motion of July 2019 to reduce CO2 emissions. "The dominance of the car as a mode of transport can lead to congestion, more road accidents, air and noise pollution. In addition it contributes to climate change, reduces social cohesion and leads to less healthy lifestyles" (para 44 *Transport Review*). According to TW's own SA from 2006, if social cohesion, reduction in air pollutants, and public health were indeed the borough's priorities, sites chosen for development in Benenden would have included site 158.

**PSLP paras 5.453 and 5.467** state that "residents of development in this location will rely heavily on private cars." These plans runs counter to STR6 policy on the environment see paras 6.8, 6.9, 6.10, 6.11 and 6.13. It also contravenes KCC policies on climate change and the NPPF (see KCC's Nov 13, 2019 letter on this subject).

**Para 5.414** "The parish provides two relatively large sources of employment: at Benenden Hospital and at Benenden School." The inference is that the employment opportunities are linked somehow to the population of Benenden. There is in fact little connection. The 300 plus staff at the hospital drive into the parish along GGR to work and, since the hospital is isolated from the village, their contribution to the local economy is negligible.

**Policy STR 6** The LP proposes to "**Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough.**" In the case of the two isolated hospital sites, the LP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport.

**Cycle routes:** The PSLP's standards on the public benefits of cycling and walking are based on the *Cycle Strategy Supporting Document*, but these standards are undermined by site allocation in Benenden. The Cycle document states that: "When more people cycle or walk the health of the population improves and our roads become safer and less congested." Its objectives 4 and 5 are to improve safety for cyclists and air quality for all, but AL/BE 3 & 4 will create a community, deep in the countryside, entirely dependent on the car and will contribute to poorer air quality for all. The allocation of these sites, as opposed to sites such as 158, is difficult to understand.

The *Cycle Strategy* states that fear of traffic is possibly the main factor discouraging people from cycling. National Cycle Route 18 runs from the Rolvenden Road, down Stepneyford Lane, to Green Lane, before joining the Benenden Road near the hospital, turning right and leading to Castleton's Oak Cross roads and Gribblebridge Lane. This route is a largely on-road ride travelling through the High Weald, using narrow, picturesque country lanes as much as possible. Green Lane/Stepneyford Lane is mentioned in TWBC's Rural Lanes: Supplementary Planning Guidance. It is particularly high scoring in terms of its landscape, its recreational value, its natural beauty and its history. For these reasons, it is part of National Route 18. Rather than encouraging cycling, AL/BE3, which proposes two exits for this major development on GGR and two on Green Lane (where a second housing estate, at Cleveland's Farm is already leading to Kent Highways calling for road widening and the elimination of grass verges - see building application 20/03267/FULL) will cause an increase in those factors, identified in *TW Cycle Strategy*, as discouraging cyclists, namely, traffic and the loss of unspoilt country lanes. Policy AL/BE3 also contravenes Kent Structure Plan Policy ENV13: "Rural lanes which are of landscape, amenity, nature conservation, historic or archaeological importance will be protected from changes which would damage their character, and enhanced." In any event, the cycle route is purely recreational and will not enhance the sustainability of these sites.

- . **Policy STR 7** proposes, in dealing with TWBC's 2019 legally binding commitment to manage climate change, that all development in the borough will support the Council's target to achieve net zero emissions by 2030. It is unsound, with such a goal, to propose a major development on the parish periphery, 3 miles equidistant from two villages where there is no shop (in spite of the PLSP's statement AL/BE 3&4) and no café (BHS says its café was built for its own use not for the use of the public - see comments on the first draft of the LP). Residents will need their cars for almost everything.
- . **Policy STR1** promotes the effective use of previously developed land, having due regard to relevant Plan policies, but in promoting AL/BE3&4, the PSLP disregards STR6 (environmental goals) & STR7 (transport goals). Under the NPPF, sustainability is the priority, as the PSLP acknowledges in STR3, 4.65 "A presumption of sustainability lies at the heart of the NPPF", but in allocating AL/BE 3&4, the PSLP fails to respect its own and the NPPF's strategic priorities.
- . **Policy STR 8** states that development should contribute to and enhance rural landscapes with particular regard to the High Weald (HW) AONB. The PSLP promotes nature conservation. Its biodiversity objective is to achieve net gains and, where possible, secure long-term management of sites for biodiversity. AL/BE3 runs counter to this strategy since the BHS has produced plans showing houses built over the LWS. It has, furthermore, produced a document requiring that one of the two LWS be dug up and removed to another unspecified location, thereby nullifying the terms of the existing Landscape and Ecology Management Plan (LEMP) for that site. Para 3.21 of the BHS submission on the first draft LP states: *"The Society supports the requirement for long-term management of the core areas of LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peak Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."* This is a particularly significant site for biodiversity. A letter from Keith Nicholson, former Planning and Conservation officer for the Kent Wildlife Trust, dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert states that the hospital LWS are of national importance, mainly for the large number of different varieties of waxcaps. He states that they could well have been designated SSSI. Both in terms of waxcaps and in terms of valuable acid grassland, the hospital sites have high environmental value, see Comment DLP\_3458 on the first draft of the LP, from the High Weald AONB Unit. The Benenden Hospital site *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* AL/BE3&4 threaten the biodiversity of significant species in the LWS at the hospital sites, contrary to EN1.
- . The LWS to the south of AL/BE3 is included in the BNP and BPC argues that this has been done in order to protect it (see their response to the Independent Examiner April 2021). It is difficult to follow this logic. The inclusion of the site in the area to be developed suggests that it too could be under threat.
- . There is no plan showing the placement of houses on AL/BE 4, which is currently home to a large LWS and is the site of 18 habitable dwellings, almost all of the them currently in use and let. The proposal allows for these to be demolished and another 25 dwellings added to the site. The PSLP includes the LWS in the area to be developed and the BNP excludes most of it. Benenden Parish Council (BPC), in its April 2021 response to the Independent Examiner, has said that, in this case of a successful referendum, the PSLP's plan (which includes the LWS), will prevail. In other words, of the 3 LWS in AL/BE 3&4, one is slated for removal, one will be built over if the PSLP prevails and one may be built over if the BNP prevails. This undermines STR8.
- . The PSLP claims that the hospital development "has the potential to improve the setting of the HW AONB through the delivery of a more sensitive redevelopment of existing buildings" (para 5.454), but the claim is not supported by evidence produced by the *Hankinson & Duckett* (see above) while the HW AONB unit's own view is the opposite. See TW first Draft LP, **DLP\_3458 High Weald AONB Unit** (which objects to the Plan) : *"....In our view the development at Benenden Hospital will have a significant effect on the setting of the AONB and the purposes of its designation, and this issue has not been properly considered by the Plan."*
- . The NPPF section 2 para 11 states: *"Plans and decisions should apply a presumption in favour of sustainable development... ..(b) strategic policies should provide for objectively assessed needs for housing ...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.” And see Footnote 6: the policies referred to are those in the Framework ... relating to habitat sites (and those sites listed in para 176) and /or designated as SSSI, AONBs ....

NPPF para 177 states *“The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.”*

#### **PSLP EN1 para 5. Biodiversity and geodiversity.**

AL/BE 3&4 run counter to this policy as stated above in relation to the LWS.

#### **The Environment**

STR8 sets high environmental standards but these are undermined in the site allocations. This is particularly startling in the light of the July 2019 Full Council motion to recognise the climate and biodiversity emergency, in fact, the Benenden allocations put into question whether the motion was passed in good faith.

**EN1 para 5 (Biodiversity and geodiversity)** says that proposals should maximise opportunities to increase biodiversity. This goal may make sense in an urban setting, but development in the countryside, as is proposed in AL/BE 3 & 4, cannot hope to ever mitigate biodiversity loss. The destruction of trees and wild spaces, the introduction of lighting, kerbs, driveways, wider roads and narrower verges, the use of concrete, tarmac, bricks and mortar in a deeply rural setting cannot “increase biodiversity”.

**EN1 provides for Long-term Management plans** which would be satisfactory within an urban context. In a rural location like the East End, such plans are no substitute for natural wild spaces. A ‘managed’ green space set among streets is less likely to promote biodiversity and less likely to conserve wildlife than ‘unmanaged’ green space. Further, the three LWS in AL/BE3 are all already part of an existing LEMP agreement, and since one or all would be removed in the case of development as outlined by BHS under AL/BE3&4, instead of creating a long-term management plan, AL/BE3&4 would all but terminate an existing one. The sentiments expressed in EN1 are mocked by AL/BE3&4.

#### **1 Site policies**

**AL/BE3** excludes one of the 2 LWS at the site, and the BNP includes both, yet para 5.458 states “Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development..” This does not appear to be the case. Further, the SHELAA treats this site twice, once including the southern LWS (and excluding Windmill Cottage) and once excluding the LWS and including Windmill Cottage (SHELAA pages 1-3 and pages 18-19). In the second instance, the suggestion is for 67-73 houses, presumably building over the LWS. The first plan is the one adopted in the PSLP and appears to be the more accurate of the two in that it describes the site as “mostly PDL”. The second ignores all greenfield aspects and is almost identical to the plan in the BNP, a plan which BNP claims will prevail if it wins a referendum. Is AL/BE3 presenting us with the wrong plan?

**AL/BE3 and AL/BE4** provide for a phased timetable for development of the two sites at different time intervals without calling for a comprehensive masterplan for the hospital site as a whole i.e. for the entire built up area. This is inconsistent with STR2, which requires a masterplan for large developments. The full extent of the area to be developed must be clear. See para 1a of Policy AL/BE3 which states that there is a need to “show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.” It is not sound to proceed with an LP where the land to be developed is not indicated from the start.

**AL/BE3&4** both call for an active travel link between the site and Benenden village. This proposal has been costed (see BPC’s April 2021 reply to the Independent Examiner) at between £180,000 and £220,000 for a 3m wide tarmacked surface, plus costs to upgrade it to a bridleway, plus the costs associated with obtaining landowners’ consent or, failing that, of starting compulsory purchase proceedings which TWBC expresses reluctance to undertake because of the significant compensation costs and legal costs which would be involved. No steps have been taken either by the BNP or TWBC to ascertain the willingness of landowners to give up their land although the major landowner involved wrote to BNP on 11th Sept. 2019 objecting to the plan. It is understood that he was not contacted for subsequent discussion.



**AL/BE3&4** calls for the repurposing of the existing tennis courts for the use of local residents, which BHS denies it will offer for public use; for the public use of the hospital's café; for the creation of a hospital shop (5.413); for a minibus service linking the hospital to the village ("The Society is not a transport provider" is BHS' response); for green space, a playground and provision of a community hall - most of these policies are refuted in Savills' comments on behalf of BHS, in the first draft of the LP, DLP\_ 4956 paras 3.14, 3.18, 3.19, 3.20, 3.46 and 3.47. Rather than agreeing to such policies, the hospital is calling on TWBC to introduce a more flexible funding system to allow a *reduction* of developer costs. BHS argues these will be high because they wish to demolish existing buildings. It is unsound to propose policies which cannot be implemented. Once the sites are sold, no relevant conditions to this effect could be imposed.

**1 The PSLP is unsound because of inconsistencies in the treatment of different sites.**

(i) **Uphill, AL/BE1** is described as having archaeological potential (para 5.428) requiring possible mitigation measures. This is not because of historical finds on the site, but because they might be found. A listed manor house lies on the other side of New Pond Road and, according to AL/BE1, "the site lies within, or very close to the relevant impact risk zone for Parsonage Wood", a SSSI which is, in fact, several miles away. The archaeological significance of AL/BE 3&4 is far more certain and substantial. The hospital sites are where a bronze age palstaff was found (see the National Monument Register - SMR Number /Hob UID)) and the sites lie close to two ancient routeways. A Roman Road runs west-east (on BHS farmland) a few yards to the south of AL/BE3 and a medieval drove road (GGR), runs west-east between the two sites. Further, two Grade II Listed Buildings are sited here, also on BHS land. The Lister building stands a few yards to the west of AL/BE3 and Cleveland Farm house (the farmyard of which BHS is trying to develop separately and simultaneously as if a minor planning project) lies a few yards to the south. Instead of mentioning these facts, AL/BE3&4 reads (5.456 and 5.468) "Kent County Council states that the site includes significant archaeology, which could be dealt with through suitable conditions on a planning approval." The imbalance in the treatment of the two sites is substantial and suggests prejudice.

(ii) The SHELAA assessment of site 158 suggests a potential yield of 50-65 houses, but then concludes that only the Uphill part of the site is suitable (20 houses). It states that "the remainder of the site is sensitive in landscaping terms and there is concern regarding scale and impact on the character of the landscape and settlement pattern". This is contrary to the views of TW's 2006 SA; to the TW 2018 document proposing 174 houses; and to the first draft of the LP. The dismissal of 158 as a suitable site is not supported by the evidence and suggests prejudice.

(iii) Site 222, west of the cross roads, was also considered in 2006, as a possible site for the new village school, though it was not one of the top two sites put to a referendum. The SHELAA suggests 222 has a potential for 76 houses. The site is considered unsuitable partly because the new LBD, if adopted, will exclude all houses west of the cross roads, when the village actually extends a considerable length along this road to the west. There is no mention of the fact that the owners of this site are offering the pond at the south west corner of the crossroads as village green space. The dismissal of 222 is not supported by the evidence and suggests prejudice.

(iv) The SHELAA suggests a capacity of 26 houses at Site LS8 in Iden Green, stating that it lies adjacent to the recreation ground and a children's nursery and that there is a pavement on both sides of Iden Green's main road. It fails to mention that the easternmost side of this pavement connects the village to the village primary school. The SHELAA dismisses the site as unsuitable saying that it is located in a remote location relative to services, facilities and public transport, but this site is far less remote than sites AL/BE 3&4. The dismissal of site LS8 is not supported by the evidence and suggests prejudice.

(v) The proposed new LBD has been constructed so as to include the new site at Uphill and to exclude 222, when in fact, the actual built development extends westwards from the crossroads and includes site 222. The LBD is ignored in respect of AL/BE3&4. Manipulation of the LBD to suit allocated sites is inappropriate.

As a general comment, I have found the process unnecessarily difficult to navigate. In fact, from the point of view of the ordinary lay-man, I would term the process 'hostile'. The interactive on-line site was unmanageable. Question 4a is very badly worded. The PSLP's prose entirely suited the opacity of the procedure. Here is one example from the SA (page 163) "However, the education objective does not deteriorate when considering cumulative effects as the schools in Tenterden will be a viable option for residents in East End and thus are likely to take the pressure off Benenden Primary School." What does that mean?

## 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 modifications needed are included in the submissions set out above. In summary, development on site AL/BE 3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE 4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre and school. Paragraphs 5.421 and 5.422 should be omitted.

## 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:**

In order to put over my case, and to answer those with vested interests who may seek to put forward arguments against it.

## Question 8

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

1. The Sustainability Appraisal (SA) is misleading. Table 58 on page 163 states that all Benenden sites "lack services, facilities and travel options". This belies the fact that AL/BE2 (Feoffee almshouses) is close to the Street as is AL/BE1 (Uphill). Both sites are within walking distance of the bus stop for daily bus services, the post office, village shop, the primary school, the village green, the butchers, pub, community hall, church, recreation ground and children's playground. AL/BE 3 & 4 are three miles north east of the village with no daily bus service and no amenities whatsoever.
2. The commentary on Table 58, (page 163 of the SA), states that East End sites score badly on Climate Change and Travel, yet these are the sites promoted for most houses.

3. The SA argues on page 163 that East End residents will send their children to schools in Tenterden instead of to the village primary school, and that this will lessen the otherwise seriously negative effects of the two hospital sites. This is pure conjecture and possibly wishful thinking. The school has a good reputation and currently between 70 and 75% of children there come from outside the parish. East End children will have precedence over these, since intake depends on the distance of a child's residence from the school. Pressure on Benenden Primary School will increase, not decrease. Further, the use of a car, whether it drives to Tenterden (5-6 miles) or to Benenden (3 miles), pollutes and deprives residents of the health-giving pleasure of walking to school. The AL/BE 3&4 are contrary to STR2, to the NPPF and to KCC policy on climate change.
4. Appendix L (pp331-2) shows Scores for Reasonable Sites in Benenden. Here we see scores for 158 and 222, two sites close to the village centre. Of 158, we read "A site that scores several neutrals with some positives, let down by its land use and landscape score impacted by a loss of a greenfield site in the AONB and lack of services and facilities including public transport at the settlement." This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there.
5. In April 2018, BNP Steering Committee Deputy Chair, a borough councillor, showed the committee a piece of paper from TWBC saying that TWBC wishes to build 174 houses on site 158. He committed himself to seeing these numbers reduced and the numbers at the East End raised. After a meeting between representatives from the BNP group and TW planners on June 19th, 2018, the minutes reported that "At times the workshop was emotive ..." Following that meeting TW planners put site 158 on temporary hold, limiting development there to a future Local Plan by asking, in the first draft of the LP on page 270, that the Uphill site on New Pond Road, adjacent to 158 and allocated at that time as AL/BE3, should, under Clause 8, provide for vehicular access through Uphill to the site behind (158) "which may be allocated for development as part of a future Local Plan." In the PSLP, this wording for Clause 8 has disappeared. Where is the evidence-base for such wording to be included in the first draft and excluded in the second? Why is the site considered suitable in 2006, in 2018, and in the first draft, but not suitable in the PSLP?
6. Site 222, like 158 is described in Appendix L of the PSLP's SA as suffering from "a lack of services and facilities including public transport at the settlement." This is inaccurate. There is a daily bus service along Benenden Street and site 222 is within easy walking distance of the bus stop, shops, pub, community hall, primary school and all other amenities.
7. Site LS8, in the heart of Iden Green is, along with site 158 and 222, a site which on-the-ground evidence suggests is eminently suitable for development, but which the SA fails to allocate. Appendix L of the SA gives LS8 virtually the same scores as Uphill (LS16 of AL/BE1) yet the latter is included for development and the former is not. The commentary states of LS8 "A number of scores are negative however, reflecting the remote location of the site from services and facilities and public transport. It scores negatively in heritage terms as the site is a relatively sizeable piece of the Iden Green Conservation Area." This site is far less remote than sites AL/BE 3 & 4. It is one mile from the village and connected to it by a paved footpath running past a Roadside Conservation Area and then (still paved) through a field to the church and primary school. It is on a bus route and the bus stop is next to LS8. Iden Green has a community hall, tennis courts, a children's playground and pub/restaurant. The SA information is unreliable and the PSLP's use of it for site allocation is unwise.
8. In so far as Benenden is concerned, the sites were allocated before any sustainability appraisal was commissioned. It is not therefore a relevant factor in the allocation of sites for housing.

## 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	Fiona Chapman [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Biddenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Fiona Chapman [REDACTED]
Comment ID	PSLP_246
Response Date	18/05/21 12:24
Consultation Point	Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End ( <a href="#">View</a> )
Status	Processed
Submission Type	Other
Version	0.7
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Fiona Chapman
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/BE 1 The Strategy for Benenden parish

Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End

*[TWBC: this representation has been input against Policies PSTR/BE 1, AL/BE 3 and AL/BE 4 - see Comment Numbers PSLP\_243, PSLP\_246 and PSLP\_247]*

**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.**

Paragraph No(s) Para 5.413, 5.414, 5.416, 5.420, 5.421, 5.422, 5.428, 5.452, 5.453, 5.454, 5.456, 5.458, 5.467, 5.468

Policy No. Objective 1, Objective 2, STR1, STR2, STR3, STR5, STR6, STR7, STR8, PSTR/BE1, Policy AL/BE1, Policy AL/BE3, Policy AL/BE4, EN1

Sustainability Appraisal SHELAA

Policies Map (Inset Map No(s)) Inset Map 18

This submission concerns the parish of Benenden, the only parish in the borough to have made its own allocations. The Benenden Neighbourhood Plan (BNP) has been developed in close consultation with TWBC, with the BNP in the lead. The BNP announced its allocations in February 2019, before inviting AECOM to produce its Strategic Environmental Assessment. Pre-Submission Local Plan, para 5.420 reads "The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020." But the allocations had been made and published in February 2019. Further, Para 5.420 states "The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan." BNP allocations were first published in February 2019 i.e. before LP site allocation policies.

Allocations made by the LP, when it took up the BNP's baton, are therefore inevitably linked to BNP's weaknesses. Yet if the BNP passes a referendum before acceptance of the LP, it is said that it will take precedence over the LP (see para 5.421), with the exception of its plans for the northern site at Benenden hospital, which will be overruled by the plans advanced in the LP (see Benenden Parish Council April 2021 response to Independent Examiner queries on the BNP). This is in contravention of para 5.422 which talks of making "modifications to the LP" so that it matches the BNP.

**1 Community involvement. EN1: this requirement has not been respected.**

- . In Benenden, almost all new housing is slated for the East End, yet the Friends of the East End (FEE), were never asked to meet with the BNP steering group.
- . See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others. The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the Informal Draft NP (published on February 23, 2019), in which the allocations later adopted by the LP were first set out. A FEE submission with 164 signatures was submitted in October 2019 objecting to

the first draft of the LP, and in the same month, a FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. See the FEE's current online petition with more than 450 signatures <https://www.change.org/EastEndFriends>

- . Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that "I'm of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about.* At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward."
- . One of the regular articles on the BNP submitted by the chair of the BNP Steering Group appeared in January 2020. It dismisses FEE opposition suggesting only "31 residents from the East End" sent in comments.
- . The core group behind the BNP has consistently tried to persuade those who support the FEE to desist. The chair of the Parish Council and the chair of the BNP Steering Group have twice asked to meet a Tunbridge Wells Alliance (TWA) Borough Councillor for the parish, once together with a TWA borough council candidate, in efforts to persuade them to adhere to the BNP's approach and not to listen to the FEE.
- . The organiser of the FEE was a member of the Steering Committee 2017/2018 as chair of the Environmental Group. She expressed strong disagreement with a Borough Councillor who lives in the village (on occasion, he deputises as chair of the Steering Group) about his wish to step up allocations in the East End and suppress TWBC's wish to build 174 houses on site 158. As a result, the Steering Group chair (using his own word), "sacked" her. This is contrary to EN1 para 9, encouraging early, proactive and effective engagements and the requirement that views expressed should be properly considered.
- . Consultation also failed in relation to the neighbouring parish of Biddenden. The Clerk of Biddenden Council has repeatedly responded to BPC in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP's mismanagement of the parish of Biddenden in the Biddenden Parish Magazine, February 2021.
- . The LP is based on the BNP and BNP allocations were made before consultations with stakeholders such as the AONB. This is not consulting in a timely fashion. Further, the LP requires surveys of the hospital sites *after* the designation of the sites for development, for example, archaeological surveys (see AL/BE 3&4). Historic England (HE) asks for the surveys to be carried out *before*. See HE's comments on the first draft LP (DLP\_4556) - "we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted.*"
- 1 **The PSLP is not based on sound evidence**
  - . Throughout the LP process, misstatements have been made about amenities in Benenden's East End. These may be traced back to a submission made by traffic and highways consultants, Transport Planning Associates (TPA) to Benenden Healthcare Society Ltd. (BHS). This submission was recently disclosed in BHS's response to the Independent Examiner's queries in relation to the BNP. TPA's information is sometimes inaccurate and sometimes misleading and we consider it here in detail because it is difficult otherwise, to understand how the LP was able to continue, iteration after iteration, to relate false information about the hospital site.
  - . In October 2019, TPA reported (para 2.6) that there was a footpath along the southern edge of Goddards Green Road (GGR) and the PSLP, para 5.452 states "There is an intermittent pavement along GGR". The GGR is a long road running from New Pond Road to Castleton's Oak crossroads, and was formerly a lane. The pavement is limited to the short section immediately outside the hospital buildings. To say that there is an intermittent pavement along GGR is misleading.
  - . The TPA refers to the East End as a village, which it is not. The East End runs from the junction of GGR and Walkhurst Road, along the GGR to the border with Tenterden, then turns south to reach close to Hole Park in Rolvenden, then east back to Walkhurst Road at the site of the stream, then along Walkhurst Road back to GGR (see the old Electoral Roll for 2004 when the East End had its own polling station). It is a large, totally rural area of several square miles, which was why it was chosen as the site for an isolation hospital in 1906. Today it contains only 76 houses scattered across the entire area. The PSLP consistently refers to the East End as a hamlet. It is

not, which is why BPC is able to advertise itself on its website as “Serving the people of Benenden and Iden Green” without any reference to the East End.

- . The TPA says that “a day nursery is located immediately to the north of the Site within 400m.” There is incorrect, yet this error is repeated in para 5.413 of the PSLP “There are also nursery/pre-school facilities at Iden Green and East End.” An accurate account would mention Iden Green only.
- . The TPA states that there are daily bus services along GGR provided by bus nos. 24 and 299, and twice a day service provided by the Hopper bus. This information is incorrect. The 2019 Hopper bus, operated by the Tenterden social services hub on an experimental basis, failed in only a matter of months. While the 24 and the 299 buses pass along GGR, they do so on only one day a week. The 24 on Tuesdays and the 299 on Wednesdays. The East End has almost no public transport.
- . The TPA makes several statements in relation to traffic which have fed misinformation into the system to be reflected in AL/BA3&4. This misinformation was only recently revealed when documents were provided by BHS following April 2021 queries raised by the Independent Examiner on the BNP. These documents include a TPA ‘Scoping Note’ on road and traffic conditions at the site and a letter written in response to this Note from KCC Highways, dated 13 Nov. 2019. The TPA states that the GGR is 7m wide at the hospital site which detracts from the fact that it is actually a winding rural lane, now called a road, and varies considerably in width. It may at some point be 7m wide, but at others, it is so narrow that two lorries have difficulty passing each other. The TPA claims that there is no need for a road safety review because there have been “no personal injury accidents” recorded within 1,000m. Castleton’s Oak crossroads lie 1.5 km from the site and accidents there are frequent, largely due to increasing traffic at the hospital. The hospital has turned itself into an almost exclusively out-patient centre and almost all its 300 employees drive in to work from outside the parish (formerly, they were housed on site in hospital staff buildings). Kent County Council (KCC) Highways make constant and repeated attempts to lower the risk of injury at the crossroads. Works there are ongoing at this time. The TPA claims that no traffic surveys are necessary which is a point queried in the KCC Highways’ email. The email talks of the “heavy car dependency” of residents in any housing in this location and says this was one of its concerns, even at the time of the original application asking for only 24 houses. The email states that BHS’s plans (and therefore AL/BE 3&4) are contrary to the NPPF and to KCC’s own policy objectives, and points out that the hospital has not co-operated over the idea of a minibus to provide transport from the site to Benenden. The letter calls for: traffic counts along the GGR; a wider crash analysis; and expresses concern over the proposed access points to the SE Quadrant - 2 on Green Lane and 2 on GGR. Lastly, on trip generation, the TPA projects that 47 houses at the site will produce only 106 trips a day, though the consultants admit that they have difficulty in basing their estimate on comparable sites because there are none. These trip generation figures ignore existing traffic from local residents, from patients, from hospital staff and from the newly (January 2021) proposed housing estate at Cleveland. The AL/BE 3&4 fails to provide a traffic count, fails to ask for a road safety review and fails to acknowledge frequent traffic accidents near the sites.
- . Pre-submission supporting documents also produce inaccurate and sometimes irrelevant evidence. The hospital sites are within the setting of an AONB and even overlap into it, yet *Inset Map 18* (Benenden Hospital), unlike other maps attached, makes no reference to the AONB boundary. The BNP claims that the hospital is outside the AONB and on this basis, since the rest of the village is wholly within the AONB, largely justifies placing most of Benenden’s housing in the East End. The relationship of the AONB boundary to the hospital sites is important yet it is ignored on the map. This looks like prejudice.
- . Hankinson Duckett Associates’s *AONB Setting Analysis Report* (a supporting document for the PSLP, referred to as an evidence base) is, in its analysis of AL/BE3&4, unsound. The analysis argues that development at these sites will enhance the setting of the AONB. It illustrates the argument with photos of the hospital chapel and its carpark. Neither chapel nor car park are in the area up for development.
- 1 **Policies AL/BE3&4 are not consistent with the PSLP’s Vision objectives nor with its strategies, nor with KCC’s policies, nor with the NPPF.**
- . The PSLP’s Vision Objective 1 is : “to improve access to suitable, especially affordable housing, including for local young people and older households.” But this is inconsistent with allocations AL/BE 3 &4. BHS is asking in its comments on the LP first draft, for a lower number of affordable homes because of the high cost of brownfield development. Living isolated in the countryside,

families will need at least two cars. Old and young will be unable to walk to schools, shops or any other amenities. This is not a suitable site for a borough which (see para 2.16) expects the population over the age of 65 + to increase by around 40% between 2020 and 2038.

The PSLP's Vision Objective 2 is to ensure sustainable development which allocations at AL/BE 3&4 do not achieve. On the contrary, the KCC warns that even with the existing permission for 24 houses on AL/BE3, the highway authority had concerns. This is an isolated location, deep in the countryside (see KCC Highways email 13 Nov 2019). More than 24 houses in this location is not sustainable.

- . **Policy PSTR/BE1**, LBD 5.416 states "the LBD around Benenden village sets the extent of existing and planned development .." This conflicts with the recommendation that major development be instated three miles beyond the LBD, on the border with Biddenden.
- . **Policy STR 2** "The Council requires the use of masterplanning, including the use of design codes and sustainable design standards where appropriate, for strategic and larger-scale developments.." This is undermined by AL/BE 3&4 which calls for a masterplan for an area not included in the PSLP and not presented. Para 1a of Policy AL/BE3 states that there is a need to "show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*" It is not sound to proceed with an LP where the land to be developed is not clearly indicated from the start.
- . **A masterplan is essential to avoid current inconsistencies on the size of areas to be developed:** AL/BE3 excludes one of the 2 Local Wildlife Sites (LWS) at the site, yet the BNP includes both. Para 5.458 states "Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development.." They do not. The PSLP states that in the event of a successful referendum, the BNP's proposals will prevail. If this is so, are we supposed to assume that AL/BE3 map is inaccurate?
- . A similar problem arises at the northern site (AL/BE4) here there are currently 18 dwellings. The proposal allows for these to be demolished and another 25 dwellings added to the site. The size of the area to be developed varies between the LP and the BNP. The LP includes the LWS in the area to be developed but the BNP includes only a small section, but says in the event of a successful referendum the BNP plan will be over-ruled by the LP plan (see the BPC response April 2021 to the Independent Examiner's queries). This is the reverse of 5.421 & 2. It is unsound to proceed with a plan when the NP and the LP are at odds with each other.
- . **The PSLP claims building will only be within existing footprints**, an approach which is at odds with that of the BHS. Plans for 47 new houses in AL/BE3, presented to the village on 17th February 2020 by the hospital architects, show the buildings are not to be built within the footprint of previous buildings nor to respect LWS.
- . **Policy STR 3** calls for the use of brownfield sites "within settlements" and in "sustainable locations." AL/BE 3 consists of disused medical buildings and 2 LWS with parkland and veteran trees (depending on whether this second LWS is included or not). 5.448 is therefore incorrect. The site should be described not as brownfield but as partly brownfield. It is not on the brownfield register. Because of its remote location and its valuable LWS sites, it is not free from constraints which could be mitigated. As such, Policy AL/BE3 does not meet the criteria needed under the NPPF, Section 11, para 117 for development in "a way that makes as much use as possible of previously-developed or 'brownfield' land." AL/BE 4 contains in-use residential housing and an LWS and therefore is not brownfield.
- . **Policy STR 5** states that "New residential ... development will be supported if sufficient infrastructure capacity is either available or can be provided in time to serve the development." Will this happen at AL/BE3&4? Developers themselves are to provide the infrastructure at AL/BE 3&4. The LP proposes to take on trust suggestions that the BHS will avoid building on the LWS and will provide play-grounds, sports facilities and tennis courts. We know from submissions following the first draft LP, that BHS is actually planning to remove one LWS entirely and that its plans include building on the LWS and beyond the foot print of previous buildings. BHS suggests, in its response to the first draft LP (DLP\_4956) that it is unlikely to provide play-grounds, sports facilities and tennis courts. The PSLP's approach does not take comments to the first draft LP into account.
- . **Policy STR 6** proposes to "Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough." In the case of the two isolated hospital sites, the PSLP contradicts its own strategic policy and fails to offer choices in



transport or to prioritise active travel and public transport. The Benenden hospital sites have no daily bus service and no active travel link to the village, and neither the PSLP nor the BHS provide credible information on how these links are to be provided. The KCC email of Nov 13 suggests that the hospital is uncooperative on the proposal to organise a minibus service and the SHELAA says of AL/BE3 that it is "Remote from a settlement centre," (unlike sites 158, 222 and LS8); that residents will rely heavily on private cars and thus air quality and travel objectives score negatively; and that, "although promoted by the policy, shared transport and active travel options are unlikely to take precedence over private vehicle use thus air quality and climate change score negatively." This we feel is the nub of the issue. For all the talk of mitigating the remoteness of the hospital sites with a minibus link and cycle routes, nobody actually believes that any of these measures will succeed. As for the proposal to create links suitable for electric personal vehicles, such as mobility scooters (as suggested under STR 6), it is difficult to see, when the closest link with the village is a single-track lane (Walkhurst Road), how any personal electric vehicle could make that journey. The PSLP is creating, through its policies AL/BE3&4, a car dependent community. This thereby negates the sense of the LP's supporting document, *Transport Strategy Review Sept 2019* which urges reducing the need to travel.

- . AL/BE3&4 also undermine TWBC's Full Council motion of July 2019 to reduce CO2 emissions. "The dominance of the car as a mode of transport can lead to congestion, more road accidents, air and noise pollution. In addition it contributes to climate change, reduces social cohesion and leads to less healthy lifestyles" (para 44 *Transport Review*). According to TW's own SA from 2006, if social cohesion, reduction in air pollutants, and public health were indeed the borough's priorities, sites chosen for development in Benenden would have included site 158.
- . **PSLP paras 5.453 and 5.467** state that "residents of development in this location will rely heavily on private cars." These plans runs counter to STR6 policy on the environment see paras 6.8, 6.9, 6.10, 6.11 and 6.13. It also contravenes KCC policies on climate change and the NPPF (see KCC's Nov 13, 2019 letter on this subject).
- . **Para 5.414** "The parish provides two relatively large sources of employment: at Benenden Hospital and at Benenden School." The inference is that the employment opportunities are linked somehow to the population of Benenden. There is in fact little connection. The 300 plus staff at the hospital drive into the parish along GGR to work and, since the hospital is isolated from the village, their contribution to the local economy is negligible.
- . **Policy STR 6 The LP proposes to "Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough."** In the case of the two isolated hospital sites, the LP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport.
- . **Cycle routes:** The PSLP's standards on the public benefits of cycling and walking are based on the *Cycle Strategy Supporting Document*, but these standards are undermined by site allocation in Benenden. The Cycle document states that: "When more people cycle or walk the health of the population improves and our roads become safer and less congested." Its objectives 4 and 5 are to improve safety for cyclists and air quality for all, but AL/BE 3 & 4 will create a community, deep in the countryside, entirely dependent on the car and will contribute to poorer air quality for all. The allocation of these sites, as opposed to sites such as 158, is difficult to understand.
- . The *Cycle Strategy* states that fear of traffic is possibly the main factor discouraging people from cycling. National Cycle Route 18 runs from the Rolvenden Road, down Stepneyford Lane, to Green Lane, before joining the Benenden Road near the hospital, turning right and leading to Castleton's Oak Cross roads and Gribblebridge Lane. This route is a largely on-road ride travelling through the High Weald, using narrow, picturesque country lanes as much as possible. Green Lane/Stepneyford Lane is mentioned in TWBC's Rural Lanes: Supplementary Planning Guidance. It is particularly high scoring in terms of its landscape, its recreational value, its natural beauty and its history. For these reasons, it is part of National Route 18. Rather than encouraging cycling, AL/BE3, which proposes two exits for this major development on GGR and two on Green Lane (where a second housing estate, at Cleveland's Farm is already leading to Kent Highways calling for road widening and the elimination of grass verges - see building application 20/03267/FULL) will cause an increase in those factors, identified in *TW Cycle Strategy*, as discouraging cyclists, namely, traffic and the loss of unspoilt country lanes. Policy AL/BE3 also contravenes Kent Structure Plan Policy ENV13: "Rural lanes which are of landscape, amenity, nature conservation, historic or archaeological importance will be protected from changes which would damage their character, and enhanced." In any event, the cycle route is purely recreational and will not enhance the sustainability of these sites.

- . **Policy STR 7** proposes, in dealing with TWBC's 2019 legally binding commitment to manage climate change, that all development in the borough will support the Council's target to achieve net zero emissions by 2030. It is unsound, with such a goal, to propose a major development on the parish periphery, 3 miles equidistant from two villages where there is no shop (in spite of the PLSP's statement AL/BE 3&4) and no café (BHS says its café was built for its own use not for the use of the public - see comments on the first draft of the LP). Residents will need their cars for almost everything.
- . **Policy STR1** promotes the effective use of previously developed land, having due regard to relevant Plan policies, but in promoting AL/BE3&4, the PSLP disregards STR6 (environmental goals) & STR7 (transport goals). Under the NPPF, sustainability is the priority, as the PSLP acknowledges in STR3, 4.65 "A presumption of sustainability lies at the heart of the NPPF", but in allocating AL/BE 3&4, the PSLP fails to respect its own and the NPPF's strategic priorities.
- . **Policy STR 8** states that development should contribute to and enhance rural landscapes with particular regard to the High Weald (HW) AONB. The PSLP promotes nature conservation. Its biodiversity objective is to achieve net gains and, where possible, secure long-term management of sites for biodiversity. AL/BE3 runs counter to this strategy since the BHS has produced plans showing houses built over the LWS. It has, furthermore, produced a document requiring that one of the two LWS be dug up and removed to another unspecified location, thereby nullifying the terms of the existing Landscape and Ecology Management Plan (LEMP) for that site. Para 3.21 of the BHS submission on the first draft LP states: *"The Society supports the requirement for long-term management of the core areas of LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peak Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."* This is a particularly significant site for biodiversity. A letter from Keith Nicholson, former Planning and Conservation officer for the Kent Wildlife Trust, dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert states that the hospital LWS are of national importance, mainly for the large number of different varieties of waxcaps. He states that they could well have been designated SSSI. Both in terms of waxcaps and in terms of valuable acid grassland, the hospital sites have high environmental value, see Comment DLP\_3458 on the first draft of the LP, from the High Weald AONB Unit. The Benenden Hospital site *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* AL/BE3&4 threaten the biodiversity of significant species in the LWS at the hospital sites, contrary to EN1.
- . The LWS to the south of AL/BE3 is included in the BNP and BPC argues that this has been done in order to protect it (see their response to the Independent Examiner April 2021). It is difficult to follow this logic. The inclusion of the site in the area to be developed suggests that it too could be under threat.
- . There is no plan showing the placement of houses on AL/BE 4, which is currently home to a large LWS and is the site of 18 habitable dwellings, almost all of the them currently in use and let. The proposal allows for these to be demolished and another 25 dwellings added to the site. The PSLP includes the LWS in the area to be developed and the BNP excludes most of it. Benenden Parish Council (BPC), in its April 2021 response to the Independent Examiner, has said that, in this case of a successful referendum, the PSLP's plan (which includes the LWS), will prevail. In other words, of the 3 LWS in AL/BE 3&4, one is slated for removal, one will be built over if the PSLP prevails and one may be built over if the BNP prevails. This undermines STR8.
- . The PSLP claims that the hospital development "has the potential to improve the setting of the HW AONB through the delivery of a more sensitive redevelopment of existing buildings" (para 5.454), but the claim is not supported by evidence produced by the *Hankinson & Duckett* (see above) while the HW AONB unit's own view is the opposite. See TW first Draft LP, **DLP\_3458 High Weald AONB Unit** (which objects to the Plan) : *"....In our view the development at Benenden Hospital will have a significant effect on the setting of the AONB and the purposes of its designation, and this issue has not been properly considered by the Plan."*
- . The NPPF section 2 para 11 states: *"Plans and decisions should apply a presumption in favour of sustainable development... ..(b) strategic policies should provide for objectively assessed needs for housing ...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.” And see Footnote 6: the policies referred to are those in the Framework ... relating to habitat sites (and those sites listed in para 176) and /or designated as SSSI, AONBs ....

NPPF para 177 states *“The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.”*

#### **PSLP EN1 para 5. Biodiversity and geodiversity.**

AL/BE 3&4 run counter to this policy as stated above in relation to the LWS.

#### **The Environment**

STR8 sets high environmental standards but these are undermined in the site allocations. This is particularly startling in the light of the July 2019 Full Council motion to recognise the climate and biodiversity emergency, in fact, the Benenden allocations put into question whether the motion was passed in good faith.

**EN1 para 5 (Biodiversity and geodiversity)** says that proposals should maximise opportunities to increase biodiversity. This goal may make sense in an urban setting, but development in the countryside, as is proposed in AL/BE 3 & 4, cannot hope to ever mitigate biodiversity loss. The destruction of trees and wild spaces, the introduction of lighting, kerbs, driveways, wider roads and narrower verges, the use of concrete, tarmac, bricks and mortar in a deeply rural setting cannot “increase biodiversity”.

**EN1 provides for Long-term Management plans** which would be satisfactory within an urban context. In a rural location like the East End, such plans are no substitute for natural wild spaces. A ‘managed’ green space set among streets is less likely to promote biodiversity and less likely to conserve wildlife than ‘unmanaged’ green space. Further, the three LWS in AL/BE3 are all already part of an existing LEMP agreement, and since one or all would be removed in the case of development as outlined by BHS under AL/BE3&4, instead of creating a long-term management plan, AL/BE3&4 would all but terminate an existing one. The sentiments expressed in EN1 are mocked by AL/BE3&4.

#### **1 Site policies**

**AL/BE3** excludes one of the 2 LWS at the site, and the BNP includes both, yet para 5.458 states “Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development..” This does not appear to be the case. Further, the SHELAA treats this site twice, once including the southern LWS (and excluding Windmill Cottage) and once excluding the LWS and including Windmill Cottage (SHELAA pages 1-3 and pages 18-19). In the second instance, the suggestion is for 67-73 houses, presumably building over the LWS. The first plan is the one adopted in the PSLP and appears to be the more accurate of the two in that it describes the site as “mostly PDL”. The second ignores all greenfield aspects and is almost identical to the plan in the BNP, a plan which BNP claims will prevail if it wins a referendum. Is AL/BE3 presenting us with the wrong plan?

**AL/BE3 and AL/BE4** provide for a phased timetable for development of the two sites at different time intervals without calling for a comprehensive masterplan for the hospital site as a whole i.e. for the entire built up area. This is inconsistent with STR2, which requires a masterplan for large developments. The full extent of the area to be developed must be clear. See para 1a of Policy AL/BE3 which states that there is a need to “show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.” It is not sound to proceed with an LP where the land to be developed is not indicated from the start.

**AL/BE3&4** both call for an active travel link between the site and Benenden village. This proposal has been costed (see BPC’s April 2021 reply to the Independent Examiner) at between £180,000 and £220,000 for a 3m wide tarmacked surface, plus costs to upgrade it to a bridleway, plus the costs associated with obtaining landowners’ consent or, failing that, of starting compulsory purchase proceedings which TWBC expresses reluctance to undertake because of the significant compensation costs and legal costs which would be involved. No steps have been taken either by the BNP or TWBC to ascertain the willingness of landowners to give up their land although the major landowner involved wrote to BNP on 11th Sept. 2019 objecting to the plan. It is understood that he was not contacted for subsequent discussion.



**AL/BE3&4** calls for the repurposing of the existing tennis courts for the use of local residents, which BHS denies it will offer for public use; for the public use of the hospital's café; for the creation of a hospital shop (5.413); for a minibus service linking the hospital to the village ("The Society is not a transport provider" is BHS' response); for green space, a playground and provision of a community hall - most of these policies are refuted in Savills' comments on behalf of BHS, in the first draft of the LP, DLP\_ 4956 paras 3.14, 3.18, 3.19, 3.20, 3.46 and 3.47. Rather than agreeing to such policies, the hospital is calling on TWBC to introduce a more flexible funding system to allow a *reduction* of developer costs. BHS argues these will be high because they wish to demolish existing buildings. It is unsound to propose policies which cannot be implemented. Once the sites are sold, no relevant conditions to this effect could be imposed.

**1 The PSLP is unsound because of inconsistencies in the treatment of different sites.**

(i) **Uphill, AL/BE1** is described as having archaeological potential (para 5.428) requiring possible mitigation measures. This is not because of historical finds on the site, but because they might be found. A listed manor house lies on the other side of New Pond Road and, according to AL/BE1, "the site lies within, or very close to the relevant impact risk zone for Parsonage Wood", a SSSI which is, in fact, several miles away. The archaeological significance of AL/BE 3&4 is far more certain and substantial. The hospital sites are where a bronze age palstaff was found (see the National Monument Register - SMR Number /Hob UID)) and the sites lie close to two ancient routeways. A Roman Road runs west-east (on BHS farmland) a few yards to the south of AL/BE3 and a medieval drove road (GGR), runs west-east between the two sites. Further, two Grade II Listed Buildings are sited here, also on BHS land. The Lister building stands a few yards to the west of AL/BE3 and Cleveland Farm house (the farmyard of which BHS is trying to develop separately and simultaneously as if a minor planning project) lies a few yards to the south. Instead of mentioning these facts, AL/BE3&4 reads (5.456 and 5.468) "Kent County Council states that the site includes significant archaeology, which could be dealt with through suitable conditions on a planning approval." The imbalance in the treatment of the two sites is substantial and suggests prejudice.

(ii) The SHELAA assessment of site 158 suggests a potential yield of 50-65 houses, but then concludes that only the Uphill part of the site is suitable (20 houses). It states that "the remainder of the site is sensitive in landscaping terms and there is concern regarding scale and impact on the character of the landscape and settlement pattern". This is contrary to the views of TW's 2006 SA; to the TW 2018 document proposing 174 houses; and to the first draft of the LP. The dismissal of 158 as a suitable site is not supported by the evidence and suggests prejudice.

(iii) Site 222, west of the cross roads, was also considered in 2006, as a possible site for the new village school, though it was not one of the top two sites put to a referendum. The SHELAA suggests 222 has a potential for 76 houses. The site is considered unsuitable partly because the new LBD, if adopted, will exclude all houses west of the cross roads, when the village actually extends a considerable length along this road to the west. There is no mention of the fact that the owners of this site are offering the pond at the south west corner of the crossroads as village green space. The dismissal of 222 is not supported by the evidence and suggests prejudice.

(iv) The SHELAA suggests a capacity of 26 houses at Site LS8 in Iden Green, stating that it lies adjacent to the recreation ground and a children's nursery and that there is a pavement on both sides of Iden Green's main road. It fails to mention that the easternmost side of this pavement connects the village to the village primary school. The SHELAA dismisses the site as unsuitable saying that it is located in a remote location relative to services, facilities and public transport, but this site is far less remote than sites AL/BE 3&4. The dismissal of site LS8 is not supported by the evidence and suggests prejudice.

(v) The proposed new LBD has been constructed so as to include the new site at Uphill and to exclude 222, when in fact, the actual built development extends westwards from the crossroads and includes site 222. The LBD is ignored in respect of AL/BE3&4. Manipulation of the LBD to suit allocated sites is inappropriate.

As a general comment, I have found the process unnecessarily difficult to navigate. In fact, from the point of view of the ordinary lay-man, I would term the process 'hostile'. The interactive on-line site was unmanageable. Question 4a is very badly worded. The PSLP's prose entirely suited the opacity of the procedure. Here is one example from the SA (page 163) "However, the education objective does not deteriorate when considering cumulative effects as the schools in Tenterden will be a viable option for residents in East End and thus are likely to take the pressure off Benenden Primary School." What does that mean?

## 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 modifications needed are included in the submissions set out above. In summary, development on site AL/BE 3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE 4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre and school. Paragraphs 5.421 and 5.422 should be omitted.

## 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:**

In order to put over my case, and to answer those with vested interests who may seek to put forward arguments against it.

## Question 8

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

1. The Sustainability Appraisal (SA) is misleading. Table 58 on page 163 states that all Benenden sites "lack services, facilities and travel options". This belies the fact that AL/BE2 (Feoffee almshouses) is close to the Street as is AL/BE1 (Uphill). Both sites are within walking distance of the bus stop for daily bus services, the post office, village shop, the primary school, the village green, the butchers, pub, community hall, church, recreation ground and children's playground. AL/BE 3 & 4 are three miles north east of the village with no daily bus service and no amenities whatsoever.
2. The commentary on Table 58, (page 163 of the SA), states that East End sites score badly on Climate Change and Travel, yet these are the sites promoted for most houses.

3. The SA argues on page 163 that East End residents will send their children to schools in Tenterden instead of to the village primary school, and that this will lessen the otherwise seriously negative effects of the two hospital sites. This is pure conjecture and possibly wishful thinking. The school has a good reputation and currently between 70 and 75% of children there come from outside the parish. East End children will have precedence over these, since intake depends on the distance of a child's residence from the school. Pressure on Benenden Primary School will increase, not decrease. Further, the use of a car, whether it drives to Tenterden (5-6 miles) or to Benenden (3 miles), pollutes and deprives residents of the health-giving pleasure of walking to school. The AL/BE 3&4 are contrary to STR2, to the NPPF and to KCC policy on climate change.
4. Appendix L (pp331-2) shows Scores for Reasonable Sites in Benenden. Here we see scores for 158 and 222, two sites close to the village centre. Of 158, we read "A site that scores several neutrals with some positives, let down by its land use and landscape score impacted by a loss of a greenfield site in the AONB and lack of services and facilities including public transport at the settlement." This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there.
5. In April 2018, BNP Steering Committee Deputy Chair, a borough councillor, showed the committee a piece of paper from TWBC saying that TWBC wishes to build 174 houses on site 158. He committed himself to seeing these numbers reduced and the numbers at the East End raised. After a meeting between representatives from the BNP group and TW planners on June 19th, 2018, the minutes reported that "At times the workshop was emotive ..." Following that meeting TW planners put site 158 on temporary hold, limiting development there to a future Local Plan by asking, in the first draft of the LP on page 270, that the Uphill site on New Pond Road, adjacent to 158 and allocated at that time as AL/BE3, should, under Clause 8, provide for vehicular access through Uphill to the site behind (158) "which may be allocated for development as part of a future Local Plan." In the PSLP, this wording for Clause 8 has disappeared. Where is the evidence-base for such wording to be included in the first draft and excluded in the second? Why is the site considered suitable in 2006, in 2018, and in the first draft, but not suitable in the PSLP?
6. Site 222, like 158 is described in Appendix L of the PSLP's SA as suffering from "a lack of services and facilities including public transport at the settlement." This is inaccurate. There is a daily bus service along Benenden Street and site 222 is within easy walking distance of the bus stop, shops, pub, community hall, primary school and all other amenities.
7. Site LS8, in the heart of Iden Green is, along with site 158 and 222, a site which on-the-ground evidence suggests is eminently suitable for development, but which the SA fails to allocate. Appendix L of the SA gives LS8 virtually the same scores as Uphill (LS16 of AL/BE1) yet the latter is included for development and the former is not. The commentary states of LS8 "A number of scores are negative however, reflecting the remote location of the site from services and facilities and public transport. It scores negatively in heritage terms as the site is a relatively sizeable piece of the Iden Green Conservation Area." This site is far less remote than sites AL/BE 3 & 4. It is one mile from the village and connected to it by a paved footpath running past a Roadside Conservation Area and then (still paved) through a field to the church and primary school. It is on a bus route and the bus stop is next to LS8. Iden Green has a community hall, tennis courts, a children's playground and pub/restaurant. The SA information is unreliable and the PSLP's use of it for site allocation is unwise.
8. In so far as Benenden is concerned, the sites were allocated before any sustainability appraisal was commissioned. It is not therefore a relevant factor in the allocation of sites for housing.

## 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	Fiona Chapman [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Biddenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Fiona Chapman [REDACTED]
Comment ID	PSLP_247
Response Date	18/05/21 12:24
Consultation Point	Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End ( <a href="#">View</a> )
Status	Processed
Submission Type	Other
Version	0.6
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Fiona Chapman
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/BE 1 The Strategy for Benenden parish

Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End

*[TWBC: this representation has been input against Policies PSTR/BE 1, AL/BE 3 and AL/BE 4 - see Comment Numbers PSLP\_243, PSLP\_246 and PSLP\_247]*

**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.**

Paragraph No(s) Para 5.413, 5.414, 5.416, 5.420, 5.421, 5.422, 5.428, 5.452, 5.453, 5.454, 5.456, 5.458, 5.467, 5.468

Policy No. Objective 1, Objective 2, STR1, STR2, STR3, STR5, STR6, STR7, STR8, PSTR/BE1, Policy AL/BE1, Policy AL/BE3, Policy AL/BE4, EN1

Sustainability Appraisal SHELAA

Policies Map (Inset Map No(s)) Inset Map 18

This submission concerns the parish of Benenden, the only parish in the borough to have made its own allocations. The Benenden Neighbourhood Plan (BNP) has been developed in close consultation with TWBC, with the BNP in the lead. The BNP announced its allocations in February 2019, before inviting AECOM to produce its Strategic Environmental Assessment. Pre-Submission Local Plan, para 5.420 reads "The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020." But the allocations had been made and published in February 2019. Further, Para 5.420 states "The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan." BNP allocations were first published in February 2019 i.e. before LP site allocation policies.

Allocations made by the LP, when it took up the BNP's baton, are therefore inevitably linked to BNP's weaknesses. Yet if the BNP passes a referendum before acceptance of the LP, it is said that it will take precedence over the LP (see para 5.421), with the exception of its plans for the northern site at Benenden hospital, which will be overruled by the plans advanced in the LP (see Benenden Parish Council April 2021 response to Independent Examiner queries on the BNP). This is in contravention of para 5.422 which talks of making "modifications to the LP" so that it matches the BNP.

**1 Community involvement. EN1: this requirement has not been respected.**

- . In Benenden, almost all new housing is slated for the East End, yet the Friends of the East End (FEE), were never asked to meet with the BNP steering group.
- . See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others. The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the Informal Draft NP (published on February 23, 2019), in which the allocations later adopted by the LP were first set out. A FEE submission with 164 signatures was submitted in October 2019 objecting to

the first draft of the LP, and in the same month, a FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. See the FEE's current online petition with more than 450 signatures <https://www.change.org/EastEndFriends>

- . Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that "I'm of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about.* At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward."
- . One of the regular articles on the BNP submitted by the chair of the BNP Steering Group appeared in January 2020. It dismisses FEE opposition suggesting only "31 residents from the East End" sent in comments.
- . The core group behind the BNP has consistently tried to persuade those who support the FEE to desist. The chair of the Parish Council and the chair of the BNP Steering Group have twice asked to meet a Tunbridge Wells Alliance (TWA) Borough Councillor for the parish, once together with a TWA borough council candidate, in efforts to persuade them to adhere to the BNP's approach and not to listen to the FEE.
- . The organiser of the FEE was a member of the Steering Committee 2017/2018 as chair of the Environmental Group. She expressed strong disagreement with a Borough Councillor who lives in the village (on occasion, he deputises as chair of the Steering Group) about his wish to step up allocations in the East End and suppress TWBC's wish to build 174 houses on site 158. As a result, the Steering Group chair (using his own word), "sacked" her. This is contrary to EN1 para 9, encouraging early, proactive and effective engagements and the requirement that views expressed should be properly considered.
- . Consultation also failed in relation to the neighbouring parish of Biddenden. The Clerk of Biddenden Council has repeatedly responded to BPC in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP's mismanagement of the parish of Biddenden in the Biddenden Parish Magazine, February 2021.
- . The LP is based on the BNP and BNP allocations were made before consultations with stakeholders such as the AONB. This is not consulting in a timely fashion. Further, the LP requires surveys of the hospital sites *after* the designation of the sites for development, for example, archaeological surveys (see AL/BE 3&4). Historic England (HE) asks for the surveys to be carried out *before*. See HE's comments on the first draft LP (DLP\_4556) - "we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted.*"
- 1 **The PSLP is not based on sound evidence**
  - . Throughout the LP process, misstatements have been made about amenities in Benenden's East End. These may be traced back to a submission made by traffic and highways consultants, Transport Planning Associates (TPA) to Benenden Healthcare Society Ltd. (BHS). This submission was recently disclosed in BHS's response to the Independent Examiner's queries in relation to the BNP. TPA's information is sometimes inaccurate and sometimes misleading and we consider it here in detail because it is difficult otherwise, to understand how the LP was able to continue, iteration after iteration, to relate false information about the hospital site.
  - . In October 2019, TPA reported (para 2.6) that there was a footpath along the southern edge of Goddards Green Road (GGR) and the PSLP, para 5.452 states "There is an intermittent pavement along GGR". The GGR is a long road running from New Pond Road to Castleton's Oak crossroads, and was formerly a lane. The pavement is limited to the short section immediately outside the hospital buildings. To say that there is an intermittent pavement along GGR is misleading.
  - . The TPA refers to the East End as a village, which it is not. The East End runs from the junction of GGR and Walkhurst Road, along the GGR to the border with Tenterden, then turns south to reach close to Hole Park in Rolvenden, then east back to Walkhurst Road at the site of the stream, then along Walkhurst Road back to GGR (see the old Electoral Roll for 2004 when the East End had its own polling station). It is a large, totally rural area of several square miles, which was why it was chosen as the site for an isolation hospital in 1906. Today it contains only 76 houses scattered across the entire area. The PSLP consistently refers to the East End as a hamlet. It is



not, which is why BPC is able to advertise itself on its website as “Serving the people of Benenden and Iden Green” without any reference to the East End.

- . The TPA says that “a day nursery is located immediately to the north of the Site within 400m.” There is incorrect, yet this error is repeated in para 5.413 of the PSLP “There are also nursery/pre-school facilities at Iden Green and East End.” An accurate account would mention Iden Green only.
- . The TPA states that there are daily bus services along GGR provided by bus nos. 24 and 299, and twice a day service provided by the Hopper bus. This information is incorrect. The 2019 Hopper bus, operated by the Tenterden social services hub on an experimental basis, failed in only a matter of months. While the 24 and the 299 buses pass along GGR, they do so on only one day a week. The 24 on Tuesdays and the 299 on Wednesdays. The East End has almost no public transport.
- . The TPA makes several statements in relation to traffic which have fed misinformation into the system to be reflected in AL/BA3&4. This misinformation was only recently revealed when documents were provided by BHS following April 2021 queries raised by the Independent Examiner on the BNP. These documents include a TPA ‘Scoping Note’ on road and traffic conditions at the site and a letter written in response to this Note from KCC Highways, dated 13 Nov. 2019. The TPA states that the GGR is 7m wide at the hospital site which detracts from the fact that it is actually a winding rural lane, now called a road, and varies considerably in width. It may at some point be 7m wide, but at others, it is so narrow that two lorries have difficulty passing each other. The TPA claims that there is no need for a road safety review because there have been “no personal injury accidents” recorded within 1,000m. Castleton’s Oak crossroads lie 1.5 km from the site and accidents there are frequent, largely due to increasing traffic at the hospital. The hospital has turned itself into an almost exclusively out-patient centre and almost all its 300 employees drive in to work from outside the parish (formerly, they were housed on site in hospital staff buildings). Kent County Council (KCC) Highways make constant and repeated attempts to lower the risk of injury at the crossroads. Works there are ongoing at this time. The TPA claims that no traffic surveys are necessary which is a point queried in the KCC Highways’ email. The email talks of the “heavy car dependency” of residents in any housing in this location and says this was one of its concerns, even at the time of the original application asking for only 24 houses. The email states that BHS’s plans (and therefore AL/BE 3&4) are contrary to the NPPF and to KCC’s own policy objectives, and points out that the hospital has not co-operated over the idea of a minibus to provide transport from the site to Benenden. The letter calls for: traffic counts along the GGR; a wider crash analysis; and expresses concern over the proposed access points to the SE Quadrant - 2 on Green Lane and 2 on GGR. Lastly, on trip generation, the TPA projects that 47 houses at the site will produce only 106 trips a day, though the consultants admit that they have difficulty in basing their estimate on comparable sites because there are none. These trip generation figures ignore existing traffic from local residents, from patients, from hospital staff and from the newly (January 2021) proposed housing estate at Cleveland. The AL/BE 3&4 fails to provide a traffic count, fails to ask for a road safety review and fails to acknowledge frequent traffic accidents near the sites.
- . Pre-submission supporting documents also produce inaccurate and sometimes irrelevant evidence. The hospital sites are within the setting of an AONB and even overlap into it, yet *Inset Map 18* (Benenden Hospital), unlike other maps attached, makes no reference to the AONB boundary. The BNP claims that the hospital is outside the AONB and on this basis, since the rest of the village is wholly within the AONB, largely justifies placing most of Benenden’s housing in the East End. The relationship of the AONB boundary to the hospital sites is important yet it is ignored on the map. This looks like prejudice.
- . Hankinson Duckett Associates’s *AONB Setting Analysis Report* (a supporting document for the PSLP, referred to as an evidence base) is, in its analysis of AL/BE3&4, unsound. The analysis argues that development at these sites will enhance the setting of the AONB. It illustrates the argument with photos of the hospital chapel and its carpark. Neither chapel nor car park are in the area up for development.
- 1 **Policies AL/BE3&4 are not consistent with the PSLP’s Vision objectives nor with its strategies, nor with KCC’s policies, nor with the NPPF.**
- . The PSLP’s Vision Objective 1 is : “to improve access to suitable, especially affordable housing, including for local young people and older households.” But this is inconsistent with allocations AL/BE 3 &4. BHS is asking in its comments on the LP first draft, for a lower number of affordable homes because of the high cost of brownfield development. Living isolated in the countryside,



families will need at least two cars. Old and young will be unable to walk to schools, shops or any other amenities. This is not a suitable site for a borough which (see para 2.16) expects the population over the age of 65 + to increase by around 40% between 2020 and 2038.

The PSLP's Vision Objective 2 is to ensure sustainable development which allocations at AL/BE 3&4 do not achieve. On the contrary, the KCC warns that even with the existing permission for 24 houses on AL/BE3, the highway authority had concerns. This is an isolated location, deep in the countryside (see KCC Highways email 13 Nov 2019). More than 24 houses in this location is not sustainable.

- . **Policy PSTR/BE1**, LBD 5.416 states "the LBD around Benenden village sets the extent of existing and planned development .." This conflicts with the recommendation that major development be instated three miles beyond the LBD, on the border with Biddenden.
- . **Policy STR 2** "The Council requires the use of masterplanning, including the use of design codes and sustainable design standards where appropriate, for strategic and larger-scale developments.." This is undermined by AL/BE 3&4 which calls for a masterplan for an area not included in the PSLP and not presented. Para 1a of Policy AL/BE3 states that there is a need to "show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*" It is not sound to proceed with an LP where the land to be developed is not clearly indicated from the start.
- . **A masterplan is essential to avoid current inconsistencies on the size of areas to be developed:** AL/BE3 excludes one of the 2 Local Wildlife Sites (LWS) at the site, yet the BNP includes both. Para 5.458 states "Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development.." They do not. The PSLP states that in the event of a successful referendum, the BNP's proposals will prevail. If this is so, are we supposed to assume that AL/BE3 map is inaccurate?
- . A similar problem arises at the northern site (AL/BE4) here there are currently 18 dwellings. The proposal allows for these to be demolished and another 25 dwellings added to the site. The size of the area to be developed varies between the LP and the BNP. The LP includes the LWS in the area to be developed but the BNP includes only a small section, but says in the event of a successful referendum the BNP plan will be over-ruled by the LP plan (see the BPC response April 2021 to the Independent Examiner's queries). This is the reverse of 5.421 & 2. It is unsound to proceed with a plan when the NP and the LP are at odds with each other.
- . **The PSLP claims building will only be within existing footprints**, an approach which is at odds with that of the BHS. Plans for 47 new houses in AL/BE3, presented to the village on 17th February 2020 by the hospital architects, show the buildings are not to be built within the footprint of previous buildings nor to respect LWS.
- . **Policy STR 3** calls for the use of brownfield sites "within settlements" and in "sustainable locations." AL/BE 3 consists of disused medical buildings and 2 LWS with parkland and veteran trees (depending on whether this second LWS is included or not). 5.448 is therefore incorrect. The site should be described not as brownfield but as partly brownfield. It is not on the brownfield register. Because of its remote location and its valuable LWS sites, it is not free from constraints which could be mitigated. As such, Policy AL/BE3 does not meet the criteria needed under the NPPF, Section 11, para 117 for development in "a way that makes as much use as possible of previously-developed or 'brownfield' land." AL/BE 4 contains in-use residential housing and an LWS and therefore is not brownfield.
- . **Policy STR 5** states that "New residential ... development will be supported if sufficient infrastructure capacity is either available or can be provided in time to serve the development." Will this happen at AL/BE3&4? Developers themselves are to provide the infrastructure at AL/BE 3&4. The LP proposes to take on trust suggestions that the BHS will avoid building on the LWS and will provide play-grounds, sports facilities and tennis courts. We know from submissions following the first draft LP, that BHS is actually planning to remove one LWS entirely and that its plans include building on the LWS and beyond the foot print of previous buildings. BHS suggests, in its response to the first draft LP (DLP\_4956) that it is unlikely to provide play-grounds, sports facilities and tennis courts. The PSLP's approach does not take comments to the first draft LP into account.
- . **Policy STR 6** proposes to "Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough." In the case of the two isolated hospital sites, the PSLP contradicts its own strategic policy and fails to offer choices in

transport or to prioritise active travel and public transport. The Benenden hospital sites have no daily bus service and no active travel link to the village, and neither the PSLP nor the BHS provide credible information on how these links are to be provided. The KCC email of Nov 13 suggests that the hospital is uncooperative on the proposal to organise a minibus service and the SHELAA says of AL/BE3 that it is "Remote from a settlement centre," (unlike sites 158, 222 and LS8); that residents will rely heavily on private cars and thus air quality and travel objectives score negatively; and that, "although promoted by the policy, shared transport and active travel options are unlikely to take precedence over private vehicle use thus air quality and climate change score negatively." This we feel is the nub of the issue. For all the talk of mitigating the remoteness of the hospital sites with a minibus link and cycle routes, nobody actually believes that any of these measures will succeed. As for the proposal to create links suitable for electric personal vehicles, such as mobility scooters (as suggested under STR 6), it is difficult to see, when the closest link with the village is a single-track lane (Walkhurst Road), how any personal electric vehicle could make that journey. The PSLP is creating, through its policies AL/BE3&4, a car dependent community. This thereby negates the sense of the LP's supporting document, *Transport Strategy Review Sept 2019* which urges reducing the need to travel.

AL/BE3&4 also undermine TWBC's Full Council motion of July 2019 to reduce CO2 emissions. "The dominance of the car as a mode of transport can lead to congestion, more road accidents, air and noise pollution. In addition it contributes to climate change, reduces social cohesion and leads to less healthy lifestyles" (para 44 *Transport Review*). According to TW's own SA from 2006, if social cohesion, reduction in air pollutants, and public health were indeed the borough's priorities, sites chosen for development in Benenden would have included site 158.

**PSLP paras 5.453 and 5.467** state that "residents of development in this location will rely heavily on private cars." These plans runs counter to STR6 policy on the environment see paras 6.8, 6.9, 6.10, 6.11 and 6.13. It also contravenes KCC policies on climate change and the NPPF (see KCC's Nov 13, 2019 letter on this subject).

**Para 5.414** "The parish provides two relatively large sources of employment: at Benenden Hospital and at Benenden School." The inference is that the employment opportunities are linked somehow to the population of Benenden. There is in fact little connection. The 300 plus staff at the hospital drive into the parish along GGR to work and, since the hospital is isolated from the village, their contribution to the local economy is negligible.

**Policy STR 6** The LP proposes to "**Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough.**" In the case of the two isolated hospital sites, the LP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport.

**Cycle routes:** The PSLP's standards on the public benefits of cycling and walking are based on the *Cycle Strategy Supporting Document*, but these standards are undermined by site allocation in Benenden. The Cycle document states that: "When more people cycle or walk the health of the population improves and our roads become safer and less congested." Its objectives 4 and 5 are to improve safety for cyclists and air quality for all, but AL/BE 3 & 4 will create a community, deep in the countryside, entirely dependent on the car and will contribute to poorer air quality for all. The allocation of these sites, as opposed to sites such as 158, is difficult to understand.

The *Cycle Strategy* states that fear of traffic is possibly the main factor discouraging people from cycling. National Cycle Route 18 runs from the Rolvenden Road, down Stepneyford Lane, to Green Lane, before joining the Benenden Road near the hospital, turning right and leading to Castleton's Oak Cross roads and Gribblebridge Lane. This route is a largely on-road ride travelling through the High Weald, using narrow, picturesque country lanes as much as possible. Green Lane/Stepneyford Lane is mentioned in TWBC's Rural Lanes: Supplementary Planning Guidance. It is particularly high scoring in terms of its landscape, its recreational value, its natural beauty and its history. For these reasons, it is part of National Route 18. Rather than encouraging cycling, AL/BE3, which proposes two exits for this major development on GGR and two on Green Lane (where a second housing estate, at Cleveland's Farm is already leading to Kent Highways calling for road widening and the elimination of grass verges - see building application 20/03267/FULL) will cause an increase in those factors, identified in *TW Cycle Strategy*, as discouraging cyclists, namely, traffic and the loss of unspoilt country lanes. Policy AL/BE3 also contravenes Kent Structure Plan Policy ENV13: "Rural lanes which are of landscape, amenity, nature conservation, historic or archaeological importance will be protected from changes which would damage their character, and enhanced." In any event, the cycle route is purely recreational and will not enhance the sustainability of these sites.

- . **Policy STR 7** proposes, in dealing with TWBC's 2019 legally binding commitment to manage climate change, that all development in the borough will support the Council's target to achieve net zero emissions by 2030. It is unsound, with such a goal, to propose a major development on the parish periphery, 3 miles equidistant from two villages where there is no shop (in spite of the PLSP's statement AL/BE 3&4) and no café (BHS says its café was built for its own use not for the use of the public - see comments on the first draft of the LP). Residents will need their cars for almost everything.
- . **Policy STR1** promotes the effective use of previously developed land, having due regard to relevant Plan policies, but in promoting AL/BE3&4, the PSLP disregards STR6 (environmental goals) & STR7 (transport goals). Under the NPPF, sustainability is the priority, as the PSLP acknowledges in STR3, 4.65 "A presumption of sustainability lies at the heart of the NPPF", but in allocating AL/BE 3&4, the PSLP fails to respect its own and the NPPF's strategic priorities.
- . **Policy STR 8** states that development should contribute to and enhance rural landscapes with particular regard to the High Weald (HW) AONB. The PSLP promotes nature conservation. Its biodiversity objective is to achieve net gains and, where possible, secure long-term management of sites for biodiversity. AL/BE3 runs counter to this strategy since the BHS has produced plans showing houses built over the LWS. It has, furthermore, produced a document requiring that one of the two LWS be dug up and removed to another unspecified location, thereby nullifying the terms of the existing Landscape and Ecology Management Plan (LEMP) for that site. Para 3.21 of the BHS submission on the first draft LP states: *"The Society supports the requirement for long-term management of the core areas of LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peak Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."* This is a particularly significant site for biodiversity. A letter from Keith Nicholson, former Planning and Conservation officer for the Kent Wildlife Trust, dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert states that the hospital LWS are of national importance, mainly for the large number of different varieties of waxcaps. He states that they could well have been designated SSSI. Both in terms of waxcaps and in terms of valuable acid grassland, the hospital sites have high environmental value, see Comment DLP\_3458 on the first draft of the LP, from the High Weald AONB Unit. The Benenden Hospital site *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* AL/BE3&4 threaten the biodiversity of significant species in the LWS at the hospital sites, contrary to EN1.
- . The LWS to the south of AL/BE3 is included in the BNP and BPC argues that this has been done in order to protect it (see their response to the Independent Examiner April 2021). It is difficult to follow this logic. The inclusion of the site in the area to be developed suggests that it too could be under threat.
- . There is no plan showing the placement of houses on AL/BE 4, which is currently home to a large LWS and is the site of 18 habitable dwellings, almost all of the them currently in use and let. The proposal allows for these to be demolished and another 25 dwellings added to the site. The PSLP includes the LWS in the area to be developed and the BNP excludes most of it. Benenden Parish Council (BPC), in its April 2021 response to the Independent Examiner, has said that, in this case of a successful referendum, the PSLP's plan (which includes the LWS), will prevail. In other words, of the 3 LWS in AL/BE 3&4, one is slated for removal, one will be built over if the PSLP prevails and one may be built over if the BNP prevails. This undermines STR8.
- . The PSLP claims that the hospital development "has the potential to improve the setting of the HW AONB through the delivery of a more sensitive redevelopment of existing buildings" (para 5.454), but the claim is not supported by evidence produced by the *Hankinson & Duckett* (see above) while the HW AONB unit's own view is the opposite. See TW first Draft LP, **DLP\_3458 High Weald AONB Unit** (which objects to the Plan) : *"....In our view the development at Benenden Hospital will have a significant effect on the setting of the AONB and the purposes of its designation, and this issue has not been properly considered by the Plan."*
- . The NPPF section 2 para 11 states: *"Plans and decisions should apply a presumption in favour of sustainable development... ..(b) strategic policies should provide for objectively assessed needs for housing ...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.” And see Footnote 6: the policies referred to are those in the Framework ... relating to habitat sites (and those sites listed in para 176) and /or designated as SSSI, AONBs ....

NPPF para 177 states *“The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.”*

#### **PSLP EN1 para 5. Biodiversity and geodiversity.**

AL/BE 3&4 run counter to this policy as stated above in relation to the LWS.

#### **The Environment**

STR8 sets high environmental standards but these are undermined in the site allocations. This is particularly startling in the light of the July 2019 Full Council motion to recognise the climate and biodiversity emergency, in fact, the Benenden allocations put into question whether the motion was passed in good faith.

**EN1 para 5 (Biodiversity and geodiversity)** says that proposals should maximise opportunities to increase biodiversity. This goal may make sense in an urban setting, but development in the countryside, as is proposed in AL/BE 3 & 4, cannot hope to ever mitigate biodiversity loss. The destruction of trees and wild spaces, the introduction of lighting, kerbs, driveways, wider roads and narrower verges, the use of concrete, tarmac, bricks and mortar in a deeply rural setting cannot “increase biodiversity”.

**EN1 provides for Long-term Management plans** which would be satisfactory within an urban context. In a rural location like the East End, such plans are no substitute for natural wild spaces. A ‘managed’ green space set among streets is less likely to promote biodiversity and less likely to conserve wildlife than ‘unmanaged’ green space. Further, the three LWS in AL/BE3 are all already part of an existing LEMP agreement, and since one or all would be removed in the case of development as outlined by BHS under AL/BE3&4, instead of creating a long-term management plan, AL/BE3&4 would all but terminate an existing one. The sentiments expressed in EN1 are mocked by AL/BE3&4.

#### **1 Site policies**

**AL/BE3** excludes one of the 2 LWS at the site, and the BNP includes both, yet para 5.458 states “Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development..” This does not appear to be the case. Further, the SHELAA treats this site twice, once including the southern LWS (and excluding Windmill Cottage) and once excluding the LWS and including Windmill Cottage (SHELAA pages 1-3 and pages 18-19). In the second instance, the suggestion is for 67-73 houses, presumably building over the LWS. The first plan is the one adopted in the PSLP and appears to be the more accurate of the two in that it describes the site as “mostly PDL”. The second ignores all greenfield aspects and is almost identical to the plan in the BNP, a plan which BNP claims will prevail if it wins a referendum. Is AL/BE3 presenting us with the wrong plan?

**AL/BE3 and AL/BE4** provide for a phased timetable for development of the two sites at different time intervals without calling for a comprehensive masterplan for the hospital site as a whole i.e. for the entire built up area. This is inconsistent with STR2, which requires a masterplan for large developments. The full extent of the area to be developed must be clear. See para 1a of Policy AL/BE3 which states that there is a need to “show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.” It is not sound to proceed with an LP where the land to be developed is not indicated from the start.

**AL/BE3&4** both call for an active travel link between the site and Benenden village. This proposal has been costed (see BPC’s April 2021 reply to the Independent Examiner) at between £180,000 and £220,000 for a 3m wide tarmacked surface, plus costs to upgrade it to a bridleway, plus the costs associated with obtaining landowners’ consent or, failing that, of starting compulsory purchase proceedings which TWBC expresses reluctance to undertake because of the significant compensation costs and legal costs which would be involved. No steps have been taken either by the BNP or TWBC to ascertain the willingness of landowners to give up their land although the major landowner involved wrote to BNP on 11th Sept. 2019 objecting to the plan. It is understood that he was not contacted for subsequent discussion.



**AL/BE3&4** calls for the repurposing of the existing tennis courts for the use of local residents, which BHS denies it will offer for public use; for the public use of the hospital's café; for the creation of a hospital shop (5.413); for a minibus service linking the hospital to the village ("The Society is not a transport provider" is BHS' response); for green space, a playground and provision of a community hall - most of these policies are refuted in Savills' comments on behalf of BHS, in the first draft of the LP, DLP\_ 4956 paras 3.14, 3.18, 3.19, 3.20, 3.46 and 3.47. Rather than agreeing to such policies, the hospital is calling on TWBC to introduce a more flexible funding system to allow a *reduction* of developer costs. BHS argues these will be high because they wish to demolish existing buildings. It is unsound to propose policies which cannot be implemented. Once the sites are sold, no relevant conditions to this effect could be imposed.

**1 The PSLP is unsound because of inconsistencies in the treatment of different sites.**

(i) **Uphill, AL/BE1** is described as having archaeological potential (para 5.428) requiring possible mitigation measures. This is not because of historical finds on the site, but because they might be found. A listed manor house lies on the other side of New Pond Road and, according to AL/BE1, "the site lies within, or very close to the relevant impact risk zone for Parsonage Wood", a SSSI which is, in fact, several miles away. The archaeological significance of AL/BE 3&4 is far more certain and substantial. The hospital sites are where a bronze age palstaff was found (see the National Monument Register - SMR Number /Hob UID)) and the sites lie close to two ancient routeways. A Roman Road runs west-east (on BHS farmland) a few yards to the south of AL/BE3 and a medieval drove road (GGR), runs west-east between the two sites. Further, two Grade II Listed Buildings are sited here, also on BHS land. The Lister building stands a few yards to the west of AL/BE3 and Cleveland Farm house (the farmyard of which BHS is trying to develop separately and simultaneously as if a minor planning project) lies a few yards to the south. Instead of mentioning these facts, AL/BE3&4 reads (5.456 and 5.468) "Kent County Council states that the site includes significant archaeology, which could be dealt with through suitable conditions on a planning approval." The imbalance in the treatment of the two sites is substantial and suggests prejudice.

(ii) The SHELAA assessment of site 158 suggests a potential yield of 50-65 houses, but then concludes that only the Uphill part of the site is suitable (20 houses). It states that "the remainder of the site is sensitive in landscaping terms and there is concern regarding scale and impact on the character of the landscape and settlement pattern". This is contrary to the views of TW's 2006 SA; to the TW 2018 document proposing 174 houses; and to the first draft of the LP. The dismissal of 158 as a suitable site is not supported by the evidence and suggests prejudice.

(iii) Site 222, west of the cross roads, was also considered in 2006, as a possible site for the new village school, though it was not one of the top two sites put to a referendum. The SHELAA suggests 222 has a potential for 76 houses. The site is considered unsuitable partly because the new LBD, if adopted, will exclude all houses west of the cross roads, when the village actually extends a considerable length along this road to the west. There is no mention of the fact that the owners of this site are offering the pond at the south west corner of the crossroads as village green space. The dismissal of 222 is not supported by the evidence and suggests prejudice.

(iv) The SHELAA suggests a capacity of 26 houses at Site LS8 in Iden Green, stating that it lies adjacent to the recreation ground and a children's nursery and that there is a pavement on both sides of Iden Green's main road. It fails to mention that the easternmost side of this pavement connects the village to the village primary school. The SHELAA dismisses the site as unsuitable saying that it is located in a remote location relative to services, facilities and public transport, but this site is far less remote than sites AL/BE 3&4. The dismissal of site LS8 is not supported by the evidence and suggests prejudice.

(v) The proposed new LBD has been constructed so as to include the new site at Uphill and to exclude 222, when in fact, the actual built development extends westwards from the crossroads and includes site 222. The LBD is ignored in respect of AL/BE3&4. Manipulation of the LBD to suit allocated sites is inappropriate.

As a general comment, I have found the process unnecessarily difficult to navigate. In fact, from the point of view of the ordinary lay-man, I would term the process 'hostile'. The interactive on-line site was unmanageable. Question 4a is very badly worded. The PSLP's prose entirely suited the opacity of the procedure. Here is one example from the SA (page 163) "However, the education objective does not deteriorate when considering cumulative effects as the schools in Tenterden will be a viable option for residents in East End and thus are likely to take the pressure off Benenden Primary School." What does that mean?

## 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 modifications needed are included in the submissions set out above. In summary, development on site AL/BE 3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE 4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre and school. Paragraphs 5.421 and 5.422 should be omitted.

## 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:**

In order to put over my case, and to answer those with vested interests who may seek to put forward arguments against it.

## Question 8

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

1. The Sustainability Appraisal (SA) is misleading. Table 58 on page 163 states that all Benenden sites "lack services, facilities and travel options". This belies the fact that AL/BE2 (Feoffee almshouses) is close to the Street as is AL/BE1 (Uphill). Both sites are within walking distance of the bus stop for daily bus services, the post office, village shop, the primary school, the village green, the butchers, pub, community hall, church, recreation ground and children's playground. AL/BE 3 & 4 are three miles north east of the village with no daily bus service and no amenities whatsoever.
2. The commentary on Table 58, (page 163 of the SA), states that East End sites score badly on Climate Change and Travel, yet these are the sites promoted for most houses.

3. The SA argues on page 163 that East End residents will send their children to schools in Tenterden instead of to the village primary school, and that this will lessen the otherwise seriously negative effects of the two hospital sites. This is pure conjecture and possibly wishful thinking. The school has a good reputation and currently between 70 and 75% of children there come from outside the parish. East End children will have precedence over these, since intake depends on the distance of a child's residence from the school. Pressure on Benenden Primary School will increase, not decrease. Further, the use of a car, whether it drives to Tenterden (5-6 miles) or to Benenden (3 miles), pollutes and deprives residents of the health-giving pleasure of walking to school. The AL/BE 3&4 are contrary to STR2, to the NPPF and to KCC policy on climate change.
4. Appendix L (pp331-2) shows Scores for Reasonable Sites in Benenden. Here we see scores for 158 and 222, two sites close to the village centre. Of 158, we read "A site that scores several neutrals with some positives, let down by its land use and landscape score impacted by a loss of a greenfield site in the AONB and lack of services and facilities including public transport at the settlement." This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there.
5. In April 2018, BNP Steering Committee Deputy Chair, a borough councillor, showed the committee a piece of paper from TWBC saying that TWBC wishes to build 174 houses on site 158. He committed himself to seeing these numbers reduced and the numbers at the East End raised. After a meeting between representatives from the BNP group and TW planners on June 19th, 2018, the minutes reported that "At times the workshop was emotive ..." Following that meeting TW planners put site 158 on temporary hold, limiting development there to a future Local Plan by asking, in the first draft of the LP on page 270, that the Uphill site on New Pond Road, adjacent to 158 and allocated at that time as AL/BE3, should, under Clause 8, provide for vehicular access through Uphill to the site behind (158) "which may be allocated for development as part of a future Local Plan." In the PSLP, this wording for Clause 8 has disappeared. Where is the evidence-base for such wording to be included in the first draft and excluded in the second? Why is the site considered suitable in 2006, in 2018, and in the first draft, but not suitable in the PSLP?
6. Site 222, like 158 is described in Appendix L of the PSLP's SA as suffering from "a lack of services and facilities including public transport at the settlement." This is inaccurate. There is a daily bus service along Benenden Street and site 222 is within easy walking distance of the bus stop, shops, pub, community hall, primary school and all other amenities.
7. Site LS8, in the heart of Iden Green is, along with site 158 and 222, a site which on-the-ground evidence suggests is eminently suitable for development, but which the SA fails to allocate. Appendix L of the SA gives LS8 virtually the same scores as Uphill (LS16 of AL/BE1) yet the latter is included for development and the former is not. The commentary states of LS8 "A number of scores are negative however, reflecting the remote location of the site from services and facilities and public transport. It scores negatively in heritage terms as the site is a relatively sizeable piece of the Iden Green Conservation Area." This site is far less remote than sites AL/BE 3 & 4. It is one mile from the village and connected to it by a paved footpath running past a Roadside Conservation Area and then (still paved) through a field to the church and primary school. It is on a bus route and the bus stop is next to LS8. Iden Green has a community hall, tennis courts, a children's playground and pub/restaurant. The SA information is unreliable and the PSLP's use of it for site allocation is unwise.
8. In so far as Benenden is concerned, the sites were allocated before any sustainability appraisal was commissioned. It is not therefore a relevant factor in the allocation of sites for housing.

## 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\_1

## Comment

Consultee	Mr Peter Chapman [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Peter Chapman [REDACTED]
Comment ID	PSLP_63
Response Date	04/05/21 10:01
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.5
Files	<a href="#">PSLP_63_P Chapman_SI.jpg</a> <a href="#">Building a town the size of Monaco will mean a new Five Oak green bypass.docx</a>
Question 1	
Respondent's Name and/or Organisation	peter chapman
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.	
	STR1 SS3 Tudeley /Capel
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 positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

#### 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.**

I have lived in this area all my life. Tudeley /Capel is a small rural community of around 900 homes, consisting mainly of apple orchards, and sheep and cow grazing. It is an Area of Natural beauty- concreting it over is NOT the future in a post-covid world. The local residents are universally opposed to a huge "New town" being inflicted upon them, increasing the local population by six times over. There are not the shops, trains, buses, roads, Doctors, dentists, schools to cope with such a huge population explosion.

Green Belt is Green belt – needing more housing is NOT a special circumstance to concrete over Green belt- it will turn the area into one long urban sprawl from Tonbridge through to Padock wood.

TWBC want to inflict a gigantic "New town" the size of Monaco smack bang in a section of Greenbelt. NO ONE wants this grotesque scheme except the leader of TWBC, his planning officer, and the rich land owner who will make a fortune from selling his fields. I have not spoken to a single other person who thinks this is a good idea. This is such lazy planning- rather than find smaller, more suitable brownfield sites they have plonked for one easy huge site. Lazy lazy lazy.

Having grown up here, I know from experience that this area floods badly. If an area the size of Monaco is concreted over where will future rain water run off to?

My family have enjoyed growing up here, in this rural, beautiful part of Kent. We enjoy the many walks the area offers. My children are keen to get on the property ladder but they too are horrified with new homes/affordable homes being in such huge numbers in an area they love being destroyed. Locals will in no way benefit- these new houses will attract people from LONDON NOT locals- many will commute back to London every day.

My children understand the need for more housing but they agree a huge new town just slapped on pristine green fields in Tudeley is not the future in a post covid world. Local residents will benefit in no way from this monstrous development. They will suffer DECADES of construction noise, traffic, dust, mess, hugely damaging their quality of life they cherish.

The Tudeley development is completely unsustainable.

\*There is no railway station (nor ever will be) It will be totally car- centric however many bus /cycle lanes TWBC say they will build. These will be expensive home- every family will have at least two cars, pouring out towards already gridlocked Tonbridge every morning. The B2017 into Tonbridge already backed up in rush hour every day. It is a pipe dream for TWBC to say that all these thousand

of new residents will cycle to work school on a rainy cold January morning. This will just NOT happen. Tonbridge station is already packed to capacity in normal non-covid times.

\* The proposed huge Tudeley development is in the middle of nowhere- there is no infrastructure in place- The sewerage /water supply requires major upgrading. The electricity supply will need upgrading. All at a cost of tens of millions of pounds.

\*Local roads are little more than country lanes- TWBC propose new roads- which may not be built for many years/decades- in the meantime thousands of cars with no where to go apart from gridlocked Tonbridge, a medieval market town that cannot be extended with new roads- there is no space. Any new road into Tonbridge has no where to go- it will just jam up close to Tonbridge as it does now- this problem cannot be solved- this is the WRONG place for a huge new housing development.

Tonbridge Borough council were only consulted late in the planning process. This development lies right on the edge of Tonbridge. Tunbridge Wells residents will be totally unaffected by thousands of new homes whilst Tonbridge residents will suffer gridlock- packed roads, no town parking, packed trains into London. A huge development on the edge of Tonbridge is crazy! Very poor engagement with local residents and local council. (Tonbridge)

If the development is built a new road bypassing Five Oak green is proposed- This will carve a hideous dual carriage way across yet MORE Green belt- these beautiful fields are currently used for farming and grazing.

Air quality will suffer hugely- thousands of cars in use every day, thousands of central heating boilers, all polluting daily- sustainable???

Democracy?? TWBC are determined to ram this grotesque scheme through- They have totally ignored the opinions of local residents whose lives will be ruined/changed for decades to come. They did not consult with Tonbridge Borough Council until late in the planning process. Tonbridge Council are alarmed how their town will be over whelmed.

TWBC refuse to consider more suitable area to develop such as Castle Hill- much of the infrastructure is already there- particularly roads.

## Question 6

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TWBC have NOT considered alternative site for development, such as castle Hill, or other brown field site that wil inevitably appear in a post-covid world.

## 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)?**

**Question 8**

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

Unsustainable- No infrastructure in place without spending tens of Millions on new infrastructure- inadequate roads, inadequate water/sewage, inadequate drainage leading to even more flooding. Thousands of polluting cars pouring into already gridlocked Tonbridge every morning. The New Town will have NO SHOPS initially, possibly for years. All residents will have to drive into Tonbridge for just a pint of milk! No supermarkets have agreed to locate in the "New Town" No railway station- EVER says network Rail

If the New Town is built, a new bypass is proposed for Five oak green- possibly a dual carriage way- this is literally where it will run across this field.....seriously? They want to build a road across this bucolic Green belt countryside?? See pic below

TWBC say they will build new roads to Tonbridge- There is no space for new roads. Tonbridge is already gridlocked.

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

[Building a town the size of Monaco will mean a new Five Oak green bypass.docx](#)

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

[PSLP 63 P Chapman SI.jpg](#)

## Comment

Consultee	Mr Peter Chapman [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Peter Chapman [REDACTED]
Comment ID	PSLP_62
Response Date	04/05/21 09:57
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.2
Question 1	
Respondent's Name and/or Organisation	peter chapman
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.	
STR/SS 3 S Tudeley Village	
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 effective
- . It is not justified
- . It is not consistent with national policy

#### Question 5

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There are not the shops, trains, buses, roads, Doctors, dentists, schools to cope with such a huge population explosion.

Green Belt is Green belt – needing more housing is NOT a special circumstance to concrete over Green belt- it will turn the area into one long urban sprawl from Tonbridge through to Padock wood.

TWBC want to inflict a gigantic "New town" the size of Monaco smack bang in a section of Greenbelt. NO ONE wants this grotesque scheme except the leader of TWBC, his planning officer, and the rich land owner who will make a fortune from selling his fields. I have not spoken to a single other person who thinks this is a good idea. This is such lazy planning- rather than find smaller, more suitable brownfield sites they have plonked for one easy huge site. Lazy lazy lazy.

Post covid there will be many empty warehouses, shops, factories that will never reopen post covid- look there first surely?

Having grown up here, I know from experience that this area floods badly. If an area the size of Monaco is concreted over where will future rain water run off to?

My family have enjoyed growing up here, in this rural, beautiful part of Kent. We enjoy the many walks the area offers. My children are keen to get on the property ladder but they too are horrified with new homes/affordable homes being in such huge numbers in an area they love being destroyed. Locals will in no way benefit- these new houses will attract people from LONDON NOT locals- many will commute back to London every day.

My children understand the need for more housing but they agree a huge new town just slapped on pristine green fields in Tudeley is not the future in a post covid world. Local residents will benefit in no way from this monstrous development. They will suffer DECADES of construction noise, traffic, dust, mess, hugely damaging their quality of life they cherish.

The Tudeley development is completely unsustainable.

\*There is no railway station (nor ever will be) It will be totally car- centric however many bus /cycle lanes TWBC say they will build. These will be expensive home- every family will have at least two cars, pouring out towards already gridlocked Tonbridge every morning. The B2017 into Tonbridge already backed up in rush hour every day. It is a pipe dream for TWBC to say that all these thousand

of new residents will cycle to work school on a rainy cold January morning. This will just NOT happen. Tonbridge station is already packed to capacity in normal non-covid times.

\* The proposed huge Tudeley development is in the middle of nowhere- there is no infrastructure in place- The sewerage /water supply requires major upgrading. The electricity supply will need upgrading. All at a cost of tens of millions of pounds.

\*Local roads are little more than country lanes- TWBC propose new roads- which may not be built for many years/decades- in the meantime thousands of cars with no where to go apart from gridlocked Tonbridge, a medieval market town that cannot be extended with new roads- there is no space. Any new road into Tonbridge has no where to go- it will just jam up close to Tonbridge as it does now- this problem cannot be solved- this is the WRONG place for a huge new housing development.

Tonbridge Borough council were only consulted late in the planning process. This development lies right on the edge of Tonbridge. Tunbridge Wells residents will be totally unaffected by thousands of new homes whilst Tonbridge residents will suffer gridlock- packed roads, no town parking, packed trains into London. A huge development on the edge of Tonbridge is crazy! Very poor engagement with local residents and local council. (Tonbridge)

If the development is built a new road bypassing Five Oak green is proposed- This will carve a hideous dual carriage way across yet MORE Green belt- these beautiful fields are currently used for farming and grazing.

Air quality will suffer hugely- thousands of cars in use every day, thousands of central heating boilers, all polluting daily- sustainable???

Democracy?? TWBC are determined to ram this grotesque scheme through- They have totally ignored the opinions of local residents whose lives will be ruined/changed for decades to come. They did not consult with Tonbridge Borough Council until late in the planning process. Tonbridge Council are alarmed how their town will be over whelmed.

TWBC refuse to consider more suitable area to develop such as Castle Hill- much of the infrastructure is already there- particularly roads.

## 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	Paul Chapman [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Biddenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Paul Chapman [REDACTED]
Comment ID	PSLP_250
Response Date	18/05/21 12:24
Consultation Point	Policy PSTR/BE 1 The Strategy for Benenden parish ( <a href="#">View</a> )
Status	Processed
Submission Type	Other
Version	0.7
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Paul Chapman
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/BE 1 The Strategy for Benenden parish

*[TWBC: this representation has been input against Policies PSTR/BE 1, AL/BE 3 and AL/BE 4 - see Comment Numbers PSLP\_250, PSLP\_251 and PSLP\_252]*

**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.

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Paragraph No(s) Para 5.413, 5.414, 5.416, 5.420, 5.421, 5.422, 5.428, 5.452, 5.453, 5.454, 5.456, 5.458, 5.467, 5.468

Policy No. Objective 1, Objective 2, STR1, STR2, STR3, STR5, STR6, STR7, STR8, PSTR/BE1, Policy AL/BE1, Policy AL/BE3, Policy AL/BE4, EN1

Sustainability Appraisal SHELAA

Policies Map (Inset Map No(s)) Inset Map 18

This submission concerns the parish of Benenden, the only parish in the borough to have made its own allocations. The Benenden Neighbourhood Plan (BNP) has been developed in close consultation with TWBC, with the BNP in the lead. The BNP announced its allocations in February 2019, before inviting AECOM to produce its Strategic Environmental Assessment. Pre-Submission Local Plan, para 5.420 reads "The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020." But the allocations had been made and published in February 2019. Further, Para 5.420 states "The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan." BNP allocations were first published in February 2019 i.e. before LP site allocation policies.

Allocations made by the LP, when it took up the BNP's baton, are therefore inevitably linked to BNP's weaknesses. Yet if the BNP passes a referendum before acceptance of the LP, it is said that it will take precedence over the LP (see para 5.421), with the exception of its plans for the northern site at Benenden hospital, which will be overruled by the plans advanced in the LP (see Benenden Parish Council April 2021 response to Independent Examiner queries on the BNP). This is in contravention of para 5.422 which talks of making "modifications to the LP" so that it matches the BNP.

**1 Community involvement. EN1: this requirement has not been respected.**

- . In Benenden, almost all new housing is slated for the East End, yet the Friends of the East End (FEE), were never asked to meet with the BNP steering group.
- . See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others. The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the Informal Draft NP (published on February 23, 2019), in which the allocations later adopted by the LP were first set out. A FEE submission with 164 signatures was submitted in October 2019 objecting to

the first draft of the LP, and in the same month, a FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. See the FEE's current online petition with more than 450 signatures <https://www.change.org/EastEndFriends>

- . Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that "I'm of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about.* At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward."
- . One of the regular articles on the BNP submitted by the chair of the BNP Steering Group appeared in January 2020. It dismisses FEE opposition suggesting only "31 residents from the East End" sent in comments.
- . The core group behind the BNP has consistently tried to persuade those who support the FEE to desist. The chair of the Parish Council and the chair of the BNP Steering Group have twice asked to meet a Tunbridge Wells Alliance (TWA) Borough Councillor for the parish, once together with a TWA borough council candidate, in efforts to persuade them to adhere to the BNP's approach and not to listen to the FEE.
- . The organiser of the FEE was a member of the Steering Committee 2017/2018 as chair of the Environmental Group. She expressed strong disagreement with a Borough Councillor who lives in the village (on occasion, he deputises as chair of the Steering Group) about his wish to step up allocations in the East End and suppress TWBC's wish to build 174 houses on site 158. As a result, the Steering Group chair (using his own word), "sacked" her. This is contrary to EN1 para 9, encouraging early, proactive and effective engagements and the requirement that views expressed should be properly considered.
- . Consultation also failed in relation to the neighbouring parish of Biddenden. The Clerk of Biddenden Council has repeatedly responded to BPC in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP's mismanagement of the parish of Biddenden in the Biddenden Parish Magazine, February 2021.
- . The LP is based on the BNP and BNP allocations were made before consultations with stakeholders such as the AONB. This is not consulting in a timely fashion. Further, the LP requires surveys of the hospital sites *after* the designation of the sites for development, for example, archaeological surveys (see AL/BE 3&4). Historic England (HE) asks for the surveys to be carried out *before* See HE's comments on the first draft LP (DLP\_4556) - "we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted.*"
- 1 **The PSLP is not based on sound evidence**
  - . Throughout the LP process, misstatements have been made about amenities in Benenden's East End. These may be traced back to a submission made by traffic and highways consultants, Transport Planning Associates (TPA) to Benenden Healthcare Society Ltd. (BHS). This submission was recently disclosed in BHS's response to the Independent Examiner's queries in relation to the BNP. TPA's information is sometimes inaccurate and sometimes misleading and we consider it here in detail because it is difficult otherwise, to understand how the LP was able to continue, iteration after iteration, to relate false information about the hospital site.
  - . In October 2019, TPA reported (para 2.6) that there was a footpath along the southern edge of Goddards Green Road (GGR) and the PSLP, para 5.452 states "There is an intermittent pavement along GGR". The GGR is a long road running from New Pond Road to Castleton's Oak crossroads, and was formerly a lane. The pavement is limited to the short section immediately outside the hospital buildings. To say that there is an intermittent pavement along GGR is misleading.
  - . The TPA refers to the East End as a village, which it is not. The East End runs from the junction of GGR and Walkhurst Road, along the GGR to the border with Tenterden, then turns south to reach close to Hole Park in Rolvenden, then east back to Walkhurst Road at the site of the stream, then along Walkhurst Road back to GGR (see the old Electoral Roll for 2004 when the East End had its own polling station). It is a large, totally rural area of several square miles, which was why it was chosen as the site for an isolation hospital in 1906. Today it contains only 76 houses scattered across the entire area. The PSLP consistently refers to the East End as a hamlet. It is

- not, which is why BPC is able to advertise itself on its website as “Serving the people of Benenden and Iden Green” without any reference to the East End.
- . The TPA says that “a day nursery is located immediately to the north of the Site within 400m.” There is incorrect, yet this error is repeated in para 5.413 of the PSLP “There are also nursery/pre-school facilities at Iden Green and East End.” An accurate account would mention Iden Green only.
  - . The TPA states that there are daily bus services along GGR provided by bus nos. 24 and 299, and twice a day service provided by the Hopper bus. This information is incorrect. The 2019 Hopper bus, operated by the Tenterden social services hub on an experimental basis, failed in only a matter of months. While the 24 and the 299 buses pass along GGR, they do so on only one day a week. The 24 on Tuesdays and the 299 on Wednesdays. The East End has almost no public transport.
  - . The TPA makes several statements in relation to traffic which have fed misinformation into the system to be reflected in AL/BA3&4. This misinformation was only recently revealed when documents were provided by BHS following April 2021 queries raised by the Independent Examiner on the BNP. These documents include a TPA ‘Scoping Note’ on road and traffic conditions at the site and a letter written in response to this Note from KCC Highways, dated 13 Nov. 2019. The TPA states that the GGR is 7m wide at the hospital site which detracts from the fact that it is actually a winding rural lane, now called a road, and varies considerably in width. It may at some point be 7m wide, but at others, it is so narrow that two lorries have difficulty passing each other. The TPA claims that there is no need for a road safety review because there have been “no personal injury accidents” recorded within 1,000m. Castleton’s Oak crossroads lie 1.5 km from the site and accidents there are frequent, largely due to increasing traffic at the hospital. The hospital has turned itself into an almost exclusively out-patient centre and almost all its 300 employees drive in to work from outside the parish (formerly, they were housed on site in hospital staff buildings). Kent County Council (KCC) Highways make constant and repeated attempts to lower the risk of injury at the crossroads. Works there are ongoing at this time. The TPA claims that no traffic surveys are necessary which is a point queried in the KCC Highways’ email. The email talks of the “heavy car dependency” of residents in any housing in this location and says this was one of its concerns, even at the time of the original application asking for only 24 houses. The email states that BHS’s plans (and therefore AL/BE 3&4) are contrary to the NPPF and to KCC’s own policy objectives, and points out that the hospital has not co-operated over the idea of a minibus to provide transport from the site to Benenden. The letter calls for: traffic counts along the GGR; a wider crash analysis; and expresses concern over the proposed access points to the SE Quadrant - 2 on Green Lane and 2 on GGR. Lastly, on trip generation, the TPA projects that 47 houses at the site will produce only 106 trips a day, though the consultants admit that they have difficulty in basing their estimate on comparable sites because there are none. These trip generation figures ignore existing traffic from local residents, from patients, from hospital staff and from the newly (January 2021) proposed housing estate at Cleveland. The AL/BE 3&4 fails to provide a traffic count, fails to ask for a road safety review and fails to acknowledge frequent traffic accidents near the sites.
  - . Pre-submission supporting documents also produce inaccurate and sometimes irrelevant evidence. The hospital sites are within the setting of an AONB and even overlap into it, yet *Inset Map 18* (Benenden Hospital), unlike other maps attached, makes no reference to the AONB boundary. The BNP claims that the hospital is outside the AONB and on this basis, since the rest of the village is wholly within the AONB, largely justifies placing most of Benenden’s housing in the East End. The relationship of the AONB boundary to the hospital sites is important yet it is ignored on the map. This looks like prejudice.
  - . Hankinson Duckett Associates’s *AONB Setting Analysis Report* (a supporting document for the PSLP, referred to as an evidence base) is, in its analysis of AL/BE3&4, unsound. The analysis argues that development at these sites will enhance the setting of the AONB. It illustrates the argument with photos of the hospital chapel and its carpark. Neither chapel nor car park are in the area up for development.
- 1 **Policies AL/BE3&4 are not consistent with the PSLP’s Vision objectives nor with its strategies, nor with KCC’s policies, nor with the NPPF.**
- . The PSLP’s Vision Objective 1 is : “to improve access to suitable, especially affordable housing, including for local young people and older households.” But this is inconsistent with allocations AL/BE 3 & 4. BHS is asking in its comments on the LP first draft, for a lower number of affordable homes because of the high cost of brownfield development. Living isolated in the countryside,

families will need at least two cars. Old and young will be unable to walk to schools, shops or any other amenities. This is not a suitable site for a borough which (see para 2.16) expects the population over the age of 65 + to increase by around 40% between 2020 and 2038.

The PSLP's Vision Objective 2 is to ensure sustainable development which allocations at AL/BE 3&4 do not achieve. On the contrary, the KCC warns that even with the existing permission for 24 houses on AL/BE3, the highway authority had concerns. This is an isolated location, deep in the countryside (see KCC Highways email 13 Nov 2019). More than 24 houses in this location is not sustainable.

- . **Policy PSTR/BE1**, LBD 5.416 states "the LBD around Benenden village sets the extent of existing and planned development .." This conflicts with the recommendation that major development be instated three miles beyond the LBD, on the border with Biddenden.
- . **Policy STR 2** "The Council requires the use of masterplanning, including the use of design codes and sustainable design standards where appropriate, for strategic and larger-scale developments.." This is undermined by AL/BE 3&4 which calls for a masterplan for an area not included in the PSLP and not presented. Para 1a of Policy AL/BE3 states that there is a need to "show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*" It is not sound to proceed with an LP where the land to be developed is not clearly indicated from the start.
- . **A masterplan is essential to avoid current inconsistencies on the size of areas to be developed:** AL/BE3 excludes one of the 2 Local Wildlife Sites (LWS) at the site, yet the BNP includes both. Para 5.458 states "Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development.." They do not. The PSLP states that in the event of a successful referendum, the BNP's proposals will prevail. If this is so, are we supposed to assume that AL/BE3 map is inaccurate?
- . A similar problem arises at the northern site (AL/BE4) here there are currently 18 dwellings. The proposal allows for these to be demolished and another 25 dwellings added to the site. The size of the area to be developed varies between the LP and the BNP. The LP includes the LWS in the area to be developed but the BNP includes only a small section, but says in the event of a successful referendum the BNP plan will be over-ruled by the LP plan (see the BPC response April 2021 to the Independent Examiner's queries). This is the reverse of 5.421 & 2. It is unsound to proceed with a plan when the NP and the LP are at odds with each other.
- . **The PSLP claims building will only be within existing footprints**, an approach which is at odds with that of the BHS. Plans for 47 new houses in AL/BE3, presented to the village on 17th February 2020 by the hospital architects, show the buildings are not to be built within the footprint of previous buildings nor to respect LWS.
- . **Policy STR 3** calls for the use of brownfield sites "within settlements" and in "sustainable locations." AL/BE 3 consists of disused medical buildings and 2 LWS with parkland and veteran trees (depending on whether this second LWS is included or not). 5.448 is therefore incorrect. The site should be described not as brownfield but as partly brownfield. It is not on the brownfield register. Because of its remote location and its valuable LWS sites, it is not free from constraints which could be mitigated. As such, Policy AL/BE3 does not meet the criteria needed under the NPPF, Section 11, para 117 for development in "a way that makes as much use as possible of previously-developed or 'brownfield' land." AL/BE 4 contains in-use residential housing and an LWS and therefore is not brownfield.
- . **Policy STR 5** states that "New residential ... development will be supported if sufficient infrastructure capacity is either available or can be provided in time to serve the development." Will this happen at AL/BE3&4? Developers themselves are to provide the infrastructure at AL/BE 3&4. The LP proposes to take on trust suggestions that the BHS will avoid building on the LWS and will provide play-grounds, sports facilities and tennis courts. We know from submissions following the first draft LP, that BHS is actually planning to remove one LWS entirely and that its plans include building on the LWS and beyond the foot print of previous buildings. BHS suggests, in its response to the first draft LP (DLP\_4956) that it is unlikely to provide play-grounds, sports facilities and tennis courts. The PSLP's approach does not take comments to the first draft LP into account.
- . **Policy STR 6** proposes to "Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough." In the case of the two isolated hospital sites, the PSLP contradicts its own strategic policy and fails to offer choices in



transport or to prioritise active travel and public transport. The Benenden hospital sites have no daily bus service and no active travel link to the village, and neither the PSLP nor the BHS provide credible information on how these links are to be provided. The KCC email of Nov 13 suggests that the hospital is uncooperative on the proposal to organise a minibus service and the SHELAA says of AL/BE3 that it is "Remote from a settlement centre," (unlike sites 158, 222 and LS8); that residents will rely heavily on private cars and thus air quality and travel objectives score negatively; and that, "although promoted by the policy, shared transport and active travel options are unlikely to take precedence over private vehicle use thus air quality and climate change score negatively." This we feel is the nub of the issue. For all the talk of mitigating the remoteness of the hospital sites with a minibus link and cycle routes, nobody actually believes that any of these measures will succeed. As for the proposal to create links suitable for electric personal vehicles, such as mobility scooters (as suggested under STR 6), it is difficult to see, when the closest link with the village is a single-track lane (Walkhurst Road), how any personal electric vehicle could make that journey. The PSLP is creating, through its policies AL/BE3&4, a car dependent community. This thereby negates the sense of the LP's supporting document, *Transport Strategy Review Sept 2019* which urges reducing the need to travel.

- . AL/BE3&4 also undermine TWBC's Full Council motion of July 2019 to reduce CO2 emissions. "The dominance of the car as a mode of transport can lead to congestion, more road accidents, air and noise pollution. In addition it contributes to climate change, reduces social cohesion and leads to less healthy lifestyles" (para 44 *Transport Review*). According to TW's own SA from 2006, if social cohesion, reduction in air pollutants, and public health were indeed the borough's priorities, sites chosen for development in Benenden would have included site 158.
- . **PSLP paras 5.453 and 5.467** state that "residents of development in this location will rely heavily on private cars." These plans runs counter to STR6 policy on the environment see paras 6.8, 6.9, 6.10, 6.11 and 6.13. It also contravenes KCC policies on climate change and the NPPF (see KCC's Nov 13, 2019 letter on this subject).
- . **Para 5.414** "The parish provides two relatively large sources of employment: at Benenden Hospital and at Benenden School." The inference is that the employment opportunities are linked somehow to the population of Benenden. There is in fact little connection. The 300 plus staff at the hospital drive into the parish along GGR to work and, since the hospital is isolated from the village, their contribution to the local economy is negligible.
- . **Policy STR 6** The LP proposes to "**Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough.**" In the case of the two isolated hospital sites, the LP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport.
- . **Cycle routes:** The PSLP's standards on the public benefits of cycling and walking are based on the *Cycle Strategy Supporting Document*, but these standards are undermined by site allocation in Benenden. The Cycle document states that: "When more people cycle or walk the health of the population improves and our roads become safer and less congested." Its objectives 4 and 5 are to improve safety for cyclists and air quality for all, but AL/BE 3 & 4 will create a community, deep in the countryside, entirely dependent on the car and will contribute to poorer air quality for all. The allocation of these sites, as opposed to sites such as 158, is difficult to understand.
- . The *Cycle Strategy* states that fear of traffic is possibly the main factor discouraging people from cycling. National Cycle Route 18 runs from the Rolvenden Road, down Stepneyford Lane, to Green Lane, before joining the Benenden Road near the hospital, turning right and leading to Castleton's Oak Cross roads and Gribblebridge Lane. This route is a largely on-road ride travelling through the High Weald, using narrow, picturesque country lanes as much as possible. Green Lane/Stepneyford Lane is mentioned in TWBC's Rural Lanes: Supplementary Planning Guidance. It is particularly high scoring in terms of its landscape, its recreational value, its natural beauty and its history. For these reasons, it is part of National Route 18. Rather than encouraging cycling, AL/BE3, which proposes two exits for this major development on GGR and two on Green Lane (where a second housing estate, at Cleveland's Farm is already leading to Kent Highways calling for road widening and the elimination of grass verges - see building application 20/03267/FULL) will cause an increase in those factors, identified in *TW Cycle Strategy*, as discouraging cyclists, namely, traffic and the loss of unspoilt country lanes. Policy AL/BE3 also contravenes Kent Structure Plan Policy ENV13: "Rural lanes which are of landscape, amenity, nature conservation, historic or archaeological importance will be protected from changes which would damage their character, and enhanced." In any event, the cycle route is purely recreational and will not enhance the sustainability of these sites.

- . **Policy STR 7** proposes, in dealing with TWBC's 2019 legally binding commitment to manage climate change, that all development in the borough will support the Council's target to achieve net zero emissions by 2030. It is unsound, with such a goal, to propose a major development on the parish periphery, 3 miles equidistant from two villages where there is no shop (in spite of the PLSP's statement AL/BE 3&4) and no café (BHS says its café was built for its own use not for the use of the public - see comments on the first draft of the LP). Residents will need their cars for almost everything.
- . **Policy STR1** promotes the effective use of previously developed land, having due regard to relevant Plan policies, but in promoting AL/BE3&4, the PSLP disregards STR6 (environmental goals) & STR7 (transport goals). Under the NPPF, sustainability is the priority, as the PSLP acknowledges in STR3, 4.65 "A presumption of sustainability lies at the heart of the NPPF", but in allocating AL/BE 3&4, the PSLP fails to respect its own and the NPPF's strategic priorities.
- . **Policy STR 8** states that development should contribute to and enhance rural landscapes with particular regard to the High Weald (HW) AONB. The PSLP promotes nature conservation. Its biodiversity objective is to achieve net gains and, where possible, secure long-term management of sites for biodiversity. AL/BE3 runs counter to this strategy since the BHS has produced plans showing houses built over the LWS. It has, furthermore, produced a document requiring that one of the two LWS be dug up and removed to another unspecified location, thereby nullifying the terms of the existing Landscape and Ecology Management Plan (LEMP) for that site. Para 3.21 of the BHS submission on the first draft LP states: *"The Society supports the requirement for long-term management of the core areas of LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peak Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."* This is a particularly significant site for biodiversity. A letter from Keith Nicholson, former Planning and Conservation officer for the Kent Wildlife Trust, dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert states that the hospital LWS are of national importance, mainly for the large number of different varieties of waxcaps. He states that they could well have been designated SSSI. Both in terms of waxcaps and in terms of valuable acid grassland, the hospital sites have high environmental value, see Comment DLP\_3458 on the first draft of the LP, from the High Weald AONB Unit. The Benenden Hospital site *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* AL/BE3&4 threaten the biodiversity of significant species in the LWS at the hospital sites, contrary to EN1.
- . The LWS to the south of AL/BE3 is included in the BNP and BPC argues that this has been done in order to protect it (see their response to the Independent Examiner April 2021). It is difficult to follow this logic. The inclusion of the site in the area to be developed suggests that it too could be under threat.
- . There is no plan showing the placement of houses on AL/BE 4, which is currently home to a large LWS and is the site of 18 habitable dwellings, almost all of the them currently in use and let. The proposal allows for these to be demolished and another 25 dwellings added to the site. The PSLP includes the LWS in the area to be developed and the BNP excludes most of it. Benenden Parish Council (BPC), in its April 2021 response to the Independent Examiner, has said that, in this case of a successful referendum, the PSLP's plan (which includes the LWS), will prevail. In other words, of the 3 LWS in AL/BE 3&4, one is slated for removal, one will be built over if the PSLP prevails and one may be built over if the BNP prevails. This undermines STR8.
- . The PSLP claims that the hospital development "has the potential to improve the setting of the HW AONB through the delivery of a more sensitive redevelopment of existing buildings" (para 5.454), but the claim is not supported by evidence produced by the *Hankinson & Duckett* (see above) while the HW AONB unit's own view is the opposite. See TW first Draft LP, **DLP\_3458 High Weald AONB Unit** (which objects to the Plan) : *"....In our view the development at Benenden Hospital will have a significant effect on the setting of the AONB and the purposes of its designation, and this issue has not been properly considered by the Plan."*
- . The NPPF section 2 para 11 states: *"Plans and decisions should apply a presumption in favour of sustainable development... ..(b) strategic policies should provide for objectively assessed needs for housing ...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.” And see Footnote 6: the policies referred to are those in the Framework ... relating to habitat sites (and those sites listed in para 176) and /or designated as SSSI, AONBs ....

NPPF para 177 states *“The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.”*

#### **PSLP EN1 para 5. Biodiversity and geodiversity.**

AL/BE 3&4 run counter to this policy as stated above in relation to the LWS.

#### **The Environment**

STR8 sets high environmental standards but these are undermined in the site allocations. This is particularly startling in the light of the July 2019 Full Council motion to recognise the climate and biodiversity emergency, in fact, the Benenden allocations put into question whether the motion was passed in good faith.

**EN1 para 5 (Biodiversity and geodiversity)** says that proposals should maximise opportunities to increase biodiversity. This goal may make sense in an urban setting, but development in the countryside, as is proposed in AL/BE 3 & 4, cannot hope to ever mitigate biodiversity loss. The destruction of trees and wild spaces, the introduction of lighting, kerbs, driveways, wider roads and narrower verges, the use of concrete, tarmac, bricks and mortar in a deeply rural setting cannot “increase biodiversity”.

**EN1 provides for Long-term Management plans** which would be satisfactory within an urban context. In a rural location like the East End, such plans are no substitute for natural wild spaces. A ‘managed’ green space set among streets is less likely to promote biodiversity and less likely to conserve wildlife than ‘unmanaged’ green space. Further, the three LWS in AL/BE3 are all already part of an existing LEMP agreement, and since one or all would be removed in the case of development as outlined by BHS under AL/BE3&4, instead of creating a long-term management plan, AL/BE3&4 would all but terminate an existing one. The sentiments expressed in EN1 are mocked by AL/BE3&4.

#### **1 Site policies**

**AL/BE3** excludes one of the 2 LWS at the site, and the BNP includes both, yet para 5.458 states “Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development..” This does not appear to be the case. Further, the SHELAA treats this site twice, once including the southern LWS (and excluding Windmill Cottage) and once excluding the LWS and including Windmill Cottage (SHELAA pages 1-3 and pages 18-19). In the second instance, the suggestion is for 67-73 houses, presumably building over the LWS. The first plan is the one adopted in the PSLP and appears to be the more accurate of the two in that it describes the site as “mostly PDL”. The second ignores all greenfield aspects and is almost identical to the plan in the BNP, a plan which BNP claims will prevail if it wins a referendum. Is AL/BE3 presenting us with the wrong plan?

**AL/BE3 and AL/BE4** provide for a phased timetable for development of the two sites at different time intervals without calling for a comprehensive masterplan for the hospital site as a whole i.e. for the entire built up area. This is inconsistent with STR2, which requires a masterplan for large developments. The full extent of the area to be developed must be clear. See para 1a of Policy AL/BE3 which states that there is a need to “show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.” It is not sound to proceed with an LP where the land to be developed is not indicated from the start.

**AL/BE3&4** both call for an active travel link between the site and Benenden village. This proposal has been costed (see BPC’s April 2021 reply to the Independent Examiner) at between £180,000 and £220,000 for a 3m wide tarmacked surface, plus costs to upgrade it to a bridleway, plus the costs associated with obtaining landowners’ consent or, failing that, of starting compulsory purchase proceedings which TWBC expresses reluctance to undertake because of the significant compensation costs and legal costs which would be involved. No steps have been taken either by the BNP or TWBC to ascertain the willingness of landowners to give up their land although the major landowner involved wrote to BNP on 11th Sept. 2019 objecting to the plan. It is understood that he was not contacted for subsequent discussion.

**AL/BE3&4** calls for the repurposing of the existing tennis courts for the use of local residents, which BHS denies it will offer for public use; for the public use of the hospital's café; for the creation of a hospital shop (5.413); for a minibus service linking the hospital to the village ("The Society is not a transport provider" is BHS' response); for green space, a playground and provision of a community hall - most of these policies are refuted in Savills' comments on behalf of BHS, in the first draft of the LP, DLP\_ 4956 paras 3.14, 3.18, 3.19, 3.20, 3.46 and 3.47. Rather than agreeing to such policies, the hospital is calling on TWBC to introduce a more flexible funding system to allow a *reduction* of developer costs. BHS argues these will be high because they wish to demolish existing buildings. It is unsound to propose policies which cannot be implemented. Once the sites are sold, no relevant conditions to this effect could be imposed.

**1 The PSLP is unsound because of inconsistencies in the treatment of different sites.**

(i) **Uphill, AL/BE1** is described as having archaeological potential (para 5.428) requiring possible mitigation measures. This is not because of historical finds on the site, but because they might be found. A listed manor house lies on the other side of New Pond Road and, according to AL/BE1, "the site lies within, or very close to the relevant impact risk zone for Parsonage Wood", a SSSI which is, in fact, several miles away. The archaeological significance of AL/BE 3&4 is far more certain and substantial. The hospital sites are where a bronze age palstaff was found (see the National Monument Register - SMR Number /Hob UID)) and the sites lie close to two ancient routeways. A Roman Road runs west-east (on BHS farmland) a few yards to the south of AL/BE3 and a medieval drove road (GGR), runs west-east between the two sites. Further, two Grade II Listed Buildings are sited here, also on BHS land. The Lister building stands a few yards to the west of AL/BE3 and Cleveland Farm house (the farmyard of which BHS is trying to develop separately and simultaneously as if a minor planning project) lies a few yards to the south. Instead of mentioning these facts, AL/BE3&4 reads (5.456 and 5.468) "Kent County Council states that the site includes significant archaeology, which could be dealt with through suitable conditions on a planning approval." The imbalance in the treatment of the two sites is substantial and suggests prejudice.

(ii) The SHELAA assessment of site 158 suggests a potential yield of 50-65 houses, but then concludes that only the Uphill part of the site is suitable (20 houses). It states that "the remainder of the site is sensitive in landscaping terms and there is concern regarding scale and impact on the character of the landscape and settlement pattern". This is contrary to the views of TW's 2006 SA; to the TW 2018 document proposing 174 houses; and to the first draft of the LP. The dismissal of 158 as a suitable site is not supported by the evidence and suggests prejudice.

(iii) Site 222, west of the cross roads, was also considered in 2006, as a possible site for the new village school, though it was not one of the top two sites put to a referendum. The SHELAA suggests 222 has a potential for 76 houses. The site is considered unsuitable partly because the new LBD, if adopted, will exclude all houses west of the cross roads, when the village actually extends a considerable length along this road to the west. There is no mention of the fact that the owners of this site are offering the pond at the south west corner of the crossroads as village green space. The dismissal of 222 is not supported by the evidence and suggests prejudice.

(iv) The SHELAA suggests a capacity of 26 houses at Site LS8 in Iden Green, stating that it lies adjacent to the recreation ground and a children's nursery and that there is a pavement on both sides of Iden Green's main road. It fails to mention that the easternmost side of this pavement connects the village to the village primary school. The SHELAA dismisses the site as unsuitable saying that it is located in a remote location relative to services, facilities and public transport, but this site is far less remote than sites AL/BE 3&4. The dismissal of site LS8 is not supported by the evidence and suggests prejudice.

(v) The proposed new LBD has been constructed so as to include the new site at Uphill and to exclude 222, when in fact, the actual built development extends westwards from the crossroads and includes site 222. The LBD is ignored in respect of AL/BE3&4. Manipulation of the LBD to suit allocated sites is inappropriate.

As a general comment, I have found the process unnecessarily difficult to navigate. In fact, from the point of view of the ordinary lay-man, I would term the process 'hostile'. The interactive on-line site was unmanageable. Question 4a is very badly worded. The PSLP's prose entirely suited the opacity of the procedure. Here is one example from the SA (page 163) "However, the education objective does not deteriorate when considering cumulative effects as the schools in Tenterden will be a viable option for residents in East End and thus are likely to take the pressure off Benenden Primary School." What does that mean?



## 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 modifications needed are included in the submissions set out above. In summary, development on site AL/BE 3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE 4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre and school. Paragraphs 5.421 and 5.422 should be omitted.

## 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:**

In order to put over my case, and to answer those with vested interests who may seek to put forward arguments against it.

## Question 8

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

1. The Sustainability Appraisal (SA) is misleading. Table 58 on page 163 states that all Benenden sites "lack services, facilities and travel options". This belies the fact that AL/BE2 (Feoffee almshouses) is close to the Street as is AL/BE1 (Uphill). Both sites are within walking distance of the bus stop for daily bus services, the post office, village shop, the primary school, the village green, the butchers, pub, community hall, church, recreation ground and children's playground. AL/BE 3 & 4 are three miles north east of the village with no daily bus service and no amenities whatsoever.
2. The commentary on Table 58, (page 163 of the SA), states that East End sites score badly on Climate Change and Travel, yet these are the sites promoted for most houses.

3. The SA argues on page 163 that East End residents will send their children to schools in Tenterden instead of to the village primary school, and that this will lessen the otherwise seriously negative effects of the two hospital sites. This is pure conjecture and possibly wishful thinking. The school has a good reputation and currently between 70 and 75% of children there come from outside the parish. East End children will have precedence over these, since intake depends on the distance of a child's residence from the school. Pressure on Benenden Primary School will increase, not decrease. Further, the use of a car, whether it drives to Tenterden (5-6 miles) or to Benenden (3 miles), pollutes and deprives residents of the health-giving pleasure of walking to school. The AL/BE 3&4 are contrary to STR2, to the NPPF and to KCC policy on climate change.
4. Appendix L (pp331-2) shows Scores for Reasonable Sites in Benenden. Here we see scores for 158 and 222, two sites close to the village centre. Of 158, we read "A site that scores several neutrals with some positives, let down by its land use and landscape score impacted by a loss of a greenfield site in the AONB and lack of services and facilities including public transport at the settlement." This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there.
5. In April 2018, BNP Steering Committee Deputy Chair, a borough councillor, showed the committee a piece of paper from TWBC saying that TWBC wishes to build 174 houses on site 158. He committed himself to seeing these numbers reduced and the numbers at the East End raised. After a meeting between representatives from the BNP group and TW planners on June 19th, 2018, the minutes reported that "At times the workshop was emotive ..." Following that meeting TW planners put site 158 on temporary hold, limiting development there to a future Local Plan by asking, in the first draft of the LP on page 270, that the Uphill site on New Pond Road, adjacent to 158 and allocated at that time as AL/BE3, should, under Clause 8, provide for vehicular access through Uphill to the site behind (158) "which may be allocated for development as part of a future Local Plan." In the PSLP, this wording for Clause 8 has disappeared. Where is the evidence-base for such wording to be included in the first draft and excluded in the second? Why is the site considered suitable in 2006, in 2018, and in the first draft, but not suitable in the PSLP?
6. Site 222, like 158 is described in Appendix L of the PSLP's SA as suffering from "a lack of services and facilities including public transport at the settlement." This is inaccurate. There is a daily bus service along Benenden Street and site 222 is within easy walking distance of the bus stop, shops, pub, community hall, primary school and all other amenities.
7. Site LS8, in the heart of Iden Green is, along with site 158 and 222, a site which on-the-ground evidence suggests is eminently suitable for development, but which the SA fails to allocate. Appendix L of the SA gives LS8 virtually the same scores as Uphill (LS16 of AL/BE1) yet the latter is included for development and the former is not. The commentary states of LS8 "A number of scores are negative however, reflecting the remote location of the site from services and facilities and public transport. It scores negatively in heritage terms as the site is a relatively sizeable piece of the Iden Green Conservation Area." This site is far less remote than sites AL/BE 3 & 4. It is one mile from the village and connected to it by a paved footpath running past a Roadside Conservation Area and then (still paved) through a field to the church and primary school. It is on a bus route and the bus stop is next to LS8. Iden Green has a community hall, tennis courts, a children's playground and pub/restaurant. The SA information is unreliable and the PSLP's use of it for site allocation is unwise.
8. In so far as Benenden is concerned, the sites were allocated before any sustainability appraisal was commissioned. It is not therefore a relevant factor in the allocation of sites for housing.

## 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	Paul Chapman [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Biddenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Paul Chapman [REDACTED]
Comment ID	PSLP_251
Response Date	18/05/21 12:24
Consultation Point	Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End ( <a href="#">View</a> )
Status	Processed
Submission Type	Other
Version	0.7
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Paul Chapman
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/BE 1 The Strategy for Benenden parish

Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End

*[TWBC: this representation has been input against Policies PSTR/BE 1, AL/BE 3 and AL/BE 4 - see Comment Numbers PSLP\_250, PSLP\_251 and PSLP\_252]*

**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.**

Paragraph No(s) Para 5.413, 5.414, 5.416, 5.420, 5.421, 5.422, 5.428, 5.452, 5.453, 5.454, 5.456, 5.458, 5.467, 5.468

Policy No. Objective 1, Objective 2, STR1, STR2, STR3, STR5, STR6, STR7, STR8, PSTR/BE1, Policy AL/BE1, Policy AL/BE3, Policy AL/BE4, EN1

Sustainability AppraisalSHELAA

Policies Map (Inset Map No(s)) Inset Map 18

This submission concerns the parish of Benenden, the only parish in the borough to have made its own allocations. The Benenden Neighbourhood Plan (BNP) has been developed in close consultation with TWBC, with the BNP in the lead. The BNP announced its allocations in February 2019, before inviting AECOM to produce its Strategic Environmental Assessment. Pre-Submission Local Plan, para 5.420 reads "The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020." But the allocations had been made and published in February 2019. Further, Para 5.420 states "The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan." BNP allocations were first published in February 2019 i.e. before LP site allocation policies.

Allocations made by the LP, when it took up the BNP's baton, are therefore inevitably linked to BNP's weaknesses. Yet if the BNP passes a referendum before acceptance of the LP, it is said that it will take precedence over the LP (see para 5.421), with the exception of its plans for the northern site at Benenden hospital, which will be overruled by the plans advanced in the LP (see Benenden Parish Council April 2021 response to Independent Examiner queries on the BNP). This is in contravention of para 5.422 which talks of making "modifications to the LP" so that it matches the BNP.

**1 Community involvement. EN1: this requirement has not been respected.**

- . In Benenden, almost all new housing is slated for the East End, yet the Friends of the East End (FEE), were never asked to meet with the BNP steering group.
- . See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others. The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the Informal Draft NP (published on February 23, 2019), in which the allocations later adopted by the LP were first set out. A FEE submission with 164 signatures was submitted in October 2019 objecting to

the first draft of the LP, and in the same month, a FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. See the FEE's current online petition with more than 450 signatures <https://www.change.org/EastEndFriends>

- . Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that "I'm of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about.* At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward."
- . One of the regular articles on the BNP submitted by the chair of the BNP Steering Group appeared in January 2020. It dismisses FEE opposition suggesting only "31 residents from the East End" sent in comments.
- . The core group behind the BNP has consistently tried to persuade those who support the FEE to desist. The chair of the Parish Council and the chair of the BNP Steering Group have twice asked to meet a Tunbridge Wells Alliance (TWA) Borough Councillor for the parish, once together with a TWA borough council candidate, in efforts to persuade them to adhere to the BNP's approach and not to listen to the FEE.
- . The organiser of the FEE was a member of the Steering Committee 2017/2018 as chair of the Environmental Group. She expressed strong disagreement with a Borough Councillor who lives in the village (on occasion, he deputises as chair of the Steering Group) about his wish to step up allocations in the East End and suppress TWBC's wish to build 174 houses on site 158. As a result, the Steering Group chair (using his own word), "sacked" her. This is contrary to EN1 para 9, encouraging early, proactive and effective engagements and the requirement that views expressed should be properly considered.
- . Consultation also failed in relation to the neighbouring parish of Biddenden. The Clerk of Biddenden Council has repeatedly responded to BPC in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP's mismanagement of the parish of Biddenden in the Biddenden Parish Magazine, February 2021.
- . The LP is based on the BNP and BNP allocations were made before consultations with stakeholders such as the AONB. This is not consulting in a timely fashion. Further, the LP requires surveys of the hospital sites *after* the designation of the sites for development, for example, archaeological surveys (see AL/BE 3&4). Historic England (HE) asks for the surveys to be carried out *before* See HE's comments on the first draft LP (DLP\_4556) - "we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted.*"
- 1 **The PSLP is not based on sound evidence**
  - . Throughout the LP process, misstatements have been made about amenities in Benenden's East End. These may be traced back to a submission made by traffic and highways consultants, Transport Planning Associates (TPA) to Benenden Healthcare Society Ltd. (BHS). This submission was recently disclosed in BHS's response to the Independent Examiner's queries in relation to the BNP. TPA's information is sometimes inaccurate and sometimes misleading and we consider it here in detail because it is difficult otherwise, to understand how the LP was able to continue, iteration after iteration, to relate false information about the hospital site.
  - . In October 2019, TPA reported (para 2.6) that there was a footpath along the southern edge of Goddards Green Road (GGR) and the PSLP, para 5.452 states "There is an intermittent pavement along GGR". The GGR is a long road running from New Pond Road to Castleton's Oak crossroads, and was formerly a lane. The pavement is limited to the short section immediately outside the hospital buildings. To say that there is an intermittent pavement along GGR is misleading.
  - . The TPA refers to the East End as a village, which it is not. The East End runs from the junction of GGR and Walkhurst Road, along the GGR to the border with Tenterden, then turns south to reach close to Hole Park in Rolvenden, then east back to Walkhurst Road at the site of the stream, then along Walkhurst Road back to GGR (see the old Electoral Roll for 2004 when the East End had its own polling station). It is a large, totally rural area of several square miles, which was why it was chosen as the site for an isolation hospital in 1906. Today it contains only 76 houses scattered across the entire area. The PSLP consistently refers to the East End as a hamlet. It is

not, which is why BPC is able to advertise itself on its website as “Serving the people of Benenden and Iden Green” without any reference to the East End.

- . The TPA says that “a day nursery is located immediately to the north of the Site within 400m.” There is incorrect, yet this error is repeated in para 5.413 of the PSLP “There are also nursery/pre-school facilities at Iden Green and East End.” An accurate account would mention Iden Green only.
- . The TPA states that there are daily bus services along GGR provided by bus nos. 24 and 299, and twice a day service provided by the Hopper bus. This information is incorrect. The 2019 Hopper bus, operated by the Tenterden social services hub on an experimental basis, failed in only a matter of months. While the 24 and the 299 buses pass along GGR, they do so on only one day a week. The 24 on Tuesdays and the 299 on Wednesdays. The East End has almost no public transport.
- . The TPA makes several statements in relation to traffic which have fed misinformation into the system to be reflected in AL/BA3&4. This misinformation was only recently revealed when documents were provided by BHS following April 2021 queries raised by the Independent Examiner on the BNP. These documents include a TPA ‘Scoping Note’ on road and traffic conditions at the site and a letter written in response to this Note from KCC Highways, dated 13 Nov. 2019. The TPA states that the GGR is 7m wide at the hospital site which detracts from the fact that it is actually a winding rural lane, now called a road, and varies considerably in width. It may at some point be 7m wide, but at others, it is so narrow that two lorries have difficulty passing each other. The TPA claims that there is no need for a road safety review because there have been “no personal injury accidents” recorded within 1,000m. Castleton’s Oak crossroads lie 1.5 km from the site and accidents there are frequent, largely due to increasing traffic at the hospital. The hospital has turned itself into an almost exclusively out-patient centre and almost all its 300 employees drive in to work from outside the parish (formerly, they were housed on site in hospital staff buildings). Kent County Council (KCC) Highways make constant and repeated attempts to lower the risk of injury at the crossroads. Works there are ongoing at this time. The TPA claims that no traffic surveys are necessary which is a point queried in the KCC Highways’ email. The email talks of the “heavy car dependency” of residents in any housing in this location and says this was one of its concerns, even at the time of the original application asking for only 24 houses. The email states that BHS’s plans (and therefore AL/BE 3&4) are contrary to the NPPF and to KCC’s own policy objectives, and points out that the hospital has not co-operated over the idea of a minibus to provide transport from the site to Benenden. The letter calls for: traffic counts along the GGR; a wider crash analysis; and expresses concern over the proposed access points to the SE Quadrant - 2 on Green Lane and 2 on GGR. Lastly, on trip generation, the TPA projects that 47 houses at the site will produce only 106 trips a day, though the consultants admit that they have difficulty in basing their estimate on comparable sites because there are none. These trip generation figures ignore existing traffic from local residents, from patients, from hospital staff and from the newly (January 2021) proposed housing estate at Cleveland. The AL/BE 3&4 fails to provide a traffic count, fails to ask for a road safety review and fails to acknowledge frequent traffic accidents near the sites.
- . Pre-submission supporting documents also produce inaccurate and sometimes irrelevant evidence. The hospital sites are within the setting of an AONB and even overlap into it, yet *Inset Map 18* (Benenden Hospital), unlike other maps attached, makes no reference to the AONB boundary. The BNP claims that the hospital is outside the AONB and on this basis, since the rest of the village is wholly within the AONB, largely justifies placing most of Benenden’s housing in the East End. The relationship of the AONB boundary to the hospital sites is important yet it is ignored on the map. This looks like prejudice.
- . Hankinson Duckett Associates’s *AONB Setting Analysis Report* (a supporting document for the PSLP, referred to as an evidence base) is, in its analysis of AL/BE3&4, unsound. The analysis argues that development at these sites will enhance the setting of the AONB. It illustrates the argument with photos of the hospital chapel and its carpark. Neither chapel nor car park are in the area up for development.
- 1 **Policies AL/BE3&4 are not consistent with the PSLP’s Vision objectives nor with its strategies, nor with KCC’s policies, nor with the NPPF.**
- . The PSLP’s Vision Objective 1 is : “to improve access to suitable, especially affordable housing, including for local young people and older households.” But this is inconsistent with allocations AL/BE 3 &4. BHS is asking in its comments on the LP first draft, for a lower number of affordable homes because of the high cost of brownfield development. Living isolated in the countryside,



families will need at least two cars. Old and young will be unable to walk to schools, shops or any other amenities. This is not a suitable site for a borough which (see para 2.16) expects the population over the age of 65 + to increase by around 40% between 2020 and 2038.

The PSLP's Vision Objective 2 is to ensure sustainable development which allocations at AL/BE 3&4 do not achieve. On the contrary, the KCC warns that even with the existing permission for 24 houses on AL/BE3, the highway authority had concerns. This is an isolated location, deep in the countryside (see KCC Highways email 13 Nov 2019). More than 24 houses in this location is not sustainable.

- . **Policy PSTR/BE1**, LBD 5.416 states "the LBD around Benenden village sets the extent of existing and planned development .." This conflicts with the recommendation that major development be instated three miles beyond the LBD, on the border with Biddenden.
- . **Policy STR 2** "The Council requires the use of masterplanning, including the use of design codes and sustainable design standards where appropriate, for strategic and larger-scale developments.." This is undermined by AL/BE 3&4 which calls for a masterplan for an area not included in the PSLP and not presented. Para 1a of Policy AL/BE3 states that there is a need to "show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*" It is not sound to proceed with an LP where the land to be developed is not clearly indicated from the start.
- . **A masterplan is essential to avoid current inconsistencies on the size of areas to be developed:** AL/BE3 excludes one of the 2 Local Wildlife Sites (LWS) at the site, yet the BNP includes both. Para 5.458 states "Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development.." They do not. The PSLP states that in the event of a successful referendum, the BNP's proposals will prevail. If this is so, are we supposed to assume that AL/BE3 map is inaccurate?
- . A similar problem arises at the northern site (AL/BE4) here there are currently 18 dwellings. The proposal allows for these to be demolished and another 25 dwellings added to the site. The size of the area to be developed varies between the LP and the BNP. The LP includes the LWS in the area to be developed but the BNP includes only a small section, but says in the event of a successful referendum the BNP plan will be over-ruled by the LP plan (see the BPC response April 2021 to the Independent Examiner's queries). This is the reverse of 5.421 & 2. It is unsound to proceed with a plan when the NP and the LP are at odds with each other.
- . **The PSLP claims building will only be within existing footprints**, an approach which is at odds with that of the BHS. Plans for 47 new houses in AL/BE3, presented to the village on 17th February 2020 by the hospital architects, show the buildings are not to be built within the footprint of previous buildings nor to respect LWS.
- . **Policy STR 3** calls for the use of brownfield sites "within settlements" and in "sustainable locations." AL/BE 3 consists of disused medical buildings and 2 LWS with parkland and veteran trees (depending on whether this second LWS is included or not). 5.448 is therefore incorrect. The site should be described not as brownfield but as partly brownfield. It is not on the brownfield register. Because of its remote location and its valuable LWS sites, it is not free from constraints which could be mitigated. As such, Policy AL/BE3 does not meet the criteria needed under the NPPF, Section 11, para 117 for development in "a way that makes as much use as possible of previously-developed or 'brownfield' land." AL/BE 4 contains in-use residential housing and an LWS and therefore is not brownfield.
- . **Policy STR 5** states that "New residential ... development will be supported if sufficient infrastructure capacity is either available or can be provided in time to serve the development." Will this happen at AL/BE3&4? Developers themselves are to provide the infrastructure at AL/BE 3&4. The LP proposes to take on trust suggestions that the BHS will avoid building on the LWS and will provide play-grounds, sports facilities and tennis courts. We know from submissions following the first draft LP, that BHS is actually planning to remove one LWS entirely and that its plans include building on the LWS and beyond the foot print of previous buildings. BHS suggests, in its response to the first draft LP (DLP\_4956) that it is unlikely to provide play-grounds, sports facilities and tennis courts. The PSLP's approach does not take comments to the first draft LP into account.
- . **Policy STR 6** proposes to "Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough." In the case of the two isolated hospital sites, the PSLP contradicts its own strategic policy and fails to offer choices in



transport or to prioritise active travel and public transport. The Benenden hospital sites have no daily bus service and no active travel link to the village, and neither the PSLP nor the BHS provide credible information on how these links are to be provided. The KCC email of Nov 13 suggests that the hospital is uncooperative on the proposal to organise a minibus service and the SHELAA says of AL/BE3 that it is "Remote from a settlement centre," (unlike sites 158, 222 and LS8); that residents will rely heavily on private cars and thus air quality and travel objectives score negatively; and that, "although promoted by the policy, shared transport and active travel options are unlikely to take precedence over private vehicle use thus air quality and climate change score negatively." This we feel is the nub of the issue. For all the talk of mitigating the remoteness of the hospital sites with a minibus link and cycle routes, nobody actually believes that any of these measures will succeed. As for the proposal to create links suitable for electric personal vehicles, such as mobility scooters (as suggested under STR 6), it is difficult to see, when the closest link with the village is a single-track lane (Walkhurst Road), how any personal electric vehicle could make that journey. The PSLP is creating, through its policies AL/BE3&4, a car dependent community. This thereby negates the sense of the LP's supporting document, *Transport Strategy Review Sept 2019* which urges reducing the need to travel.

- . AL/BE3&4 also undermine TWBC's Full Council motion of July 2019 to reduce CO2 emissions. "The dominance of the car as a mode of transport can lead to congestion, more road accidents, air and noise pollution. In addition it contributes to climate change, reduces social cohesion and leads to less healthy lifestyles" (para 44 *Transport Review*). According to TW's own SA from 2006, if social cohesion, reduction in air pollutants, and public health were indeed the borough's priorities, sites chosen for development in Benenden would have included site 158.
- . **PSLP paras 5.453 and 5.467** state that "residents of development in this location will rely heavily on private cars." These plans runs counter to STR6 policy on the environment see paras 6.8, 6.9, 6.10, 6.11 and 6.13. It also contravenes KCC policies on climate change and the NPPF (see KCC's Nov 13, 2019 letter on this subject).
- . **Para 5.414** "The parish provides two relatively large sources of employment: at Benenden Hospital and at Benenden School." The inference is that the employment opportunities are linked somehow to the population of Benenden. There is in fact little connection. The 300 plus staff at the hospital drive into the parish along GGR to work and, since the hospital is isolated from the village, their contribution to the local economy is negligible.
- . **Policy STR 6** The LP proposes to "**Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough.**" In the case of the two isolated hospital sites, the LP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport.
- . **Cycle routes:** The PSLP's standards on the public benefits of cycling and walking are based on the *Cycle Strategy Supporting Document*, but these standards are undermined by site allocation in Benenden. The Cycle document states that: "When more people cycle or walk the health of the population improves and our roads become safer and less congested." Its objectives 4 and 5 are to improve safety for cyclists and air quality for all, but AL/BE 3 & 4 will create a community, deep in the countryside, entirely dependent on the car and will contribute to poorer air quality for all. The allocation of these sites, as opposed to sites such as 158, is difficult to understand.
- . The *Cycle Strategy* states that fear of traffic is possibly the main factor discouraging people from cycling. National Cycle Route 18 runs from the Rolvenden Road, down Stepneyford Lane, to Green Lane, before joining the Benenden Road near the hospital, turning right and leading to Castleton's Oak Cross roads and Gribblebridge Lane. This route is a largely on-road ride travelling through the High Weald, using narrow, picturesque country lanes as much as possible. Green Lane/Stepneyford Lane is mentioned in TWBC's Rural Lanes: Supplementary Planning Guidance. It is particularly high scoring in terms of its landscape, its recreational value, its natural beauty and its history. For these reasons, it is part of National Route 18. Rather than encouraging cycling, AL/BE3, which proposes two exits for this major development on GGR and two on Green Lane (where a second housing estate, at Cleveland's Farm is already leading to Kent Highways calling for road widening and the elimination of grass verges - see building application 20/03267/FULL) will cause an increase in those factors, identified in *TW Cycle Strategy*, as discouraging cyclists, namely, traffic and the loss of unspoilt country lanes. Policy AL/BE3 also contravenes Kent Structure Plan Policy ENV13: "Rural lanes which are of landscape, amenity, nature conservation, historic or archaeological importance will be protected from changes which would damage their character, and enhanced." In any event, the cycle route is purely recreational and will not enhance the sustainability of these sites.

- . **Policy STR 7** proposes, in dealing with TWBC's 2019 legally binding commitment to manage climate change, that all development in the borough will support the Council's target to achieve net zero emissions by 2030. It is unsound, with such a goal, to propose a major development on the parish periphery, 3 miles equidistant from two villages where there is no shop (in spite of the PLSP's statement AL/BE 3&4) and no café (BHS says its café was built for its own use not for the use of the public - see comments on the first draft of the LP). Residents will need their cars for almost everything.
- . **Policy STR1** promotes the effective use of previously developed land, having due regard to relevant Plan policies, but in promoting AL/BE3&4, the PSLP disregards STR6 (environmental goals) & STR7 (transport goals). Under the NPPF, sustainability is the priority, as the PSLP acknowledges in STR3, 4.65 "A presumption of sustainability lies at the heart of the NPPF", but in allocating AL/BE 3&4, the PSLP fails to respect its own and the NPPF's strategic priorities.
- . **Policy STR 8** states that development should contribute to and enhance rural landscapes with particular regard to the High Weald (HW) AONB. The PSLP promotes nature conservation. Its biodiversity objective is to achieve net gains and, where possible, secure long-term management of sites for biodiversity. AL/BE3 runs counter to this strategy since the BHS has produced plans showing houses built over the LWS. It has, furthermore, produced a document requiring that one of the two LWS be dug up and removed to another unspecified location, thereby nullifying the terms of the existing Landscape and Ecology Management Plan (LEMP) for that site. Para 3.21 of the BHS submission on the first draft LP states: *"The Society supports the requirement for long-term management of the core areas of LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peak Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."* This is a particularly significant site for biodiversity. A letter from Keith Nicholson, former Planning and Conservation officer for the Kent Wildlife Trust, dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert states that the hospital LWS are of national importance, mainly for the large number of different varieties of waxcaps. He states that they could well have been designated SSSI. Both in terms of waxcaps and in terms of valuable acid grassland, the hospital sites have high environmental value, see Comment DLP\_3458 on the first draft of the LP, from the High Weald AONB Unit. The Benenden Hospital site *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* AL/BE3&4 threaten the biodiversity of significant species in the LWS at the hospital sites, contrary to EN1.
- . The LWS to the south of AL/BE3 is included in the BNP and BPC argues that this has been done in order to protect it (see their response to the Independent Examiner April 2021). It is difficult to follow this logic. The inclusion of the site in the area to be developed suggests that it too could be under threat.
- . There is no plan showing the placement of houses on AL/BE 4, which is currently home to a large LWS and is the site of 18 habitable dwellings, almost all of the them currently in use and let. The proposal allows for these to be demolished and another 25 dwellings added to the site. The PSLP includes the LWS in the area to be developed and the BNP excludes most of it. Benenden Parish Council (BPC), in its April 2021 response to the Independent Examiner, has said that, in this case of a successful referendum, the PSLP's plan (which includes the LWS), will prevail. In other words, of the 3 LWS in AL/BE 3&4, one is slated for removal, one will be built over if the PSLP prevails and one may be built over if the BNP prevails. This undermines STR8.
- . The PSLP claims that the hospital development "has the potential to improve the setting of the HW AONB through the delivery of a more sensitive redevelopment of existing buildings" (para 5.454), but the claim is not supported by evidence produced by the *Hankinson & Duckett* (see above) while the HW AONB unit's own view is the opposite. See TW first Draft LP, **DLP\_3458 High Weald AONB Unit** (which objects to the Plan) : *"....In our view the development at Benenden Hospital will have a significant effect on the setting of the AONB and the purposes of its designation, and this issue has not been properly considered by the Plan."*
- . The NPPF section 2 para 11 states: *"Plans and decisions should apply a presumption in favour of sustainable development... ..(b) strategic policies should provide for objectively assessed needs for housing ...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.” And see Footnote 6: the policies referred to are those in the Framework ... relating to habitat sites (and those sites listed in para 176) and /or designated as SSSI, AONBs ....

NPPF para 177 states *“The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.”*

#### **PSLP EN1 para 5. Biodiversity and geodiversity.**

AL/BE 3&4 run counter to this policy as stated above in relation to the LWS.

#### **The Environment**

STR8 sets high environmental standards but these are undermined in the site allocations. This is particularly startling in the light of the July 2019 Full Council motion to recognise the climate and biodiversity emergency, in fact, the Benenden allocations put into question whether the motion was passed in good faith.

**EN1 para 5 (Biodiversity and geodiversity)** says that proposals should maximise opportunities to increase biodiversity. This goal may make sense in an urban setting, but development in the countryside, as is proposed in AL/BE 3 & 4, cannot hope to ever mitigate biodiversity loss. The destruction of trees and wild spaces, the introduction of lighting, kerbs, driveways, wider roads and narrower verges, the use of concrete, tarmac, bricks and mortar in a deeply rural setting cannot “increase biodiversity”.

**EN1 provides for Long-term Management plans** which would be satisfactory within an urban context. In a rural location like the East End, such plans are no substitute for natural wild spaces. A ‘managed’ green space set among streets is less likely to promote biodiversity and less likely to conserve wildlife than ‘unmanaged’ green space. Further, the three LWS in AL/BE3 are all already part of an existing LEMP agreement, and since one or all would be removed in the case of development as outlined by BHS under AL/BE3&4, instead of creating a long-term management plan, AL/BE3&4 would all but terminate an existing one. The sentiments expressed in EN1 are mocked by AL/BE3&4.

#### **1 Site policies**

**AL/BE3** excludes one of the 2 LWS at the site, and the BNP includes both, yet para 5.458 states “Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development..” This does not appear to be the case. Further, the SHELAA treats this site twice, once including the southern LWS (and excluding Windmill Cottage) and once excluding the LWS and including Windmill Cottage (SHELAA pages 1-3 and pages 18-19). In the second instance, the suggestion is for 67-73 houses, presumably building over the LWS. The first plan is the one adopted in the PSLP and appears to be the more accurate of the two in that it describes the site as “mostly PDL”. The second ignores all greenfield aspects and is almost identical to the plan in the BNP, a plan which BNP claims will prevail if it wins a referendum. Is AL/BE3 presenting us with the wrong plan?

**AL/BE3 and AL/BE4** provide for a phased timetable for development of the two sites at different time intervals without calling for a comprehensive masterplan for the hospital site as a whole i.e. for the entire built up area. This is inconsistent with STR2, which requires a masterplan for large developments. The full extent of the area to be developed must be clear. See para 1a of Policy AL/BE3 which states that there is a need to “show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.” It is not sound to proceed with an LP where the land to be developed is not indicated from the start.

**AL/BE3&4** both call for an active travel link between the site and Benenden village. This proposal has been costed (see BPC’s April 2021 reply to the Independent Examiner) at between £180,000 and £220,000 for a 3m wide tarmacked surface, plus costs to upgrade it to a bridleway, plus the costs associated with obtaining landowners’ consent or, failing that, of starting compulsory purchase proceedings which TWBC expresses reluctance to undertake because of the significant compensation costs and legal costs which would be involved. No steps have been taken either by the BNP or TWBC to ascertain the willingness of landowners to give up their land although the major landowner involved wrote to BNP on 11th Sept. 2019 objecting to the plan. It is understood that he was not contacted for subsequent discussion.

**AL/BE3&4** calls for the repurposing of the existing tennis courts for the use of local residents, which BHS denies it will offer for public use; for the public use of the hospital's café; for the creation of a hospital shop (5.413); for a minibus service linking the hospital to the village ("The Society is not a transport provider" is BHS' response); for green space, a playground and provision of a community hall - most of these policies are refuted in Savills' comments on behalf of BHS, in the first draft of the LP, DLP\_ 4956 paras 3.14, 3.18, 3.19, 3.20, 3.46 and 3.47. Rather than agreeing to such policies, the hospital is calling on TWBC to introduce a more flexible funding system to allow a *reduction* of developer costs. BHS argues these will be high because they wish to demolish existing buildings. It is unsound to propose policies which cannot be implemented. Once the sites are sold, no relevant conditions to this effect could be imposed.

**1 The PSLP is unsound because of inconsistencies in the treatment of different sites.**

(i) **Uphill, AL/BE1** is described as having archaeological potential (para 5.428) requiring possible mitigation measures. This is not because of historical finds on the site, but because they might be found. A listed manor house lies on the other side of New Pond Road and, according to AL/BE1, "the site lies within, or very close to the relevant impact risk zone for Parsonage Wood", a SSSI which is, in fact, several miles away. The archaeological significance of AL/BE 3&4 is far more certain and substantial. The hospital sites are where a bronze age palstaff was found (see the National Monument Register - SMR Number /Hob UID)) and the sites lie close to two ancient routeways. A Roman Road runs west-east (on BHS farmland) a few yards to the south of AL/BE3 and a medieval drove road (GGR), runs west-east between the two sites. Further, two Grade II Listed Buildings are sited here, also on BHS land. The Lister building stands a few yards to the west of AL/BE3 and Cleveland Farm house (the farmyard of which BHS is trying to develop separately and simultaneously as if a minor planning project) lies a few yards to the south. Instead of mentioning these facts, AL/BE3&4 reads (5.456 and 5.468) "Kent County Council states that the site includes significant archaeology, which could be dealt with through suitable conditions on a planning approval." The imbalance in the treatment of the two sites is substantial and suggests prejudice.

(ii) The SHELAA assessment of site 158 suggests a potential yield of 50-65 houses, but then concludes that only the Uphill part of the site is suitable (20 houses). It states that "the remainder of the site is sensitive in landscaping terms and there is concern regarding scale and impact on the character of the landscape and settlement pattern". This is contrary to the views of TW's 2006 SA; to the TW 2018 document proposing 174 houses; and to the first draft of the LP. The dismissal of 158 as a suitable site is not supported by the evidence and suggests prejudice.

(iii) Site 222, west of the cross roads, was also considered in 2006, as a possible site for the new village school, though it was not one of the top two sites put to a referendum. The SHELAA suggests 222 has a potential for 76 houses. The site is considered unsuitable partly because the new LBD, if adopted, will exclude all houses west of the cross roads, when the village actually extends a considerable length along this road to the west. There is no mention of the fact that the owners of this site are offering the pond at the south west corner of the crossroads as village green space. The dismissal of 222 is not supported by the evidence and suggests prejudice.

(iv) The SHELAA suggests a capacity of 26 houses at Site LS8 in Iden Green, stating that it lies adjacent to the recreation ground and a children's nursery and that there is a pavement on both sides of Iden Green's main road. It fails to mention that the easternmost side of this pavement connects the village to the village primary school. The SHELAA dismisses the site as unsuitable saying that it is located in a remote location relative to services, facilities and public transport, but this site is far less remote than sites AL/BE 3&4. The dismissal of site LS8 is not supported by the evidence and suggests prejudice.

(v) The proposed new LBD has been constructed so as to include the new site at Uphill and to exclude 222, when in fact, the actual built development extends westwards from the crossroads and includes site 222. The LBD is ignored in respect of AL/BE3&4. Manipulation of the LBD to suit allocated sites is inappropriate.

As a general comment, I have found the process unnecessarily difficult to navigate. In fact, from the point of view of the ordinary lay-man, I would term the process 'hostile'. The interactive on-line site was unmanageable. Question 4a is very badly worded. The PSLP's prose entirely suited the opacity of the procedure. Here is one example from the SA (page 163) "However, the education objective does not deteriorate when considering cumulative effects as the schools in Tenterden will be a viable option for residents in East End and thus are likely to take the pressure off Benenden Primary School." What does that mean?

## 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 modifications needed are included in the submissions set out above. In summary, development on site AL/BE 3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE 4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre and school. Paragraphs 5.421 and 5.422 should be omitted.

## 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:**

In order to put over my case, and to answer those with vested interests who may seek to put forward arguments against it.

## Question 8

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

1. The Sustainability Appraisal (SA) is misleading. Table 58 on page 163 states that all Benenden sites "lack services, facilities and travel options". This belies the fact that AL/BE2 (Feoffee almshouses) is close to the Street as is AL/BE1 (Uphill). Both sites are within walking distance of the bus stop for daily bus services, the post office, village shop, the primary school, the village green, the butchers, pub, community hall, church, recreation ground and children's playground. AL/BE 3 & 4 are three miles north east of the village with no daily bus service and no amenities whatsoever.
2. The commentary on Table 58, (page 163 of the SA), states that East End sites score badly on Climate Change and Travel, yet these are the sites promoted for most houses.



3. The SA argues on page 163 that East End residents will send their children to schools in Tenterden instead of to the village primary school, and that this will lessen the otherwise seriously negative effects of the two hospital sites. This is pure conjecture and possibly wishful thinking. The school has a good reputation and currently between 70 and 75% of children there come from outside the parish. East End children will have precedence over these, since intake depends on the distance of a child's residence from the school. Pressure on Benenden Primary School will increase, not decrease. Further, the use of a car, whether it drives to Tenterden (5-6 miles) or to Benenden (3 miles), pollutes and deprives residents of the health-giving pleasure of walking to school. The AL/BE 3&4 are contrary to STR2, to the NPPF and to KCC policy on climate change.
4. Appendix L (pp331-2) shows Scores for Reasonable Sites in Benenden. Here we see scores for 158 and 222, two sites close to the village centre. Of 158, we read "A site that scores several neutrals with some positives, let down by its land use and landscape score impacted by a loss of a greenfield site in the AONB and lack of services and facilities including public transport at the settlement." This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there.
5. In April 2018, BNP Steering Committee Deputy Chair, a borough councillor, showed the committee a piece of paper from TWBC saying that TWBC wishes to build 174 houses on site 158. He committed himself to seeing these numbers reduced and the numbers at the East End raised. After a meeting between representatives from the BNP group and TW planners on June 19th, 2018, the minutes reported that "At times the workshop was emotive ..." Following that meeting TW planners put site 158 on temporary hold, limiting development there to a future Local Plan by asking, in the first draft of the LP on page 270, that the Uphill site on New Pond Road, adjacent to 158 and allocated at that time as AL/BE3, should, under Clause 8, provide for vehicular access through Uphill to the site behind (158) "which may be allocated for development as part of a future Local Plan." In the PSLP, this wording for Clause 8 has disappeared. Where is the evidence-base for such wording to be included in the first draft and excluded in the second? Why is the site considered suitable in 2006, in 2018, and in the first draft, but not suitable in the PSLP?
6. Site 222, like 158 is described in Appendix L of the PSLP's SA as suffering from "a lack of services and facilities including public transport at the settlement." This is inaccurate. There is a daily bus service along Benenden Street and site 222 is within easy walking distance of the bus stop, shops, pub, community hall, primary school and all other amenities.
7. Site LS8, in the heart of Iden Green is, along with site 158 and 222, a site which on-the-ground evidence suggests is eminently suitable for development, but which the SA fails to allocate. Appendix L of the SA gives LS8 virtually the same scores as Uphill (LS16 of AL/BE1) yet the latter is included for development and the former is not. The commentary states of LS8 "A number of scores are negative however, reflecting the remote location of the site from services and facilities and public transport. It scores negatively in heritage terms as the site is a relatively sizeable piece of the Iden Green Conservation Area." This site is far less remote than sites AL/BE 3 & 4. It is one mile from the village and connected to it by a paved footpath running past a Roadside Conservation Area and then (still paved) through a field to the church and primary school. It is on a bus route and the bus stop is next to LS8. Iden Green has a community hall, tennis courts, a children's playground and pub/restaurant. The SA information is unreliable and the PSLP's use of it for site allocation is unwise.
8. In so far as Benenden is concerned, the sites were allocated before any sustainability appraisal was commissioned. It is not therefore a relevant factor in the allocation of sites for housing.

## 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	Paul Chapman [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Biddenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Paul Chapman [REDACTED]
Comment ID	PSLP_252
Response Date	18/05/21 12:24
Consultation Point	Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End ( <a href="#">View</a> )
Status	Processed
Submission Type	Other
Version	0.7
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Paul Chapman
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/BE 1 The Strategy for Benenden parish

Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End

*[TWBC: this representation has been input against Policies PSTR/BE 1, AL/BE 3 and AL/BE 4 - see Comment Numbers PSLP\_250, PSLP\_251 and PSLP\_252]*

**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.**

Paragraph No(s) Para 5.413, 5.414, 5.416, 5.420, 5.421, 5.422, 5.428, 5.452, 5.453, 5.454, 5.456, 5.458, 5.467, 5.468

Policy No. Objective 1, Objective 2, STR1, STR2, STR3, STR5, STR6, STR7, STR8, PSTR/BE1, Policy AL/BE1, Policy AL/BE3, Policy AL/BE4, EN1

Sustainability AppraisalSHELAA

Policies Map (Inset Map No(s)) Inset Map 18

This submission concerns the parish of Benenden, the only parish in the borough to have made its own allocations. The Benenden Neighbourhood Plan (BNP) has been developed in close consultation with TWBC, with the BNP in the lead. The BNP announced its allocations in February 2019, before inviting AECOM to produce its Strategic Environmental Assessment. Pre-Submission Local Plan, para 5.420 reads "The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020." But the allocations had been made and published in February 2019. Further, Para 5.420 states "The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan." BNP allocations were first published in February 2019 i.e. before LP site allocation policies.

Allocations made by the LP, when it took up the BNP's baton, are therefore inevitably linked to BNP's weaknesses. Yet if the BNP passes a referendum before acceptance of the LP, it is said that it will take precedence over the LP (see para 5.421), with the exception of its plans for the northern site at Benenden hospital, which will be overruled by the plans advanced in the LP (see Benenden Parish Council April 2021 response to Independent Examiner queries on the BNP). This is in contravention of para 5.422 which talks of making "modifications to the LP" so that it matches the BNP.

**1 Community involvement. EN1: this requirement has not been respected.**

- . In Benenden, almost all new housing is slated for the East End, yet the Friends of the East End (FEE), were never asked to meet with the BNP steering group.
- . See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others. The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the Informal Draft NP (published on February 23, 2019), in which the allocations later adopted by the LP were first set out. A FEE submission with 164 signatures was submitted in October 2019 objecting to

the first draft of the LP, and in the same month, a FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. See the FEE's current online petition with more than 450 signatures <https://www.change.org/EastEndFriends>

- . Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that "I'm of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about.* At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward."
- . One of the regular articles on the BNP submitted by the chair of the BNP Steering Group appeared in January 2020. It dismisses FEE opposition suggesting only "31 residents from the East End" sent in comments.
- . The core group behind the BNP has consistently tried to persuade those who support the FEE to desist. The chair of the Parish Council and the chair of the BNP Steering Group have twice asked to meet a Tunbridge Wells Alliance (TWA) Borough Councillor for the parish, once together with a TWA borough council candidate, in efforts to persuade them to adhere to the BNP's approach and not to listen to the FEE.
- . The organiser of the FEE was a member of the Steering Committee 2017/2018 as chair of the Environmental Group. She expressed strong disagreement with a Borough Councillor who lives in the village (on occasion, he deputises as chair of the Steering Group) about his wish to step up allocations in the East End and suppress TWBC's wish to build 174 houses on site 158. As a result, the Steering Group chair (using his own word), "sacked" her. This is contrary to EN1 para 9, encouraging early, proactive and effective engagements and the requirement that views expressed should be properly considered.
- . Consultation also failed in relation to the neighbouring parish of Biddenden. The Clerk of Biddenden Council has repeatedly responded to BPC in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP's mismanagement of the parish of Biddenden in the Biddenden Parish Magazine, February 2021.
- . The LP is based on the BNP and BNP allocations were made before consultations with stakeholders such as the AONB. This is not consulting in a timely fashion. Further, the LP requires surveys of the hospital sites *after* the designation of the sites for development, for example, archaeological surveys (see AL/BE 3&4). Historic England (HE) asks for the surveys to be carried out *before* See HE's comments on the first draft LP (DLP\_4556) - "we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted.*"
- 1 **The PSLP is not based on sound evidence**
  - . Throughout the LP process, misstatements have been made about amenities in Benenden's East End. These may be traced back to a submission made by traffic and highways consultants, Transport Planning Associates (TPA) to Benenden Healthcare Society Ltd. (BHS). This submission was recently disclosed in BHS's response to the Independent Examiner's queries in relation to the BNP. TPA's information is sometimes inaccurate and sometimes misleading and we consider it here in detail because it is difficult otherwise, to understand how the LP was able to continue, iteration after iteration, to relate false information about the hospital site.
  - . In October 2019, TPA reported (para 2.6) that there was a footpath along the southern edge of Goddards Green Road (GGR) and the PSLP, para 5.452 states "There is an intermittent pavement along GGR". The GGR is a long road running from New Pond Road to Castleton's Oak crossroads, and was formerly a lane. The pavement is limited to the short section immediately outside the hospital buildings. To say that there is an intermittent pavement along GGR is misleading.
  - . The TPA refers to the East End as a village, which it is not. The East End runs from the junction of GGR and Walkhurst Road, along the GGR to the border with Tenterden, then turns south to reach close to Hole Park in Rolvenden, then east back to Walkhurst Road at the site of the stream, then along Walkhurst Road back to GGR (see the old Electoral Roll for 2004 when the East End had its own polling station). It is a large, totally rural area of several square miles, which was why it was chosen as the site for an isolation hospital in 1906. Today it contains only 76 houses scattered across the entire area. The PSLP consistently refers to the East End as a hamlet. It is

- not, which is why BPC is able to advertise itself on its website as “Serving the people of Benenden and Iden Green” without any reference to the East End.
- . The TPA says that “a day nursery is located immediately to the north of the Site within 400m.” There is incorrect, yet this error is repeated in para 5.413 of the PSLP “There are also nursery/pre-school facilities at Iden Green and East End.” An accurate account would mention Iden Green only.
  - . The TPA states that there are daily bus services along GGR provided by bus nos. 24 and 299, and twice a day service provided by the Hopper bus. This information is incorrect. The 2019 Hopper bus, operated by the Tenterden social services hub on an experimental basis, failed in only a matter of months. While the 24 and the 299 buses pass along GGR, they do so on only one day a week. The 24 on Tuesdays and the 299 on Wednesdays. The East End has almost no public transport.
  - . The TPA makes several statements in relation to traffic which have fed misinformation into the system to be reflected in AL/BA3&4. This misinformation was only recently revealed when documents were provided by BHS following April 2021 queries raised by the Independent Examiner on the BNP. These documents include a TPA ‘Scoping Note’ on road and traffic conditions at the site and a letter written in response to this Note from KCC Highways, dated 13 Nov. 2019. The TPA states that the GGR is 7m wide at the hospital site which detracts from the fact that it is actually a winding rural lane, now called a road, and varies considerably in width. It may at some point be 7m wide, but at others, it is so narrow that two lorries have difficulty passing each other. The TPA claims that there is no need for a road safety review because there have been “no personal injury accidents” recorded within 1,000m. Castleton’s Oak crossroads lie 1.5 km from the site and accidents there are frequent, largely due to increasing traffic at the hospital. The hospital has turned itself into an almost exclusively out-patient centre and almost all its 300 employees drive in to work from outside the parish (formerly, they were housed on site in hospital staff buildings). Kent County Council (KCC) Highways make constant and repeated attempts to lower the risk of injury at the crossroads. Works there are ongoing at this time. The TPA claims that no traffic surveys are necessary which is a point queried in the KCC Highways’ email. The email talks of the “heavy car dependency” of residents in any housing in this location and says this was one of its concerns, even at the time of the original application asking for only 24 houses. The email states that BHS’s plans (and therefore AL/BE 3&4) are contrary to the NPPF and to KCC’s own policy objectives, and points out that the hospital has not co-operated over the idea of a minibus to provide transport from the site to Benenden. The letter calls for: traffic counts along the GGR; a wider crash analysis; and expresses concern over the proposed access points to the SE Quadrant - 2 on Green Lane and 2 on GGR. Lastly, on trip generation, the TPA projects that 47 houses at the site will produce only 106 trips a day, though the consultants admit that they have difficulty in basing their estimate on comparable sites because there are none. These trip generation figures ignore existing traffic from local residents, from patients, from hospital staff and from the newly (January 2021) proposed housing estate at Cleveland. The AL/BE 3&4 fails to provide a traffic count, fails to ask for a road safety review and fails to acknowledge frequent traffic accidents near the sites.
  - . Pre-submission supporting documents also produce inaccurate and sometimes irrelevant evidence. The hospital sites are within the setting of an AONB and even overlap into it, yet *Inset Map 18* (Benenden Hospital), unlike other maps attached, makes no reference to the AONB boundary. The BNP claims that the hospital is outside the AONB and on this basis, since the rest of the village is wholly within the AONB, largely justifies placing most of Benenden’s housing in the East End. The relationship of the AONB boundary to the hospital sites is important yet it is ignored on the map. This looks like prejudice.
  - . Hankinson Duckett Associates’s *AONB Setting Analysis Report* (a supporting document for the PSLP, referred to as an evidence base) is, in its analysis of AL/BE3&4, unsound. The analysis argues that development at these sites will enhance the setting of the AONB. It illustrates the argument with photos of the hospital chapel and its carpark. Neither chapel nor car park are in the area up for development.
- 1 **Policies AL/BE3&4 are not consistent with the PSLP’s Vision objectives nor with its strategies, nor with KCC’s policies, nor with the NPPF.**
- . The PSLP’s Vision Objective 1 is : “to improve access to suitable, especially affordable housing, including for local young people and older households.” But this is inconsistent with allocations AL/BE 3 & 4. BHS is asking in its comments on the LP first draft, for a lower number of affordable homes because of the high cost of brownfield development. Living isolated in the countryside,

families will need at least two cars. Old and young will be unable to walk to schools, shops or any other amenities. This is not a suitable site for a borough which (see para 2.16) expects the population over the age of 65 + to increase by around 40% between 2020 and 2038.

The PSLP's Vision Objective 2 is to ensure sustainable development which allocations at AL/BE 3&4 do not achieve. On the contrary, the KCC warns that even with the existing permission for 24 houses on AL/BE3, the highway authority had concerns. This is an isolated location, deep in the countryside (see KCC Highways email 13 Nov 2019). More than 24 houses in this location is not sustainable.

- . **Policy PSTR/BE1**, LBD 5.416 states "the LBD around Benenden village sets the extent of existing and planned development .." This conflicts with the recommendation that major development be instated three miles beyond the LBD, on the border with Biddenden.
- . **Policy STR 2** "The Council requires the use of masterplanning, including the use of design codes and sustainable design standards where appropriate, for strategic and larger-scale developments.." This is undermined by AL/BE 3&4 which calls for a masterplan for an area not included in the PSLP and not presented. Para 1a of Policy AL/BE3 states that there is a need to "show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*" It is not sound to proceed with an LP where the land to be developed is not clearly indicated from the start.
- . **A masterplan is essential to avoid current inconsistencies on the size of areas to be developed:** AL/BE3 excludes one of the 2 Local Wildlife Sites (LWS) at the site, yet the BNP includes both. Para 5.458 states "Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development.." They do not. The PSLP states that in the event of a successful referendum, the BNP's proposals will prevail. If this is so, are we supposed to assume that AL/BE3 map is inaccurate?
- . A similar problem arises at the northern site (AL/BE4) here there are currently 18 dwellings. The proposal allows for these to be demolished and another 25 dwellings added to the site. The size of the area to be developed varies between the LP and the BNP. The LP includes the LWS in the area to be developed but the BNP includes only a small section, but says in the event of a successful referendum the BNP plan will be over-ruled by the LP plan (see the BPC response April 2021 to the Independent Examiner's queries). This is the reverse of 5.421 & 2. It is unsound to proceed with a plan when the NP and the LP are at odds with each other.
- . **The PSLP claims building will only be within existing footprints**, an approach which is at odds with that of the BHS. Plans for 47 new houses in AL/BE3, presented to the village on 17th February 2020 by the hospital architects, show the buildings are not to be built within the footprint of previous buildings nor to respect LWS.
- . **Policy STR 3** calls for the use of brownfield sites "within settlements" and in "sustainable locations." AL/BE 3 consists of disused medical buildings and 2 LWS with parkland and veteran trees (depending on whether this second LWS is included or not). 5.448 is therefore incorrect. The site should be described not as brownfield but as partly brownfield. It is not on the brownfield register. Because of its remote location and its valuable LWS sites, it is not free from constraints which could be mitigated. As such, Policy AL/BE3 does not meet the criteria needed under the NPPF, Section 11, para 117 for development in "a way that makes as much use as possible of previously-developed or 'brownfield' land." AL/BE 4 contains in-use residential housing and an LWS and therefore is not brownfield.
- . **Policy STR 5** states that "New residential ... development will be supported if sufficient infrastructure capacity is either available or can be provided in time to serve the development." Will this happen at AL/BE3&4? Developers themselves are to provide the infrastructure at AL/BE 3&4. The LP proposes to take on trust suggestions that the BHS will avoid building on the LWS and will provide play-grounds, sports facilities and tennis courts. We know from submissions following the first draft LP, that BHS is actually planning to remove one LWS entirely and that its plans include building on the LWS and beyond the foot print of previous buildings. BHS suggests, in its response to the first draft LP (DLP\_4956) that it is unlikely to provide play-grounds, sports facilities and tennis courts. The PSLP's approach does not take comments to the first draft LP into account.
- . **Policy STR 6** proposes to "Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough." In the case of the two isolated hospital sites, the PSLP contradicts its own strategic policy and fails to offer choices in



transport or to prioritise active travel and public transport. The Benenden hospital sites have no daily bus service and no active travel link to the village, and neither the PSLP nor the BHS provide credible information on how these links are to be provided. The KCC email of Nov 13 suggests that the hospital is uncooperative on the proposal to organise a minibus service and the SHELAA says of AL/BE3 that it is "Remote from a settlement centre," (unlike sites 158, 222 and LS8); that residents will rely heavily on private cars and thus air quality and travel objectives score negatively; and that, "although promoted by the policy, shared transport and active travel options are unlikely to take precedence over private vehicle use thus air quality and climate change score negatively." This we feel is the nub of the issue. For all the talk of mitigating the remoteness of the hospital sites with a minibus link and cycle routes, nobody actually believes that any of these measures will succeed. As for the proposal to create links suitable for electric personal vehicles, such as mobility scooters (as suggested under STR 6), it is difficult to see, when the closest link with the village is a single-track lane (Walkhurst Road), how any personal electric vehicle could make that journey. The PSLP is creating, through its policies AL/BE3&4, a car dependent community. This thereby negates the sense of the LP's supporting document, *Transport Strategy Review Sept 2019* which urges reducing the need to travel.

AL/BE3&4 also undermine TWBC's Full Council motion of July 2019 to reduce CO2 emissions. "The dominance of the car as a mode of transport can lead to congestion, more road accidents, air and noise pollution. In addition it contributes to climate change, reduces social cohesion and leads to less healthy lifestyles" (para 44 *Transport Review*). According to TW's own SA from 2006, if social cohesion, reduction in air pollutants, and public health were indeed the borough's priorities, sites chosen for development in Benenden would have included site 158.

**PSLP paras 5.453 and 5.467** state that "residents of development in this location will rely heavily on private cars." These plans runs counter to STR6 policy on the environment see paras 6.8, 6.9, 6.10, 6.11 and 6.13. It also contravenes KCC policies on climate change and the NPPF (see KCC's Nov 13, 2019 letter on this subject).

**Para 5.414** "The parish provides two relatively large sources of employment: at Benenden Hospital and at Benenden School." The inference is that the employment opportunities are linked somehow to the population of Benenden. There is in fact little connection. The 300 plus staff at the hospital drive into the parish along GGR to work and, since the hospital is isolated from the village, their contribution to the local economy is negligible.

**Policy STR 6** The LP proposes to "**Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough.**" In the case of the two isolated hospital sites, the LP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport.

**Cycle routes:** The PSLP's standards on the public benefits of cycling and walking are based on the *Cycle Strategy Supporting Document*, but these standards are undermined by site allocation in Benenden. The Cycle document states that: "When more people cycle or walk the health of the population improves and our roads become safer and less congested." Its objectives 4 and 5 are to improve safety for cyclists and air quality for all, but AL/BE 3 & 4 will create a community, deep in the countryside, entirely dependent on the car and will contribute to poorer air quality for all. The allocation of these sites, as opposed to sites such as 158, is difficult to understand.

The *Cycle Strategy* states that fear of traffic is possibly the main factor discouraging people from cycling. National Cycle Route 18 runs from the Rolvenden Road, down Stepneyford Lane, to Green Lane, before joining the Benenden Road near the hospital, turning right and leading to Castleton's Oak Cross roads and Gribblebridge Lane. This route is a largely on-road ride travelling through the High Weald, using narrow, picturesque country lanes as much as possible. Green Lane/Stepneyford Lane is mentioned in TWBC's Rural Lanes: Supplementary Planning Guidance. It is particularly high scoring in terms of its landscape, its recreational value, its natural beauty and its history. For these reasons, it is part of National Route 18. Rather than encouraging cycling, AL/BE3, which proposes two exits for this major development on GGR and two on Green Lane (where a second housing estate, at Cleveland Farm is already leading to Kent Highways calling for road widening and the elimination of grass verges - see building application 20/03267/FULL) will cause an increase in those factors, identified in *TW Cycle Strategy*, as discouraging cyclists, namely, traffic and the loss of unspoilt country lanes. Policy AL/BE3 also contravenes Kent Structure Plan Policy ENV13: "Rural lanes which are of landscape, amenity, nature conservation, historic or archaeological importance will be protected from changes which would damage their character, and enhanced." In any event, the cycle route is purely recreational and will not enhance the sustainability of these sites.

- . **Policy STR 7** proposes, in dealing with TWBC's 2019 legally binding commitment to manage climate change, that all development in the borough will support the Council's target to achieve net zero emissions by 2030. It is unsound, with such a goal, to propose a major development on the parish periphery, 3 miles equidistant from two villages where there is no shop (in spite of the PLSP's statement AL/BE 3&4) and no café (BHS says its café was built for its own use not for the use of the public - see comments on the first draft of the LP). Residents will need their cars for almost everything.
- . **Policy STR1** promotes the effective use of previously developed land, having due regard to relevant Plan policies, but in promoting AL/BE3&4, the PSLP disregards STR6 (environmental goals) & STR7 (transport goals). Under the NPPF, sustainability is the priority, as the PSLP acknowledges in STR3, 4.65 "A presumption of sustainability lies at the heart of the NPPF", but in allocating AL/BE 3&4, the PSLP fails to respect its own and the NPPF's strategic priorities.
- . **Policy STR 8** states that development should contribute to and enhance rural landscapes with particular regard to the High Weald (HW) AONB. The PSLP promotes nature conservation. Its biodiversity objective is to achieve net gains and, where possible, secure long-term management of sites for biodiversity. AL/BE3 runs counter to this strategy since the BHS has produced plans showing houses built over the LWS. It has, furthermore, produced a document requiring that one of the two LWS be dug up and removed to another unspecified location, thereby nullifying the terms of the existing Landscape and Ecology Management Plan (LEMP) for that site. Para 3.21 of the BHS submission on the first draft LP states: *"The Society supports the requirement for long-term management of the core areas of LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peak Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."* This is a particularly significant site for biodiversity. A letter from Keith Nicholson, former Planning and Conservation officer for the Kent Wildlife Trust, dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert states that the hospital LWS are of national importance, mainly for the large number of different varieties of waxcaps. He states that they could well have been designated SSSI. Both in terms of waxcaps and in terms of valuable acid grassland, the hospital sites have high environmental value, see Comment DLP\_3458 on the first draft of the LP, from the High Weald AONB Unit. The Benenden Hospital site *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* AL/BE3&4 threaten the biodiversity of significant species in the LWS at the hospital sites, contrary to EN1.
- . The LWS to the south of AL/BE3 is included in the BNP and BPC argues that this has been done in order to protect it (see their response to the Independent Examiner April 2021). It is difficult to follow this logic. The inclusion of the site in the area to be developed suggests that it too could be under threat.
- . There is no plan showing the placement of houses on AL/BE 4, which is currently home to a large LWS and is the site of 18 habitable dwellings, almost all of the them currently in use and let. The proposal allows for these to be demolished and another 25 dwellings added to the site. The PSLP includes the LWS in the area to be developed and the BNP excludes most of it. Benenden Parish Council (BPC), in its April 2021 response to the Independent Examiner, has said that, in this case of a successful referendum, the PSLP's plan (which includes the LWS), will prevail. In other words, of the 3 LWS in AL/BE 3&4, one is slated for removal, one will be built over if the PSLP prevails and one may be built over if the BNP prevails. This undermines STR8.
- . The PSLP claims that the hospital development "has the potential to improve the setting of the HW AONB through the delivery of a more sensitive redevelopment of existing buildings" (para 5.454), but the claim is not supported by evidence produced by the *Hankinson & Duckett* (see above) while the HW AONB unit's own view is the opposite. See TW first Draft LP, **DLP\_3458 High Weald AONB Unit** (which objects to the Plan) : *"....In our view the development at Benenden Hospital will have a significant effect on the setting of the AONB and the purposes of its designation, and this issue has not been properly considered by the Plan."*
- . The NPPF section 2 para 11 states: *"Plans and decisions should apply a presumption in favour of sustainable development... ..(b) strategic policies should provide for objectively assessed needs for housing ...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.” And see Footnote 6: the policies referred to are those in the Framework ... relating to habitat sites (and those sites listed in para 176) and /or designated as SSSI, AONBs ....

NPPF para 177 states *“The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.”*

#### **PSLP EN1 para 5. Biodiversity and geodiversity.**

AL/BE 3&4 run counter to this policy as stated above in relation to the LWS.

#### **The Environment**

STR8 sets high environmental standards but these are undermined in the site allocations. This is particularly startling in the light of the July 2019 Full Council motion to recognise the climate and biodiversity emergency, in fact, the Benenden allocations put into question whether the motion was passed in good faith.

**EN1 para 5 (Biodiversity and geodiversity)** says that proposals should maximise opportunities to increase biodiversity. This goal may make sense in an urban setting, but development in the countryside, as is proposed in AL/BE 3 & 4, cannot hope to ever mitigate biodiversity loss. The destruction of trees and wild spaces, the introduction of lighting, kerbs, driveways, wider roads and narrower verges, the use of concrete, tarmac, bricks and mortar in a deeply rural setting cannot “increase biodiversity”.

**EN1 provides for Long-term Management plans** which would be satisfactory within an urban context. In a rural location like the East End, such plans are no substitute for natural wild spaces. A ‘managed’ green space set among streets is less likely to promote biodiversity and less likely to conserve wildlife than ‘unmanaged’ green space. Further, the three LWS in AL/BE3 are all already part of an existing LEMP agreement, and since one or all would be removed in the case of development as outlined by BHS under AL/BE3&4, instead of creating a long-term management plan, AL/BE3&4 would all but terminate an existing one. The sentiments expressed in EN1 are mocked by AL/BE3&4.

#### **1 Site policies**

**AL/BE3** excludes one of the 2 LWS at the site, and the BNP includes both, yet para 5.458 states “Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development..” This does not appear to be the case. Further, the SHELAA treats this site twice, once including the southern LWS (and excluding Windmill Cottage) and once excluding the LWS and including Windmill Cottage (SHELAA pages 1-3 and pages 18-19). In the second instance, the suggestion is for 67-73 houses, presumably building over the LWS. The first plan is the one adopted in the PSLP and appears to be the more accurate of the two in that it describes the site as “mostly PDL”. The second ignores all greenfield aspects and is almost identical to the plan in the BNP, a plan which BNP claims will prevail if it wins a referendum. Is AL/BE3 presenting us with the wrong plan?

**AL/BE3 and AL/BE4** provide for a phased timetable for development of the two sites at different time intervals without calling for a comprehensive masterplan for the hospital site as a whole i.e. for the entire built up area. This is inconsistent with STR2, which requires a masterplan for large developments. The full extent of the area to be developed must be clear. See para 1a of Policy AL/BE3 which states that there is a need to “show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.” It is not sound to proceed with an LP where the land to be developed is not indicated from the start.

**AL/BE3&4** both call for an active travel link between the site and Benenden village. This proposal has been costed (see BPC’s April 2021 reply to the Independent Examiner) at between £180,000 and £220,000 for a 3m wide tarmacked surface, plus costs to upgrade it to a bridleway, plus the costs associated with obtaining landowners’ consent or, failing that, of starting compulsory purchase proceedings which TWBC expresses reluctance to undertake because of the significant compensation costs and legal costs which would be involved. No steps have been taken either by the BNP or TWBC to ascertain the willingness of landowners to give up their land although the major landowner involved wrote to BNP on 11th Sept. 2019 objecting to the plan. It is understood that he was not contacted for subsequent discussion.

**AL/BE3&4** calls for the repurposing of the existing tennis courts for the use of local residents, which BHS denies it will offer for public use; for the public use of the hospital's café; for the creation of a hospital shop (5.413); for a minibus service linking the hospital to the village ("The Society is not a transport provider" is BHS' response); for green space, a playground and provision of a community hall - most of these policies are refuted in Savills' comments on behalf of BHS, in the first draft of the LP, DLP\_ 4956 paras 3.14, 3.18, 3.19, 3.20, 3.46 and 3.47. Rather than agreeing to such policies, the hospital is calling on TWBC to introduce a more flexible funding system to allow a *reduction* of developer costs. BHS argues these will be high because they wish to demolish existing buildings. It is unsound to propose policies which cannot be implemented. Once the sites are sold, no relevant conditions to this effect could be imposed.

**1 The PSLP is unsound because of inconsistencies in the treatment of different sites.**

(i) **Uphill, AL/BE1** is described as having archaeological potential (para 5.428) requiring possible mitigation measures. This is not because of historical finds on the site, but because they might be found. A listed manor house lies on the other side of New Pond Road and, according to AL/BE1, "the site lies within, or very close to the relevant impact risk zone for Parsonage Wood", a SSSI which is, in fact, several miles away. The archaeological significance of AL/BE 3&4 is far more certain and substantial. The hospital sites are where a bronze age palstaff was found (see the National Monument Register - SMR Number /Hob UID)) and the sites lie close to two ancient routeways. A Roman Road runs west-east (on BHS farmland) a few yards to the south of AL/BE3 and a medieval drove road (GGR), runs west-east between the two sites. Further, two Grade II Listed Buildings are sited here, also on BHS land. The Lister building stands a few yards to the west of AL/BE3 and Cleveland Farm house (the farmyard of which BHS is trying to develop separately and simultaneously as if a minor planning project) lies a few yards to the south. Instead of mentioning these facts, AL/BE3&4 reads (5.456 and 5.468) "Kent County Council states that the site includes significant archaeology, which could be dealt with through suitable conditions on a planning approval." The imbalance in the treatment of the two sites is substantial and suggests prejudice.

(ii) The SHELAA assessment of site 158 suggests a potential yield of 50-65 houses, but then concludes that only the Uphill part of the site is suitable (20 houses). It states that "the remainder of the site is sensitive in landscaping terms and there is concern regarding scale and impact on the character of the landscape and settlement pattern". This is contrary to the views of TW's 2006 SA; to the TW 2018 document proposing 174 houses; and to the first draft of the LP. The dismissal of 158 as a suitable site is not supported by the evidence and suggests prejudice.

(iii) Site 222, west of the cross roads, was also considered in 2006, as a possible site for the new village school, though it was not one of the top two sites put to a referendum. The SHELAA suggests 222 has a potential for 76 houses. The site is considered unsuitable partly because the new LBD, if adopted, will exclude all houses west of the cross roads, when the village actually extends a considerable length along this road to the west. There is no mention of the fact that the owners of this site are offering the pond at the south west corner of the crossroads as village green space. The dismissal of 222 is not supported by the evidence and suggests prejudice.

(iv) The SHELAA suggests a capacity of 26 houses at Site LS8 in Iden Green, stating that it lies adjacent to the recreation ground and a children's nursery and that there is a pavement on both sides of Iden Green's main road. It fails to mention that the easternmost side of this pavement connects the village to the village primary school. The SHELAA dismisses the site as unsuitable saying that it is located in a remote location relative to services, facilities and public transport, but this site is far less remote than sites AL/BE 3&4. The dismissal of site LS8 is not supported by the evidence and suggests prejudice.

(v) The proposed new LBD has been constructed so as to include the new site at Uphill and to exclude 222, when in fact, the actual built development extends westwards from the crossroads and includes site 222. The LBD is ignored in respect of AL/BE3&4. Manipulation of the LBD to suit allocated sites is inappropriate.

As a general comment, I have found the process unnecessarily difficult to navigate. In fact, from the point of view of the ordinary lay-man, I would term the process 'hostile'. The interactive on-line site was unmanageable. Question 4a is very badly worded. The PSLP's prose entirely suited the opacity of the procedure. Here is one example from the SA (page 163) "However, the education objective does not deteriorate when considering cumulative effects as the schools in Tenterden will be a viable option for residents in East End and thus are likely to take the pressure off Benenden Primary School." What does that mean?



## 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 modifications needed are included in the submissions set out above. In summary, development on site AL/BE 3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE 4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre and school. Paragraphs 5.421 and 5.422 should be omitted.

## 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:**

In order to put over my case, and to answer those with vested interests who may seek to put forward arguments against it.

## Question 8

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

1. The Sustainability Appraisal (SA) is misleading. Table 58 on page 163 states that all Benenden sites "lack services, facilities and travel options". This belies the fact that AL/BE2 (Feoffee almshouses) is close to the Street as is AL/BE1 (Uphill). Both sites are within walking distance of the bus stop for daily bus services, the post office, village shop, the primary school, the village green, the butchers, pub, community hall, church, recreation ground and children's playground. AL/BE 3 & 4 are three miles north east of the village with no daily bus service and no amenities whatsoever.
2. The commentary on Table 58, (page 163 of the SA), states that East End sites score badly on Climate Change and Travel, yet these are the sites promoted for most houses.

3. The SA argues on page 163 that East End residents will send their children to schools in Tenterden instead of to the village primary school, and that this will lessen the otherwise seriously negative effects of the two hospital sites. This is pure conjecture and possibly wishful thinking. The school has a good reputation and currently between 70 and 75% of children there come from outside the parish. East End children will have precedence over these, since intake depends on the distance of a child's residence from the school. Pressure on Benenden Primary School will increase, not decrease. Further, the use of a car, whether it drives to Tenterden (5-6 miles) or to Benenden (3 miles), pollutes and deprives residents of the health-giving pleasure of walking to school. The AL/BE 3&4 are contrary to STR2, to the NPPF and to KCC policy on climate change.
4. Appendix L (pp331-2) shows Scores for Reasonable Sites in Benenden. Here we see scores for 158 and 222, two sites close to the village centre. Of 158, we read "A site that scores several neutrals with some positives, let down by its land use and landscape score impacted by a loss of a greenfield site in the AONB and lack of services and facilities including public transport at the settlement." This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there.
5. In April 2018, BNP Steering Committee Deputy Chair, a borough councillor, showed the committee a piece of paper from TWBC saying that TWBC wishes to build 174 houses on site 158. He committed himself to seeing these numbers reduced and the numbers at the East End raised. After a meeting between representatives from the BNP group and TW planners on June 19th, 2018, the minutes reported that "At times the workshop was emotive ..." Following that meeting TW planners put site 158 on temporary hold, limiting development there to a future Local Plan by asking, in the first draft of the LP on page 270, that the Uphill site on New Pond Road, adjacent to 158 and allocated at that time as AL/BE3, should, under Clause 8, provide for vehicular access through Uphill to the site behind (158) "which may be allocated for development as part of a future Local Plan." In the PSLP, this wording for Clause 8 has disappeared. Where is the evidence-base for such wording to be included in the first draft and excluded in the second? Why is the site considered suitable in 2006, in 2018, and in the first draft, but not suitable in the PSLP?
6. Site 222, like 158 is described in Appendix L of the PSLP's SA as suffering from "a lack of services and facilities including public transport at the settlement." This is inaccurate. There is a daily bus service along Benenden Street and site 222 is within easy walking distance of the bus stop, shops, pub, community hall, primary school and all other amenities.
7. Site LS8, in the heart of Iden Green is, along with site 158 and 222, a site which on-the-ground evidence suggests is eminently suitable for development, but which the SA fails to allocate. Appendix L of the SA gives LS8 virtually the same scores as Uphill (LS16 of AL/BE1) yet the latter is included for development and the former is not. The commentary states of LS8 "A number of scores are negative however, reflecting the remote location of the site from services and facilities and public transport. It scores negatively in heritage terms as the site is a relatively sizeable piece of the Iden Green Conservation Area." This site is far less remote than sites AL/BE 3 & 4. It is one mile from the village and connected to it by a paved footpath running past a Roadside Conservation Area and then (still paved) through a field to the church and primary school. It is on a bus route and the bus stop is next to LS8. Iden Green has a community hall, tennis courts, a children's playground and pub/restaurant. The SA information is unreliable and the PSLP's use of it for site allocation is unwise.
8. In so far as Benenden is concerned, the sites were allocated before any sustainability appraisal was commissioned. It is not therefore a relevant factor in the allocation of sites for housing.

## 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\_55

### Comment

Consultee	Olivia Glenn [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Charterhouse Strategic Land Ltd
Address	Charter House 3a Felgate Mews London W6 0LY
Event Name	Pre-Submission Local Plan
Comment by	Charterhouse Strategic Land Ltd [REDACTED] [REDACTED]
Comment ID	PSLP_1014
Response Date	02/06/21 12:41
Consultation Point	Policy STR 1 The Development Strategy ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.4
Files	<a href="#">PSLP_1014_Charterhouse Strategic Land Representation SI.pdf</a>
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Charterhouse Strategic Land
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 STR 1 The Development Strategy

*[TWBC: This representation has been input against Policies STR 1, STR 2, STR 3, STR 4, STR 5, STR 6, STR 7, STR 8, STR 9 & STR SS 1 – see Comment Numbers PSLP\_1014, PSLP\_1016 -1024. A full copy of the representation can be found on attached Supplementary 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

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#### Re: TUNBRIDGE WELLS BOROUGH COUNCIL PRE-SUBMISSION LOCAL PLAN: REGULATION 19 CONSULTATION

I write in response to your publication of the Tunbridge Wells Borough Council Pre-Submission Local Plan ("**Local Plan**"). Charterhouse Strategic Land ("**Charterhouse**") welcomes the opportunity to review and comment on the new Local Plan and trust that the important matters set herein will be given detailed consideration.

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- d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework"*

#### Charterhouse comments on specific Pre-submission Local Plan Policies

## Draft Policy STR 1 – The Development Strategy

Charterhouse supports STR 1 and in specifically section 3;

*“3. Provides for the growth of settlements, having regard to their role and function, constraints, and opportunities, together with the development of two strategic sites, namely: a. major, transformational expansion of Paddock Wood (including land at east Capel), following garden settlement principles and providing flood risk solutions; and b. the creation of a new garden settlement: Tudeley Village between Paddock Wood and Tonbridge;”*

It is good planning practice to proactively address the housing needs of the borough through the allocation and expansion of Paddock Wood. The head on approach Tunbridge Wells Borough Council (**“the council”**) is taking to ensure it delivers the necessary housing is commendable, and we fully support the number of homes to be delivered at Paddock Wood. However the plan only provides a 10% buffer to the housing numbers, as set out in **4.53** with a provision of 13,059-13,444 dwellings to a target of 12,204 net additional dwellings. Charterhouse raise concern whether a 10% margin of over performance being put in place will allow the council enough flexibility on housing numbers. Between the strategic urban extension to Paddock Wood and Tudeley Village this equates to nearly half (46%) of the overall housing target and 10% flexibility being tied up in these two allocations.

Given the long term delivery prospects of settlement expansions and garden villages, Charterhouse do not consider that the 10% is adequate. It is our opinion that with such projects and such a considerable percentage of the plans housing targets being tied up within the two allocations, any slippage or delays impacting either site could have a damaging effect on the councils housing delivery. We believe that for these reasons it would be advisable for the council to increase their overprovision through smaller allocations within alternative settlements.

We thank the council for the opportunity to comment and would be grateful if you will confirm safe receipt of this representation.

### **Question 7**

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### Comment

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Email Address	[REDACTED]
Company / Organisation	Charterhouse Strategic Land Ltd
Address	Charter House 3a Felgate Mews London W6 0LY
Event Name	Pre-Submission Local Plan
Comment by	Charterhouse Strategic Land Ltd [REDACTED] [REDACTED]
Comment ID	PSLP_1016
Response Date	02/06/21 12:44
Consultation Point	Policy STR 2 Place Shaping and Design ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.3
Files	<a href="#">PSLP_1014_Charterhouse Strategic Land Representation SI.pdf</a>
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Charterhouse Strategic Land
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 STR 2 Place Shaping and Design

*[TWBC: This representation has been input against Policies STR 1, STR 2, STR 3, STR 4, STR 5, STR 6, STR 7, STR 8, STR 9 & STR SS 1 – see Comment Numbers PSLP\_1014, PSLP\_1016 -1024. A full copy of the representation can be found on attached Supplementary Information]*

#### Question 4a

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

#### Question 5

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#### Charterhouse comments on specific Pre-submission Local Plan Policies



Policy STR 2 – Place Shaping and Design

Charterhouse supports ST R2 and ensuring that high quality urban and architectural design is met.

We thank the council for the opportunity to comment and would be grateful if you will confirm safe receipt of this representation.

**Question 7**

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## Supporting Information File Ref No: SI\_55

### Comment

Consultee	Olivia Glenn [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Charterhouse Strategic Land Ltd
Address	Charter House 3a Felgate Mews London W6 0LY
Event Name	Pre-Submission Local Plan
Comment by	Charterhouse Strategic Land Ltd [REDACTED] [REDACTED]
Comment ID	PSLP_1017
Response Date	02/06/21 12:44
Consultation Point	Policy STR 3 Brownfield Land ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.5
Files	<a href="#">PSLP_1014_Charterhouse Strategic Land Representation_SI.pdf</a>
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Charterhouse Strategic Land
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 STR 3 Brownfield Land

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**Re: TUNBRIDGE WELLS BOROUGH COUNCIL PRE-SUBMISSION LOCAL PLAN: REGULATION 19 CONSULTATION**

**Charterhouse comments on specific Pre-submission Local Plan Policies**

Policy STR 3 – Brownfield Land

No comment.

#### Question 7

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Consultee	Olivia Glenn [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Charterhouse Strategic Land Ltd
Address	Charter House 3a Felgate Mews London W6 0LY
Event Name	Pre-Submission Local Plan
Comment by	Charterhouse Strategic Land Ltd [REDACTED] [REDACTED]
Comment ID	PSLP_1018
Response Date	02/06/21 12:44
Consultation Point	Policy STR 4 Ensuring Comprehensive Development ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.3
Files	<a href="#">PSLP_1014_Charterhouse Strategic Land Representation SI.pdf</a>
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Charterhouse Strategic Land
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 STR 4 Ensuring Comprehensive Development

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#### Charterhouse comments on specific Pre-submission Local Plan Policies

#### Policy STR 4 – Ensuring Comprehensive Development

Charterhouse acknowledges and agrees with the councils aim to ensure the development of strategic sites and to ensure the delivery of sites in a comprehensive manner with place making as the overarching aim. We further acknowledge and accept that the multi-developer delivery is a necessity on sites such as Paddock Wood. We would however comment that in order for comprehensive development to be achieved the council must ensure suitable mechanisms are put in place to facilitate collaboration between developer. High quality placemaking is only possible when all landholdings come together, work effectively and cooperatively to deliver the required homes and infrastructure. Charterhouse controls a crucial parcel of land within the proposed [northern] parcel of the strategic allocation and whilst the council's masterplanning work undertaken by David Lock Associates shows the land as being required for green and blue landscaping, the land will be integral to any flood compensation works required to deliver the allocation. Accordingly, the draft policy should be appropriate provision. Further, the Council's work developing the Paddock Wood Town Centre Masterplan shows the Charterhouse land as a key link between the town centre and the proposed homes. Accordingly, it is clear to us that our land is fundamental to achieving sustainable development at Paddock Wood.

Charterhouse supports and is cooperating with the councils masterplanning exercise for Paddock Wood.

We thank the council for the opportunity to comment and would be grateful if you will confirm safe receipt of this representation.

#### **Question 7**

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## Supporting Information File Ref No: SI\_55

### Comment

Consultee	Olivia Glenn [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Charterhouse Strategic Land Ltd
Address	Charter House 3a Felgate Mews London W6 0LY
Event Name	Pre-Submission Local Plan
Comment by	Charterhouse Strategic Land Ltd [REDACTED] [REDACTED]
Comment ID	PSLP_1019
Response Date	02/06/21 12:44
Consultation Point	Policy STR 5 Infrastructure and Connectivity ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.3
Files	<a href="#">PSLP_1014_Charterhouse Strategic Land Representation SI.pdf</a>
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Charterhouse Strategic Land
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 STR 5 Infrastructure and Connectivity

*[TWBC: This representation has been input against Policies STR 1, STR 2, STR 3, STR 4, STR 5, STR 6, STR 7, STR 8, STR 9 & STR SS 1 – see Comment Numbers PSLP\_1014, PSLP\_1016 -1024. A full copy of the representation can be found on attached Supplementary Information]*

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#### Charterhouse comments on specific Pre-submission Local Plan Policies



Policy STR 5 – Infrastructure and Connectivity

Charterhouse supports policy STR 5.

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**Question 7**

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Email Address	[REDACTED]
Company / Organisation	Charterhouse Strategic Land Ltd
Address	Charter House 3a Felgate Mews London W6 0LY
Event Name	Pre-Submission Local Plan
Comment by	Charterhouse Strategic Land Ltd [REDACTED] [REDACTED]
Comment ID	PSLP_1020
Response Date	02/06/21 12:44
Consultation Point	Policy STR 6 Transport and Parking ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.3
Files	<a href="#">PSLP_1014_Charterhouse Strategic Land Representation SI.pdf</a>
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Question 1	
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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 STR 6 Transport and Parking

*[TWBC: This representation has been input against Policies STR 1, STR 2, STR 3, STR 4, STR 5, STR 6, STR 7, STR 8, STR 9 & STR SS 1 – see Comment Numbers PSLP\_1014, PSLP\_1016 -1024. A full copy of the representation can be found on attached Supplementary 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

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#### **Re: TUNBRIDGE WELLS BOROUGH COUNCIL PRE-SUBMISSION LOCAL PLAN: REGULATION 19 CONSULTATION**

I write in response to your publication of the Tunbridge Wells Borough Council Pre-Submission Local Plan ("**Local Plan**"). Charterhouse Strategic Land ("**Charterhouse**") welcomes the opportunity to review and comment on the new Local Plan and trust that the important matters set herein will be given detailed consideration.

#### **Context**

Charterhouse has an interest in the Land lying to the west of Nursery Road, Paddock Wood. The site is situated to the north west of Paddock Wood Train Station and the west of Maidstone Road.

#### **Representations**

This representation responds to the policies within the Local Plan published for consultation Friday 26th March to Friday 4th June 2021. We wish to make some preliminary observations on the policies in regards to their compliance with the relevant legal requirements as set out in the Planning and Compulsory Purchase Act 2004 as amended, and the tests of soundness as per Paragraph 35 of the National Planning Policy Framework ("**NPPF**").

*"Local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are 'sound' if they are:*

- a) 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;*
- b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;*
- c) 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*
- d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework"*

#### **Charterhouse comments on specific Pre-submission Local Plan Policies**

### Policy STR 6 – Transport and Parking

Charterhouse supports STR 6, it is imperative that the location of new development is sustainable and the provision of active travel. This must be held in high regard within policy STR/SS 1 in the delivery of appropriate cycle and pathways into the town centre in particular within the masterplans for Paddock Wood which include pedestrian and cycle routes within Charterhouse's landholding which could ensure a sustainable and well connected Paddock Wood.

We thank the council for the opportunity to comment and would be grateful if you will confirm safe receipt of this representation.

### **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\_55

## Comment

Consultee	Olivia Glenn [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Charterhouse Strategic Land Ltd
Address	Charter House 3a Felgate Mews London W6 0LY
Event Name	Pre-Submission Local Plan
Comment by	Charterhouse Strategic Land Ltd [REDACTED] [REDACTED]
Comment ID	PSLP_1021
Response Date	02/06/21 12:44
Consultation Point	Policy STR 7 Climate Change ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.3
Files	<a href="#">PSLP_1014_Charterhouse Strategic Land Representation SI.pdf</a>
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Charterhouse Strategic Land
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 STR 7 Climate Change

*[TWBC: This representation has been input against Policies STR 1, STR 2, STR 3, STR 4, STR 5, STR 6, STR 7, STR 8, STR 9 & STR SS 1 – see Comment Numbers PSLP\_1014, PSLP\_1016 -1024. A full copy of the representation can be found on attached Supplementary Information]*

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#### **Re: TUNBRIDGE WELLS BOROUGH COUNCIL PRE-SUBMISSION LOCAL PLAN: REGULATION 19 CONSULTATION**

I write in response to your publication of the Tunbridge Wells Borough Council Pre-Submission Local Plan ("**Local Plan**"). Charterhouse Strategic Land ("**Charterhouse**") welcomes the opportunity to review and comment on the new Local Plan and trust that the important matters set herein will be given detailed consideration.

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#### **Charterhouse comments on specific Pre-submission Local Plan Policies**

### Policy STR 7 – Climate Change

Charterhouse is in support of policy STR 7 and the councils efforts towards combating the Climate Emergency.

We thank the council for the opportunity to comment and would be grateful if you will confirm safe receipt of this representation.

#### **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)?**

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## Supporting Information File Ref No: SI\_55

### Comment

Consultee	Olivia Glenn [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Charterhouse Strategic Land Ltd
Address	Charter House 3a Felgate Mews London W6 0LY
Event Name	Pre-Submission Local Plan
Comment by	Charterhouse Strategic Land Ltd [REDACTED] [REDACTED]
Comment ID	PSLP_1022
Response Date	02/06/21 12:44
Consultation Point	Policy STR 8 Conserving and Enhancing the Natural, Built, and Historic Environment ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.5
Files	<a href="#">PSLP_1014_Charterhouse Strategic Land Representation_SI.pdf</a>
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Charterhouse Strategic Land
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 STR 8 Conserving and Enhancing the Natural, Built, and Historic Environment



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**Re: TUNBRIDGE WELLS BOROUGH COUNCIL PRE-SUBMISSION LOCAL PLAN: REGULATION 19 CONSULTATION**

**Charterhouse comments on specific Pre-submission Local Plan Policies**

Policy STR 8 – Conserving and Enhancing the Natural, Built and Historic Environment

No comment.

#### 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)?

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data inputter to tick 'not stated' box.

## Supporting Information File Ref No: SI\_55

### Comment

Consultee	Olivia Glenn [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Charterhouse Strategic Land Ltd
Address	Charter House 3a Felgate Mews London W6 0LY
Event Name	Pre-Submission Local Plan
Comment by	Charterhouse Strategic Land Ltd [REDACTED] [REDACTED]
Comment ID	PSLP_1023
Response Date	02/06/21 12:44
Consultation Point	Policy STR 9 Green Belt ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.4
Files	<a href="#">PSLP_1014_Charterhouse Strategic Land Representation SI.pdf</a>
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Charterhouse Strategic Land
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 STR 9 Green Belt

*[TWBC: This representation has been input against Policies STR 1, STR 2, STR 3, STR 4, STR 5, STR 6, STR 7, STR 8, STR 9 & STR SS 1 – see Comment Numbers PSLP\_1014, PSLP\_1016 -1024. A full copy of the representation can be found on attached Supplementary Information]*

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**Re: TUNBRIDGE WELLS BOROUGH COUNCIL PRE-SUBMISSION LOCAL PLAN: REGULATION 19 CONSULTATION**

Policy STR 9 – Green Belt

No comment.

#### Question 7

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## Supporting Information File Ref No: SI\_55

### Comment

Consultee	Olivia Glenn [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Charterhouse Strategic Land Ltd
Address	Charter House 3a Felgate Mews London W6 0LY
Event Name	Pre-Submission Local Plan
Comment by	Charterhouse Strategic Land Ltd [REDACTED] [REDACTED]
Comment ID	PSLP_1024
Response Date	02/06/21 12:44
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.3
Files	<a href="#">PSLP_1014_Charterhouse Strategic Land Representation_SI.pdf</a>
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Charterhouse Strategic Land
Question 3	
To which part of the Local Plan does this representation relate?	Policy
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Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel

*[TWBC: This representation has been input against Policies STR 1, STR 2, STR 3, STR 4, STR 5, STR 6, STR 7, STR 8, STR 9 & STR SS 1 – see Comment Numbers PSLP\_1014, PSLP\_1016 -1024. A full copy of the representation can be found on attached Supplementary Information]*

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#### Charterhouse comments on specific Pre-submission Local Plan Policies

## Policy STR/SS 1 – The Strategy for Paddock Wood, including land at east Capel

Charterhouse's land sits within the western parcel of the STR/SS 1 boundary. We support the policy in the principle of 3,490-3,590 houses, and furthermore we are/SS glad to see the councils explicit inclusion into the policy of the potential necessity of equalization. However, we express concerns over the lack of appropriate infrastructure provisions and the mechanisms by which this will be provided, without this in place we fear that the delivery of STR/SS 1 may be compromised.

David Lock Associates Ltd ("**DLA**") structure plan (Map 28) shows Charterhouse's land holding as Green & Blue Strategic Landscape Corridors with Pedestrian/Cycle Routes intersecting the site. As per section 9;

*"9. Provide walking and cycling linkages within the site, together with links to Paddock Wood town centre, employment areas, and surrounding countryside. Development in the eastern parcel, shown as land edged in yellow on Map 27, should make use of, and enhance, the Hop Pickers Trail;"*

The allocation of Charterhouse's site as a landscape corridor with a provision for pedestrian/cycle, this will be instrumental in delivering walking and cycling linkages into Paddock Wood town centre. This is vital to ensuring the sustainability, connectivity and "*High standard of design and layout*" as set out in the policy.

Charterhouse's land holding has the ability to ensure that the high quality placemaking agenda which the council is seeking to achieve is delivered via pedestrian and cycling routes. The Town and Country Planning Association ("**TCPA**") define one of the eight key principles of new garden villages as;

*"Planned for healthy living: Planning for healthy communities is integral to the creation of new places today. New garden villages should foster healthy and active communities by encouraging walking and cycling (emphasis added) and by providing a comfortable, stimulating and therapeutic environment, bringing together the best of the urban and natural environments, for people of all ages. Key considerations for active design and a more detailed examination of how to plan for healthy communities in new Garden Cities are set out in the TCPA's Guide 8: Creating Health-Promoting Environments"*

*Within the TCPA's Garden City Standards for the 21st Century – Guide 13 Sustainable Transport* they reiterate the impact of car usage upon the environment and that new built environments must be 'people focused' not vehicle focused'. When creating new built environments such as the urban extension at Paddock Wood, the council and developers have an opportunity to create a settlement in which active transport is at the heart. Moving away from vehicle based travel and facilitating cycling, walking and public transport as the primary forms of transport by ensuring that we are 'tipping the balance' in favour of sustainable transport modes as clear, easy and preferred option. Charterhouse would like the council to ensure that active and sustainable travel is enshrined within the policy STR/SS1.

We thank the council for the opportunity to comment and would be grateful if you will confirm safe receipt of this representation.

### **Question 7**

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## Supporting Information File Ref No: SI\_55

### Comment

Consultee	Olivia Glenn [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Charterhouse Strategic Land Ltd
Address	Charter House 3a Felgate Mews London W6 0LY
Event Name	Pre-Submission Local Plan
Comment by	Charterhouse Strategic Land Ltd [REDACTED] [REDACTED]
Comment ID	PSLP_955
Response Date	02/06/21 12:41
Consultation Point	Policy STR/CRS 1 The Strategy for Cranbrook and Sissinghurst parish ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.4
Files	<a href="#">PSLP_1014_Charterhouse Strategic Land Representation_SI.pdf</a>
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Charterhouse Strategic Land
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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Policy STR/CRS 1 The Strategy for Cranbrook and Sissinghurst parish

#### Question 4a

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I write in response to your publication of the Tunbridge Wells Borough Council Pre-Submission Local Plan ("**Local Plan**").

Charterhouse Strategic Land ("**Charterhouse**") welcomes the opportunity to review and comment on the Local Plan and trust that our comments will be given detailed consideration.

Charterhouse has a promotion interest in land at Cranbrook – Land west of Tilsden Lane – and this representation is provided in this context.

The purpose of this representation is to respond to the issue of 'soundness'. Paragraph 35 of the National Planning Policy Framework ("**the Framework**") advises that Local Plans must be examined to assess whether they are sound. Paragraph 35 states: -

"Plans are 'sound' if they are: a) 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; b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence; c) 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 d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework"

The Regulation 18 version of the Local Plan covered the 20 year period 2016 to 2036, whereas the Regulation 19 version is now intended to cover the period 2020 to 2038. The proposed housing requirement 678 dwellings per annum has however remained. Charterhouse considers there inadequate reasoning for the amended Plan period. Charterhouse is concerned that this change is being used to artificially reduce the overall quantum of development that the Plan must provide. For example, the identified Plan period is now 2 years shorter and will result in some 1,344 fewer dwellings being provided to meet identified housing need, assuming 678 dwellings is the correct housing requirement figure for the Local Plan. This figure broadly corresponds with the figure of 1,360 dwellings when looking at the difference between the housing requirement figure in Table 1 of the Regulation 18 version and Table 3 of the Regulation 19 version of the Plan. Accordingly, Charterhouse object to policy STR1, considering it not 'sound' as it fails the test of being 'positively prepared' and being adequately 'justified'.

With reference to table 4 in the Regulation 19 version of the Plan and table 3 within the Regulation 18 version the overall quantum of housing proposed has reduced from 10,178 homes to 8,076 homes on the lower range applying the discount, a difference of 2,102 dwellings. This figure is considerably higher than the 1,344 or 1,360 dwelling figures noted above. It is not clear to Charterhouse why this



is so, and we have additional concerns that the Local Plan lacks sufficient flexibility as required by the Framework.

It is incumbent on the Plan to identify a sustainable, deliverable distribution of new housing growth to ensure the timely delivery of new homes and meet national planning objectives set out in the Framework. Charterhouse do not support the apportionment of housing development proposed. This is considered to place an over-reliance on strategic sites through the expansion of Paddock Wood and a new settlement at Tudeley for housing and conversely fails to properly support the long-term sustainability of settlements like Cranbrook.

Charterhouse consider that there is an enhanced role for smaller sites and lower hierarchy settlements (such as Cranbrook) to make a more of a contribution towards meeting housing delivery requirements and ensuring an effective five-year housing land supply in addition to the contribution that strategic housing sites might make over the longer term plan period. Smaller sites have a distinct advantage in efficient housing delivery as they tend to be less encumbered by physical constraints and require less new or improved infrastructure to be provided for them to deliver housing swiftly. Smaller sites and settlements such as Cranbrook therefore offer more opportunities for residential development and, in Charterhouse's view, should be given greater prominence and priority in the Local Plan with appropriate additional sites allocated to enable this.

Accordingly, Charterhouse disagree with the approach being taken by the Council with regards to scale of growth being proposed for Cranbrook.

The Regulation 18 version of the Plan showed housing allocations at Cranbrook of approximately 718-803 houses, whereas the Regulation 19 version reduce this quantum to approximately 415-429 homes, without adequate justification. Having regard to the above, it appears simply a case that the Council has arbitrarily cut growth to settlements to suit the housing position it wants to advance. It is not simply a case of this former level of growth at Cranbrook being 'inappropriate' as alleged – a point returned to below.

The reduction in proposed housing growth at Cranbrook equates to over 45% (300 homes on the lower of the range) and it is not clear from the supporting evidence how the Council has arrived at such a reduction, especially where the overall minimum additional allocations to meet housing need has only fallen 372 dwellings since publication of the Regulation 18 version of the Plan.

We are concerned that the reduction in numbers will leave Cranbrook unprovided for, over the Plan period. Cranbrook is classified within Policy ED 8 (Settlements Hierarchy) as a town centre and is therefore a sustainable location for growth.

The allocations at Cranbrook makes up only 4.57% of the overall housing allocations in the plan. Comparatively the urban extensions at Paddock Wood and Tudeley Village make up nearly 61% of the plan's allocations. We are concerned therefore by the reduction in the overall number of houses being now proposed for Cranbrook, with such a high percentage of housing allocations being tied up in long term garden village urban extensions, there is a real and tangible risk that without sites which are deliverable in the short to medium term the housing land supply position could be compromised should there be delays to the overall timescale of the larger sites in which considerable infrastructure and masterplanning is necessary prior to building out.

The draft Plan claims the reasoning for the reduction in numbers at Cranbrook is because it was shown as 'inappropriate', particularly in regards of the impact of individual sites and cumulatively upon the High Weald AONB. The council's reduction in numbers, is therefore a product of the fact that the Council believes Cranbrook is not suitable for major development, a point Charterhouse dispute.

For an authority like Tunbridge Wells housing need relies upon modelled projections and the use of the relevant Standard Method to identify the local housing need requirement and this approach is relevant for establishing the Borough requirement. However, for smaller areas such as an individual area like Cranbrook the local housing need approach of projection is simply not robust, (due largely to the small size of the areas total population) and additional contextual issues to consider in terms of availability of relevant individual and households earning data.

In addition, where, for reasons linked to an affordability and availability of suitable local housing stock, there is evidence of population decline and yearly fluctuations (as is evident in Cranbrook), it is not appropriate to base an assessment of local housing need on a projection of the shifting/declining population driven by a lack of available housing stock (market and affordable housing) which serves

to suppress local households from forming and staying within an area or allowing newcomers to come and choose to live in Cranbrook.

An alternative approach is therefore to consider local housing need by way of proxy data from the district as a whole, based on pro rata population share approach. The pro rata approach allows for a reasonable understanding of an areas population based likely need.

The population of Cranbrook and Sissinghurst is 5.8% of Tunbridge Wells districts total population which enables a straightforward pro rata estimate of the share of housing need to show what an unconstrained area may need to provide to house likely generated need. Accordingly, over the Plan period, the Cranbrook and Sissinghurst contribution should be circa 708 dwellings (12,204 multiplied by 0.058). This figure is a context to understanding what Cranbrook and Sissinghurst share of need would be if Cranbrook and Sissinghurst were getting their fair share of homes. The quantum currently being provided in the Local Plan by comparison (415 homes) falls short of this pro rata contribution and only equates to a 3.42% contribution.

We understand and recognise that Cranbrook does sit within the High Weald AONB for which the Framework says 'great weight' should be given to its protection and that 'major' development should be refused in all but 'exceptional circumstances'. The determination of whether a scale of growth is major development or not is a matter for the decision-maker, but given Cranbrook and Sissinghurst's pro rata population share it is submitted that growth in the order of 700 net additional homes would not constitute major development.

The March 2021 Infrastructure Development Plan ("IDP") identifies Cranbrook and Sissinghurst socio-economic infrastructure requirements for the Plan period and lists with the following: -

- 1 FE expansion to Cranbrook Church of England Primary School – Cost £3,862,576;- Potential for additional secondary places in Cranbrook towards the end of the plan period (No cost or timescale provided);- New premise for the three existing doctors practises – Cost approximately £4 million;- New community hall for the parish – No cost given;- Improvement or replacement of St George's Hall, Sissinghurst – No cost given;- Provision of a new book stock for the library – No cost given;- Extension to current open space and sport recreation across the parish – No cost given;- Re-designation of junior pitches to adult pitches at King George Field at Sissinghurst and Ball Field at Cranbrook – No cost given;- Improvements required to the King George Field and the Tomlin Ground at Cranbrook – No cost given; and- Improvement to the changing rooms and a new pavilion at Cranbrook Rugby Club – No cost given.

Of the ten projects which have been included within the IDP only two have been given an associated cost, but the Council will reasonably expect development coming forward in the Cranbrook and Sissinghurst area to contribute. The cost alone of the 1 FE extension and the new doctors surgery if to be burdened by the proposed level of housing growth will amount to a high per dwelling contribution of £18,632. It is likely however that the per dwelling contribution will be higher than this given the other scale of infrastructure identified.

Charterhouse is therefore concerned that the scale of financial burden placed on the developers of the planned level of growth at Cranbrook will lead to pressures on affordable housing delivery. We are concerned that the developers of the proposed allocated sites will run viability arguments to reduce their respective contributions towards affordable housing delivery. The scale of the financial burden on the proposed allocations is therefore unsustainable and we consider it could be alleviated by allocating more sites for housing at the settlement.

In order to make the Local Plan 'sound', Charterhouse considers that further housing must be allocated at Cranbrook to correct affordability and availability of suitable local housing stock issues locally.

Land west of Tilsden Lane, previously submitted by Charterhouse, provides a real opportunity to deliver much needed housing (both market and affordable) within an area of Cranbrook where it can be readily assimilated into the landscape without significant or demonstrable adverse impact on the prevailing AONB character and appearance. As such, Charterhouse objects to the omission of the site from the Local Plan.

A Landscape and Visual Technical Note prepared by Huskisson Brown Associates concludes that the intrinsic qualities of the site itself could be addressed through a sensitive development approach that would respect key sensitivities and not intrude on the wider rural landscape. Taking account of the supporting material that would be produced as part of a planning application, the studies to date concludes that development of this site would be possible whilst respecting the function of the adjoining

Ancient Woodland and wooded valley, without intrusion into the wider AONB landscape and respecting the character of Tilsden Lane. Any development proposal would take account of the recommendations made in the supporting material to date, and would incorporate the following: -

- The creation of a planted boundary to the south of the site, potentially created on a bund to accentuate the 'bowl' characteristics of the site's natural topography. This intention would be for this area to provide net biodiversity gain
- A 15 metre buffer from the canopy line of the Ancient Woodland, to minimise the impact of development
- Development of a woodland management plan
- Planting within the development and to the boundaries
- Protection and enhancement of the inherent character of Tilsden Lane

For the Local Plan to be found 'sound' Charterhouse considers there is a need to refine and amend the Plan so that an effective spatial strategy is created which better supports the Borough to meet its evident, pressing, housing needs. Accordingly, Charterhouse support greater levels of housing growth for Cranbrook, and invite the Council to identify the land west of Tilsden Lane for a modest amount of new housing.

### 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

Agent	Mr David Maher [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Barton Willmore LLP
Address	- Ebbsfleet -
Consultee	[REDACTED]
Company / Organisation	Clarendon Homes
Address	[REDACTED] [REDACTED] Harrietsham [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Clarendon Homes [REDACTED]
Comment ID	PSLP_1854
Response Date	04/06/21 09:42
Consultation Point	Policy PSTR/BM 1 The Strategy for Brenchley and Matfield 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	Clarendon Homes
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 PSTR/BM 1 The Strategy for Brenchley and Matfield parish

Map 56

*[TWBC: this representation has been input against Policies PSTR/BM 1 and AL/BM 2 – see Comment Numbers PSLP\_1849 and PSLP\_1854]*

### 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.**

**POLICY NUMBER: PSTR/BM 1 (The Strategy for Brenchley and Matfield Parish)**

The Policies Map needs amending. Inset Map 21 should be amended to show the same red line boundary as Map 56 to be consistent with the site 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.

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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.**

**POLICY NUMBER: PSTR/BM 1 (The Strategy for Brenchley and Matfield Parish)**

The Policies Map needs amending. Inset Map 21 should be amended to show the same red line boundary as Map 56 to be consistent with the site allocation.

#### 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 trust our above points can be dealt with as proposed modifications as submitted to the Local Plan Examination. However, should TWBC not include such proposed modifications as part of the submitted Local Plan, we would seek to make our case at the Examination on the specific policy requirements for the site.

#### 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

Agent	Mr David Maher [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Barton Willmore LLP
Address	- Ebbsfleet -
Consultee	[REDACTED]
Company / Organisation	Clarendon Homes
Address	[REDACTED] [REDACTED] Harrietsham [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Clarendon Homes [REDACTED]
Comment ID	PSLP_1849
Response Date	04/06/21 09:42
Consultation Point	Policy AL/BM 2 Land at Maidstone Road ( <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	Clarendon Homes
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/BM 2 Land at Maidstone Road

Map 56

*[TWBC: this representation has been input against Policies PSTR/BM 1 and AL/BM 2 – see Comment Numbers PSLP\_1849 and PSLP\_1854]*

#### **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.

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##### **POLICY NUMBER: AL/BM 2 (Land at Maidstone Road, Matfield)**

Clarendon Homes, as promoters to this site, broadly supports this policy as including the objective of securing approximately 11 – 15 dwellings at the site. Clarendon does however make the following representations concerning the policy.

##### **Fully equipped children's play space/additional parking for Village Hall**

As above, Policy AL/BM2 seeks to secure 11 – 15 dwellings at the site, subject to 8no. policy requirements.

Requirement no. 5 requires the provision of a fully equipped children's play area, to be delivered on the area of the site indicated in "green" on the site layout plan (i.e. Map 56).

Requirement no. 6 seeks for additional public car parking to serve the Village Hall to be sited in the area indicated as "purple" (i.e. "community use") on the site layout plan (Map 56). Requirement no. 7 goes on to seek to align the delivery of the car parking area with new housing at the site.

Clarendon has undertaken extensive recent engagement with the Matfield Village Hall Management Committee and the Neighbourhood Plan Group. Through this engagement Clarendon has established that there is no salient demand/need for additional parking facilities to serve the adjacent Village Hall. In this context, the Village Hall already provides ample and abundant parking facilities in front of/east of the Village Hall building.

This is reflected in the Brenchley and Matfield Neighbourhood Plan (Reg 14 - Pre-Submission Draft) which is currently the subject of consultation (17 May - 28 June 2021). Refer to [www.bandmnp.com](http://www.bandmnp.com) for details of the Neighbourhood Plan consultation document.



The draft Neighbourhood Plan (policy H11b) seeks to provide the fully equipped children's play area as well as allotments at the site. The Neighbourhood Plan proposes that these facilities are provided in the "purple area" identified in the TWBC Local Plan for car parking - refer to requirements 2b and 2d of policy H11b and figure 17 of the Neighbourhood Plan.

Clarendon supports part of the NP requirement and considers that the "purple area" to the rear/west of the Village Hall is best suited to provide children's play area, but that allotments would not be a suitable use of any part of the site.

The Neighbourhood Plan does not seek to directly secure the additional parking area for the Village Hall, yet it refers to the need to "assess the need for extra parking spaces to serve the Village Hall and provide them if necessary. Any extra parking will be located in the non-allocated area of the site, to the rear of the Matfield Village Village" (requirement 2a – NP policy H11a).

Clarendon does not consider there to be a need for extra parking to serve the Village Hall. The request for additional parking from TWBC has not been evidenced so should be removed from the policy requirement. The Matfield Village Hall Management Committee have not requested additional parking and confirm the existing parking is sufficient for their requirements. The Neighbourhood Plan Group has also recognised there is no current parking problem, however it seems that the suggestion to assess the need for additional parking is a response to the Local Plan requirement.

## 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 NUMBER: AL/BM 2 (Land at Maidstone Road, Matfield)**

**Outline Policy – amendments set out in red text**

[TWBC: red text replaced with underlining due to formatting differences]

**This site, as defined on the Brenchley and Matfield Policies Map, is allocated for residential development providing approximately 11-15 dwellings, of which 40 percent shall be affordable housing and a fully equipped children's play space shall be provided, and additional car parking provision for the village hall.**

**Requirement no. 5 – amendments set out in red text**

[TWBC: red text replaced with underlining due to formatting differences]

**Provision of a fully equipped children's play space, to be delivered on the area of the site indicated in green purple on the site layout plan.**

**Requirement no. 6 and 7 – as above it is recommended that both of these requirements are deleted.**

**Amendments to Map 56 – Site Layout Plan**

It is recommended that the Site Layout Plan (Map 56) is amended to align with the proposed modifications set out above. In this context the children's play area should be provided within the "purple shaded" community use area.

Accordingly, the area shaded green (directly south of the Village Hall) should form the "orange shaded" development area. This area is unconstrained in land use terms and is expected to deliver part of the housing numbers within the allocation. The orange shaded area should continue through the south of

the site to the boundary. Adjacent to the south of the site is an access drive which is itself lined with trees on its southern boundary, so an additional landscape buffer would not be warranted and would also be a poor waste of developable land.

The Site Layout Plan also includes an “indicative access” entering the site at a point south of the Village Hall. Clarendon does not necessarily object to this, however from initial work, Clarendon has established that there are other suitable access points south of this along Maidstone Road. This matter can be firmed up/considered further at the planning application stage.

#### 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:**

We trust our above points can be dealt with as proposed modifications as submitted to the Local Plan Examination. However, should TWBC not include such proposed modifications as part of the submitted Local Plan, we would seek to make our case at the Examination on the specific policy requirements for the site.

#### 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	Greg Clark MP [REDACTED]
Email Address	[REDACTED]
Address	Unknown Unknown Unknown
Event Name	Pre-Submission Local Plan
Comment by	Greg Clark MP [REDACTED]
Comment ID	PSLP_1457
Response Date	04/06/21 14:00
Consultation Point	Pre-Submission Local Plan ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.9

Data inputter to enter their initials here KJ

### Question 1

Respondent's Name and/or Organisation The Rt Hon Greg Clark MP

### Question 3a

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

Comments on the whole Plan

### 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.**

Please accept this as a response to the Tunbridge Wells Borough Council Regulation 19 consultation, which is currently in progress.

I support the intention to adopt a local plan, since this is the most secure way to ensure that important decisions - such as where new development takes place, the conditions development must meet, protection of our beautiful and precious natural environment, safeguarding against flooding and the provision of local infrastructure - are made locally. A failure to adopt a local plan that passes examination in public would mean that all parts of the Borough - towns and villages - would be subject to uncontrolled, unplanned speculative development with the national Planning Inspectorate deciding on individual applications, rather than our own elected councillors with their deep knowledge of our local area.

I note that the draft plan has been developed by a cross-party working group and that it was supported by all of the political parties represented in the Tunbridge Wells Borough Council. For such a detailed and long-lasting plan this seems to me to be the right approach to take to its development.

Clearly the most appropriate forum for detailed proposed changes is the Examination in Public that follows submission of a proposed plan. At the Examination in Public members of the public and their representatives will be able to make detailed proposals for change to particular sites directly to the Inspector who will have the power to order modifications to the submitted plan.

I intend to request to appear in person at the Examination in Public to represent the views of my constituents in every part of my constituency.

While this stage is not for the detailed changes that the Examination in Public will consider, it is important that the draft plan is clear about strategic objectives. I set out here a number that I would be grateful to have taken into account prior to submission. They comprise seven principles for a sustainable local plan that I would like to see the plan reflect.

These are:

#### 1. Protecting our precious natural environment

It is of prime importance that any new development, anywhere in the Borough, must be environmentally sustainable. We are fortunate to live in one of the most beautiful parts of Britain, with both Green Belt and Areas of Outstanding Natural Beauty, as well as environmentally important and beautiful land that does not carry such a formal designation.

In areas of proposed significant development - including but not limited to those close to Capel, Paddock Wood, Ramslye, Hawkhurst and the Weald villages - it is important at the Examination in Public that the impact on the natural environment - including the volume, design, density and sustainability of the proposals - is assessed in detail, including by independent bodies such as The Woodland Trust and Kent High Weald Partnership, and that alternatives to the initially proposed sites are rigorously considered.

For example, too many recent developments have involved the loss of mature trees which I believe must be avoided in a sound plan. It will also be necessary to consider the differences in the character of the settlements - including in Capel, for example, the centuries-old tradition of smaller, hamlet-like settlements.

#### 2. "I before E": Infrastructure before Expansion

Too often new development takes place before - and in many cases, without - the necessary infrastructure being provided. This includes not just road capacity, but provision for GP surgeries, schools, public transport (buses and trains), drainage and sewerage capacity and other aspects of supporting investment.

I strongly urge the Council to emphasise in the proposed plan and through the Examination in Public a clear principle of "I before E": no expansion should take place by way of development being started

unless and until the supporting infrastructure is agreed, funded, contracted and construction started or work commenced.

### 3. Brownfield first

Once built on, it is difficult to return land to nature in the future. So we must be sparing in our use of green fields, even outside the formally-designated Green Belt and Areas of Outstanding Natural Beauty. The plan should adopt the principle of 'Brownfield first' - making use of land that has been previously developed and is no longer needed for its current use. Sometimes this will involve the Council or developers investing to remediate land that has been contaminated by previous uses. The plan should be clear that gardens should not be considered to be previously developed ie brownfield land.

### 4. Establish walking, cycling and equestrian connections between every settlement in the Borough

The opportunity of a 10-year local plan is that it should establish connections between places that would not be possible through piecemeal, unplanned development. There is a major opportunity to do this with walking and cycling routes connecting our settlements.

Many local people have, during lockdown, discovered the delights of the area around us. They have made use of public footpaths and bridleways that have been established in the past. This plan should be an opportunity to provide more connections for this and future generations. Too often, especially in the countryside, the ability to enjoy the glories of our natural environment and to live in rural areas are impeded by the lack of safe pedestrian or cycle or equestrian routes between settlements and sometimes even within them.

I believe that the plan should set out a clear ambition to ensure that all settlements within the Borough are connected to each other by safe routes for non-motorised traffic. Sometimes they will be provided alongside motor vehicle routes - such as the cycleway which follows the A21 between Tonbridge and Pembury, for which I successfully campaigned. At other times, the opportunity should be made to establish walking and cycling routes away from roads, such as using existing public rights of way and establishing new ones.

### 5. Road traffic should be provided for, not wished away

The plan should embody a significant upgrade in our road capacity. In the past, it was thought that if road capacity was restricted, making travel by car more unpleasant and unpredictable, it would cause car use to fall away. That was a fallacy. Locally, the dualling of the A21 shows the right approach. When it was restricted to a single carriageway between Tonbridge and Pembury, traffic did not reduce but instead pollution, environmental degradation and accidents (several of them fatal) increased. The dualled A21 is a better, safer, cleaner and more environmentally positive road than the one it replaced.

By 2030, no car with a petrol or diesel engine will be sold in the UK. This means that during the lifetime of the proposed plan, the assumption that cars are sources of pollution - damaging air quality and contributing to climate change - will have to change. Soon, all cars will be powered by clean electricity or hydrogen and contribute no damaging emissions.

There is much that needs to be upgraded in our road network. In particular, the plan should emphasise the importance of dualling the A21 south of Kippings Cross. It should also provide for an alleviation of the dangerous and congested A228 crossing Colts Hill - which, as the principal route between Tunbridge Wells, Maidstone and the Medway towns, should be regarded as a prime strategic route. The congestion within our towns should be addressed - including the Pembury Road into Tunbridge Wells and the notorious crossroad at Hawkhurst. The proposed plan would be an important place to emphasise a vision for reduced speeding between villages. It goes without saying that the plan should not reduce road capacity. In that respect, the bizarre appearance of an option of closing to traffic (other than buses) the railway bridge at Paddock Wood should be dropped immediately. It is so obviously inappropriate that residents should not have to worry about it.

### 6. Any new development must positively reduce, and not add to, the flood risk for existing residents

Several parts of the Borough are in low lying areas and/or in areas with a history of flooding. All the indications are that we should prepare for more frequent incidences of weather events that give rise to flooding than was typical in the past.

I share the concerns of my constituents that existing levels of protection have often not been adequate to the demands of current meteorological conditions. Through a debate in the House of Commons, and subsequent pressure on Southern Water, I have obtained action to install a new "round-the-town"

drainage system in Paddock Wood, as well an investment in infrastructure such as in Nevill Street, Tunbridge Wells. The local plan should make two inviolable requirements of any new development:

(i) That it will not add to the overall flood risk of the area in which it is proposed;

and

(ii) That it will take the opportunity to *reduce* the current flood risk faced by existing residents. This can be achieved by requiring, for example, investment in new drainage infrastructure or upgraded pumping stations to serve existing populations, or to create flood defences such as flood containment areas.

Consistent with principle 2, these commitments should be required to be enacted *before* development can take place.

#### 7. Better provision should be made for playing fields, sport and leisure facilities

An advantage of development that is planned rather than speculative and piecemeal is that it can provide for collective facilities that will be needed now and in the longer term.

Sports and leisure facilities are prime among these. The erosion of playing fields must be ended and the local plan should establish the principle that no playing field should be lost - in whole or part - without an equal or better new facility provided in its place. In this respect, better should refer to both area and quality.

New sports and leisure facilities should be established in return for new development.. This will involve providing for upgraded facilities - for example all-weather pitches are increasingly demanded to allow year-round sporting events to take place. Care should be taken that the provision of new sports facilities is undertaken sensitively and not at the expense of other valued uses.

I would be grateful if the Council would consider these recommendations as it revises the plan for Examination in Public, at which point I will contribute further specific requests and representations on individual sites directly at the Examination in Public.

#### 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

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

I would be grateful if the Council would consider these recommendations as it revises the plan for Examination in Public, at which point I will contribute further specific requests and representations on individual sites directly at the Examination in Public.

## Comment

Consultee	Mr Graham Clark [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Graham Clark [REDACTED]
Comment ID	PSLP_48
Response Date	21/04/21 20:32
Consultation Point	Section 1: Introduction ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.2
Question 1	
Respondent's Name and/or Organisation	Graham Clark
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.	
Paragraph 1.29	
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 consistent with national policy

#### Question 5

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Paragraph 35 of the NPPF states that one of the purposes of local plan examinations is to assess whether they have been prepared in accordance with legal and procedural requirements and whether they are sound. It then goes on to say that plans are 'sound' if they are positively prepared, justified, effective and consistent with national policy.

Tunbridge Wells is located within the West Kent Housing Market Area, which includes Tonbridge & Malling and Sevenoaks Councils.

Sevenoaks Council published their Submission Draft Local Plan in December 2018. This Plan proposed some 8,000 dwellings, a shortfall of some 6,000 dwellings from their acknowledged housing requirement of 13,960 dwellings.

The Inspector stopped the Examination into this Plan in October 2019. She concluded that the Council had failed in its Duty to Co-operate with other planning authorities within the HMA to ascertain whether they could accommodate some of Sevenoaks unmet housing need. The Inspector stated:

*My main concern relates to the lack of constructive engagement with neighbouring authorities to resolve the issue of unmet housing need and the absence of strategic cross boundary planning to examine how the identified needs could be accommodated.*

Sevenoaks Council subsequently challenged this decision through the High Court. Justice Dove found that "there is no substance in any of the grounds upon which this claim is advanced."The Council's case was therefore dismissed.

Subsequently, the Tonbridge & Malling Local Plan Examination was halted by the inspector in October 2020. The inspector concluded that TMBC had failed in its Duty to Co-operate with Sevenoaks Council to see whether it could assist in meeting some of their unmet housing need.

What all of this points to is the need for joint working on such matters as development constraint studies, settlement capacity studies and green belt assessments. Perhaps even a West Kent wide local plan?? Unfortunately, none of this has work been undertaken on this basis.

I am afraid that Tunbridge Wells Borough Council faces the same dilemma as Sevenoaks and Tonbridge & Malling.

The TWBC Duty to Co-operate Statement (March 2021) is a voluminous document. Unfortunately, it doesn't contain any evidence that there has been any serious consideration given as to whether the borough is in a position to accommodate some of the unmet housing need arising at Sevenoaks.

In this context, it is apparent that Tunbridge Wells Council has also failed in its Duty to Co-operate. Until it has been resolved as to how the shortfall in housing at Sevenoaks is to be met there is no point in opening the Examination into this 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)?**

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	Mr Graham Clark [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Graham Clark [REDACTED]
Comment ID	PSLP_52
Response Date	22/04/21 08:42
Consultation Point	Policy STR 1 The Development Strategy ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.2
Question 1	

Respondent's Name and/or Organisation	Graham Clark
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### Question 3

To which part of the Local Plan does this representation relate?	Policy
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### Question 3a

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

Policy STR 1: The Development Strategy

### 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 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.**

The development strategy as set out in the Policy STR1 and the Key Diagram is flawed.

The National Planning Policy Framework (NPPF) makes it clear that the primary purpose of the planning system is to achieve a future development pattern that is sustainable.

The Plan acknowledges that Tunbridge Wells and Southborough is by far the largest urban area in the Borough with the widest range and concentration of services and facilities. The town is a sub-regional shopping centre with a wide range of shops, pubs, restaurants and places of entertainment. There are numerous primary and secondary schools and excellent medical facilities. It is located on the Hastings to London railway line, with two well connected railway stations.

Whilst Tunbridge Wells and Southborough is the largest urban area in the Borough, it is not without significant challenges:

1. Since 2011 the birth rate in the town has collapsed. This has led to a number of primary schools threatened with closure. At least one primary school in the town has already had to reduce its intake and this position will invariably worsen as the population ages.
2. The town centre has been suffering with multiple store closures and appears to be in decline. This was happening well before the Covid-19 pandemic. The housing allocations in Paddock Wood, Capel and the other settlements will do little to alleviate this issue. Many of these new residents will invariably look to other towns for entertainment/ shopping, such as Maidstone, Ashford and Tonbridge.
3. The town suffers from heavy traffic congestion. This is partly a result of through traffic from the A21 travelling to places such as Crowborough, Gatwick and Newhaven having to pass through the town centre.
4. As the Local Plan acknowledges, affordability is a major issue in the Borough. By allocating the bulk of the housing outside of Tunbridge Wells and Southborough this will do little to resolve this problem of affordability in the main urban area. In addition, a lot of the people occupying the affordable housing stock will be looking for employment in the larger urban areas of Tunbridge Wells, Maidstone and Tonbridge. Invariably, most people will drive which will add to the traffic congestion that all of these town suffer from.

At paragraph 5.14 the Plan states '*The scale and nature of proposed development at Royal Tunbridge Wells reflects its existing position as the largest settlement within the borough*'. This is clearly not true!!

Roughly 60% the population of the Borough resides in the urban area comprising Tunbridge Wells and Southborough. The Plan however, only proposes that some 12% of the new dwellings should be located in the town itself. This 12% relies on a significant number of brownfield sites, which are 'old chestnuts'. They have been identified in earlier plans and still remain undeveloped. It is probable that many of these sites will remain undeveloped at the end of this Plan.

Given the problems highlighted above, the strategy (Policy STR1) should be to focus more of the housing development in Tunbridge Wells and Southborough and significantly less in Paddock Wood.

I have highlighted some of the challenges facing the town. The Council should be seeing this as an opportunity to plan for the future and to improve the environment and economy of the town by linking new housing development to major and transformative infrastructure improvements.

#### 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.**

The Plan should be modified such that there should be a higher concentration of new housing at Tunbridge Wells and Southborough and significantly less at Paddock Wood.

#### 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	Mr Graham Clark [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Graham Clark [REDACTED]
Comment ID	PSLP_49
Response Date	21/04/21 21:53
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.2
Question 1	
Respondent's Name and/or Organisation	Graham Clark
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 STR/SS 1: The Strategy for Paddock Wood, including land at east Capel	
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 effective

#### 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.**

The proposal to allocate land for housing development to the west of Paddock Wood flies in the face of Government advice contained in the NPPF and indeed to approved policies in the adopted Tunbridge Wells Core Strategy (2010).

The NPPF states:

*Para 155: 'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future).'*

*Para 158: 'The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.'*

The Adopted Core Strategy states:

*Para 2.11: 'The Borough has a high-quality environment, which could be affected by future climate change. The impacts of climate change may be felt within the Borough by increased frequency and severity of weather events, such as flooding and extreme temperatures'....and*

*Core Policy 5: 'All new developments will be expected to....be located in accordance with the PPS25 sequential test, generally outside of the Borough's high-risk flood zones'*

*Paragraph 5.112 recognises that Paddock Wood is 'particularly high risk and in accordance with the sequential test and principles of PPS25, development will generally be steered away from areas of greatest risk'.*

Much of the land to the west of Paddock wood is in Flood Zones 2 and 3. Indeed, it forms part of one of the largest alluvial flood plains in Kent, where the rivers Teize, Medway and Beult converge.

Flood Zone 3 is land having a 1 in 100 or greater annual probability of river flooding.

Flood Zone 2 is land having between a 1 in 100 and 1 in 1,000 annual probability of river flooding. In this zone vulnerable development, which include housing, should be avoided. With global warming the incidence of flooding might well be worsen over time.

Much of the land shown for housing to the west of Paddock Wood either adjoins Flood Zone 3 or is actually in Flood Zone 2.

What is worrying is that the Council is being disingenuous about all of this. The Key Diagram fails to identify the land covered by Flood Zone 2.

The NPPF and the Core Strategy is clear that development in areas at risk of flooding should be avoided. The NPPF advises that all plans should apply a risk-based approach to the location of development and consider current and future impacts of climate change so as to avoid flood risk to people and property. To put it bluntly, the aim of the sequential test is to steer new development to

areas with the lowest risk of flooding. Over 90% of the Borough is outside of any flood zone. Clearly, the Plan fails to apply this test.

In addition, the northern part of the allocation is protected by the Leigh Flood Storage and Barrier. This has struggled to cope with recent flood events and there are proposals to upgrade this facility. If this was ever to fail, for whatever reason, the impact upon the northern part of the allocation could be severe.

Finally, has the Council consulted with lenders and insurers to see whether this proposal is acceptable from their perspective

## 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 Plan should be modified to delete all of the allocations for residential development on land to the west of Paddock Wood.

## 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	SallyAnne Clark [REDACTED]
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	SallyAnne Clark [REDACTED]
Comment ID	PSLP_215
Response Date	19/05/21 13:20
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.2
Question 1	
Respondent's Name and/or Organisation	SallyAnne Clark
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.	
STR/SS3	
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 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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I have been resident in Five Oak Green for 17 years, and spend a lot of time walking in my local area. The proposal for a new garden village at Tudeley is not sound.

- 1 It will destroy valuable green belt land that is currently used for agriculture. We should plan to grow as much of our own food as possible. Once food growing space is used for housing, it never comes back.
- 2 It is in the wrong place: on the edge of Tunbridge Wells borough, but close to Tonbridge, which will see all the increased demands on resources. The local roads are not adequate, and TWBC has not planned properly in that they have not yet asked local landowners on their views for roads being built across their land, and no infrastructure analysis has been carried out.
- 3 Flooding in this area has improved in recent years, but will deteriorate if absorbent fields are concreted over. If you walk through the proposed area for development, you will find metal posts next to the public footpaths, and these contain plumb-lines down to the water level below. I often look at these on my walks. See how close to the surface the water level is for most of the year, and you will see how disastrous this housing development would be in terms of flood risk.
- 4 It is a disproportionate load on a small rural parish.
- 5 A housing development will lead to Tarmac taking up its options for gravel removal at Moat Farm, which will destroy even more of the local landscape. They are currently waiting to see if there have a near market for the building material. See also point 1 above in relation to this.
- 6 The plan is not sound in terms of all the extra utilities that would be required in the middle of the countryside, where there is currently very little. Millions of pounds will be needed for new sewerage, gas, electric, telecoms, drainage, etc. but TWBC have only put a fraction of the money required into the project budget, so it has not been thought through adequately.
- 7 The number of houses being built does not match the projected figure for local growth. The Office for National Statistics project only 5% growth for this area, but TWBC have used an out of date 2014 algorithm instead. Currently, 80% of local house purchases are made by people who live outside the area, so what we will be doing is building houses for other boroughs, so that they don't have to. This is not only unfair, but makes no sense. I have had a good opportunity to study what happens when a house goes up for sale here- it takes a long time to sell, because there is a limited market locally, in each house-type bracket. However, developers will market the new village all over the South-East.
- 8 The plan is not sound as it is not consistent with either the TWBC own sustainability objectives, or the effects of climate change. There will be loss of trees and wildlife, and more roads, noise and pollution. Railtrack have stated they will not build a rail junction there, so there will be people driving into Tonbridge to go to the station and commute back up to London. TWBC talks about electric cars and bikes, but these are out of the range of most people by reason of cost, and will be for many years yet. All the time a petrol car is cheaper than electric, people will use them.

## 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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- 1 TWBC should reconsider how the actual projected local growth could be catered for across the borough, to reduce the effect of building in just one place. This would be more effective in terms of cost, as local services such as sewerage, water, drainage, gas, electric, and telecoms may be able to cope with a small increase in demand and therefore will not need to be replaced.

## 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.**

The project for a new garden village does not comply with TWBC's own sustainability objectives, as listed in table 6 on page 36 of the Sustainability Appraisal.

Also, the scores given for 'services and facilities' are high, which does not make sense. There are no facilities or services in the middle of the countryside - new sewers, drainage, gas, electric, telecoms, water supply, flood protection, as well as new roads will be required. Railtrack have stated that there will not be a station there, and the development is not big enough to warrant a supermarket.

## 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_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	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 PST/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.

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

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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.

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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.

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### **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**

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## 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:**

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## Comment

Consultee	Stuart Clayman ( [REDACTED] )
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Stuart Clayman ( [REDACTED] )
Comment ID	PSLP_1313
Response Date	04/06/21 15:09
Consultation Point	Policy AL/RTW 6 Land at 202 and 230 Upper Grosvenor Road ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.1

### Question 1

**Respondent's Name and/or Organisation** Stuart and Elizabeth Clayman

### 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/RTW 6

### Question 4

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

Is legally compliant	No
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 positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

## Question 5

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The suggestion of using this plot of land at 230 Upper Grosvenor Road for the development of 40 to 45 residences is highly inappropriate, and it lacks consideration of many of the fundamental aspects that impinge on such a development. The land area is actually unsuitable for such a large number of dwellings, as in reality the amount of usable space, the surrounding houses, and the access limitations make it untenable.

It seems that whoever thought of suggesting 40-45 residences did not understand the site's limitations, nor had a clear view on the number of planning applications that had been rejected, and that much lower densities had been considered inappropriate for the site. Although the site is around 0.47 hectares, the number of trees which have TPOs plus their root systems reduce the amount of usable land to around 0.29 hectares. In the past, planning was turned down on this site for a number of proposals. In particular, the council rejected 2 dwellings because it would result in a cramped form of development, and that there would be poor visibility to the existing road. Also rejected was a proposal for 14 properties and another proposal for 24 properties. The fundamentals of these rejections have not gone away.

The development proposal at 230 Upper Grosvenor Road is not a good fit for this plot of land and is an over intensification of the local neighbourhood. Its density would be far too high for this suburban style neighbourhood. It is clear that given the actual usable amount of land, it is not actually possible to fit that many dwellings and the required number of parking spaces into the space. There are a number of aspects that need to be adjusted downwards if anything is actually built.

It is important/crucial to reconsider this allocation in the development plan and revisit the site to fully understand the limitations of the site and reassess what sort of development would be both sustainable and feasible and an enhancement not a detriment to the local area.

Here we outline some of the major issues that make plan AL/RTW 6 unsuitable for going ahead.

### 1) Height and Scale of development

To fit in 40-45 dwellings, the development would have a height and scale that is significantly oversized for the plot. This would need to be a massive development in relation to the plot and as such will overwhelm anything else in the area in both height and surface area. It would be out of proportion to the area and the neighbourhood and would completely overwhelm any surrounding properties and dramatically change the character of the surrounding locale.



The current properties in the neighbourhood are 2 or 3 storey houses, with gable roofs. In order to fit 40-45 dwellings into the plot this would entail a multi-storey structure or structures that would be significantly taller and more substantial than anything nearby and will inherently present as a huge mass to the properties backing onto it. Furthermore, the inevitable height of the structures will allow anyone in those flats to overlook the gardens and into the windows of the existing properties thereby significantly intruding on the privacy of the existing dwellings.

## **2) Density of development**

The density of the proposed development plan would be too high for this plot, which is on back land behind a number of existing houses. The majority of the properties backing onto the proposed development are mostly single family dwellings, which is an attractive aspect of the locale.

Out of 24 properties between 228 and 180 UGR, which all back onto the land of 230 UGR, only 4 of them are flats. Out of those 4, only one is a purpose built block, of 3 stories at 192 UGR, and this replaced an old property that was used as a retirement home. Historically that block was repurposed as flats in the 1990's, so the footprint in size, density, and height was not significantly altered from the previous building on the site.

Therefore, out of the 24 properties, only 3 that were originally single family dwellings have been converted to flats. The rest remain family houses. In fact, the percentage of properties that have been converted to flats is less than 12%.

The plan for AL/RTW 6 is proposing to turn a single family dwelling with TPO trees (thus limiting the build area to 0.29 hectares) into 40-45 properties to accommodate new residents. This density is drastically higher than any current dwelling in the area and would create a high density development on green backland.

To build to that density would result in a very high number of occupants. Even if all the 45 dwellings were 1 bed units that alone is a potential for 90 occupants. If a mix were of 2 and 3 bed units, the number rises dramatically and a realistic estimate is around 166 occupants as the following estimation of 2 people per 1 bed unit, 3/4 per 2 bed unit, and 4/6 persons per 3 bed unit is a plausible occupancy level.

In the past planning was turned down because it was deemed that even 2 dwellings would result in a cramped form of development on this site. A change of planning policy does not overcome this fundamental issue. Cramped is still cramped.

## **3) Road safety**

The demolition of 202 UGR will create a new road, not a driveway, which will directly connect to UGR. At this point in the road the visibility is poor due to the curve in the road and the dip down the hill. The line of sight is highly limited, and the properties on both sides have hedges which restrict how much a driver can see. There are no guarantees that this can be resolved on a permanent basis.

There is a bus stop nearly opposite (10 metres away) from the proposed exit, creating an additional hazard. Cars turning out of this new road would be stopped by buses at the bus stop.

Due to the location where the new road will meet UGR, it will be more-or-less directly opposite Silverdale Lane. Their centres are offset by just 4 meters. In essence, a new crossroads will be created on a bend with poor visibility. Silverdale Lane is a busy route, which has 2 directional traffic and many pedestrians, even though it is a single lane. Sending more vehicles down there will be a danger to all and any vehicles exiting from Silverdale Lane onto UGR will be met with not only the current UGR traffic and the bus stop but also competing traffic into and out of the new road into the proposed development.

Upper Grosvenor Road is a major route for ambulances, buses, and other emergency vehicles. Furthermore, the section of UGR from 202, down towards Silverdale Road is relatively narrow and bendy for a main road and is effectively a 1 1/2 lane road due to permitted on street parking on the opposite side. There is always a problem if a large vehicle (such as a bus or a truck) is going up the hill or down the hill and often the cars swerve onto the pedestrian pavement. In addition, this is a major pedestrian school route with school children walking both to/ from home and to High Brooms train station. Their safety should be a key factor in any decision that will have a further negative impact on the safety of their school route.

Policy AL/RTW6, point 2, says: "Provision of sustainable and active transport mitigation measures". How is this ever possible with this site and the suggested level of development.

The introduction of vehicles from 40-45 flats would add an excessive volume of vehicles and the line of site from the new road is ineffective for the volume of vehicles that would use it. Another matter that the Council are aware of is that the cars are travelling quite fast on this stretch of UGR.

In the past planning was turned down due to poor visibility to the existing road. This "poor visibility" still exists.

#### **4) Insufficient parking and excessive traffic**

With between 40 to 45 dwellings on the site, we can estimate that there would be 2-3 cars per unit, with the number of cars likely to be between 80 - 115 cars.

However, the site is highly space limited and there can only be less planned car park spaces than needed, so there will be a guaranteed overflow of vehicles going into the surrounding area. Currently there is no space on Upper Grosvenor Road. There is only on street parking on UGR on the opposite side of the proposed development, which is already fully utilised parking primarily by residents on the opposite side w/o driveway, and is already under capacity for the needs of the local area. In addition there is a Disabled bay in that parking area. Where will all these new cars go?

Also some of the houses are unable to make a driveway, due to the drop of the land, so they rely on the on street parking and would be in competition for parking near their homes from the overflow of the proposed development.

All of these vehicles combined with the layout of the proposed new crossroad and the bus stop location will cause congestion, danger, and more accidents. It will inevitably lead to further traffic jams, which in turn leads to increased poor air quality and pollution, thus impacting the existing residents.

#### **5) Land environment**

The site of the proposed plan is currently back land, which is green and contains many shrubs and trees (some with protected status and a large number of TPOs) and provides homes to a lot of local wildlife such as birds, foxes, bats and insects. The TPO trees have a substantial root system which needs to be assessed and protected. This root system will limit the usable build area and to fit 40-45 dwellings into it would result in just 0.29 hectares of usable build space.

Policy AL/RTW6, point 4 says "Proposals to be informed by a detailed arboricultural survey, taking into consideration existing mature trees on-site and on the boundary of the site, with the layout and design of the development protecting those of most amenity value. Particular regard shall be had to the retention and reinforcement of the trees along the eastern and southern boundaries to retain an appropriate level of screening". It is difficult to see how considering this and maintaining all the TPO trees can allow so many flats to be built.

Bats are frequently seen in this area and are a key feature in the back gardens that back on to 230 UGR. This bat activity was even observed during a recent bat survey of the area. In terms of the bat survey, which was done over one evening, for 2 hours, Date: 31/08/2020, Start and End Times: 19:30 - 21:30, the surveyors did observe that: "Commuting passes by common and soprano pipistrelles were heard from 20:01 for the duration of the survey. The bats could occasionally be seen passing west to east over B1 and into the treeline that borders the east side of the site. Foraging behaviour by common pipistrelles was heard in the garden area ...". They also say "In addition, brown long-eared calls were heard at 21:28...".

If so much bat activity was seen in just 2 hours of 1 night, imagine how much of an environment this is for bats, where the surveyors say "... during the active bat season (May – September)".

If this plan goes ahead, the environment in 230 UGR for these bats will be completely undermined and could destroy their livelihood.

40-45 units would eliminate most of this green environment, and the associated car parking with inadequate green space and landscaping will just render the plot a concrete jungle. Reports suggesting biodiversity net-gain when combined with this level of development should not be taken seriously. Overall, losing this green space would be a loss of a valuable environment in this part of Tunbridge Wells.

## **6) Infringement on right to privacy**

Given the limited land space, this suggested plan would need to be of considerable height, perhaps 12 meters and 4 stories, to fit in over 40 flats, and will thus directly overlook the backs of a number of houses and into the gardens and into people's windows which will be a drastic invasion of privacy. These houses have been very quiet and private at the back, and this is one of the appeals of them. Although there is a busy road at the front, the backs are relatively tranquil.

Any build would need to be so close to the boundary, and there are no guarantees that any of the greenery and hedges will be kept, except for a few trees with TPOs and even these would be under threat, as the fines for chopping down TPO trees for developers are very low or non-existent.

## **7) Noise and light pollution**

As this is currently back land, with 1 house of modest proportions and height , there is currently very little noise and light overspill. A change to over 40 flats, and over 150 people and permeant parking for around 100 cars will change the level of noise emanating from that plot, as well as creating a light nuisance for all of the houses that back onto that land. Currently at night it is completely dark and that is a fundamental environmental aspect that should be a priority for both the well being of the environment, local ecology and sustainability.

## **8) Security**

Again, this is currently back land, with 1 house with little concern of the members of that household creating a security problem for the houses that back onto it. By creating over 40 flats with over 150 people, this aspect of security will be dramatically changed.

## **9) Sustainability**

This development is not a brownfield site that needs to be repurposed, nor does it replace an existing large building. This is an oversized plan on a very green, back land plot, and the number of suggested flats, and its consequential bulk, will be a detriment on all fronts. For any development in this site there needs to be a consideration of

- . sustainable development
- . effective use of land
- . improving the environment

To reference the Tunbridge Wells Local Plan and particularly EN1. EN1 says “All proposals for development within the borough will be required to satisfy the following criteria ...” and lists 9 main criteria, and a large number of sub-criteria.

Having presented some of the big issues this plan has, we can consider if the plan AL/RTW 6 can possibly satisfy these criteria:

1. Design, character, and site context - It starts with: Proposals should retain and, where appropriate, enhance buildings that contribute positively to the locality and street scene, heritage assets, open spaces, trees/vegetation, features of biodiversity/geodiversity, or other features important to the built or landscape character of the area, ....

NO

2. Highway safety and access - Vehicular access, parking provision, and pedestrian movement should be safely accommodated; Traffic from new development should not result in severe residual cumulative impacts on the road network; Car parking and/or servicing should be appropriate to site context ....

NO

3. Water/flooding issues

Possibly

4. Landscape, trees, and amenity - Proposals should be accompanied by an integral landscaping (both hard and soft) scheme, which contributes to, and enhances, the natural and local environment, including sympathetic boundary treatments and green infrastructure; Any proposed new landscaping, and any existing landscape feature to be retained, shall include adequate provision for future tree and hedgerow growth, and management practices.

NO

5. Biodiversity and geodiversity - Proposals should maximise opportunities for increasing biodiversity potential, Proposals that affect existing biodiversity, geodiversity, and blue/green infrastructure must be designed to avoid, mitigate, or compensate for any potential harm, resulting in a net gain; Proposals should identify and not undermine the value of ecosystem services that the site provides

NO

6. Residential amenity - Proposals should not cause significant harm to the amenities of occupiers of neighbouring properties and uses, and should provide adequate residential amenities for future occupiers of the development by ensuring That development does not result in, or is exposed to, excessive noise, vibration, odour, air pollution, activity, vehicular movements, or overlooking; That the built form does not create an unacceptable loss of privacy and overbearing impact, outlook, or daylight and sunlight enjoyed by the occupiers of adjacent/nearby properties; Provision of sufficient public and private outdoor and recreational space.

NO

7. Crime reduction - Proposals should create a safe and secure environment and incorporate adequate security measures and features to deter crime, fear of crime, disorder, and anti-social behaviour.

Highly unlikely

8. Design and construction guidance

Hard to say

9. Community engagement - New development should be informed by effective engagement between applicants, local communities, neighbours of sites, local planning authorities, infrastructure providers, and other interested parties throughout the planning process. Applications that demonstrate early, proactive, and effective engagement, and that the views expressed in that engagement have been properly considered, will be looked on more favourably than those that cannot.

Who can say

So overall, it is hard to convince ourselves that allowing 40-45 units matches the development criteria. And, as previously stated, a development of that scale will create further air, light ,and noise pollution for the current residents backing onto the site from which they will have no respite.

## **10) Change essence of the neighbourhood**

The proposal plan would be, in general, an over development in a residential area and out of proportion to the local character. The proposed plan wants to change a single 2 story 4/5 bedroom family dwelling with garden into over 40 flats, comprised of potentially multi storey buildings and car parks with potential for 166 people, and convert another detached house into a small road.

If allowed, it would set a height precedent that would cause future high-rise over-developments in neighbourhoods. Increasingly raising the density and the skyline would be detrimental to the town as a whole.

There are a number of aspects in the National Planning Policy Framework regarding the current neighbourhood that seem conflicting with proposal AL/RTW6. NPPF 122 highlights the desirability of maintaining an area's prevailing character and setting (including residential gardens) and the importance of securing well-designed, attractive and healthy places. Proposal AL/RTW6 can never match this. NPPF 125 suggests: Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each areas's defining characteristics, again AL/RTW6 is not a match to this as it can only be opposite the to the main characteristics of our neighbourhood.

NPPF 127 says that Planning decisions should ensure that: a) developments will function well and add to overall quality of the area - not just short term, but over the lifetime fo the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding but environment and landscape setting; d) establish and maintain a strong sense of place; ..... It is clear AL/RTW6 cannot meet these criteria.

Building over 40 dwellings will have a negative impact on the existing householders in this local area. Making new flats, which upsets the existing neighbours, either those who back onto it, or those on the other side of the road, who will also be affected, does not seem to be the benefit of planning. The well being of the existing neighbours should also be strongly considered.

## **Conclusions**

The AL/RTW6 proposal, as presented in the Pre-Submission Local Plan, is highly unsuitable for this site. The current suggestion of over 40 flats:

- . will destroy the green area
- . will be disproportionate in scale, density, and mass for this area
- . will destroy the local neighbourhood
- . will create a traffic hazard on Upper Grosvenor Road
- . will create a pollution zone where one does not exist
- . will create excessive light pollution that will affect both wildlife and local residents
- . will directly overlook and infringe on the privacy of the surrounding homes
- . will be detrimental to existing wildlife

If the site is to be developed, a more effective use of the land will be to create a relatively small number of family houses with consideration to genuine quality of living of both future occupants of the new dwellings and the existing neighbours

Once again, It is important/crucial to reconsider this allocation in the development plan and revisit the site to fully understand the limitations of the site and reassess what sort of development would be both sustainable and feasible and an enhancement not a detriment to the local area.

#### 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:**

I am happy to participate and clarify / highlight the issues that make this Policy untenable.

#### 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 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

**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.**

##### **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

**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 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

**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	David Cobell [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	David Cobell [REDACTED]
Comment ID	PSLP_137
Response Date	26/05/21 20:51
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Respondent's Name and/or Organisation	David Cobell
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 STR/SS 3	
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 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.**

My name is David Cobell and I have lived in Five Oak Green since 1979 ( 42 years ). I am a general builder. My customers tend to be within a ten mile radius and like me to begin my days work at about 9.00 am. This means that I travel along the B 2017 towards Tonbridge between 8.00 and 9.00 am. With Capel Primary School and Somerhill School on my route it can take up to half an hour just to get to Tonbridge, so if the proposed plan goes ahead a secondary school will be dumped next to the primary school and make the traffic chaos much worse.

I have two dogs and regularly enjoy a walk with them to either Tonbridge or Paddock Wood along public footpaths through open fields. This is why I have loved living in a village surrounded by green belt. If the plan goes ahead I will be walking through soleless housing estates whichever way I turn.

During the time that I have lived here we have suffered at least four floods, resulting in considerable damage to goods and property, due to drainage systems being totally overwhelmed. How can the dumping of another 500 acres of concrete on a flood plain in this area be considered viable?

Trains from Paddock Wood and Tonbridge, during rush hour are standing room only and car parks are full so how will a further additional 2100 dwellings in the Tudeley area alone not withstanding the similar ammount of dwellings in East Capel, with a probable high percentage of London commuters, be catered for?

Why do brownfield sites seem to be ignored. Is it because it is so much easier for the council planners to deal with one landowner and to hell with those who will suffer because of it. Simply lazy planning.

So many dwellings bulit in such a localised area cannot be serving the local community so what will happen is they will be bought up by UK and foreign investors to be sub-let to people who can only afford to rent or, as has happened locally already, batches of unsold properties have, in fact, been sold to other councils, namely Lewisham and Croydon so that they can ship out council tennants in bulk so that their old dilapidated houses can be pulled down and redeveloped to a much higher standard so that they can be sold on for huge profits. The majority of rehoused council tennants will probably then need to commute to remain in employment and hence increase the strain on the railways

#### 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	Jackie Cobell [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Jackie Cobell [REDACTED]
Comment ID	PSLP_675
Response Date	29/05/21 22:52
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Respondent's Name and/or Organisation	Jackie Cobell
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 STR/SS 3 The Strategy for Tudeley Village	
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 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.**

My name is Jackie Cobell and I am 66 years old. I am a retired foster carer for Kent County Council and I have lived in Capel for 42 years. I strongly object to this preposterous plan that has been born out of lazy planning by Tunbridge Wells Planning Department.

Our home has been flooded several times, the last time being February 2020. Many homes in the village were also flooded. It is not very nice having raw sewage in your home. My home is in a flood zone so building thousands of extra homes in a flood zone is ludicrous!!

We live on a B road, a country lane and the traffic is horrendous at rush hour, which on entering Tonbridge it is gridlocked already!

The trains will not cope with all the extra commuters, or the traffic with what will be essentially a commuter zone.

At first we were told this huge development would provide homes for local folk. This is just not true. These homes will be aimed at investors. Youtube have adverts, in China in Chinese, of the developments in the next village and other areas in the South-East.

We are heartbroken at the thought of our beautiful villages and Greenbelt countryside being ruined forever, along with our wildlife which is already in terrible decline. The next generation will suffer at the loss of our green open spaces which have proved to have been a life saver in these awful times of Covid 19.

We are most upset that Tunbridge Wells Borough Council have not listened to us at all, dumping 65% of their housing quota on only 6% of the Councils population.

There is no infrastructure, the local doctors are stretched and so is our hospital at Pembury.

TWBC have not looked at brownfield sites, even though we were told there were 109 brownfield sites, one of them being a 5 acre site opposite Tunbridge Wells town hall, laid bare for over 20 years! Developers would rather bulldoze Greenbelt and make more profit. It doesn't make any sense!

There is a more appropriate site at Castle Hill that has much better access to an A road which Tunbridge Wells Planners have totally ignored. One thinks that the deal was done and dusted with the landowner offering around 500 acres of the Medway Valley years ago with villagers having no say at all. We feel something dodgy has gone on, especially since the lead councillor at a meeting was heard to say slyly "you'll never win"!! Where is the democracy?

The planning department have no empathy to our plight of being flooded again... the water has to go somewhere! Adding that to pollution, and living in a dust bowl caused by all the construction traffic. Our children will suffer. The homes being built are not affordable, nor are they for our younger generation. Indeed foreign investors are buying up houses especially in the South-East.

Boris Johnson and his mantra of "Build, Build, Build" is prepared to sacrifice our greenbelt countryside to prop up the economy. The Bank of England has even said that homes are the best assets now with the greatest profit yield.

In years to come there will be an enquiry into why so much green belt was eaten up but once it's gone it will be gone forever!!

Tudeley village is not the right area for a housing estate of this magnitude especially when another site was recognised as being a better alternative with better links to railway stations.

I hope you take all my concerns into consideration. We do need more affordable homes but for OUR youngsters and not for greedy buy-to-rent landlords and investors,

Work and Housing should be more balanced to include other areas of the U.K. otherwise the South East of England will just slide into the English Channel !!!

#### 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	Mr John Collingwood ( [REDACTED] )
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Benenden TN17 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr John Collingwood ( [REDACTED] )
Comment ID	PSLP_2120
Response Date	03/06/21 11:49
Consultation Point	Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End ( <a href="#">View</a> )
Status	Processed
Submission Type	Other
Version	0.8
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	John Collingwood
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/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End

Paragraph No(s) 5.420, 5.421

Policies Map (Inset Map No(s)) 18

*[TWBC: this representation has been input against Policies AL/BE 3 and AL/BE 4 - please see Comment Numbers PSLP\_2120 and PSLP\_2122]*

#### 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.

This representation relates to the Pre-submission Local Plan(PSLP) and its handling of the parish of Benenden

##### **1. The plan is unsound because of inadequacies in the consultation process.**

##### **(i) Poor consultation between TWBC and other Borough Councils**

**A Statement of Common Ground (SoCG) between Maidstone and Tunbridge Wells Borough Councils (TWBC)** is published, but nothing is apparently published in relation to Ashford Borough Council or Tonbridge and Malling Borough Council.

**(ii) Poor consultation between TWBC, the parish of Benenden and the Benenden Healthcare Society (BHS), the single landowner of those sites in the East End of Benenden where most of Benenden's houses are allocated.**

**(iii) There is no Statement of Common Ground between TWBC and the Benenden Neighbourhood Plan (BNP)** although a SoCG was listed as a supporting document to the BNP Reg 14. This is significant *because the two plans, though identical in their choice of sites, show different areas within those sites for development at the East End, and both plans differ from the view of BHS.* BHS's position is presented to the public through its comments on the first draft of the Local Plan (TWFDLP Comments) (see (see web link)

- . Looking at the issue in terms of its hectareage:
  - . according to the PSLP the northern site (AL/BE4) is 3.72 ha and the South East Quadrant (SEQ or AL/BE3) is 3.07 ha;
  - . according to the Benenden Neighbourhood Plan (BNP), the northern site (called LS41 in the BNP, see para 2.9.4.2.) is 1.9 ha and SEQ (called 424 plus LS40b, see para 2.9.3.2) is 4.24 ha.
  - . according to BHS, the northern site is 3.7 ha and the southern site is 4.2 ha (see TWFDLP comments), Savills for BHS: DLP\_4956)

The hectareage varies largely according to whether Local Wildlife Sites (LWS) are included in the development area. There are four LWS at the hospital. One of these lies in the northern area (AL/BE4) and two lie in the southern area (AL/BE3). The fourth is in an area not up for development.

- . For AL/BE3, the PSLP excludes the second and the most southerly of its two Local Wildlife Sites (LWS), while the BNP includes both LWS. *Currently, Strutt and Parker are advertising to developers the larger, BNP version of the site for sale, together with Cleveland Farm.* The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE3 is incorrect.
- . For AL/BE4, the PSLP *includes* all the LWS at the site, while the BNP includes only a small southerly section of it. The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE4 is incorrect.
- . For AL/BE4, Savills' comments on behalf of the BHS (see TWFDLP comments), propose 43 dwellings for the site, which will include the LWS (see TWFDLP Comments, item DLP\_4956 para 3.6), "Unlike the BNP, the TWLP is broader in the site area by providing a boundary encompassing the entire hospital site, yet aside from the discrepancy addressed previously in this representation the two allocations align in terms of proposed numbers. The Society intends to bring forward the development on the two sites identified through the BNP *and within the boundary identified in the TWLP.* The Society welcomes the consistent approach to unit numbers, and the allocation of both parcels of land through the draft BNP and the TWLP."

In terms of boundaries:

- . BHS understands (see DLP\_4956, para 2.8 in TWFDLP Comments) "The North East Quadrant occupies the North East of the site, bordered to the North and East by Mockbeggar Lane, to the south by Goddards Green Lane / Benenden Road and the West by existing hospital buildings." *In other words, it includes the entire LWS in its area.*
- . To the south, BHS understands (see DLP\_4956, para 2.9 in TWFDLP comments), "The South East Quadrant occupies the South East of the site, bordered to the north by Goddards Green Lane / Benenden Road, to the West by Green Lane and to the South and East by agricultural land and the High Weald AONB boundary." *In other words, it includes the whole of the more southerly of the two LWS at the site.*

This means that PSLP's AL/BE3 is inaccurate because the larger BNP plan will likely prevail, while the PSLP's AL/BE4 could be challenged by the BNP (if successful in a referendum) (see PSLP para 5.421) and substantially reduced in size. The PSLP's plans for the two hospital plans are therefore both potentially inaccurate.

A failure to coordinate and effectively consult has produced unsound documents.

(iv) **Poor consultation with stakeholders, the local community and the neighbouring parish** (possibly even more affected by the plans than Benenden). These parties have either not been consulted, or consulted after the fact or consulted but not engaged with.

- . The **Friends of the East End (FEE)** are more affected by the plans than most in the parish but they were not consulted over the development of the BNP on which the PSLP is based. The FEE are mainly residents of the East End which covers about one third of the parish and is a wholly rural location of 76 scattered households. Because it is isolated, it was chosen as the site for an isolation hospital. This now makes up a small enclave close to the border with the neighbouring parish of Biddenden.
  - . The BNP Steering Committee is the only one in the borough to have made its own site allocations and these allocations were published in an Informal Draft Plan in February 2019, before consultations with the High Weald -AONB and before inviting AECOM to produce a Strategic Environmental Assessment (SEA). (N.B. Even when the HW-AONB were invited to assess sites, they were NOT asked to assess the hospital sites).
  - . The FEE object strongly to the proposal to site almost all the new housing in the East End, but the BNP Steering Committee never asked to meet the FEE nor engaged with them (See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others).
  - . The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the IDP (published on February 23, 2019), in which the allocations, later adopted by the PSLP were

first set out. A second FEE submission with 164 signatures was submitted in October 2019 objecting to the TWFDLP, and in the same month, a third FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. Instead of acknowledging the strength of these views and the number of people who held them, the chair of the BNP Steering Group, who wrote a regular column in the Parish Magazine about the BNP process, wrote in January 2020, that only “31 residents from the East End” had sent in “comments”. For the strength of today’s opposition to the BNP, see the FEE’s current online petition with over 450 signatures (see web link) .

Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. The *ensuing chaos hardly bears thinking about*. At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”

Consultation also failed in relation to the neighbouring **parish of Biddenden**. The Clerk of Biddenden Council has repeatedly responded to Benenden Parish Council in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of consultations with the parish of Biddenden in the Biddenden Parish Magazine, February 2021.

## **2. The plan is unsound because of the untimely publication of site allocations**

Pre-Submission Local Plan, para 5.420 reads “The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020.” But the allocations had already been made and published by the BNP in February 2019 in its so called “Informal Draft Plan”. The 2019 February allocations are virtually identical to the PSLP 2021 allocations. Para 5.420 states “The BNP proposes to include site “allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan.” How can the BNP follow the PSLP’s approach when its sites were already allocated? Because the PSLP is founded on site allocations made by the BNP, the unsoundness of the latter carries over and produces unsoundness in the former.

The LP is based on the BNP and BNP allocations were made before **consultations with stakeholders**. This is not consulting in a timely fashion. For example, the PSLP requires archaeological surveys of the hospital sites *after* the designation of the sites for development. Historic England (HE) asks for the surveys to be carried out *before* allocation (see TWFDLP Comments DLP\_4556 - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted*.”

## **3. The plan is unsound because the evidence on which it is based is inaccurate or irrelevant**

### **Supporting Documents**

**AONB Setting Analysis report: Main Report and AONB Study Plans and Photographs Benenden Hospital/Hankinson Duckett Associates.** November 2020.

See para 4.4.2, the description of the hospital site is for the *entire built up-hospital area*, minus the southerly LWS in the SEQ. It is therefore a *report on an area not submitted in the PSLP*. As a result, it draws its conclusions from areas not included in the PSLP. The conclusions are therefore unsound.

The report:

is concerned with adding 66-72 additional dwellings in addition to the 18 already extant on the northern site and presumably in addition to the 24 for which planning permission has been granted. That is between 108 and 114 new houses. The PSLP is talking about planning 43 houses for the northern sight and 49 for the south. A total of 92 new houses. The report muddies the waters, leaving no clarity.

fails to note items of critical importance in any attempt to evaluate the landscape and historic importance of the site e.g.

that the site is on an east-west ridge giving it a dominant position in relation to the AONB;

- . the east-west Roman Road running over Benenden Healthcare Society (BHS) land a few yards to the south of the site, and the medieval drove road (Goddards Green Road - GGR) which divides the northern site from the southern one;
- . the National Monument Register which lists a Bronze Age palstaff (SMR Number/Hob UID) found at the hospital site, (though, oddly, the report does note Scheduled Monuments in the village);
- . that the SEQ development proposes two entrances on to Green Lane and two on to GGR, see Transport Planning Associates (tpa)- October 2019 Scoping note for BHS, 1907-038 under the section headed 'Access', para 4 .4 "The consented vehicle access arrangements will be retained. Therefore, vehicle access to the Site will be taken from two access points along Goddards Green Road and two on Green Lane." (This and other documents were revealed to the FEE in May 2021 as a result of the BNP Independent Examiner's queries. In spite of the Examiner's request that all such material be published on-line, this document and the KCC Highways 13 Nov 2019 "Pre-App Response" have been not been published). Such entrances will seriously impact the AONB. Both Goddards Green and Green Lane are designated Rural Lanes, and, of the two, Green Lane is mentioned as a particularly high scoring lane (for its beauty and tranquillity) in *TWBC's Rural Lanes: Supplementary Planning Guidance*. Creating a series of broad entrances large enough so that an "11.4 m refuse vehicle can enter and leave the site in forward gear (see KCC Pre-App Response 13-11-19, a document revealed to the FEE as a result of the BNP Examiner's queries but not made public) would have a substantial effect on the AONB. Hankinson Duckett Associates ignore the issue (see Section 4 on Benenden in the main report and photos B1 and B2 in *Supporting Plans and Photographs , Benenden*).
- . offers photos (B5 & B6) which are irrelevant to the site in question. These photos look south towards an area not up for development, and are taken from a point also not up for development. These omissions undermine the report's conclusion.
- . ***Inset Map 18 (Benenden Hospital)***, unlike other maps attached as supporting documents to the PSLP, Inset Map 18 makes no reference to the AONB boundary. This is a significant omission because both the PSLP and the BNP claim that the hospital is outside the AONB and on this basis, largely justify placing most of Benenden's housing in the East End. Because AL/BE3&4 lie on a high ridge to the north of the parish and because the AONB boundary wraps tightly round the site which bulges, like a balloon, into the AONB, development at the East End significantly affects the AONB. While TWBC acknowledges this by requesting the Hankinson Duckett Report, by publishing Inset Map 18, which omits the AONB boundary, TWBC loses a critical opportunity to show the true relevance of AL/BE 3&4 to the AONB. It could even be said that by leaving out the boundary, there is an implication that the hospital sites are genuinely 'outside' the protected area.
- . ***Previous Stages, Draft Local Plan, Benenden Overview***, p263, provides a basis for the PSLP but contains inaccuracies.
  - . There is no "pre-school/nursery" as stated in the Overview
  - . There is no "Small shop at hospital" as stated in the Overview
  - . The statement that there are tennis courts and a café at the site is misleading. In TWFDLP Comments, Savills requests (see DLP\_4956 para 3.14) that "the requirement to incorporate the tennis courts and retain the sports pavilion is removed". As for the café, BHS states in its comments on the LP that the café is for hospital use only - "the existing hospital buildings ... have only been designed for hospital use". See TWFDLP detailed additional submissions from Savills "*Representation to the TWBC Draft Local Plan Regulation 18*" 2- Sept- 1Nov 2019 para 3.18 and 3.19)

#### **4. Sustainability Appraisal**

As far as the East End of Benenden is concerned, the plan is unsound because the **Sustainability Appraisal**, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

**An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.**

**Climate Change:** AL/BE3&4 are not scored for climate change, nor are sites 158 & 222, yet, inexplicably, climate change is scored for AL/BE1&2 (Uphill and Feoffee) and for LS8. Where is the explanation for the failure to assess all sites, especially when sites 158, 222, AL/BE1&2 are all close to each other? The issue is particularly concerning in that sites AL/BE3&4 are both 3 miles distant from the village and without any amenities. Residents at these sites will be heavily car dependent and this was of concern even when only 24 houses were proposed for the site. "You will see from KCC's comments on the hybrid application (12/03130) that in consideration of this earlier application for 24 dwellings, the highways authority raised concern that all residents will be very heavily car dependent, which is contrary to a number of policy objectives, including the NPPF." (see KCC Pre-App Response, 13 Nov 2019, revealed in response to the BNP's Independent Examiner's queries and still not in the public arena).

**Biodiversity:** AL/BE3 is considered to be less at risk in terms of biodiversity than AL/BE4 though AL/BE 3 has two Local Wildlife Sites (LWS) while AL/BE 4 has only one. Where is the evidence to support the idea that the one is less important for biodiversity than the other?

The SA's scoring is not supported by evidence in a letter from Keith Nicholson of the Kent Wildlife Trust, former Planning and Conservation officer for the Kent Wildlife Trust (KWT), dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert in which he states, "The 2012 survey has demonstrated that Benenden hospital LWS is more valuable than previously believed. The applicant's consultant is now more firmly of the belief that the Site would fulfil the criteria for it to be considered a Site of Special Scientific Interest (paragraph 4.3.6.). The waxcap community is of national importance when judged against both the Reid classification (para 4.3.4.) and the JNCC Guidelines (para 4.3.5.)."

Nor is it supported by the view of the HW-AONB as stated in TWFDLP Comments (see DLP\_3458) that the hospital LWS *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* Neither the KWT nor the HW-AONB offer any indication that one or other of the LWS at the hospital is of less value than the rest. Further, we now know from (see web link),

Regulation 18 Representation made by Benenden Healthcare Society, November 2019, that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that "The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."

In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE4 see (in the same document) para 3.17. "In addition, as highlighted in paragraph 3.13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (LWS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the LWS and / or sports provision is removed from the policy requirement." Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

**Business Growth:** AL/BE3&4 are scored as if they were more favourable to business growth than AL/BE1&2 and sites 158 and 222, but all four of these last-mentioned sites are in the heart of the village where residents will have ready access to local businesses as well as to daily bus services and other services and facilities. Residents at the East End, on the other hand, will have no access to local businesses except by car.

**Education:** All sites in this SA are scored equally for education, except for site 158 which scores less well. This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the *Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options* report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape



character. There are limited views into the site and no public rights of way over the site.” On page 38, we read, “This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels”. In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158’s owners to build houses there. If, in 2006, the SA offered site 158 as one of two top sites in the village for building the new primary school, where is the evidence that it’s appropriateness has somehow massively declined since then? Where is the evidence site 158 is less favourable to education than all the other sites mentioned, especially given that the hospital sites, so favoured for development, are three miles distant from the village school?

Table 58 states that “the education objective does not deteriorate when considering the cumulative effects as the schools in Tenterden will be a viable option for residents in East End.” Children from the East End will have priority over the between 70 and 75% of the existing pupils at the school who come from outside the parish. On what basis is the assumption made that East End parents will prefer to drive their children 6 miles into Tenterden than drive to the primary school in their own village?

**Heritage:** AL/BE 3 scores slightly less well in terms of its heritage value than AL/BE4 without supporting evidence. How were heritage issues assessed when there is no apparent knowledge of the historic importance of the site, for example: the PSLP makes no mention of the Roman road a few yards south of AL/BE3; the medieval driveway (GGR), which runs through the site and along the ridge; and the Bronze Age palstaff found at the hospital site (National Monument Register - SMR Number/Hob UID). How can a site be scored or evaluated without at least some knowledge of the sites historic significance? This is available at (see web link) and advertised on the Benenden village website.

**Services and Facilities:** How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children’s playground, church, memorial hall, village hall and a primary school. In spite of this, sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

## 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.**

Many of the PSLP’s problems are associated with failure in the duty to co-operate and can therefore not be remedied.

Many are due to poor evidence or poor interpretation of evidence. This too cannot be remedied.

In summary, development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any

more. It should therefore be excluded. Housing should be allocated to sites such as 158 and 222 in the village centre, or to LS8 in Iden Green. These sites all lie within walking distance of shops, other amenities and the primary school. Paragraphs 5.421 and 5.422 should be omitted.

#### 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 to present my case and to answer those with vested interests who may seek to put forward arguments against it.

#### Question 8

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

##### 4. Sustainability Appraisal

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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:**

<input type="checkbox"/>	Yes, I wish to be notified of future stages of the Local Plan
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## Comment

Consultee	Mr John Collingwood ( [REDACTED] )
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Benenden TN17 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr John Collingwood ( [REDACTED] )
Comment ID	PSLP_2122
Response Date	03/06/21 11:49
Consultation Point	Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End ( <a href="#">View</a> )
Status	Processed
Submission Type	Other
Version	0.10
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	John Collingwood
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/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End

Paragraph No(s) 5.420, 5.421

Policies Map (Inset Map No(s)) 18

*[TWBC: this representation has been input against Policies AL/BE 3 and AL/BE 4 - please see Comment Numbers PSLP\_2120 and PSLP\_2122]*

#### 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.

This representation relates to the Pre-submission Local Plan(PSLP) and its handling of the parish of Benenden

##### **1. The plan is unsound because of inadequacies in the consultation process.**

##### **(i) Poor consultation between TWBC and other Borough Councils**

**A Statement of Common Ground (SoCG) between Maidstone and Tunbridge Wells Borough Councils (TWBC)** is published, but nothing is apparently published in relation to Ashford Borough Council or Tonbridge and Malling Borough Council.

**(ii) Poor consultation between TWBC, the parish of Benenden and the Benenden Healthcare Society (BHS), the single landowner of those sites in the East End of Benenden where most of Benenden's houses are allocated.**

**(iii) There is no Statement of Common Ground between TWBC and the Benenden Neighbourhood Plan (BNP)** although a SoCG was listed as a supporting document to the BNP Reg 14. This is significant *because the two plans, though identical in their choice of sites, show different areas within those sites for development at the East End, and both plans differ from the view of BHS.* BHS's position is presented to the public through its comments on the first draft of the Local Plan (TWFDLP Comments) (see (see web link)

- . Looking at the issue in terms of its hectareage:
  - . according to the PSLP the northern site (AL/BE4) is 3.72 ha and the South East Quadrant (SEQ or AL/BE3) is 3.07 ha;
  - . according to the Benenden Neighbourhood Plan (BNP), the northern site (called LS41 in the BNP, see para 2.9.4.2.) is 1.9 ha and SEQ (called 424 plus LS40b, see para 2.9.3.2) is 4.24 ha.
  - . according to BHS, the northern site is 3.7 ha and the southern site is 4.2 ha (see TWFDLP comments), Savills for BHS: DLP\_4956)

The hectareage varies largely according to whether Local Wildlife Sites (LWS) are included in the development area. There are four LWS at the hospital. One of these lies in the northern area (AL/BE4) and two lie in the southern area (AL/BE3). The fourth is in an area not up for development.

- . For AL/BE3, the PSLP excludes the second and the most southerly of its two Local Wildlife Sites (LWS), while the BNP includes both LWS. *Currently, Strutt and Parker are advertising to developers the larger, BNP version of the site for sale, together with Cleveland Farm.* The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE3 is incorrect.
- . For AL/BE4, the PSLP *includes* all the LWS at the site, while the BNP includes only a small southerly section of it. The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE4 is incorrect.
- . For AL/BE4, Savills' comments on behalf of the BHS (see TWFDLP comments), propose 43 dwellings for the site, which will include the LWS (see TWFDLP Comments, item DLP\_4956 para 3.6), "Unlike the BNP, the TWLP is broader in the site area by providing a boundary encompassing the entire hospital site, yet aside from the discrepancy addressed previously in this representation the two allocations align in terms of proposed numbers. The Society intends to bring forward the development on the two sites identified through the BNP *and within the boundary identified in the TWLP.* The Society welcomes the consistent approach to unit numbers, and the allocation of both parcels of land through the draft BNP and the TWLP."

In terms of boundaries:

- . BHS understands (see DLP\_4956, para 2.8 in TWFDLP Comments) "The North East Quadrant occupies the North East of the site, bordered to the North and East by Mockbeggar Lane, to the south by Goddards Green Lane / Benenden Road and the West by existing hospital buildings." *In other words, it includes the entire LWS in its area.*
- . To the south, BHS understands (see DLP\_4956, para 2.9 in TWFDLP comments), "The South East Quadrant occupies the South East of the site, bordered to the north by Goddards Green Lane / Benenden Road, to the West by Green Lane and to the South and East by agricultural land and the High Weald AONB boundary." *In other words, it includes the whole of the more southerly of the two LWS at the site.*

This means that PSLP's AL/BE3 is inaccurate because the larger BNP plan will likely prevail, while the PSLP's AL/BE4 could be challenged by the BNP (if successful in a referendum) (see PSLP para 5.421) and substantially reduced in size. The PSLP's plans for the two hospital plans are therefore both potentially inaccurate.

A failure to coordinate and effectively consult has produced unsound documents.

(iv) **Poor consultation with stakeholders, the local community and the neighbouring parish** (possibly even more affected by the plans than Benenden). These parties have either not been consulted, or consulted after the fact or consulted but not engaged with.

- . The **Friends of the East End (FEE)** are more affected by the plans than most in the parish but they were not consulted over the development of the BNP on which the PSLP is based. The FEE are mainly residents of the East End which covers about one third of the parish and is a wholly rural location of 76 scattered households. Because it is isolated, it was chosen as the site for an isolation hospital. This now makes up a small enclave close to the border with the neighbouring parish of Biddenden.
  - . The BNP Steering Committee is the only one in the borough to have made its own site allocations and these allocations were published in an Informal Draft Plan in February 2019, before consultations with the High Weald -AONB and before inviting AECOM to produce a Strategic Environmental Assessment (SEA). (N.B. Even when the HW-AONB were invited to assess sites, they were NOT asked to assess the hospital sites).
  - . The FEE object strongly to the proposal to site almost all the new housing in the East End, but the BNP Steering Committee never asked to meet the FEE nor engaged with them (See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others).
  - . The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the IDP (published on February 23, 2019), in which the allocations, later adopted by the PSLP were

first set out. A second FEE submission with 164 signatures was submitted in October 2019 objecting to the TWFDLP, and in the same month, a third FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. Instead of acknowledging the strength of these views and the number of people who held them, the chair of the BNP Steering Group, who wrote a regular column in the Parish Magazine about the BNP process, wrote in January 2020, that only “31 residents from the East End” had sent in “comments”. For the strength of today’s opposition to the BNP, see the FEE’s current online petition with over 450 signatures (see web link) .

Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. The *ensuing chaos hardly bears thinking about*. At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”

Consultation also failed in relation to the neighbouring **parish of Biddenden**. The Clerk of Biddenden Council has repeatedly responded to Benenden Parish Council in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of consultations with the parish of Biddenden in the Biddenden Parish Magazine, February 2021.

## **2. The plan is unsound because of the untimely publication of site allocations**

Pre-Submission Local Plan, para 5.420 reads “The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020.” But the allocations had already been made and published by the BNP in February 2019 in its so called “Informal Draft Plan”. The 2019 February allocations are virtually identical to the PSLP 2021 allocations. Para 5.420 states “The BNP proposes to include site “allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan.” How can the BNP follow the PSLP’s approach when its sites were already allocated? Because the PSLP is founded on site allocations made by the BNP, the unsoundness of the latter carries over and produces unsoundness in the former.

The LP is based on the BNP and BNP allocations were made before **consultations with stakeholders**. This is not consulting in a timely fashion. For example, the PSLP requires archaeological surveys of the hospital sites *after* the designation of the sites for development. Historic England (HE) asks for the surveys to be carried out *before* allocation (see TWFDLP Comments DLP\_4556 - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted*.”

## **3. The plan is unsound because the evidence on which it is based is inaccurate or irrelevant**

### **Supporting Documents**

**AONB Setting Analysis report: Main Report and AONB Study Plans and Photographs Benenden Hospital/Hankinson Duckett Associates.** November 2020.

See para 4.4.2, the description of the hospital site is for the *entire built up-hospital area*, minus the southerly LWS in the SEQ. It is therefore a *report on an area not submitted in the PSLP*. As a result, it draws its conclusions from areas not included in the PSLP. The conclusions are therefore unsound.

The report:

is concerned with adding 66-72 additional dwellings in addition to the 18 already extant on the northern site and presumably in addition to the 24 for which planning permission has been granted. That is between 108 and 114 new houses. The PSLP is talking about planning 43 houses for the northern sight and 49 for the south. A total of 92 new houses. The report muddies the waters, leaving no clarity.

fails to note items of critical importance in any attempt to evaluate the landscape and historic importance of the site e.g.

that the site is on an east-west ridge giving it a dominant position in relation to the AONB;

- . the east-west Roman Road running over Benenden Healthcare Society (BHS) land a few yards to the south of the site, and the medieval drove road (Goddards Green Road - GGR) which divides the northern site from the southern one;
- . the National Monument Register which lists a Bronze Age palstaff (SMR Number/Hob UID) found at the hospital site, (though, oddly, the report does note Scheduled Monuments in the village);
- . that the SEQ development proposes two entrances on to Green Lane and two on to GGR, see Transport Planning Associates (tpa)- October 2019 Scoping note for BHS, 1907-038 under the section headed 'Access', para 4 .4 "The consented vehicle access arrangements will be retained. Therefore, vehicle access to the Site will be taken from two access points along Goddards Green Road and two on Green Lane." (This and other documents were revealed to the FEE in May 2021 as a result of the BNP Independent Examiner's queries. In spite of the Examiner's request that all such material be published on-line, this document and the KCC Highways 13 Nov 2019 "Pre-App Response" have been not been published). Such entrances will seriously impact the AONB. Both Goddards Green and Green Lane are designated Rural Lanes, and, of the two, Green Lane is mentioned as a particularly high scoring lane (for its beauty and tranquillity) in *TWBC's Rural Lanes: Supplementary Planning Guidance*. Creating a series of broad entrances large enough so that an "11.4 m refuse vehicle can enter and leave the site in forward gear (see KCC Pre-App Response 13-11-19, a document revealed to the FEE as a result of the BNP Examiner's queries but not made public) would have a substantial effect on the AONB. Hankinson Duckett Associates ignore the issue (see Section 4 on Benenden in the main report and photos B1 and B2 in *Supporting Plans and Photographs , Benenden*).
- . offers photos (B5 & B6) which are irrelevant to the site in question. These photos look south towards an area not up for development, and are taken from a point also not up for development. These omissions undermine the report's conclusion.
- . ***Inset Map 18 (Benenden Hospital)***, unlike other maps attached as supporting documents to the PSLP, Inset Map 18 makes no reference to the AONB boundary. This is a significant omission because both the PSLP and the BNP claim that the hospital is outside the AONB and on this basis, largely justify placing most of Benenden's housing in the East End. Because AL/BE3&4 lie on a high ridge to the north of the parish and because the AONB boundary wraps tightly round the site which bulges, like a balloon, into the AONB, development at the East End significantly affects the AONB. While TWBC acknowledges this by requesting the Hankinson Duckett Report, by publishing Inset Map 18, which omits the AONB boundary, TWBC loses a critical opportunity to show the true relevance of AL/BE 3&4 to the AONB. It could even be said that by leaving out the boundary, there is an implication that the hospital sites are genuinely 'outside' the protected area.
- . ***Previous Stages, Draft Local Plan, Benenden Overview***, p263, provides a basis for the PSLP but contains inaccuracies.
  - . There is no "pre-school/nursery" as stated in the Overview
  - . There is no "Small shop at hospital" as stated in the Overview
  - . The statement that there are tennis courts and a café at the site is misleading. In TWFDLP Comments, Savills requests (see DLP\_4956 para 3.14) that "the requirement to incorporate the tennis courts and retain the sports pavilion is removed". As for the café, BHS states in its comments on the LP that the café is for hospital use only - "the existing hospital buildings ... have only been designed for hospital use". See TWFDLP detailed additional submissions from Savills "*Representation to the TWBC Draft Local Plan Regulation 18*" 2- Sept- 1Nov 2019 para 3.18 and 3.19)

#### **4. Sustainability Appraisal**

As far as the East End of Benenden is concerned, the plan is unsound because the **Sustainability Appraisal**, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

**An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.**



**Climate Change:** AL/BE3&4 are not scored for climate change, nor are sites 158 & 222, yet, inexplicably, climate change is scored for AL/BE1&2 (Uphill and Feoffee) and for LS8. Where is the explanation for the failure to assess all sites, especially when sites 158, 222, AL/BE1&2 are all close to each other? The issue is particularly concerning in that sites AL/BE3&4 are both 3 miles distant from the village and without any amenities. Residents at these sites will be heavily car dependent and this was of concern even when only 24 houses were proposed for the site. "You will see from KCC's comments on the hybrid application (12/03130) that in consideration of this earlier application for 24 dwellings, the highways authority raised concern that all residents will be very heavily car dependent, which is contrary to a number of policy objectives, including the NPPF." (see KCC Pre-App Response, 13 Nov 2019, revealed in response to the BNP's Independent Examiner's queries and still not in the public arena).

**Biodiversity:** AL/BE3 is considered to be less at risk in terms of biodiversity than AL/BE4 though AL/BE 3 has two Local Wildlife Sites (LWS) while AL/BE 4 has only one. Where is the evidence to support the idea that the one is less important for biodiversity than the other?

The SA's scoring is not supported by evidence in a letter from Keith Nicholson of the Kent Wildlife Trust, former Planning and Conservation officer for the Kent Wildlife Trust (KWT), dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert in which he states, "The 2012 survey has demonstrated that Benenden hospital LWS is more valuable than previously believed. The applicant's consultant is now more firmly of the belief that the Site would fulfil the criteria for it to be considered a Site of Special Scientific Interest (paragraph 4.3.6.). The waxcap community is of national importance when judged against both the Reid classification (para 4.3.4.) and the JNCC Guidelines (para 4.3.5.)."

Nor is it supported by the view of the HW-AONB as stated in TWFDLP Comments (see DLP\_3458) that the hospital LWS *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* Neither the KWT nor the HW-AONB offer any indication that one or other of the LWS at the hospital is of less value than the rest. Further, we now know from (see web link),

Regulation 18 Representation made by Benenden Healthcare Society, November 2019, that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that "The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."

In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE4 see (in the same document) para 3.17. "In addition, as highlighted in paragraph 3.13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (LWS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the LWS and / or sports provision is removed from the policy requirement." Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

**Business Growth:** AL/BE3&4 are scored as if they were more favourable to business growth than AL/BE1&2 and sites 158 and 222, but all four of these last-mentioned sites are in the heart of the village where residents will have ready access to local businesses as well as to daily bus services and other services and facilities. Residents at the East End, on the other hand, will have no access to local businesses except by car.

**Education:** All sites in this SA are scored equally for education, except for site 158 which scores less well. This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the *Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options* report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape



character. There are limited views into the site and no public rights of way over the site.” On page 38, we read, “This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels”. In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158’s owners to build houses there. If, in 2006, the SA offered site 158 as one of two top sites in the village for building the new primary school, where is the evidence that it’s appropriateness has somehow massively declined since then? Where is the evidence site 158 is less favourable to education than all the other sites mentioned, especially given that the hospital sites, so favoured for development, are three miles distant from the village school?

Table 58 states that “the education objective does not deteriorate when considering the cumulative effects as the schools in Tenterden will be a viable option for residents in East End.” Children from the East End will have priority over the between 70 and 75% of the existing pupils at the school who come from outside the parish. On what basis is the assumption made that East End parents will prefer to drive their children 6 miles into Tenterden than drive to the primary school in their own village?

**Heritage:** AL/BE 3 scores slightly less well in terms of its heritage value than AL/BE4 without supporting evidence. How were heritage issues assessed when there is no apparent knowledge of the historic importance of the site, for example: the PSLP makes no mention of the Roman road a few yards south of AL/BE3; the medieval driveway (GGR), which runs through the site and along the ridge; and the Bronze Age palstaff found at the hospital site (National Monument Register - SMR Number/Hob UID). How can a site be scored or evaluated without at least some knowledge of the sites historic significance? This is available at (see web link) and advertised on the Benenden village website.

**Services and Facilities:** How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children’s playground, church, memorial hall, village hall and a primary school. In spite of this, sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

## 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.**

Many of the PSLP’s problems are associated with failure in the duty to co-operate and can therefore not be remedied.

Many are due to poor evidence or poor interpretation of evidence. This too cannot be remedied.

In summary, development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any

more. It should therefore be excluded. Housing should be allocated to sites such as 158 and 222 in the village centre, or to LS8 in Iden Green. These sites all lie within walking distance of shops, other amenities and the primary school. Paragraphs 5.421 and 5.422 should be omitted.

#### 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 to present my case and to answer those with vested interests who may seek to put forward arguments against it.

#### Question 8

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

##### 4. Sustainability Appraisal

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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:**

<input type="checkbox"/>	Yes, I wish to be notified of future stages of the Local Plan
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## Comment

Consultee	Mr Reuben Collingwood ( [REDACTED] )
Address	[REDACTED] [REDACTED] Benenden TN17 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Reuben Collingwood ( [REDACTED] )
Comment ID	PSLP_2117
Response Date	03/06/21 11:50
Consultation Point	Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End ( <a href="#">View</a> )
Status	Processed
Submission Type	Other
Version	0.8
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Reuben Collingwood
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/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End

Paragraph No(s) 5.420, 5.421

Policies Map (Inset Map No(s)) 18

*[TWBC: this representation has been input against Policies AL/BE 3 and AL/BE 4 - please see Comment Numbers PSLP\_2117 and PSLP\_2119]*

#### 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.

This representation relates to the Pre-submission Local Plan(PSLP) and its handling of the parish of Benenden

##### **1. The plan is unsound because of inadequacies in the consultation process.**

##### **(i) Poor consultation between TWBC and other Borough Councils**

**A Statement of Common Ground (SoCG) between Maidstone and Tunbridge Wells Borough Councils (TWBC)** is published, but nothing is apparently published in relation to Ashford Borough Council or Tonbridge and Malling Borough Council.

**(ii) Poor consultation between TWBC, the parish of Benenden and the Benenden Healthcare Society (BHS), the single landowner of those sites in the East End of Benenden where most of Benenden's houses are allocated.**

**(iii) There is no Statement of Common Ground between TWBC and the Benenden Neighbourhood Plan (BNP)** although a SoCG was listed as a supporting document to the BNP Reg 14. This is significant *because the two plans, though identical in their choice of sites, show different areas within those sites for development at the East End, and both plans differ from the view of BHS.* BHS's position is presented to the public through its comments on the first draft of the Local Plan (TWFDLP Comments) (see (see web link)

- . Looking at the issue in terms of its hectareage:
  - . according to the PSLP the northern site (AL/BE4) is 3.72 ha and the South East Quadrant (SEQ or AL/BE3) is 3.07 ha;
  - . according to the Benenden Neighbourhood Plan (BNP), the northern site (called LS41 in the BNP, see para 2.9.4.2.) is 1.9 ha and SEQ (called 424 plus LS40b, see para 2.9.3.2) is 4.24 ha.
  - . according to BHS, the northern site is 3.7 ha and the southern site is 4.2 ha (see TWFDLP comments), Savills for BHS: DLP\_4956)

The hectareage varies largely according to whether Local Wildlife Sites (LWS) are included in the development area. There are four LWS at the hospital. One of these lies in the northern area (AL/BE4) and two lie in the southern area (AL/BE3). The fourth is in an area not up for development.

- . For AL/BE3, the PSLP excludes the second and the most southerly of its two Local Wildlife Sites (LWS), while the BNP includes both LWS. *Currently, Strutt and Parker are advertising to developers the larger, BNP version of the site for sale, together with Cleveland Farm.* The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE3 is incorrect.
- . For AL/BE4, the PSLP *includes* all the LWS at the site, while the BNP includes only a small southerly section of it. The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE4 is incorrect.
- . For AL/BE4, Savills' comments on behalf of the BHS (see TWFDLP comments), propose 43 dwellings for the site, which will include the LWS (see TWFDLP Comments, item DLP\_4956 para 3.6), "Unlike the BNP, the TWLP is broader in the site area by providing a boundary encompassing the entire hospital site, yet aside from the discrepancy addressed previously in this representation the two allocations align in terms of proposed numbers. The Society intends to bring forward the development on the two sites identified through the BNP *and within the boundary identified in the TWLP.* The Society welcomes the consistent approach to unit numbers, and the allocation of both parcels of land through the draft BNP and the TWLP."

In terms of boundaries:

- . BHS understands (see DLP\_4956, para 2.8 in TWFDLP Comments) "The North East Quadrant occupies the North East of the site, bordered to the North and East by Mockbeggar Lane, to the south by Goddards Green Lane / Benenden Road and the West by existing hospital buildings." *In other words, it includes the entire LWS in its area.*
- . To the south, BHS understands (see DLP\_4956, para 2.9 in TWFDLP comments), "The South East Quadrant occupies the South East of the site, bordered to the north by Goddards Green Lane / Benenden Road, to the West by Green Lane and to the South and East by agricultural land and the High Weald AONB boundary." *In other words, it includes the whole of the more southerly of the two LWS at the site.*

This means that PSLP's AL/BE3 is inaccurate because the larger BNP plan will likely prevail, while the PSLP's AL/BE4 could be challenged by the BNP (if successful in a referendum) (see PSLP para 5.421) and substantially reduced in size. The PSLP's plans for the two hospital plans are therefore both potentially inaccurate.

A failure to coordinate and effectively consult has produced unsound documents.

(iv) **Poor consultation with stakeholders, the local community and the neighbouring parish** (possibly even more affected by the plans than Benenden). These parties have either not been consulted, or consulted after the fact or consulted but not engaged with.

- . The **Friends of the East End (FEE)** are more affected by the plans than most in the parish but they were not consulted over the development of the BNP on which the PSLP is based. The FEE are mainly residents of the East End which covers about one third of the parish and is a wholly rural location of 76 scattered households. Because it is isolated, it was chosen as the site for an isolation hospital. This now makes up a small enclave close to the border with the neighbouring parish of Biddenden.
  - . The BNP Steering Committee is the only one in the borough to have made its own site allocations and these allocations were published in an Informal Draft Plan in February 2019, before consultations with the High Weald -AONB and before inviting AECOM to produce a Strategic Environmental Assessment (SEA). (N.B. Even when the HW-AONB were invited to assess sites, they were NOT asked to assess the hospital sites).
  - . The FEE object strongly to the proposal to site almost all the new housing in the East End, but the BNP Steering Committee never asked to meet the FEE nor engaged with them (See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others).
  - . The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the IDP (published on February 23, 2019), in which the allocations, later adopted by the PSLP were



first set out. A second FEE submission with 164 signatures was submitted in October 2019 objecting to the TWFDLP, and in the same month, a third FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. Instead of acknowledging the strength of these views and the number of people who held them, the chair of the BNP Steering Group, who wrote a regular column in the Parish Magazine about the BNP process, wrote in January 2020, that only “31 residents from the East End” had sent in “comments”. For the strength of today’s opposition to the BNP, see the FEE’s current online petition with over 450 signatures (see web link) .

Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. The *ensuing chaos hardly bears thinking about*. At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”

Consultation also failed in relation to the neighbouring **parish of Biddenden**. The Clerk of Biddenden Council has repeatedly responded to Benenden Parish Council in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of consultations with the parish of Biddenden in the Biddenden Parish Magazine, February 2021.

## **2. The plan is unsound because of the untimely publication of site allocations**

Pre-Submission Local Plan, para 5.420 reads “The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020.” But the allocations had already been made and published by the BNP in February 2019 in its so called “Informal Draft Plan”. The 2019 February allocations are virtually identical to the PSLP 2021 allocations. Para 5.420 states “The BNP proposes to include site “allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan.” How can the BNP follow the PSLP’s approach when its sites were already allocated? Because the PSLP is founded on site allocations made by the BNP, the unsoundness of the latter carries over and produces unsoundness in the former.

The LP is based on the BNP and BNP allocations were made before **consultations with stakeholders**. This is not consulting in a timely fashion. For example, the PSLP requires archaeological surveys of the hospital sites *after* the designation of the sites for development. Historic England (HE) asks for the surveys to be carried out *before* allocation (see TWFDLP Comments DLP\_4556 - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted*.”

## **3. The plan is unsound because the evidence on which it is based is inaccurate or irrelevant**

### **Supporting Documents**

**AONB Setting Analysis report: Main Report and AONB Study Plans and Photographs Benenden Hospital/Hankinson Duckett Associates.** November 2020.

See para 4.4.2, the description of the hospital site is for the *entire built up-hospital area*, minus the southerly LWS in the SEQ. It is therefore a *report on an area not submitted in the PSLP*. As a result, it draws its conclusions from areas not included in the PSLP. The conclusions are therefore unsound.

The report:

is concerned with adding 66-72 additional dwellings in addition to the 18 already extant on the northern site and presumably in addition to the 24 for which planning permission has been granted. That is between 108 and 114 new houses. The PSLP is talking about planning 43 houses for the northern sight and 49 for the south. A total of 92 new houses. The report muddies the waters, leaving no clarity.

fails to note items of critical importance in any attempt to evaluate the landscape and historic importance of the site e.g.

that the site is on an east-west ridge giving it a dominant position in relation to the AONB;



- . the east-west Roman Road running over Benenden Healthcare Society (BHS) land a few yards to the south of the site, and the medieval drove road (Goddards Green Road - GGR) which divides the northern site from the southern one;
- . the National Monument Register which lists a Bronze Age palstaff (SMR Number/Hob UID) found at the hospital site, (though, oddly, the report does note Scheduled Monuments in the village);
- . that the SEQ development proposes two entrances on to Green Lane and two on to GGR, see Transport Planning Associates (tpa)- October 2019 Scoping note for BHS, 1907-038 under the section headed 'Access', para 4 .4 "The consented vehicle access arrangements will be retained. Therefore, vehicle access to the Site will be taken from two access points along Goddards Green Road and two on Green Lane." (This and other documents were revealed to the FEE in May 2021 as a result of the BNP Independent Examiner's queries. In spite of the Examiner's request that all such material be published on-line, this document and the KCC Highways 13 Nov 2019 "Pre-App Response" have been not been published). Such entrances will seriously impact the AONB. Both Goddards Green and Green Lane are designated Rural Lanes, and, of the two, Green Lane is mentioned as a particularly high scoring lane (for its beauty and tranquillity) in *TWBC's Rural Lanes: Supplementary Planning Guidance*. Creating a series of broad entrances large enough so that an "11.4 m refuse vehicle can enter and leave the site in forward gear (see KCC Pre-App Response 13-11-19, a document revealed to the FEE as a result of the BNP Examiner's queries but not made public) would have a substantial effect on the AONB. Hankinson Duckett Associates ignore the issue (see Section 4 on Benenden in the main report and photos B1 and B2 in *Supporting Plans and Photographs , Benenden*).
- . offers photos (B5 & B6) which are irrelevant to the site in question. These photos look south towards an area not up for development, and are taken from a point also not up for development. These omissions undermine the report's conclusion.
- . ***Inset Map 18 (Benenden Hospital)***, unlike other maps attached as supporting documents to the PSLP, Inset Map 18 makes no reference to the AONB boundary. This is a significant omission because both the PSLP and the BNP claim that the hospital is outside the AONB and on this basis, largely justify placing most of Benenden's housing in the East End. Because AL/BE3&4 lie on a high ridge to the north of the parish and because the AONB boundary wraps tightly round the site which bulges, like a balloon, into the AONB, development at the East End significantly affects the AONB. While TWBC acknowledges this by requesting the Hankinson Duckett Report, by publishing Inset Map 18, which omits the AONB boundary, TWBC loses a critical opportunity to show the true relevance of AL/BE 3&4 to the AONB. It could even be said that by leaving out the boundary, there is an implication that the hospital sites are genuinely 'outside' the protected area.
- . ***Previous Stages, Draft Local Plan, Benenden Overview***, p263, provides a basis for the PSLP but contains inaccuracies.
  - . There is no "pre-school/nursery" as stated in the Overview
  - . There is no "Small shop at hospital" as stated in the Overview
  - . The statement that there are tennis courts and a café at the site is misleading. In TWFDLP Comments, Savills requests (see DLP\_4956 para 3.14) that "the requirement to incorporate the tennis courts and retain the sports pavilion is removed". As for the café, BHS states in its comments on the LP that the café is for hospital use only - "the existing hospital buildings ... have only been designed for hospital use". See TWFDLP detailed additional submissions from Savills "*Representation to the TWBC Draft Local Plan Regulation 18*" 2- Sept- 1Nov 2019 para 3.18 and 3.19)

#### **4. Sustainability Appraisal**

As far as the East End of Benenden is concerned, the plan is unsound because the **Sustainability Appraisal**, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

**An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.**

**Climate Change:** AL/BE3&4 are not scored for climate change, nor are sites 158 & 222, yet, inexplicably, climate change is scored for AL/BE1&2 (Uphill and Feoffee) and for LS8. Where is the explanation for the failure to assess all sites, especially when sites 158, 222, AL/BE1&2 are all close to each other? The issue is particularly concerning in that sites AL/BE3&4 are both 3 miles distant from the village and without any amenities. Residents at these sites will be heavily car dependent and this was of concern even when only 24 houses were proposed for the site. "You will see from KCC's comments on the hybrid application (12/03130) that in consideration of this earlier application for 24 dwellings, the highways authority raised concern that all residents will be very heavily car dependent, which is contrary to a number of policy objectives, including the NPPF." (see KCC Pre-App Response, 13 Nov 2019, revealed in response to the BNP's Independent Examiner's queries and still not in the public arena).

**Biodiversity:** AL/BE3 is considered to be less at risk in terms of biodiversity than AL/BE4 though AL/BE 3 has two Local Wildlife Sites (LWS) while AL/BE 4 has only one. Where is the evidence to support the idea that the one is less important for biodiversity than the other?

The SA's scoring is not supported by evidence in a letter from Keith Nicholson of the Kent Wildlife Trust, former Planning and Conservation officer for the Kent Wildlife Trust (KWT), dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert in which he states, "The 2012 survey has demonstrated that Benenden hospital LWS is more valuable than previously believed. The applicant's consultant is now more firmly of the belief that the Site would fulfil the criteria for it to be considered a Site of Special Scientific Interest (paragraph 4.3.6.). The waxcap community is of national importance when judged against both the Reid classification (para 4.3.4.) and the JNCC Guidelines (para 4.3.5.)."

Nor is it supported by the view of the HW-AONB as stated in TWFDLP Comments (see DLP\_3458) that the hospital LWS *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* Neither the KWT nor the HW-AONB offer any indication that one or other of the LWS at the hospital is of less value than the rest. Further, we now know from (see web link),

Regulation 18 Representation made by Benenden Healthcare Society, November 2019, that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that "The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."

In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE4 see (in the same document) para 3.17. "In addition, as highlighted in paragraph 3.13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (LWS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the LWS and / or sports provision is removed from the policy requirement." Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

**Business Growth:** AL/BE3&4 are scored as if they were more favourable to business growth than AL/BE1&2 and sites 158 and 222, but all four of these last-mentioned sites are in the heart of the village where residents will have ready access to local businesses as well as to daily bus services and other services and facilities. Residents at the East End, on the other hand, will have no access to local businesses except by car.

**Education:** All sites in this SA are scored equally for education, except for site 158 which scores less well. This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the *Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options* report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape

character. There are limited views into the site and no public rights of way over the site.” On page 38, we read, “This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels”. In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158’s owners to build houses there. If, in 2006, the SA offered site 158 as one of two top sites in the village for building the new primary school, where is the evidence that it’s appropriateness has somehow massively declined since then? Where is the evidence site 158 is less favourable to education than all the other sites mentioned, especially given that the hospital sites, so favoured for development, are three miles distant from the village school?

Table 58 states that “the education objective does not deteriorate when considering the cumulative effects as the schools in Tenterden will be a viable option for residents in East End.” Children from the East End will have priority over the between 70 and 75% of the existing pupils at the school who come from outside the parish. On what basis is the assumption made that East End parents will prefer to drive their children 6 miles into Tenterden than drive to the primary school in their own village?

**Heritage:** AL/BE 3 scores slightly less well in terms of its heritage value than AL/BE4 without supporting evidence. How were heritage issues assessed when there is no apparent knowledge of the historic importance of the site, for example: the PSLP makes no mention of the Roman road a few yards south of AL/BE3; the medieval driveway (GGR), which runs through the site and along the ridge; and the Bronze Age palstaff found at the hospital site (National Monument Register - SMR Number/Hob UID). How can a site be scored or evaluated without at least some knowledge of the sites historic significance? This is available at (see web link) and advertised on the Benenden village website.

**Services and Facilities:** How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children’s playground, church, memorial hall, village hall and a primary school. In spite of this, sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

## 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.**

Many of the PSLP’s problems are associated with failure in the duty to co-operate and can therefore not be remedied.

Many are due to poor evidence or poor interpretation of evidence. This too cannot be remedied.

In summary, development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any

more. It should therefore be excluded. Housing should be allocated to sites such as 158 and 222 in the village centre, or to LS8 in Iden Green. These sites all lie within walking distance of shops, other amenities and the primary school. Paragraphs 5.421 and 5.422 should be omitted.

#### 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:**

In order to present my case and to answer those with vested interests who may seek to put forward arguments against it.

#### Question 8

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

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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:**

<input type="checkbox"/>	Yes, I wish to be notified of future stages of the Local Plan
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## Comment

Consultee	Mr Reuben Collingwood ( [REDACTED] )
Address	[REDACTED] [REDACTED] Benenden TN17 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Reuben Collingwood ( [REDACTED] )
Comment ID	PSLP_2119
Response Date	03/06/21 11:50
Consultation Point	Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End ( <a href="#">View</a> )
Status	Processed
Submission Type	Other
Version	0.7
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Reuben Collingwood
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/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End

Paragraph No(s) 5.420, 5.421

Policies Map (Inset Map No(s)) 18

*[TWBC: this representation has been input against Policies AL/BE 3 and AL/BE 4 - please see Comment Numbers PSLP\_2117 and PSLP\_2119]*

**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.**

This representation relates to the Pre-submission Local Plan(PSLP) and its handling of the parish of Benenden

##### **1. The plan is unsound because of inadequacies in the consultation process.**

##### **(i) Poor consultation between TWBC and other Borough Councils**

**A Statement of Common Ground (SoCG) between Maidstone and Tunbridge Wells Borough Councils (TWBC)** is published, but nothing is apparently published in relation to Ashford Borough Council or Tonbridge and Malling Borough Council.

##### **(ii) Poor consultation between TWBC, the parish of Benenden and the Benenden Healthcare Society (BHS), the single landowner of those sites in the East End of Benenden where most of Benenden's houses are allocated.**

**(iii) There is no Statement of Common Ground between TWBC and the Benenden Neighbourhood Plan (BNP)** although a SoCG was listed as a supporting document to the BNP Reg 14. This is significant *because the two plans, though identical in their choice of sites, show different areas within those sites for development at the East End, and both plans differ from the view of BHS.* BHS's position is presented to the public through its comments on the first draft of the Local Plan (TWFDLP Comments) (see (see web link)

- . Looking at the issue in terms of its hectarage:
  - . according to the PSLP the northern site (AL/BE4) is 3.72 ha and the South East Quadrant (SEQ or AL/BE3) is 3.07 ha;
  - . according to the Benenden Neighbourhood Plan (BNP), the northern site (called LS41 in the BNP, see para 2.9.4.2.) is 1.9 ha and SEQ (called 424 plus LS40b, see para 2.9.3.2) is 4.24 ha.
  - . according to BHS, the northern site is 3.7 ha and the southern site is 4.2 ha (see TWFDLP comments), Savills for BHS: DLP\_4956)

The hectarage varies largely according to whether Local Wildlife Sites (LWS) are included in the development area. There are four LWS at the hospital. One of these lies in the northern area (AL/BE4) and two lie in the southern area (AL/BE3). The fourth is in an area not up for development.



- For AL/BE3, the PSLP excludes the second and the most southerly of its two Local Wildlife Sites (LWS), while the BNP includes both LWS. *Currently, Strutt and Parker are advertising to developers the larger, BNP version of the site for sale, together with Cleveland Farm.* The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE3 is incorrect.
- For AL/BE4, the PSLP *includes* all the LWS at the site, while the BNP includes only a small southerly section of it. The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE4 is incorrect.
- For AL/BE4, Savills' comments on behalf of the BHS (see TWFDLP comments), propose 43 dwellings for the site, which will include the LWS (see TWFDLP Comments, item DLP\_4956 para 3.6), "Unlike the BNP, the TWLP is broader in the site area by providing a boundary encompassing the entire hospital site, yet aside from the discrepancy addressed previously in this representation the two allocations align in terms of proposed numbers. The Society intends to bring forward the development on the two sites identified through the BNP *and within the boundary identified in the TWLP.* The Society welcomes the consistent approach to unit numbers, and the allocation of both parcels of land through the draft BNP and the TWLP."

In terms of boundaries:

- BHS understands (see DLP\_4956, para 2.8 in TWFDLP Comments) "The North East Quadrant occupies the North East of the site, bordered to the North and East by Mockbeggar Lane, to the south by Goddards Green Lane / Benenden Road and the West by existing hospital buildings." *In other words, it includes the entire LWS in its area.*
- To the south, BHS understands (see DLP\_4956, para 2.9 in TWFDLP comments), "The South East Quadrant occupies the South East of the site, bordered to the north by Goddards Green Lane / Benenden Road, to the West by Green Lane and to the South and East by agricultural land and the High Weald AONB boundary." *In other words, it includes the whole of the more southerly of the two LWS at the site.*

This means that PSLP's AL/BE3 is inaccurate because the larger BNP plan will likely prevail, while the PSLP's AL/BE4 could be challenged by the BNP (if successful in a referendum) (see PSLP para 5.421) and substantially reduced in size. The PSLP's plans for the two hospital plans are therefore both potentially inaccurate.

A failure to coordinate and effectively consult has produced unsound documents.

**(iv) Poor consultation with stakeholders, the local community and the neighbouring parish**

(possibly even more affected by the plans than Benenden). These parties have either not been consulted, or consulted after the fact or consulted but not engaged with.

- The **Friends of the East End (FEE)** are more affected by the plans than most in the parish but they were not consulted over the development of the BNP on which the PSLP is based. The FEE are mainly residents of the East End which covers about one third of the parish and is a wholly rural location of 76 scattered households. Because it is isolated, it was chosen as the site for an isolation hospital. This now makes up a small enclave close to the border with the neighbouring parish of Biddenden.
  - The BNP Steering Committee is the only one in the borough to have made its own site allocations and these allocations were published in an Informal Draft Plan in February 2019, before consultations with the High Weald -AONB and before inviting AECOM to produce a Strategic Environmental Assessment (SEA). (N.B. Even when the HW-AONB were invited to assess sites, they were NOT asked to assess the hospital sites).
  - The FEE object strongly to the proposal to site almost all the new housing in the East End, but the BNP Steering Committee never asked to meet the FEE nor engaged with them (See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others).
  - The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the IDP (published on February 23, 2019), in which the allocations, later adopted by the PSLP were first set out. A second FEE submission with 164 signatures was submitted in October 2019 objecting to the TWFDLP, and in the same month, a third FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. Instead of acknowledging

the strength of these views and the number of people who held them, the chair of the BNP Steering Group, who wrote a regular column in the Parish Magazine about the BNP process, wrote in January 2020, that only “31 residents from the East End” had sent in “comments”. For the strength of today’s opposition to the BNP, see the FEE’s current online petition with over 450 signatures (see web link) .

Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. The *ensuing chaos hardly bears thinking about*. At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”

Consultation also failed in relation to the neighbouring **parish of Biddenden**. The Clerk of Biddenden Council has repeatedly responded to Benenden Parish Council in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of consultations with the parish of Biddenden in the Biddenden Parish Magazine, February 2021.

## **2. The plan is unsound because of the untimely publication of site allocations**

Pre-Submission Local Plan, para 5.420 reads “The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020.” But the allocations had already been made and published by the BNP in February 2019 in its so called “Informal Draft Plan”. The 2019 February allocations are virtually identical to the PSLP 2021 allocations. Para 5.420 states “The BNP proposes to include site “allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan.” How can the BNP follow the PSLP’s approach when its sites were already allocated? Because the PSLP is founded on site allocations made by the BNP, the unsoundness of the latter carries over and produces unsoundness in the former.

The LP is based on the BNP and BNP allocations were made before **consultations with stakeholders**. This is not consulting in a timely fashion. For example, the PSLP requires archaeological surveys of the hospital sites *after* the designation of the sites for development. Historic England (HE) asks for the surveys to be carried out *before* allocation (see TWFDLP Comments DLP\_4556 - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted*.”

## **3. The plan is unsound because the evidence on which it is based is inaccurate or irrelevant**

### **Supporting Documents**

**AONB Setting Analysis report: Main Report and AONB Study Plans and Photographs Benenden Hospital/Hankinson Duckett Associates.** November 2020.

See para 4.4.2, the description of the hospital site is for the *entire built up-hospital area*, minus the southerly LWS in the SEQ. It is therefore a *report on an area not submitted in the PSLP*. As a result, it draws its conclusions from areas not included in the PSLP. The conclusions are therefore unsound.

The report:

is concerned with adding 66-72 additional dwellings in addition to the 18 already extant on the northern site and presumably in addition to the 24 for which planning permission has been granted. That is between 108 and 114 new houses. The PSLP is talking about planning 43 houses for the northern site and 49 for the south. A total of 92 new houses. The report muddies the waters, leaving no clarity.

fails to note items of critical importance in any attempt to evaluate the landscape and historic importance of the site e.g.

- that the site is on an east-west ridge giving it a dominant position in relation to the AONB;
- the east-west Roman Road running over Benenden Healthcare Society (BHS) land a few yards to the south of the site, and the medieval drove road (Goddards Green Road - GGR) which divides the northern site from the southern one;

- . the National Monument Register which lists a Bronze Age palstaff (SMR Number/Hob UID) found at the hospital site, (though, oddly, the report does note Scheduled Monuments in the village);
- . that the SEQ development proposes two entrances on to Green Lane and two on to GGR, see Transport Planning Associates (tpa)- October 2019 Scoping note for BHS, 1907-038 under the section headed 'Access', para 4 .4 "The consented vehicle access arrangements will be retained. Therefore, vehicle access to the Site will be taken from two access points along Goddards Green Road and two on Green Lane." (This and other documents were revealed to the FEE in May 2021 as a result of the BNP Independent Examiner's queries. In spite of the Examiner's request that all such material be published on-line, this document and the KCC Highways 13 Nov 2019 "Pre-App Response" have been not been published). Such entrances will seriously impact the AONB. Both Goddards Green and Green Lane are designated Rural Lanes, and, of the two, Green Lane is mentioned as a particularly high scoring lane (for its beauty and tranquillity) in *TWBC's Rural Lanes: Supplementary Planning Guidance*. Creating a series of broad entrances large enough so that an "11.4 m refuse vehicle can enter and leave the site in forward gear (see KCC Pre-App Response 13-11-19, a document revealed to the FEE as a result of the BNP Examiner's queries but not made public) would have a substantial effect on the AONB. Hankinson Duckett Associates ignore the issue (see Section 4 on Benenden in the main report and photos B1 and B2 in *Supporting Plans and Photographs , Benenden*).
- . offers photos (B5 & B6) which are irrelevant to the site in question. These photos look south towards an area not up for development, and are taken from a point also not up for development. These omissions undermine the report's conclusion.
- . ***Inset Map 18 (Benenden Hospital)***, unlike other maps attached as supporting documents to the PSLP, Inset Map 18 makes no reference to the AONB boundary. This is a significant omission because both the PSLP and the BNP claim that the hospital is outside the AONB and on this basis, largely justify placing most of Benenden's housing in the East End. Because AL/BE3&4 lie on a high ridge to the north of the parish and because the AONB boundary wraps tightly round the site which bulges, like a balloon, into the AONB, development at the East End significantly affects the AONB. While TWBC acknowledges this by requesting the Hankinson Duckett Report, by publishing Inset Map 18, which omits the AONB boundary, TWBC loses a critical opportunity to show the true relevance of AL/BE 3&4 to the AONB. It could even be said that by leaving out the boundary, there is an implication that the hospital sites are genuinely 'outside' the protected area.
- . ***Previous Stages, Draft Local Plan, Benenden Overview***, p263, provides a basis for the PSLP but contains inaccuracies.
  - . There is no "pre-school/nursery" as stated in the Overview
  - . There is no "Small shop at hospital" as stated in the Overview
  - . The statement that there are tennis courts and a café at the site is misleading. In TWFDLP Comments, Savills requests (see DLP\_4956 para 3.14) that "the requirement to incorporate the tennis courts and retain the sports pavilion is removed". As for the café, BHS states in its comments on the LP that the café is for hospital use only - "the existing hospital buildings ... have only been designed for hospital use". See TWFDLP detailed additional submissions from Savills "*Representation to the TWBC Draft Local Plan Regulation 18*" 2- Sept- 1Nov 2019 para 3.18 and 3.19)

#### **4. Sustainability Appraisal**

As far as the East End of Benenden is concerned, the plan is unsound because the **Sustainability Appraisal**, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

**An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.**

**Climate Change:** AL/BE3&4 are not scored for climate change, nor are sites 158 & 222, yet, inexplicably, climate change is scored for AL/BE1&2 (Uphill and Feoffee) and for LS8. Where is the explanation for the failure to assess all sites, especially when sites 158, 222, AL/BE1&2 are all close

to each other? The issue is particularly concerning in that sites AL/BE3&4 are both 3 miles distant from the village and without any amenities. Residents at these sites will be heavily car dependent and this was of concern even when only 24 houses were proposed for the site. "You will see from KCC's comments on the hybrid application (12/03130) that in consideration of this earlier application for 24 dwellings, the highways authority raised concern that all residents will be very heavily car dependent, which is contrary to a number of policy objectives, including the NPPF." (see KCC Pre-App Response, 13 Nov 2019, revealed in response to the BNP's Independent Examiner's queries and still not in the public arena).

**Biodiversity:** AL/BE3 is considered to be less at risk in terms of biodiversity than AL/BE4 though AL/BE 3 has two Local Wildlife Sites (LWS) while AL/BE 4 has only one. Where is the evidence to support the idea that the one is less important for biodiversity than the other?

The SA's scoring is not supported by evidence in a letter from Keith Nicholson of the Kent Wildlife Trust, former Planning and Conservation officer for the Kent Wildlife Trust (KWT), dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert in which he states, "The 2012 survey has demonstrated that Benenden hospital LWS is more valuable than previously believed. The applicant's consultant is now more firmly of the belief that the Site would fulfil the criteria for it to be considered a Site of Special Scientific Interest (paragraph 4.3.6.). The waxcap community is of national importance when judged against both the Reid classification (para 4.3.4.) and the JNCC Guidelines (para 4.3.5.)."

Nor is it supported by the view of the HW-AONB as stated in TWFDLP Comments (see DLP\_3458) that the hospital LWS *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* Neither the KWT nor the HW-AONB offer any indication that one or other of the LWS at the hospital is of less value than the rest. Further, we now know from (see web link),

Regulation 18 Representation made by Benenden Healthcare Society, November 2019, that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that "The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."

In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE4 see (in the same document) para 3.17. "In addition, as highlighted in paragraph 3.13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (LWS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the LWS and / or sports provision is removed from the policy requirement." Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

**Business Growth:** AL/BE3&4 are scored as if they were more favourable to business growth than AL/BE1&2 and sites 158 and 222, but all four of these last-mentioned sites are in the heart of the village where residents will have ready access to local businesses as well as to daily bus services and other services and facilities. Residents at the East End, on the other hand, will have no access to local businesses except by car.

**Education:** All sites in this SA are scored equally for education, except for site 158 which scores less well. This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the *Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options* report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the

less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there. If, in 2006, the SA offered site 158 as one of two top sites in the village for building the new primary school, where is the evidence that it's appropriateness has somehow massively declined since then? Where is the evidence site 158 is less favourable to education than all the other sites mentioned, especially given that the hospital sites, so favoured for development, are three miles distant from the village school?

Table 58 states that "the education objective does not deteriorate when considering the cumulative effects as the schools in Tenterden will be a viable option for residents in East End." Children from the East End will have priority over the between 70 and 75% of the existing pupils at the school who come from outside the parish. On what basis is the assumption made that East End parents will prefer to drive their children 6 miles into Tenterden than drive to the primary school in their own village?

**Heritage:** AL/BE 3 scores slightly less well in terms of its heritage value than AL/BE4 without supporting evidence. How were heritage issues assessed when there is no apparent knowledge of the historic importance of the site, for example: the PSLP makes no mention of the Roman road a few yards south of AL/BE3; the medieval droveway (GGR), which runs through the site and along the ridge; and the Bronze Age palstaff found at the hospital site (National Monument Register - SMR Number/Hob UID). How can a site be scored or evaluated without at least some knowledge of the sites historic significance? This is available at (see web link) and advertised on the Benenden village website.

**Services and Facilities:** How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children's playground, church, memorial hall, village hall and a primary school. In spite of this, sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

## 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.**

Many of the PSLP's problems are associated with failure in the duty to co-operate and can therefore not be remedied.

Many are due to poor evidence or poor interpretation of evidence. This too cannot be remedied.

In summary, development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites such as 158 and 222 in the village centre, or to LS8 in Iden Green. These sites all lie within walking distance of shops, other amenities and the primary school. Paragraphs 5.421 and 5.422 should be omitted.



## 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:**

In order to present my case and to answer those with vested interests who may seek to put forward arguments against it.

## Question 8

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

### 4. Sustainability Appraisal

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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:**

<input type="checkbox"/>	Yes, I wish to be notified of future stages of the Local Plan
<input type="checkbox"/>	No, I do not wish to be notified of future stages of the Local Plan



## Comment

Consultee	Mr Sebastian Collingwood ( [REDACTED] )
Address	[REDACTED] [REDACTED] Benenden TN17 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Sebastian Collingwood ( [REDACTED] )
Comment ID	PSLP_2112
Response Date	03/06/21 11:52
Consultation Point	Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End ( <a href="#">View</a> )
Status	Processed
Submission Type	Other
Version	0.6
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Sebastian Collingwood
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/BE 2 Feoffee Cottages and land, Walkhurst Road, Benenden

Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End

Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End

Policy EN 1 Sustainable Design

Paragraph No(s) 5.420, 5.421

Policies Map (Inset Map No(s)) 18

[TWBC: this representation has been input against Policies AL/BE 2, AL/BE 3, AL/BE 4 and EN1 please see Comment Numbers PSLP\_2142, PSLP\_2112, PSLP\_2114 and PSLP\_2143]

#### 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.

This representation relates to the Pre-submission Local Plan(PSLP) and its handling of the parish of Benenden

##### **1. The plan is unsound because of inadequacies in the consultation process.**

##### **(i) Poor consultation between TWBC and other Borough Councils**

**A Statement of Common Ground (SoCG) between Maidstone and Tunbridge Wells Borough Councils (TWBC)** is published, but nothing is apparently published in relation to Ashford Borough Council or Tonbridge and Malling Borough Council.

**(ii) Poor consultation between TWBC, the parish of Benenden and the Benenden Healthcare Society (BHS), the single landowner of those sites in the East End of Benenden where most of Benenden's houses are allocated.**

**(iii) There is no Statement of Common Ground between TWBC and the Benenden Neighbourhood Plan (BNP)** although a SoCG was listed as a supporting document to the BNP Reg 14. This is significant because the two plans, though identical in their choice of sites, show different areas within those sites for development at the East End, and both plans differ from the view of BHS. BHS's position is presented to the public through its comments on the first draft of the Local Plan (TWFDLP Comments) (see (see web link)

- . Looking at the issue in terms of its hectareage:
  - . according to the PSLP the northern site (AL/BE4) is 3.72 ha and the South East Quadrant (SEQ or AL/BE3) is 3.07 ha;
  - . according to the Benenden Neighbourhood Plan (BNP), the northern site (called LS41 in the BNP, see para 2.9.4.2.) is 1.9 ha and SEQ (called 424 plus LS40b, see para 2.9.3.2) is 4.24 ha.

- according to BHS, the northern site is 3.7 ha and the southern site is 4.2 ha (see TWFDLP comments), Savills for BHS: DLP\_4956)
- The hectareage varies largely according to whether Local Wildlife Sites (LWS) are included in the development area. There are four LWS at the hospital. One of these lies in the northern area (AL/BE4) and two lie in the southern area (AL/BE3). The fourth is in an area not up for development.
- For AL/BE3, the PSLP excludes the second and the most southerly of its two Local Wildlife Sites (LWS), while the BNP includes both LWS. *Currently, Strutt and Parker are advertising to developers the larger, BNP version of the site for sale, together with Cleveland Farm.* The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE3 is incorrect.
  - For AL/BE4, the PSLP *includes* all the LWS at the site, while the BNP includes only a small southerly section of it. The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE4 is incorrect.
  - For AL/BE4, Savills' comments on behalf of the BHS (see TWFDLP comments), propose 43 dwellings for the site, which will include the LWS (see TWFDLP Comments, item DLP\_4956 para 3.6), "Unlike the BNP, the TWLP is broader in the site area by providing a boundary encompassing the entire hospital site, yet aside from the discrepancy addressed previously in this representation the two allocations align in terms of proposed numbers. The Society intends to bring forward the development on the two sites identified through the BNP *and within the boundary identified in the TWLP*. The Society welcomes the consistent approach to unit numbers, and the allocation of both parcels of land through the draft BNP and the TWLP."

In terms of boundaries:

- BHS understands (see DLP\_4956, para 2.8 in TWFDLP Comments) "The North East Quadrant occupies the North East of the site, bordered to the North and East by Mockbeggar Lane, to the south by Goddards Green Lane / Benenden Road and the West by existing hospital buildings." *In other words, it includes the entire LWS in its area.*
- To the south, BHS understands (see DLP\_4956, para 2.9 in TWFDLP comments), "The South East Quadrant occupies the South East of the site, bordered to the north by Goddards Green Lane / Benenden Road, to the West by Green Lane and to the South and East by agricultural land and the High Weald AONB boundary." *In other words, it includes the whole of the more southerly of the two LWS at the site.*

This means that PSLP's AL/BE3 is inaccurate because the larger BNP plan will likely prevail, while the PSLP's AL/BE4 could be challenged by the BNP (if successful in a referendum) (see PSLP para 5.421) and substantially reduced in size. The PSLP's plans for the two hospital plans are therefore both potentially inaccurate.

A failure to coordinate and effectively consult has produced unsound documents.

(iv) **Poor consultation with stakeholders, the local community and the neighbouring parish** (possibly even more affected by the plans than Benenden). These parties have either not been consulted, or consulted after the fact or consulted but not engaged with.

- The **Friends of the East End** (FEE) are more affected by the plans than most in the parish but they were not consulted over the development of the BNP on which the PSLP is based. The FEE are mainly residents of the East End which covers about one third of the parish and is a wholly rural location of 76 scattered households. Because it is isolated, it was chosen as the site for an isolation hospital. This now makes up a small enclave close to the border with the neighbouring parish of Biddenden.
  - The BNP Steering Committee is the only one in the borough to have made its own site allocations and these allocations were published in an Informal Draft Plan in February 2019, before consultations with the High Weald -AONB and before inviting AECOM to produce a Strategic Environmental Assessment (SEA). (N.B. Even when the HW-AONB were invited to assess sites, they were NOT asked to assess the hospital sites).
  - The FEE object strongly to the proposal to site almost all the new housing in the East End, but the BNP Steering Committee never asked to meet the FEE nor engaged with them (See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others).

- The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the IDP (published on February 23, 2019), in which the allocations, later adopted by the PSLP were first set out. A second FEE submission with 164 signatures was submitted in October 2019 objecting to the TWFDLP, and in the same month, a third FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. Instead of acknowledging the strength of these views and the number of people who held them, the chair of the BNP Steering Group, who wrote a regular column in the Parish Magazine about the BNP process, wrote in January 2020, that only “31 residents from the East End” had sent in “comments”. For the strength of today’s opposition to the BNP, see the FEE’s current online petition with over 450 signatures (see web link) .
- Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. The *ensuing chaos hardly bears thinking about*. At least it seems the opinions now being afforded most weight are those *of people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”
- Consultation also failed in relation to the neighbouring **parish of Biddenden**. The Clerk of Biddenden Council has repeatedly responded to Benenden Parish Council in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of consultations with the parish of Biddenden in the Biddenden Parish Magazine, February 2021.

## **2. The plan is unsound because of the untimely publication of site allocations**

- Pre-Submission Local Plan, para 5.420 reads “The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020.” But the allocations had already been made and published by the BNP in February 2019 in its so called “Informal Draft Plan”. The 2019 February allocations are virtually identical to the PSLP 2021 allocations. Para 5.420 states “The BNP proposes to include site “allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan.” How can the BNP follow the PSLP’s approach when its sites were already allocated? Because the PSLP is founded on site allocations made by the BNP, the unsoundness of the latter carries over and produces unsoundness in the former.
- The LP is based on the BNP and BNP allocations were made before **consultations with stakeholders**. This is not consulting in a timely fashion. For example, the PSLP requires archaeological surveys of the hospital sites *after* the designation of the sites for development. Historic England (HE) asks for the surveys to be carried out *before* allocation (see TWFDLP Comments DLP\_4556 - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted*.”

## **3. The plan is unsound because the evidence on which it is based is inaccurate or irrelevant**

### **Supporting Documents**

- AONB Setting Analysis report: Main Report and AONB Study Plans and Photographs Benenden Hospital/Hankinson Duckett Associates.** November 2020.

See para 4.4.2, the description of the hospital site is for the *entire built up-hospital area*, minus the southerly LWS in the SEQ. It is therefore a *report on an area not submitted in the PSLP*. As a result, it draws its conclusions from areas not included in the PSLP. The conclusions are therefore unsound.

The report:

- is concerned with adding 66-72 additional dwellings in addition to the 18 already extant on the northern site and presumably in addition to the 24 for which planning permission has been granted. That is between 108 and 114 new houses. The PSLP is talking about planning 43 houses for the northern sight and 49 for the south. A total of 92 new houses. The report muddies the waters, leaving no clarity.

- . fails to note items of critical importance in any attempt to evaluate the landscape and historic importance of the site e.g.
  - . that the site is on an east-west ridge giving it a dominant position in relation to the AONB;
  - . the east-west Roman Road running over Benenden Healthcare Society (BHS) land a few yards to the south of the site, and the medieval drove road (Goddards Green Road - GGR) which divides the northern site from the southern one;
  - . the National Monument Register which lists a Bronze Age palstaff (SMR Number/Hob UID) found at the hospital site, (though, oddly, the report does note Scheduled Monuments in the village);
  - . that the SEQ development proposes two entrances on to Green Lane and two on to GGR, see Transport Planning Associates (tpa)- October 2019 Scoping note for BHS, 1907-038 under the section headed 'Access', para 4 .4 "The consented vehicle access arrangements will be retained. Therefore, vehicle access to the Site will be taken from two access points along Goddards Green Road and two on Green Lane." (This and other documents were revealed to the FEE in May 2021 as a result of the BNP Independent Examiner's queries. In spite of the Examiner's request that all such material be published on-line, this document and the KCC Highways 13 Nov 2019 "Pre-App Response" have been not been published). Such entrances will seriously impact the AONB. Both Goddards Green and Green Lane are designated Rural Lanes, and, of the two, Green Lane is mentioned as a particularly high scoring lane (for its beauty and tranquillity) in *TWBC's Rural Lanes: Supplementary Planning Guidance*. Creating a series of broad entrances large enough so that an "11.4 m refuse vehicle can enter and leave the site in forward gear (see KCC Pre-App Response 13-11-19, a document revealed to the FEE as a result of the BNP Examiner's queries but not made public) would have a substantial effect on the AONB. Hankinson Duckett Associates ignore the issue (see Section 4 on Benenden in the main report and photos B1 and B2 in *Supporting Plans and Photographs* , Benenden).
- . offers photos (B5 & B6) which are irrelevant to the site in question. These photos look south towards an area not up for development, and are taken from a point also not up for development. These omissions undermine the report's conclusion.
- . ***Inset Map 18 (Benenden Hospital)***, unlike other maps attached as supporting documents to the PSLP, Inset Map 18 makes no reference to the AONB boundary. This is a significant omission because both the PSLP and the BNP claim that the hospital is outside the AONB and on this basis, largely justify placing most of Benenden's housing in the East End. Because AL/BE3&4 lie on a high ridge to the north of the parish and because the AONB boundary wraps tightly round the site which bulges, like a balloon, into the AONB, development at the East End significantly affects the AONB. While TWBC acknowledges this by requesting the Hankinson Duckett Report, by publishing Inset Map 18, which omits the AONB boundary, TWBC loses a critical opportunity to show the true relevance of AL/BE 3&4 to the AONB. It could even be said that by leaving out the boundary, there is an implication that the hospital sites are genuinely 'outside' the protected area.
- . **Previous Stages, Draft Local Plan, Benenden Overview**, p263, provides a basis for the PSLP but contains inaccuracies.
  - . There is no "pre-school/nursery" as stated in the Overview
  - . There is no "Small shop at hospital" as stated in the Overview
  - . The statement that there are tennis courts and a café at the site is misleading. In TWFDLP Comments, Savills requests (see DLP\_4956 para 3.14) that "the requirement to incorporate the tennis courts and retain the sports pavilion is removed". As for the café, BHS states in its comments on the LP that the café is for hospital use only - "the existing hospital buildings ... have only been designed for hospital use". See TWFDLP detailed additional submissions from Savills "*Representation to the TWBC Draft Local Plan Regulation 18*" 2- Sept- 1Nov 2019 para 3.18 and 3.19)

#### **4. Sustainability Appraisal**

As far as the East End of Benenden is concerned, the plan is unsound because the **Sustainability Appraisal**, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

**An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.**

**Climate Change:** AL/BE3&4 are not scored for climate change, nor are sites 158 & 222, yet, inexplicably, climate change is scored for AL/BE1&2 (Uphill and Feoffee) and for LS8. Where is the explanation for the failure to assess all sites, especially when sites 158, 222, AL/BE1&2 are all close to each other? The issue is particularly concerning in that sites AL/BE3&4 are both 3 miles distant from the village and without any amenities. Residents at these sites will be heavily car dependent and this was of concern even when only 24 houses were proposed for the site. "You will see from KCC's comments on the hybrid application (12/03130) that in consideration of this earlier application for 24 dwellings, the highways authority raised concern that all residents will be very heavily car dependent, which is contrary to a number of policy objectives, including the NPPF." (see KCC Pre-App Response, 13 Nov 2019, revealed in response to the BNP's Independent Examiner's queries and still not in the public arena).

**Biodiversity:** AL/BE3 is considered to be less at risk in terms of biodiversity than AL/BE4 though AL/BE 3 has two Local Wildlife Sites (LWS) while AL/BE 4 has only one. Where is the evidence to support the idea that the one is less important for biodiversity than the other?

The SA's scoring is not supported by evidence in a letter from Keith Nicholson of the Kent Wildlife Trust, former Planning and Conservation officer for the Kent Wildlife Trust (KWT), dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert in which he states, "The 2012 survey has demonstrated that Benenden hospital LWS is more valuable than previously believed. The applicant's consultant is now more firmly of the belief that the Site would fulfil the criteria for it to be considered a Site of Special Scientific Interest (paragraph 4.3.6.). The waxcap community is of national importance when judged against both the Reid classification (para 4.3.4.) and the JNCC Guidelines (para 4.3.5.)."

Nor is it supported by the view of the HW-AONB as stated in TWFDLP Comments (see DLP\_3458) that the hospital LWS *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* Neither the KWT nor the HW-AONB offer any indication that one or other of the LWS at the hospital is of less value than the rest. Further, we now know from (see web link),

Regulation 18 Representation made by Benenden Healthcare Society, November 2019, that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that "The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."

In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE4 see (in the same document) para 3.17. "In addition, as highlighted in paragraph 3.13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (LWS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the LWS and / or sports provision is removed from the policy requirement." Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

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adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site.” On page 38, we read, “This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels”. In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158’s owners to build houses there. If, in 2006, the SA offered site 158 as one of two top sites in the village for building the new primary school, where is the evidence that it’s appropriateness has somehow massively declined since then? Where is the evidence site 158 is less favourable to education than all the other sites mentioned, especially given that the hospital sites, so favoured for development, are three miles distant from the village school?

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## 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.**

Many of the PSLP’s problems are associated with failure in the duty to co-operate and can therefore not be remedied.

Many are due to poor evidence or poor interpretation of evidence. This too cannot be remedied.

In summary, development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic

value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites such as 158 and 222 in the village centre, or to LS8 in Iden Green. These sites all lie within walking distance of shops, other amenities and the primary school. Paragraphs 5.421 and 5.422 should be omitted.

#### 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:**

In order to present my case and to answer those with vested interests who may seek to put forward arguments against it.

#### Question 8

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

##### 4. Sustainability Appraisal

As far as the East End of Benenden is concerned, the plan is unsound because the Sustainability Appraisal, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect. An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.

Climate Change: AL/BE3&4 are not scored for climate change, nor are sites 158 & 222, yet, inexplicably, climate change is scored for AL/BE1&2 (Uphill and Feoffee) and for LS8. Where is the explanation for the failure to assess all sites, especially when sites 158, 222, AL/BE1&2 are all close to each other? The issue is particularly concerning in that sites AL/BE3&4 are both 3 miles distant from the village and without any amenities. Residents at these sites will be heavily car dependent and this was of concern even when only 24 houses were proposed for the site. "You will see from KCC's comments on the hybrid application (12/03130) that in consideration of this earlier application for 24 dwellings, the highways authority raised concern that all residents will be very heavily car dependent, which is contrary to a number of policy objectives, including the NPPF." (see KCC Pre-App Response, 13 Nov 2019, revealed in response to the BNP's Independent Examiner's queries and still not in the public arena).

Biodiversity: AL/BE3 is considered to be less at risk in terms of biodiversity than AL/BE4 though AL/BE 3 has two Local Wildlife Sites (LWS) while AL/BE 4 has only one. Where is the evidence to support the idea that the one is less important for biodiversity than the other?

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demonstrated that Benenden hospital LWS is more valuable than previously believed. The applicant's consultant is now more firmly of the belief that the Site would fulfil the criteria for it to be considered a Site of Special Scientific Interest (paragraph 4.3.6.). The waxcap community is of national importance when judged against both the Reid classification (para 4.3.4.) and the JNCC Guidelines (para 4.3.5.)." Nor is it supported by the view of the HW-AONB as stated in TWFDLP Comments (see DLP\_3458) that the hospital LWS "includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network." Neither the KWT nor the HW-AONB offer any indication that one or other of the LWS at the hospital is of less value than the rest. Further, we now know from (see web link),

Regulation 18 Representation made by Benenden Healthcare Society, November 2019, that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that "The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."

In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE4 see (in the same document) para 3.17. "In addition, as highlighted in paragraph 3.13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (LWS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the LWS and / or sports provision is removed from the policy requirement." Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

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Heritage: AL/BE 3 scores slightly less well in terms of its heritage value than AL/BE4 without supporting evidence. How were heritage issues assessed when there is no apparent knowledge of the historic importance of the site, for example: the PSLP makes no mention of the Roman road a few yards south of AL/BE3; the medieval droveway (GGR), which runs through the site and along the ridge; and the Bronze Age palstaff found at the hospital site (National Monument Register - SMR Number/Hob UID). How can a site be scored or evaluated without at least some knowledge of the sites historic significance?

This is available at (see web link) and advertised on the Benenden village website.

Services and Facilities: How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children's playground, church, memorial hall, village hall and a primary school. In spite of this, sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

### **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 Sebastian Collingwood ( [REDACTED] )
Address	[REDACTED] [REDACTED] Benenden TN17 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Sebastian Collingwood ( [REDACTED] )
Comment ID	PSLP_2114
Response Date	03/06/21 11:52
Consultation Point	Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End ( <a href="#">View</a> )
Status	Processed
Submission Type	Other
Version	0.6
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Sebastian Collingwood
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/BE 2 Feoffee Cottages and land, Walkhurst Road, Benenden

Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End

Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End

Policy EN 1 Sustainable Design

Paragraph No(s) 5.420, 5.421

Policies Map (Inset Map No(s)) 18

[TWBC: this representation has been input against Policies AL/BE 2, AL/BE 3, AL/BE 4 and EN1 please see Comment Numbers PSLP\_2142, PSLP\_2112, PSLP\_2114 and PSLP\_2143]

#### 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.

This representation relates to the Pre-submission Local Plan(PSLP) and its handling of the parish of Benenden

##### **1. The plan is unsound because of inadequacies in the consultation process.**

##### **(i) Poor consultation between TWBC and other Borough Councils**

**A Statement of Common Ground (SoCG) between Maidstone and Tunbridge Wells Borough Councils (TWBC)** is published, but nothing is apparently published in relation to Ashford Borough Council or Tonbridge and Malling Borough Council.

**(ii) Poor consultation between TWBC, the parish of Benenden and the Benenden Healthcare Society (BHS), the single landowner of those sites in the East End of Benenden where most of Benenden's houses are allocated.**

**(iii) There is no Statement of Common Ground between TWBC and the Benenden Neighbourhood Plan (BNP)** although a SoCG was listed as a supporting document to the BNP Reg 14. This is significant because the two plans, though identical in their choice of sites, show different areas within those sites for development at the East End, and both plans differ from the view of BHS. BHS's position is presented to the public through its comments on the first draft of the Local Plan (TWFDLP Comments) (see (see web link)

- . Looking at the issue in terms of its hectareage:
  - . according to the PSLP the northern site (AL/BE4) is 3.72 ha and the South East Quadrant (SEQ or AL/BE3) is 3.07 ha;
  - . according to the Benenden Neighbourhood Plan (BNP), the northern site (called LS41 in the BNP, see para 2.9.4.2.) is 1.9 ha and SEQ (called 424 plus LS40b, see para 2.9.3.2) is 4.24 ha.

- according to BHS, the northern site is 3.7 ha and the southern site is 4.2 ha (see TWFDLP comments), Savills for BHS: DLP\_4956)
- The hectareage varies largely according to whether Local Wildlife Sites (LWS) are included in the development area. There are four LWS at the hospital. One of these lies in the northern area (AL/BE4) and two lie in the southern area (AL/BE3). The fourth is in an area not up for development.
- For AL/BE3, the PSLP excludes the second and the most southerly of its two Local Wildlife Sites (LWS), while the BNP includes both LWS. *Currently, Strutt and Parker are advertising to developers the larger, BNP version of the site for sale, together with Cleveland Farm.* The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE3 is incorrect.
  - For AL/BE4, the PSLP *includes* all the LWS at the site, while the BNP includes only a small southerly section of it. The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE4 is incorrect.
  - For AL/BE4, Savills' comments on behalf of the BHS (see TWFDLP comments), propose 43 dwellings for the site, which will include the LWS (see TWFDLP Comments, item DLP\_4956 para 3.6), "Unlike the BNP, the TWLP is broader in the site area by providing a boundary encompassing the entire hospital site, yet aside from the discrepancy addressed previously in this representation the two allocations align in terms of proposed numbers. The Society intends to bring forward the development on the two sites identified through the BNP *and within the boundary identified in the TWLP.* The Society welcomes the consistent approach to unit numbers, and the allocation of both parcels of land through the draft BNP and the TWLP."

In terms of boundaries:

- BHS understands (see DLP\_4956, para 2.8 in TWFDLP Comments) "The North East Quadrant occupies the North East of the site, bordered to the North and East by Mockbeggar Lane, to the south by Goddards Green Lane / Benenden Road and the West by existing hospital buildings." *In other words, it includes the entire LWS in its area.*
- To the south, BHS understands (see DLP\_4956, para 2.9 in TWFDLP comments), "The South East Quadrant occupies the South East of the site, bordered to the north by Goddards Green Lane / Benenden Road, to the West by Green Lane and to the South and East by agricultural land and the High Weald AONB boundary." *In other words, it includes the whole of the more southerly of the two LWS at the site.*

This means that PSLP's AL/BE3 is inaccurate because the larger BNP plan will likely prevail, while the PSLP's AL/BE4 could be challenged by the BNP (if successful in a referendum) (see PSLP para 5.421) and substantially reduced in size. The PSLP's plans for the two hospital plans are therefore both potentially inaccurate.

A failure to coordinate and effectively consult has produced unsound documents.

(iv) **Poor consultation with stakeholders, the local community and the neighbouring parish** (possibly even more affected by the plans than Benenden). These parties have either not been consulted, or consulted after the fact or consulted but not engaged with.

- The **Friends of the East End (FEE)** are more affected by the plans than most in the parish but they were not consulted over the development of the BNP on which the PSLP is based. The FEE are mainly residents of the East End which covers about one third of the parish and is a wholly rural location of 76 scattered households. Because it is isolated, it was chosen as the site for an isolation hospital. This now makes up a small enclave close to the border with the neighbouring parish of Biddenden.
  - The BNP Steering Committee is the only one in the borough to have made its own site allocations and these allocations were published in an Informal Draft Plan in February 2019, before consultations with the High Weald -AONB and before inviting AECOM to produce a Strategic Environmental Assessment (SEA). (N.B. Even when the HW-AONB were invited to assess sites, they were NOT asked to assess the hospital sites).
  - The FEE object strongly to the proposal to site almost all the new housing in the East End, but the BNP Steering Committee never asked to meet the FEE nor engaged with them (See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others).

- The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the IDP (published on February 23, 2019), in which the allocations, later adopted by the PSLP were first set out. A second FEE submission with 164 signatures was submitted in October 2019 objecting to the TWFDLP, and in the same month, a third FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. Instead of acknowledging the strength of these views and the number of people who held them, the chair of the BNP Steering Group, who wrote a regular column in the Parish Magazine about the BNP process, wrote in January 2020, that only “31 residents from the East End” had sent in “comments”. For the strength of today’s opposition to the BNP, see the FEE’s current online petition with over 450 signatures (see web link) .
- Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. The *ensuing chaos hardly bears thinking about*. At least it seems the opinions now being afforded most weight are those *of people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”
- Consultation also failed in relation to the neighbouring **parish of Biddenden**. The Clerk of Biddenden Council has repeatedly responded to Benenden Parish Council in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of consultations with the parish of Biddenden in the Biddenden Parish Magazine, February 2021.

## **2. The plan is unsound because of the untimely publication of site allocations**

- Pre-Submission Local Plan, para 5.420 reads “The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020.” But the allocations had already been made and published by the BNP in February 2019 in its so called “Informal Draft Plan”. The 2019 February allocations are virtually identical to the PSLP 2021 allocations. Para 5.420 states “The BNP proposes to include site “allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan.” How can the BNP follow the PSLP’s approach when its sites were already allocated? Because the PSLP is founded on site allocations made by the BNP, the unsoundness of the latter carries over and produces unsoundness in the former.
- The LP is based on the BNP and BNP allocations were made before **consultations with stakeholders**. This is not consulting in a timely fashion. For example, the PSLP requires archaeological surveys of the hospital sites *after* the designation of the sites for development. Historic England (HE) asks for the surveys to be carried out *before* allocation (see TWFDLP Comments DLP\_4556 - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted*.”

## **3. The plan is unsound because the evidence on which it is based is inaccurate or irrelevant**

### **Supporting Documents**

- AONB Setting Analysis report: Main Report and AONB Study Plans and Photographs Benenden Hospital/Hankinson Duckett Associates.** November 2020.

See para 4.4.2, the description of the hospital site is for the *entire built up-hospital area*, minus the southerly LWS in the SEQ. It is therefore a *report on an area not submitted in the PSLP*. As a result, it draws its conclusions from areas not included in the PSLP. The conclusions are therefore unsound.

The report:

- is concerned with adding 66-72 additional dwellings in addition to the 18 already extant on the northern site and presumably in addition to the 24 for which planning permission has been granted. That is between 108 and 114 new houses. The PSLP is talking about planning 43 houses for the northern sight and 49 for the south. A total of 92 new houses. The report muddies the waters, leaving no clarity.

- . fails to note items of critical importance in any attempt to evaluate the landscape and historic importance of the site e.g.
  - . that the site is on an east-west ridge giving it a dominant position in relation to the AONB;
  - . the east-west Roman Road running over Benenden Healthcare Society (BHS) land a few yards to the south of the site, and the medieval drove road (Goddards Green Road - GGR) which divides the northern site from the southern one;
  - . the National Monument Register which lists a Bronze Age palstaff (SMR Number/Hob UID) found at the hospital site, (though, oddly, the report does note Scheduled Monuments in the village);
  - . that the SEQ development proposes two entrances on to Green Lane and two on to GGR, see Transport Planning Associates (tpa)- October 2019 Scoping note for BHS, 1907-038 under the section headed 'Access', para 4 .4 "The consented vehicle access arrangements will be retained. Therefore, vehicle access to the Site will be taken from two access points along Goddards Green Road and two on Green Lane." (This and other documents were revealed to the FEE in May 2021 as a result of the BNP Independent Examiner's queries. In spite of the Examiner's request that all such material be published on-line, this document and the KCC Highways 13 Nov 2019 "Pre-App Response" have been not been published). Such entrances will seriously impact the AONB. Both Goddards Green and Green Lane are designated Rural Lanes, and, of the two, Green Lane is mentioned as a particularly high scoring lane (for its beauty and tranquillity) in *TWBC's Rural Lanes: Supplementary Planning Guidance*. Creating a series of broad entrances large enough so that an "11.4 m refuse vehicle can enter and leave the site in forward gear (see KCC Pre-App Response 13-11-19, a document revealed to the FEE as a result of the BNP Examiner's queries but not made public) would have a substantial effect on the AONB. Hankinson Duckett Associates ignore the issue (see Section 4 on Benenden in the main report and photos B1 and B2 in *Supporting Plans and Photographs* , Benenden).
- . offers photos (B5 & B6) which are irrelevant to the site in question. These photos look south towards an area not up for development, and are taken from a point also not up for development. These omissions undermine the report's conclusion.
- . ***Inset Map 18 (Benenden Hospital)***, unlike other maps attached as supporting documents to the PSLP, Inset Map 18 makes no reference to the AONB boundary. This is a significant omission because both the PSLP and the BNP claim that the hospital is outside the AONB and on this basis, largely justify placing most of Benenden's housing in the East End. Because AL/BE3&4 lie on a high ridge to the north of the parish and because the AONB boundary wraps tightly round the site which bulges, like a balloon, into the AONB, development at the East End significantly affects the AONB. While TWBC acknowledges this by requesting the Hankinson Duckett Report, by publishing Inset Map 18, which omits the AONB boundary, TWBC loses a critical opportunity to show the true relevance of AL/BE 3&4 to the AONB. It could even be said that by leaving out the boundary, there is an implication that the hospital sites are genuinely 'outside' the protected area.
- . **Previous Stages, Draft Local Plan, Benenden Overview**, p263, provides a basis for the PSLP but contains inaccuracies.
  - . There is no "pre-school/nursery" as stated in the Overview
  - . There is no "Small shop at hospital" as stated in the Overview
  - . The statement that there are tennis courts and a café at the site is misleading. In TWFDLP Comments, Savills requests (see DLP\_4956 para 3.14) that "the requirement to incorporate the tennis courts and retain the sports pavilion is removed". As for the café, BHS states in its comments on the LP that the café is for hospital use only - "the existing hospital buildings ... have only been designed for hospital use". See TWFDLP detailed additional submissions from Savills "*Representation to the TWBC Draft Local Plan Regulation 18*" 2- Sept- 1Nov 2019 para 3.18 and 3.19)

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adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site.” On page 38, we read, “This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels”. In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158’s owners to build houses there. If, in 2006, the SA offered site 158 as one of two top sites in the village for building the new primary school, where is the evidence that it’s appropriateness has somehow massively declined since then? Where is the evidence site 158 is less favourable to education than all the other sites mentioned, especially given that the hospital sites, so favoured for development, are three miles distant from the village school?

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**Heritage:** AL/BE 3 scores slightly less well in terms of its heritage value than AL/BE4 without supporting evidence. How were heritage issues assessed when there is no apparent knowledge of the historic importance of the site, for example: the PSLP makes no mention of the Roman road a few yards south of AL/BE3; the medieval droveway (GGR), which runs through the site and along the ridge; and the Bronze Age palstaff found at the hospital site (National Monument Register - SMR Number/Hob UID). How can a site be scored or evaluated without at least some knowledge of the sites historic significance? This is available at (see web link) and advertised on the Benenden village website.

**Services and Facilities:** How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children’s playground, church, memorial hall, village hall and a primary school. In spite of this, sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

## 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.**

Many of the PSLP’s problems are associated with failure in the duty to co-operate and can therefore not be remedied.

Many are due to poor evidence or poor interpretation of evidence. This too cannot be remedied.

In summary, development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic

value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites such as 158 and 222 in the village centre, or to LS8 in Iden Green. These sites all lie within walking distance of shops, other amenities and the primary school. Paragraphs 5.421 and 5.422 should be omitted.

#### 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:**

In order to present my case and to answer those with vested interests who may seek to put forward arguments against it.

#### Question 8

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

##### 4. Sustainability Appraisal

As far as the East End of Benenden is concerned, the plan is unsound because the Sustainability Appraisal, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect. An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.

Climate Change: AL/BE3&4 are not scored for climate change, nor are sites 158 & 222, yet, inexplicably, climate change is scored for AL/BE1&2 (Uphill and Feoffee) and for LS8. Where is the explanation for the failure to assess all sites, especially when sites 158, 222, AL/BE1&2 are all close to each other? The issue is particularly concerning in that sites AL/BE3&4 are both 3 miles distant from the village and without any amenities. Residents at these sites will be heavily car dependent and this was of concern even when only 24 houses were proposed for the site. "You will see from KCC's comments on the hybrid application (12/03130) that in consideration of this earlier application for 24 dwellings, the highways authority raised concern that all residents will be very heavily car dependent, which is contrary to a number of policy objectives, including the NPPF." (see KCC Pre-App Response, 13 Nov 2019, revealed in response to the BNP's Independent Examiner's queries and still not in the public arena).

Biodiversity: AL/BE3 is considered to be less at risk in terms of biodiversity than AL/BE4 though AL/BE 3 has two Local Wildlife Sites (LWS) while AL/BE 4 has only one. Where is the evidence to support the idea that the one is less important for biodiversity than the other?

The SA's scoring is not supported by evidence in a letter from Keith Nicholson of the Kent Wildlife Trust, former Planning and Conservation officer for the Kent Wildlife Trust (KWT), dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert in which he states, "The 2012 survey has

demonstrated that Benenden hospital LWS is more valuable than previously believed. The applicant's consultant is now more firmly of the belief that the Site would fulfil the criteria for it to be considered a Site of Special Scientific Interest (paragraph 4.3.6.). The waxcap community is of national importance when judged against both the Reid classification (para 4.3.4.) and the JNCC Guidelines (para 4.3.5.)." Nor is it supported by the view of the HW-AONB as stated in TWFDLP Comments (see DLP\_3458) that the hospital LWS "includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network." Neither the KWT nor the HW-AONB offer any indication that one or other of the LWS at the hospital is of less value than the rest. Further, we now know from (see web link),

Regulation 18 Representation made by Benenden Healthcare Society, November 2019, that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that "The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."

In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE4 see (in the same document) para 3.17. "In addition, as highlighted in paragraph 3.13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (LWS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the LWS and / or sports provision is removed from the policy requirement." Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

Business Growth: AL/BE3&4 are scored as if they were more favourable to business growth than AL/BE1&2 and sites 158 and 222, but all four of these last-mentioned sites are in the heart of the village where residents will have ready access to local businesses as well as to daily bus services and other services and facilities. Residents at the East End, on the other hand, will have no access to local businesses except by car.

Education: All sites in this SA are scored equally for education, except for site 158 which scores less well. This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there. If, in 2006, the SA offered site 158 as one of two top sites in the village for building the new primary school, where is the evidence that it's appropriateness has somehow massively declined since then? Where is the evidence site 158 is less favourable to education than all the other sites mentioned, especially given that the hospital sites, so favoured for development, are three miles distant from the village school?

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Heritage: AL/BE 3 scores slightly less well in terms of its heritage value than AL/BE4 without supporting evidence. How were heritage issues assessed when there is no apparent knowledge of the historic importance of the site, for example: the PSLP makes no mention of the Roman road a few yards south of AL/BE3; the medieval droveway (GGR), which runs through the site and along the ridge; and the Bronze Age palstaff found at the hospital site (National Monument Register - SMR Number/Hob UID). How can a site be scored or evaluated without at least some knowledge of the sites historic significance?

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Services and Facilities: How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children's playground, church, memorial hall, village hall and a primary school. In spite of this, sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

### **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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## Comment

Consultee	Mrs Dorota Collingwood ([REDACTED])
Address	[REDACTED] [REDACTED] Cranbrook TN17 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mrs Dorota Collingwood ([REDACTED])
Comment ID	PSLP_2009
Response Date	30/05/21 11:52
Consultation Point	Policy AL/BE 1 Land adjacent to New Pond Road (known as Uphill), Benenden ( <a href="#">View</a> )
Status	Processed
Submission Type	Other
Version	0.8
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Dorota Collingwood
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/BE 1 Land adjacent to New Pond Road (known as Uphill), Benenden

Policy AL/BE2 2 Feoffee Cottages and Land, Walkhurst Road, Benenden

Policy AL/BE3 Land at Benenden Hospital (south of Goddards Green Road), East End

Policy AL/BE4 Land at Benenden Hospital (north of Goddards Green Road), East End

EN1 Sustainable Design

Sustainability Statement

[TWBC: this representation has been input against Policies AL/BE 1, AL/BE 2, AL/BE 3, AL/BE 4 and EN 1 – see Comment Numbers PSLP\_2009, PSLP\_2010, PSLP\_2011, PSLP\_2012 and PSLP\_2013]

#### 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.

This representation relates to the Pre-submission Local Plan(PSLP) and its handling of the parish of Benenden

1 **The plan is unsound because of inadequacies in the consultation process.**

. Poor consultation between TWBC and other Borough Councils

**A Statement of Common Ground (SoCG) between Maidstone and Tunbridge Wells Borough Councils (TWBC)** is published, but nothing is apparently published in relation to Ashford Borough Council or Tonbridge and Malling Borough Council.

. **Poor consultation between TWBC, the parish of Benenden and the Benenden Healthcare Society (BHS), the single landowner of those sites in the East End of Benenden where most of Benenden's houses are allocated.**

. **There is no Statement of Common Ground between TWBC and the Benenden Neighbourhood Plan (BNP)** although a SoCG was listed as a supporting document to the BNP Reg 14. This is significant *because the two plans, though identical in their choice of sites, show different areas within those sites for development at the East End, and both plans differ from the view of BHS.* BHS's position is presented to the public through its comments on the first draft of the Local Plan (TWFDLP Comments) (see web link)

. Looking at the issue in terms of its hectareage:

. according to the PSLP the northern site (AL/BE4) is 3.72 ha and the South East Quadrant (SEQ or AL/BE3) is 3.07 ha;

- according to the Benenden Neighbourhood Plan (BNP), the northern site (called LS41 in the BNP, see para 2.9.4.2.) is 1.9 ha and SEQ (called 424 plus LS40b, see para 2.9.3.2) is 4.24 ha.
- according to BHS, the northern site is 3.7 ha and the southern site is 4.2 ha (see TWFDLP comments), Savills for BHS: DLP\_4956)

The hectareage varies largely according to whether Local Wildlife Sites (LWS) are included in the development area. There are four LWS at the hospital. One of these lies in the northern area (AL/BE4) and two lie in the southern area (AL/BE3). The fourth is in an area not up for development.

- For AL/BE3, the PSLP excludes the second and the most southerly of its two Local Wildlife Sites (LWS), while the BNP *includes* both LWS. *Currently, Strutt and Parker are advertising to developers the larger, BNP version of the site for sale, together with Cleveland Farm.* The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE3 is incorrect.
- For AL/BE4, the PSLP *includes* all the LWS at the site, while the BNP includes only a small southerly section of it. The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE4 is incorrect.
- For AL/BE4, Savills' comments on behalf of the BHS (see TWFDLP comments), propose 43 dwellings for the site, which will include the LWS (see TWFDLP Comments, item DLP\_4956 para 3.6), "Unlike the BNP, the TWLP is broader in the site area by providing a boundary encompassing the entire hospital site, yet aside from the discrepancy addressed previously in this representation the two allocations align in terms of proposed numbers. The Society intends to bring forward the development on the two sites identified through the BNP and *within the boundary identified in the TWLP*. The Society welcomes the consistent approach to unit numbers, and the allocation of both parcels of land through the draft BNP and the TWLP."

In terms of boundaries:

- BHS understands (see DLP\_4956, para 2.8 in TWFDLP Comments) "The North East Quadrant occupies the North East of the site, bordered to the North and East by Mockbeggar Lane, to the south by Goddards Green Lane / Benenden Road and the West by existing hospital buildings." *In other words, it includes the entire LWS in its area.*
- To the south, BHS understands (see DLP\_4956, para 2.9 in TWFDLP comments), "The South East Quadrant occupies the South East of the site, bordered to the north by Goddards Green Lane / Benenden Road, to the West by Green Lane and to the South and East by agricultural land and the High Weald AONB boundary." *In other words, it includes the whole of the more southerly of the two LWS at the site.*

This means that PSLP's AL/BE3 is inaccurate because the larger BNP plan will likely prevail, while the PSLP's AL/BE4 could be challenged by the BNP (if successful in a referendum) (see PSLP para 5.421) and substantially reduced in size. The PSLP's plans for the two hospital plans are therefore both potentially inaccurate.

A failure to coordinate and effectively consult has produced unsound documents.

- **Poor consultation with stakeholders, the local community and the neighbouring parish** (possibly even more affected by the plans than Benenden). These parties have either not been consulted, or consulted after the fact or consulted but not engaged with.
  - **The Friends of the East End (FEE)** are more affected by the plans than most in the parish but they were not consulted over the development of the BNP on which the PSLP is based. The FEE are mainly residents of the East End which covers about one third of the parish and is a wholly rural location of 76 scattered households. Because it is isolated, it was chosen as the site for an isolation hospital. This now makes up a small enclave close to the border with the neighbouring parish of Biddenden.
  - The BNP Steering Committee is the only one in the borough to have made its own site allocations and these allocations were published in an Informal Draft Plan in February 2019, before consultations with the High Weald -AONB and before inviting AECOM to produce a Strategic Environmental Assessment (SEA). (N.B. Even when the HW-AONB were invited to assess sites, they were NOT asked to assess the hospital sites).



- The FEE object strongly to the proposal to site almost all the new housing in the East End, but the BNP Steering Committee never asked to meet the FEE nor engaged with them (See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others).
- The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the IDP (published on February 23, 2019), in which the allocations, later adopted by the PSLP were first set out. A second FEE submission with 164 signatures was submitted in October 2019 objecting to the TWFDLP, and in the same month, a third FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. Instead of acknowledging the strength of these views and the number of people who held them, the chair of the BNP Steering Group, who wrote a regular column in the Parish Magazine about the BNP process, wrote in January 2020, that only “31 residents from the East End” had sent in “comments”. For the strength of today’s opposition to the BNP, see the FEE’s current online petition with over 450 signatures <https://www.change.org/EastEndFriends>.
- Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about*. At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”
- Consultation also failed in relation to the neighbouring **parish of Biddenden**. The Clerk of Biddenden Council has repeatedly responded to Benenden Parish Council in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of consultations with the parish of Biddenden in the Biddenden Parish Magazine, February 2021.

## **2. The plan is unsound because of the untimely publication of site allocations**

- Pre-Submission Local Plan, para 5.420 reads “The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020.” But the allocations had already been made and published by the BNP in February 2019 in its so called “Informal Draft Plan”. The 2019 February allocations are virtually identical to the PSLP 2021 allocations. Para 5.420 states “The BNP proposes to include site “allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan.” How can the BNP follow the PSLP’s approach when its sites were already allocated? Because the PSLP is founded on site allocations made by the BNP, the unsoundness of the latter carries over and produces unsoundness in the former.
- The LP is based on the BNP and BNP allocations were made before **consultations with stakeholders**. This is not consulting in a timely fashion. For example, the PSLP requires archaeological surveys of the hospital sites *after* the designation of the sites for development. Historic England (HE) asks for the surveys to be carried out *before* allocation (see TWFDLP Comments DLP\_4556 - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted*.”

## **3. The plan is unsound because the evidence on which it is based is inaccurate or irrelevant**

### **Supporting Documents**

- **AONB Setting Analysis report: Main Report and AONB Study Plans and Photographs Benenden Hospital/Hankinson Duckett Associates.** November 2020.

See para 4.4.2, the description of the hospital site is for the *entire built up-hospital area*, minus the southerly LWS in the SEQ. It is therefore a *report on an area not submitted in the PSLP*. As a result, it draws its conclusions from areas not included in the PSLP. The conclusions are therefore unsound.

The report:



- . is concerned with adding 66-72 additional dwellings in addition to the 18 already extant on the northern site and presumably in addition to the 24 for which planning permission has been granted. That is between 108 and 114 new houses. The PSLP is talking about planning 43 houses for the northern site and 49 for the south. A total of 92 new houses. The report muddies the waters, leaving no clarity.
- . fails to note items of critical importance in any attempt to evaluate the landscape and historic importance of the site e.g.
  - . that the site is on an east-west ridge giving it a dominant position in relation to the AONB;
  - . the east-west Roman Road running over Benenden Healthcare Society (BHS) land a few yards to the south of the site, and the medieval drove road (Goddards Green Road - GGR) which divides the northern site from the southern one;
  - . the National Monument Register which lists a Bronze Age palstaff (SMR Number/Hob UID) found at the hospital site, (though, oddly, the report does note Scheduled Monuments in the village);
  - . that the SEQ development proposes two entrances on to Green Lane and two on to GGR, see Transport Planning Associates (tpa)- October 2019 Scoping note for BHS, 1907-038 under the section headed 'Access', para 4.4 "The consented vehicle access arrangements will be retained. Therefore, vehicle access to the Site will be taken from two access points along Goddards Green Road and two on Green Lane." (This and other documents were revealed to the FEE in May 2021 as a result of the BNP Independent Examiner's queries. In spite of the Examiner's request that all such material be published on-line, this document and the KCC Highways 13 Nov 2019 "Pre-App Response" have been not been published). Such entrances will seriously impact the AONB. Both Goddards Green and Green Lane are designated Rural Lanes, and, of the two, Green Lane is mentioned as a particularly high scoring lane (for its beauty and tranquillity) in *TWBC's Rural Lanes: Supplementary Planning Guidance*. Creating a series of broad entrances large enough so that an "11.4 m refuse vehicle can enter and leave the site in forward gear (see KCC Pre-App Response 13-11-19, a document revealed to the FEE as a result of the BNP Examiner's queries but not made public) would have a substantial effect on the AONB. Hankinson Duckett Associates ignore the issue (see Section 4 on Benenden in the main report and photos B1 and B2 in *Supporting Plans and Photographs , Benenden*).
- . offers photos (B5 & B6) which are irrelevant to the site in question. These photos look south towards an area not up for development, and are taken from a point also not up for development. These omissions undermine the report's conclusion.
- . ***Inset Map 18 (Benenden Hospital)***, unlike other maps attached as supporting documents to the PSLP, Inset Map 18 makes no reference to the AONB boundary. This is a significant omission because both the PSLP and the BNP claim that the hospital is outside the AONB and on this basis, largely justify placing most of Benenden's housing in the East End. Because AL/BE3&4 lie on a high ridge to the north of the parish and because the AONB boundary wraps tightly round the site which bulges, like a balloon, into the AONB, development at the East End significantly affects the AONB. While TWBC acknowledges this by requesting the Hankinson Duckett Report, by publishing Inset Map 18, which omits the AONB boundary, TWBC loses a critical opportunity to show the true relevance of AL/BE 3&4 to the AONB. It could even be said that by leaving out the boundary, there is an implication that the hospital sites are genuinely 'outside' the protected area.
- . ***Previous Stages, Draft Local Plan, Benenden Overview***, p263, provides a basis for the PSLP but contains inaccuracies.
  - . There is no "pre-school/nursery" as stated in the Overview
  - . There is no "Small shop at hospital" as stated in the Overview
  - . The statement that there are tennis courts and a café at the site is misleading. In TWFDLP Comments, Savills requests (see DLP\_4956 para 3.14) that "the requirement to incorporate the tennis courts and retain the sports pavilion is removed". As for the café, BHS states in its comments on the LP that the café is for hospital use only - "the existing hospital buildings ... have only been designed for hospital use". See TWFDLP detailed additional submissions from Savills "*Representation to the TWBC Draft Local Plan Regulation 18*" 2- Sept- 1Nov 2019 para 3.18 and 3.19)

#### 4. **Sustainability Appraisal**

As far as the East End of Benenden is concerned, the plan is unsound because the **Sustainability Appraisal**, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

**An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.**

**Climate Change:** AL/BE3&4 are not scored for climate change, nor are sites 158 & 222, yet, inexplicably, climate change is scored for AL/BE1&2 (Uphill and Feoffee) and for LS8. Where is the explanation for the failure to assess all sites, especially when sites 158, 222, AL/BE1&2 are all close to each other? The issue is particularly concerning in that sites AL/BE3&4 are both 3 miles distant from the village and without any amenities. Residents at these sites will be heavily car dependent and this was of concern even when only 24 houses were proposed for the site. "You will see from KCC's comments on the hybrid application (12/03130) that in consideration of this earlier application for 24 dwellings, the highways authority raised concern that all residents will be very heavily car dependent, which is contrary to a number of policy objectives, including the NPPF." (see KCC Pre-App Response, 13 Nov 2019, revealed in response to the BNP's Independent Examiner's queries and still not in the public arena).

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The SA's scoring is not supported by evidence in a letter from Keith Nicholson of the Kent Wildlife Trust, former Planning and Conservation officer for the Kent Wildlife Trust (KWT), dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert in which he states, "The 2012 survey has demonstrated that Benenden hospital LWS is more valuable than previously believed. The applicant's consultant is now more firmly of the belief that the Site would fulfil the criteria for it to be considered a Site of Special Scientific Interest (paragraph 4.3.6.). The waxcap community is of national importance when judged against both the Reid classification (para 4.3.4.) and the JNCC Guidelines (para 4.3.5.)."

Nor is it supported by the view of the HW-AONB as stated in TWFDLP Comments (see DLP\_3458) that the hospital LWS *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* Neither the KWT nor the HW-AONB offer any indication that one or other of the LWS at the hospital is of less value than the rest. Further, we now know from

(see web link),

Regulation 18 Representation made by Benenden Healthcare Society, November 2019, that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that "The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."

In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE4 see (in the same document) para 3.17. "In addition, as highlighted in paragraph 3.13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (LWS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the LWS and / or sports provision is removed from the policy requirement." Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

**Business Growth:** AL/BE3&4 are scored as if they were more favourable to business growth than AL/BE1&2 and sites 158 and 222, but all four of these last-mentioned sites are in the heart of the village where residents will have ready access to local businesses as well as to daily bus services and other services and facilities. Residents at the East End, on the other hand, will have no access to local businesses except by car.

**Education:** All sites in this SA are scored equally for education, except for site 158 which scores less well. This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the *Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options* report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there. If, in 2006, the SA offered site 158 as one of two top sites in the village for building the new primary school, where is the evidence that its appropriateness has somehow massively declined since then? Where is the evidence site 158 is less favourable to education than all the other sites mentioned, especially given that the hospital sites, so favoured for development, are three miles distant from the village school?

Table 58 states that "the education objective does not deteriorate when considering the cumulative effects as the schools in Tenterden will be a viable option for residents in East End." Children from the East End will have priority over the between 70 and 75% of the existing pupils at the school who come from outside the parish. On what basis is the assumption made that East End parents will prefer to drive their children 6 miles into Tenterden than drive to the primary school in their own village?

**Heritage:** AL/BE 3 scores slightly less well in terms of its heritage value than AL/BE4 without supporting evidence. How were heritage issues assessed when there is no apparent knowledge of the historic importance of the site, for example: the PSLP makes no mention of the Roman road a few yards south of AL/BE3; the medieval driveway (GGR), which runs through the site and along the ridge; and the Bronze Age palstaff found at the hospital site (National Monument Register - SMR Number/Hob UID). How can a site be scored or evaluated without at least some knowledge of the site's historic significance? This is available at <https://www.benendenvillage.org.uk/History/benweb2006.pdf>

and advertised on the Benenden village website.

**Services and Facilities:** How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children's playground, church, memorial hall, village hall and a primary school. In spite of this, sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

## 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.**

Many of the PSLP's problems are associated with failure in the duty to co-operate and can therefore not be remedied.

Many are due to poor evidence or poor interpretation of evidence. This too cannot be remedied.

In summary, development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites such as 158 and 222 in the village centre, or to LS8 in Iden Green. These sites all lie within walking distance of shops, other amenities and the primary school. Paragraphs 5.421 and 5.422 should be omitted.

#### **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:**

In order to present my case and to answer those with vested interests who may seek to put forward arguments against it.

#### **Question 8**

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

Sustainability Appraisal

As far as the East End of Benenden is concerned, the plan is unsound because the Sustainability Appraisal, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.

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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

## Comment

Consultee	Mrs Dorota Collingwood ( [REDACTED] )
Address	[REDACTED] [REDACTED] Cranbrook TN17 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mrs Dorota Collingwood ( [REDACTED] )
Comment ID	PSLP_2010
Response Date	30/05/21 11:52
Consultation Point	Policy AL/BE 2 Feoffee Cottages and land, Walkhurst Road, Benenden ( <a href="#">View</a> )
Status	Processed
Submission Type	Other
Version	0.5
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Dorota Collingwood
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/BE 1 Land adjacent to New Pond Road (known as Uphill), Benenden

Policy AL/BE2 2 Feoffee Cottages and Land, Walkhurst Road, Benenden

Policy AL/BE3 Land at Benenden Hospital (south of Goddards Green Road), East End

Policy AL/BE4 Land at Benenden Hospital (north of Goddards Green Road), East End

EN1 Sustainable Design

Sustainability Statement

[TWBC: this representation has been input against Policies AL/BE 1, AL/BE 2, AL/BE 3, AL/BE 4 and EN 1 – see Comment Numbers PSLP\_2009, PSLP\_2010, PSLP\_2011, PSLP\_2012 and PSLP\_2013]

#### 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.

This representation relates to the Pre-submission Local Plan(PSLP) and its handling of the parish of Benenden

1 **The plan is unsound because of inadequacies in the consultation process.**

. Poor consultation between TWBC and other Borough Councils

**A Statement of Common Ground (SoCG) between Maidstone and Tunbridge Wells Borough Councils (TWBC)** is published, but nothing is apparently published in relation to Ashford Borough Council or Tonbridge and Malling Borough Council.

. **Poor consultation between TWBC, the parish of Benenden and the Benenden Healthcare Society (BHS), the single landowner of those sites in the East End of Benenden where most of Benenden's houses are allocated.**

. **There is no Statement of Common Ground between TWBC and the Benenden Neighbourhood Plan (BNP)** although a SoCG was listed as a supporting document to the BNP Reg 14. This is significant *because the two plans, though identical in their choice of sites, show different areas within those sites for development at the East End, and both plans differ from the view of BHS.* BHS's position is presented to the public through its comments on the first draft of the Local Plan (TWFDLP Comments) (see web link)

. Looking at the issue in terms of its hectareage:

. according to the PSLP the northern site (AL/BE4) is 3.72 ha and the South East Quadrant (SEQ or AL/BE3) is 3.07 ha;



- according to the Benenden Neighbourhood Plan (BNP), the northern site (called LS41 in the BNP, see para 2.9.4.2.) is 1.9 ha and SEQ (called 424 plus LS40b, see para 2.9.3.2) is 4.24 ha.
- according to BHS, the northern site is 3.7 ha and the southern site is 4.2 ha (see TWFDLP comments), Savills for BHS: DLP\_4956)

The hectareage varies largely according to whether Local Wildlife Sites (LWS) are included in the development area. There are four LWS at the hospital. One of these lies in the northern area (AL/BE4) and two lie in the southern area (AL/BE3). The fourth is in an area not up for development.

- For AL/BE3, the PSLP excludes the second and the most southerly of its two Local Wildlife Sites (LWS), while the BNP *includes* both LWS. *Currently, Strutt and Parker are advertising to developers the larger, BNP version of the site for sale, together with Cleveland Farm.* The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE3 is incorrect.
- For AL/BE4, the PSLP *includes* all the LWS at the site, while the BNP includes only a small southerly section of it. The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE4 is incorrect.
- For AL/BE4, Savills' comments on behalf of the BHS (see TWFDLP comments), propose 43 dwellings for the site, which will include the LWS (see TWFDLP Comments, item DLP\_4956 para 3.6), "Unlike the BNP, the TWLP is broader in the site area by providing a boundary encompassing the entire hospital site, yet aside from the discrepancy addressed previously in this representation the two allocations align in terms of proposed numbers. The Society intends to bring forward the development on the two sites identified through the BNP and *within the boundary identified in the TWLP.* The Society welcomes the consistent approach to unit numbers, and the allocation of both parcels of land through the draft BNP and the TWLP."

In terms of boundaries:

- BHS understands (see DLP\_4956, para 2.8 in TWFDLP Comments) "The North East Quadrant occupies the North East of the site, bordered to the North and East by Mockbeggar Lane, to the south by Goddards Green Lane / Benenden Road and the West by existing hospital buildings." *In other words, it includes the entire LWS in its area.*
- To the south, BHS understands (see DLP\_4956, para 2.9 in TWFDLP comments), "The South East Quadrant occupies the South East of the site, bordered to the north by Goddards Green Lane / Benenden Road, to the West by Green Lane and to the South and East by agricultural land and the High Weald AONB boundary." *In other words, it includes the whole of the more southerly of the two LWS at the site.*

This means that PSLP's AL/BE3 is inaccurate because the larger BNP plan will likely prevail, while the PSLP's AL/BE4 could be challenged by the BNP (if successful in a referendum) (see PSLP para 5.421) and substantially reduced in size. The PSLP's plans for the two hospital plans are therefore both potentially inaccurate.

A failure to coordinate and effectively consult has produced unsound documents.

- **Poor consultation with stakeholders, the local community and the neighbouring parish** (possibly even more affected by the plans than Benenden). These parties have either not been consulted, or consulted after the fact or consulted but not engaged with.
  - **The Friends of the East End (FEE)** are more affected by the plans than most in the parish but they were not consulted over the development of the BNP on which the PSLP is based. The FEE are mainly residents of the East End which covers about one third of the parish and is a wholly rural location of 76 scattered households. Because it is isolated, it was chosen as the site for an isolation hospital. This now makes up a small enclave close to the border with the neighbouring parish of Biddenden.
  - The BNP Steering Committee is the only one in the borough to have made its own site allocations and these allocations were published in an Informal Draft Plan in February 2019, before consultations with the High Weald -AONB and before inviting AECOM to produce a Strategic Environmental Assessment (SEA). (N.B. Even when the HW-AONB were invited to assess sites, they were NOT asked to assess the hospital sites).

- The FEE object strongly to the proposal to site almost all the new housing in the East End, but the BNP Steering Committee never asked to meet the FEE nor engaged with them (See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others).
- The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the IDP (published on February 23, 2019), in which the allocations, later adopted by the PSLP were first set out. A second FEE submission with 164 signatures was submitted in October 2019 objecting to the TWFDLP, and in the same month, a third FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. Instead of acknowledging the strength of these views and the number of people who held them, the chair of the BNP Steering Group, who wrote a regular column in the Parish Magazine about the BNP process, wrote in January 2020, that only “31 residents from the East End” had sent in “comments”. For the strength of today’s opposition to the BNP, see the FEE’s current online petition with over 450 signatures <https://www.change.org/EastEndFriends>.
- Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about*. At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”
- Consultation also failed in relation to the neighbouring **parish of Biddenden**. The Clerk of Biddenden Council has repeatedly responded to Benenden Parish Council in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of consultations with the parish of Biddenden in the Biddenden Parish Magazine, February 2021.

## **2. The plan is unsound because of the untimely publication of site allocations**

- Pre-Submission Local Plan, para 5.420 reads “The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020.” But the allocations had already been made and published by the BNP in February 2019 in its so called “Informal Draft Plan”. The 2019 February allocations are virtually identical to the PSLP 2021 allocations. Para 5.420 states “The BNP proposes to include site “allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan.” How can the BNP follow the PSLP’s approach when its sites were already allocated? Because the PSLP is founded on site allocations made by the BNP, the unsoundness of the latter carries over and produces unsoundness in the former.
- The LP is based on the BNP and BNP allocations were made before **consultations with stakeholders**. This is not consulting in a timely fashion. For example, the PSLP requires archaeological surveys of the hospital sites *after* the designation of the sites for development. Historic England (HE) asks for the surveys to be carried out *before* allocation (see TWFDLP Comments DLP\_4556 - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted*.”

## **3. The plan is unsound because the evidence on which it is based is inaccurate or irrelevant**

### **Supporting Documents**

- **AONB Setting Analysis report: Main Report and AONB Study Plans and Photographs Benenden Hospital/Hankinson Duckett Associates**. November 2020.

See para 4.4.2, the description of the hospital site is for the *entire built up-hospital area*, minus the southerly LWS in the SEQ. It is therefore a *report on an area not submitted in the PSLP*. As a result, it draws its conclusions from areas not included in the PSLP. The conclusions are therefore unsound.

The report:

- . is concerned with adding 66-72 additional dwellings in addition to the 18 already extant on the northern site and presumably in addition to the 24 for which planning permission has been granted. That is between 108 and 114 new houses. The PSLP is talking about planning 43 houses for the northern site and 49 for the south. A total of 92 new houses. The report muddies the waters, leaving no clarity.
- . fails to note items of critical importance in any attempt to evaluate the landscape and historic importance of the site e.g.
  - . that the site is on an east-west ridge giving it a dominant position in relation to the AONB;
  - . the east-west Roman Road running over Benenden Healthcare Society (BHS) land a few yards to the south of the site, and the medieval drove road (Goddards Green Road - GGR) which divides the northern site from the southern one;
  - . the National Monument Register which lists a Bronze Age palstaff (SMR Number/Hob UID) found at the hospital site, (though, oddly, the report does note Scheduled Monuments in the village);
  - . that the SEQ development proposes two entrances on to Green Lane and two on to GGR, see Transport Planning Associates (tpa)- October 2019 Scoping note for BHS, 1907-038 under the section headed 'Access', para 4.4 "The consented vehicle access arrangements will be retained. Therefore, vehicle access to the Site will be taken from two access points along Goddards Green Road and two on Green Lane." (This and other documents were revealed to the FEE in May 2021 as a result of the BNP Independent Examiner's queries. In spite of the Examiner's request that all such material be published on-line, this document and the KCC Highways 13 Nov 2019 "Pre-App Response" have been not been published). Such entrances will seriously impact the AONB. Both Goddards Green and Green Lane are designated Rural Lanes, and, of the two, Green Lane is mentioned as a particularly high scoring lane (for its beauty and tranquillity) in *TWBC's Rural Lanes: Supplementary Planning Guidance*. Creating a series of broad entrances large enough so that an "11.4 m refuse vehicle can enter and leave the site in forward gear (see KCC Pre-App Response 13-11-19, a document revealed to the FEE as a result of the BNP Examiner's queries but not made public) would have a substantial effect on the AONB. Hankinson Duckett Associates ignore the issue (see Section 4 on Benenden in the main report and photos B1 and B2 in *Supporting Plans and Photographs , Benenden*).
- . offers photos (B5 & B6) which are irrelevant to the site in question. These photos look south towards an area not up for development, and are taken from a point also not up for development. These omissions undermine the report's conclusion.
- . ***Inset Map 18 (Benenden Hospital)***, unlike other maps attached as supporting documents to the PSLP, Inset Map 18 makes no reference to the AONB boundary. This is a significant omission because both the PSLP and the BNP claim that the hospital is outside the AONB and on this basis, largely justify placing most of Benenden's housing in the East End. Because AL/BE3&4 lie on a high ridge to the north of the parish and because the AONB boundary wraps tightly round the site which bulges, like a balloon, into the AONB, development at the East End significantly affects the AONB. While TWBC acknowledges this by requesting the Hankinson Duckett Report, by publishing Inset Map 18, which omits the AONB boundary, TWBC loses a critical opportunity to show the true relevance of AL/BE 3&4 to the AONB. It could even be said that by leaving out the boundary, there is an implication that the hospital sites are genuinely 'outside' the protected area.
- . ***Previous Stages, Draft Local Plan, Benenden Overview***, p263, provides a basis for the PSLP but contains inaccuracies.
  - . There is no "pre-school/nursery" as stated in the Overview
  - . There is no "Small shop at hospital" as stated in the Overview
  - . The statement that there are tennis courts and a café at the site is misleading. In TWFDLP Comments, Savills requests (see DLP\_4956 para 3.14) that "the requirement to incorporate the tennis courts and retain the sports pavilion is removed". As for the café, BHS states in its comments on the LP that the café is for hospital use only - "the existing hospital buildings ... have only been designed for hospital use". See TWFDLP detailed additional submissions from Savills "*Representation to the TWBC Draft Local Plan Regulation 18*" 2- Sept- 1Nov 2019 para 3.18 and 3.19)

#### 4. **Sustainability Appraisal**

As far as the East End of Benenden is concerned, the plan is unsound because the **Sustainability Appraisal**, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

**An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.**

**Climate Change:** AL/BE3&4 are not scored for climate change, nor are sites 158 & 222, yet, inexplicably, climate change is scored for AL/BE1&2 (Uphill and Feoffee) and for LS8. Where is the explanation for the failure to assess all sites, especially when sites 158, 222, AL/BE1&2 are all close to each other? The issue is particularly concerning in that sites AL/BE3&4 are both 3 miles distant from the village and without any amenities. Residents at these sites will be heavily car dependent and this was of concern even when only 24 houses were proposed for the site. "You will see from KCC's comments on the hybrid application (12/03130) that in consideration of this earlier application for 24 dwellings, the highways authority raised concern that all residents will be very heavily car dependent, which is contrary to a number of policy objectives, including the NPPF." (see KCC Pre-App Response, 13 Nov 2019, revealed in response to the BNP's Independent Examiner's queries and still not in the public arena).

**Biodiversity:** AL/BE3 is considered to be less at risk in terms of biodiversity than AL/BE4 though AL/BE 3 has two Local Wildlife Sites (LWS) while AL/BE 4 has only one. Where is the evidence to support the idea that the one is less important for biodiversity than the other?

The SA's scoring is not supported by evidence in a letter from Keith Nicholson of the Kent Wildlife Trust, former Planning and Conservation officer for the Kent Wildlife Trust (KWT), dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert in which he states, "The 2012 survey has demonstrated that Benenden hospital LWS is more valuable than previously believed. The applicant's consultant is now more firmly of the belief that the Site would fulfil the criteria for it to be considered a Site of Special Scientific Interest (paragraph 4.3.6.). The waxcap community is of national importance when judged against both the Reid classification (para 4.3.4.) and the JNCC Guidelines (para 4.3.5.)."

Nor is it supported by the view of the HW-AONB as stated in TWFDLP Comments (see DLP\_3458) that the hospital LWS *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* Neither the KWT nor the HW-AONB offer any indication that one or other of the LWS at the hospital is of less value than the rest. Further, we now know from

(see web link),

Regulation 18 Representation made by Benenden Healthcare Society, November 2019, that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that "The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."

In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE4 see (in the same document) para 3.17. "In addition, as highlighted in paragraph 3.13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (LWS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the LWS and / or sports provision is removed from the policy requirement." Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

**Business Growth:** AL/BE3&4 are scored as if they were more favourable to business growth than AL/BE1&2 and sites 158 and 222, but all four of these last-mentioned sites are in the heart of the village where residents will have ready access to local businesses as well as to daily bus services and other services and facilities. Residents at the East End, on the other hand, will have no access to local businesses except by car.

**Education:** All sites in this SA are scored equally for education, except for site 158 which scores less well. This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the *Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options* report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there. If, in 2006, the SA offered site 158 as one of two top sites in the village for building the new primary school, where is the evidence that its appropriateness has somehow massively declined since then? Where is the evidence site 158 is less favourable to education than all the other sites mentioned, especially given that the hospital sites, so favoured for development, are three miles distant from the village school?

Table 58 states that "the education objective does not deteriorate when considering the cumulative effects as the schools in Tenterden will be a viable option for residents in East End." Children from the East End will have priority over the between 70 and 75% of the existing pupils at the school who come from outside the parish. On what basis is the assumption made that East End parents will prefer to drive their children 6 miles into Tenterden than drive to the primary school in their own village?

**Heritage:** AL/BE 3 scores slightly less well in terms of its heritage value than AL/BE4 without supporting evidence. How were heritage issues assessed when there is no apparent knowledge of the historic importance of the site, for example: the PSLP makes no mention of the Roman road a few yards south of AL/BE3; the medieval droveway (GGR), which runs through the site and along the ridge; and the Bronze Age palstaff found at the hospital site (National Monument Register - SMR Number/Hob UID). How can a site be scored or evaluated without at least some knowledge of the site's historic significance? This is available at <https://www.benendenvillage.org.uk/History/benweb2006.pdf>

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**Services and Facilities:** How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children's playground, church, memorial hall, village hall and a primary school. In spite of this, sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

## 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.**

Many of the PSLP's problems are associated with failure in the duty to co-operate and can therefore not be remedied.

Many are due to poor evidence or poor interpretation of evidence. This too cannot be remedied.

In summary, development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites such as 158 and 222 in the village centre, or to LS8 in Iden Green. These sites all lie within walking distance of shops, other amenities and the primary school. Paragraphs 5.421 and 5.422 should be omitted.

### 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:**

In order to present my case and to answer those with vested interests who may seek to put forward arguments against it.

### Question 8

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

Sustainability Appraisal

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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



## Comment

Consultee	Mrs Dorota Collingwood ( [REDACTED] )
Address	[REDACTED] [REDACTED] Cranbrook TN17 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mrs Dorota Collingwood ( [REDACTED] )
Comment ID	PSLP_2011
Response Date	30/05/21 11:52
Consultation Point	Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End ( <a href="#">View</a> )
Status	Processed
Submission Type	Other
Version	0.5
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Dorota Collingwood
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/BE 1 Land adjacent to New Pond Road (known as Uphill), Benenden

Policy AL/BE2 2 Feoffee Cottages and Land, Walkhurst Road, Benenden

Policy AL/BE3 Land at Benenden Hospital (south of Goddards Green Road), East End

Policy AL/BE4 Land at Benenden Hospital (north of Goddards Green Road), East End

EN1 Sustainable Design

Sustainability Statement

[TWBC: this representation has been input against Policies AL/BE 1, AL/BE 2, AL/BE 3, AL/BE 4 and EN 1 – see Comment Numbers PSLP\_2009, PSLP\_2010, PSLP\_2011, PSLP\_2012 and PSLP\_2013]

#### 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.

This representation relates to the Pre-submission Local Plan(PSLP) and its handling of the parish of Benenden

1 **The plan is unsound because of inadequacies in the consultation process.**

. Poor consultation between TWBC and other Borough Councils

**A Statement of Common Ground (SoCG) between Maidstone and Tunbridge Wells Borough Councils (TWBC)** is published, but nothing is apparently published in relation to Ashford Borough Council or Tonbridge and Malling Borough Council.

. **Poor consultation between TWBC, the parish of Benenden and the Benenden Healthcare Society (BHS), the single landowner of those sites in the East End of Benenden where most of Benenden's houses are allocated.**

. **There is no Statement of Common Ground between TWBC and the Benenden Neighbourhood Plan (BNP)** although a SoCG was listed as a supporting document to the BNP Reg 14. This is significant *because the two plans, though identical in their choice of sites, show different areas within those sites for development at the East End, and both plans differ from the view of BHS.* BHS's position is presented to the public through its comments on the first draft of the Local Plan (TWFDLP Comments) (see web link)

. Looking at the issue in terms of its hectareage:

. according to the PSLP the northern site (AL/BE4) is 3.72 ha and the South East Quadrant (SEQ or AL/BE3) is 3.07 ha;

- according to the Benenden Neighbourhood Plan (BNP), the northern site (called LS41 in the BNP, see para 2.9.4.2.) is 1.9 ha and SEQ (called 424 plus LS40b, see para 2.9.3.2) is 4.24 ha.
- according to BHS, the northern site is 3.7 ha and the southern site is 4.2 ha (see TWFDLP comments), Savills for BHS: DLP\_4956)

The hectareage varies largely according to whether Local Wildlife Sites (LWS) are included in the development area. There are four LWS at the hospital. One of these lies in the northern area (AL/BE4) and two lie in the southern area (AL/BE3). The fourth is in an area not up for development.

- For AL/BE3, the PSLP excludes the second and the most southerly of its two Local Wildlife Sites (LWS), while the BNP *includes* both LWS. *Currently, Strutt and Parker are advertising to developers the larger, BNP version of the site for sale, together with Cleveland Farm.* The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE3 is incorrect.
- For AL/BE4, the PSLP *includes* all the LWS at the site, while the BNP includes only a small southerly section of it. The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE4 is incorrect.
- For AL/BE4, Savills' comments on behalf of the BHS (see TWFDLP comments), propose 43 dwellings for the site, which will include the LWS (see TWFDLP Comments, item DLP\_4956 para 3.6), "Unlike the BNP, the TWLP is broader in the site area by providing a boundary encompassing the entire hospital site, yet aside from the discrepancy addressed previously in this representation the two allocations align in terms of proposed numbers. The Society intends to bring forward the development on the two sites identified through the BNP and *within the boundary identified in the TWLP.* The Society welcomes the consistent approach to unit numbers, and the allocation of both parcels of land through the draft BNP and the TWLP."

In terms of boundaries:

- BHS understands (see DLP\_4956, para 2.8 in TWFDLP Comments) "The North East Quadrant occupies the North East of the site, bordered to the North and East by Mockbeggar Lane, to the south by Goddards Green Lane / Benenden Road and the West by existing hospital buildings." *In other words, it includes the entire LWS in its area.*
- To the south, BHS understands (see DLP\_4956, para 2.9 in TWFDLP comments), "The South East Quadrant occupies the South East of the site, bordered to the north by Goddards Green Lane / Benenden Road, to the West by Green Lane and to the South and East by agricultural land and the High Weald AONB boundary." *In other words, it includes the whole of the more southerly of the two LWS at the site.*

This means that PSLP's AL/BE3 is inaccurate because the larger BNP plan will likely prevail, while the PSLP's AL/BE4 could be challenged by the BNP (if successful in a referendum) (see PSLP para 5.421) and substantially reduced in size. The PSLP's plans for the two hospital plans are therefore both potentially inaccurate.

A failure to coordinate and effectively consult has produced unsound documents.

- **Poor consultation with stakeholders, the local community and the neighbouring parish** (possibly even more affected by the plans than Benenden). These parties have either not been consulted, or consulted after the fact or consulted but not engaged with.
  - **The Friends of the East End (FEE)** are more affected by the plans than most in the parish but they were not consulted over the development of the BNP on which the PSLP is based. The FEE are mainly residents of the East End which covers about one third of the parish and is a wholly rural location of 76 scattered households. Because it is isolated, it was chosen as the site for an isolation hospital. This now makes up a small enclave close to the border with the neighbouring parish of Biddenden.
  - The BNP Steering Committee is the only one in the borough to have made its own site allocations and these allocations were published in an Informal Draft Plan in February 2019, before consultations with the High Weald -AONB and before inviting AECOM to produce a Strategic Environmental Assessment (SEA). (N.B. Even when the HW-AONB were invited to assess sites, they were NOT asked to assess the hospital sites).

- The FEE object strongly to the proposal to site almost all the new housing in the East End, but the BNP Steering Committee never asked to meet the FEE nor engaged with them (See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others).
- The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the IDP (published on February 23, 2019), in which the allocations, later adopted by the PSLP were first set out. A second FEE submission with 164 signatures was submitted in October 2019 objecting to the TWFDLP, and in the same month, a third FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. Instead of acknowledging the strength of these views and the number of people who held them, the chair of the BNP Steering Group, who wrote a regular column in the Parish Magazine about the BNP process, wrote in January 2020, that only “31 residents from the East End” had sent in “comments”. For the strength of today’s opposition to the BNP, see the FEE’s current online petition with over 450 signatures <https://www.change.org/EastEndFriends>.
- Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about*. At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”
- Consultation also failed in relation to the neighbouring **parish of Biddenden**. The Clerk of Biddenden Council has repeatedly responded to Benenden Parish Council in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of consultations with the parish of Biddenden in the Biddenden Parish Magazine, February 2021.

## **2. The plan is unsound because of the untimely publication of site allocations**

- Pre-Submission Local Plan, para 5.420 reads “The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020.” But the allocations had already been made and published by the BNP in February 2019 in its so called “Informal Draft Plan”. The 2019 February allocations are virtually identical to the PSLP 2021 allocations. Para 5.420 states “The BNP proposes to include site “allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan.” How can the BNP follow the PSLP’s approach when its sites were already allocated? Because the PSLP is founded on site allocations made by the BNP, the unsoundness of the latter carries over and produces unsoundness in the former.
- The LP is based on the BNP and BNP allocations were made before **consultations with stakeholders**. This is not consulting in a timely fashion. For example, the PSLP requires archaeological surveys of the hospital sites *after* the designation of the sites for development. Historic England (HE) asks for the surveys to be carried out *before* allocation (see TWFDLP Comments DLP\_4556 - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted*.”

## **3. The plan is unsound because the evidence on which it is based is inaccurate or irrelevant**

### **Supporting Documents**

- **AONB Setting Analysis report: Main Report and AONB Study Plans and Photographs Benenden Hospital/Hankinson Duckett Associates**. November 2020.

See para 4.4.2, the description of the hospital site is for the *entire built up-hospital area*, minus the southerly LWS in the SEQ. It is therefore a *report on an area not submitted in the PSLP*. As a result, it draws its conclusions from areas not included in the PSLP. The conclusions are therefore unsound.

The report:

- . is concerned with adding 66-72 additional dwellings in addition to the 18 already extant on the northern site and presumably in addition to the 24 for which planning permission has been granted. That is between 108 and 114 new houses. The PSLP is talking about planning 43 houses for the northern site and 49 for the south. A total of 92 new houses. The report muddies the waters, leaving no clarity.
- . fails to note items of critical importance in any attempt to evaluate the landscape and historic importance of the site e.g.
  - . that the site is on an east-west ridge giving it a dominant position in relation to the AONB;
  - . the east-west Roman Road running over Benenden Healthcare Society (BHS) land a few yards to the south of the site, and the medieval drove road (Goddards Green Road - GGR) which divides the northern site from the southern one;
  - . the National Monument Register which lists a Bronze Age palstaff (SMR Number/Hob UID) found at the hospital site, (though, oddly, the report does note Scheduled Monuments in the village);
  - . that the SEQ development proposes two entrances on to Green Lane and two on to GGR, see Transport Planning Associates (tpa)- October 2019 Scoping note for BHS, 1907-038 under the section headed 'Access', para 4.4 "The consented vehicle access arrangements will be retained. Therefore, vehicle access to the Site will be taken from two access points along Goddards Green Road and two on Green Lane." (This and other documents were revealed to the FEE in May 2021 as a result of the BNP Independent Examiner's queries. In spite of the Examiner's request that all such material be published on-line, this document and the KCC Highways 13 Nov 2019 "Pre-App Response" have been not been published). Such entrances will seriously impact the AONB. Both Goddards Green and Green Lane are designated Rural Lanes, and, of the two, Green Lane is mentioned as a particularly high scoring lane (for its beauty and tranquillity) in *TWBC's Rural Lanes: Supplementary Planning Guidance*. Creating a series of broad entrances large enough so that an "11.4 m refuse vehicle can enter and leave the site in forward gear (see KCC Pre-App Response 13-11-19, a document revealed to the FEE as a result of the BNP Examiner's queries but not made public) would have a substantial effect on the AONB. Hankinson Duckett Associates ignore the issue (see Section 4 on Benenden in the main report and photos B1 and B2 in *Supporting Plans and Photographs , Benenden*).
- . offers photos (B5 & B6) which are irrelevant to the site in question. These photos look south towards an area not up for development, and are taken from a point also not up for development. These omissions undermine the report's conclusion.
- . ***Inset Map 18 (Benenden Hospital)***, unlike other maps attached as supporting documents to the PSLP, Inset Map 18 makes no reference to the AONB boundary. This is a significant omission because both the PSLP and the BNP claim that the hospital is outside the AONB and on this basis, largely justify placing most of Benenden's housing in the East End. Because AL/BE3&4 lie on a high ridge to the north of the parish and because the AONB boundary wraps tightly round the site which bulges, like a balloon, into the AONB, development at the East End significantly affects the AONB. While TWBC acknowledges this by requesting the Hankinson Duckett Report, by publishing Inset Map 18, which omits the AONB boundary, TWBC loses a critical opportunity to show the true relevance of AL/BE 3&4 to the AONB. It could even be said that by leaving out the boundary, there is an implication that the hospital sites are genuinely 'outside' the protected area.
- . ***Previous Stages, Draft Local Plan, Benenden Overview***, p263, provides a basis for the PSLP but contains inaccuracies.
  - . There is no "pre-school/nursery" as stated in the Overview
  - . There is no "Small shop at hospital" as stated in the Overview
  - . The statement that there are tennis courts and a café at the site is misleading. In TWFDLP Comments, Savills requests (see DLP\_4956 para 3.14) that "the requirement to incorporate the tennis courts and retain the sports pavilion is removed". As for the café, BHS states in its comments on the LP that the café is for hospital use only - "the existing hospital buildings ... have only been designed for hospital use". See TWFDLP detailed additional submissions from Savills "*Representation to the TWBC Draft Local Plan Regulation 18*" 2- Sept- 1Nov 2019 para 3.18 and 3.19)

#### 4. **Sustainability Appraisal**

As far as the East End of Benenden is concerned, the plan is unsound because the **Sustainability Appraisal**, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

**An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.**

**Climate Change:** AL/BE3&4 are not scored for climate change, nor are sites 158 & 222, yet, inexplicably, climate change is scored for AL/BE1&2 (Uphill and Feoffee) and for LS8. Where is the explanation for the failure to assess all sites, especially when sites 158, 222, AL/BE1&2 are all close to each other? The issue is particularly concerning in that sites AL/BE3&4 are both 3 miles distant from the village and without any amenities. Residents at these sites will be heavily car dependent and this was of concern even when only 24 houses were proposed for the site. "You will see from KCC's comments on the hybrid application (12/03130) that in consideration of this earlier application for 24 dwellings, the highways authority raised concern that all residents will be very heavily car dependent, which is contrary to a number of policy objectives, including the NPPF." (see KCC Pre-App Response, 13 Nov 2019, revealed in response to the BNP's Independent Examiner's queries and still not in the public arena).

**Biodiversity:** AL/BE3 is considered to be less at risk in terms of biodiversity than AL/BE4 though AL/BE 3 has two Local Wildlife Sites (LWS) while AL/BE 4 has only one. Where is the evidence to support the idea that the one is less important for biodiversity than the other?

The SA's scoring is not supported by evidence in a letter from Keith Nicholson of the Kent Wildlife Trust, former Planning and Conservation officer for the Kent Wildlife Trust (KWT), dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert in which he states, "The 2012 survey has demonstrated that Benenden hospital LWS is more valuable than previously believed. The applicant's consultant is now more firmly of the belief that the Site would fulfil the criteria for it to be considered a Site of Special Scientific Interest (paragraph 4.3.6.). The waxcap community is of national importance when judged against both the Reid classification (para 4.3.4.) and the JNCC Guidelines (para 4.3.5.)."

Nor is it supported by the view of the HW-AONB as stated in TWFDLP Comments (see DLP\_3458) that the hospital LWS *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* Neither the KWT nor the HW-AONB offer any indication that one or other of the LWS at the hospital is of less value than the rest. Further, we now know from

(see web link),

Regulation 18 Representation made by Benenden Healthcare Society, November 2019, that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that "The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."

In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE4 see (in the same document) para 3.17. "In addition, as highlighted in paragraph 3.13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (LWS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the LWS and / or sports provision is removed from the policy requirement." Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

**Business Growth:** AL/BE3&4 are scored as if they were more favourable to business growth than AL/BE1&2 and sites 158 and 222, but all four of these last-mentioned sites are in the heart of the village where residents will have ready access to local businesses as well as to daily bus services and



other services and facilities. Residents at the East End, on the other hand, will have no access to local businesses except by car.

**Education:** All sites in this SA are scored equally for education, except for site 158 which scores less well. This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the *Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options* report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there. If, in 2006, the SA offered site 158 as one of two top sites in the village for building the new primary school, where is the evidence that its appropriateness has somehow massively declined since then? Where is the evidence site 158 is less favourable to education than all the other sites mentioned, especially given that the hospital sites, so favoured for development, are three miles distant from the village school?

Table 58 states that "the education objective does not deteriorate when considering the cumulative effects as the schools in Tenterden will be a viable option for residents in East End." Children from the East End will have priority over the between 70 and 75% of the existing pupils at the school who come from outside the parish. On what basis is the assumption made that East End parents will prefer to drive their children 6 miles into Tenterden than drive to the primary school in their own village?

**Heritage:** AL/BE 3 scores slightly less well in terms of its heritage value than AL/BE4 without supporting evidence. How were heritage issues assessed when there is no apparent knowledge of the historic importance of the site, for example: the PSLP makes no mention of the Roman road a few yards south of AL/BE3; the medieval droveway (GGR), which runs through the site and along the ridge; and the Bronze Age palstaff found at the hospital site (National Monument Register - SMR Number/Hob UID). How can a site be scored or evaluated without at least some knowledge of the site's historic significance? This is available at <https://www.benendenvillage.org.uk/History/benweb2006.pdf>

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**Services and Facilities:** How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children's playground, church, memorial hall, village hall and a primary school. In spite of this, sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

## 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.**

Many of the PSLP's problems are associated with failure in the duty to co-operate and can therefore not be remedied.

Many are due to poor evidence or poor interpretation of evidence. This too cannot be remedied.

In summary, development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites such as 158 and 222 in the village centre, or to LS8 in Iden Green. These sites all lie within walking distance of shops, other amenities and the primary school. Paragraphs 5.421 and 5.422 should be omitted.

### **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:**

In order to present my case and to answer those with vested interests who may seek to put forward arguments against it.

### **Question 8**

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

Sustainability Appraisal

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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
---

## Comment

Consultee	Mrs Dorota Collingwood ([REDACTED])
Address	[REDACTED] [REDACTED] Cranbrook TN17 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mrs Dorota Collingwood ([REDACTED])
Comment ID	PSLP_2012
Response Date	30/05/21 11:52
Consultation Point	Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End ( <a href="#">View</a> )
Status	Processed
Submission Type	Other
Version	0.5
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Dorota Collingwood
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/BE 1 Land adjacent to New Pond Road (known as Uphill), Benenden

Policy AL/BE2 2 Feoffee Cottages and Land, Walkhurst Road, Benenden

Policy AL/BE3 Land at Benenden Hospital (south of Goddards Green Road), East End

Policy AL/BE4 Land at Benenden Hospital (north of Goddards Green Road), East End

EN1 Sustainable Design

Sustainability Statement

[TWBC: this representation has been input against Policies AL/BE 1, AL/BE 2, AL/BE 3, AL/BE 4 and EN 1 – see Comment Numbers PSLP\_2009, PSLP\_2010, PSLP\_2011, PSLP\_2012 and PSLP\_2013]

#### 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.

This representation relates to the Pre-submission Local Plan(PSLP) and its handling of the parish of Benenden

1 **The plan is unsound because of inadequacies in the consultation process.**

. Poor consultation between TWBC and other Borough Councils

**A Statement of Common Ground (SoCG) between Maidstone and Tunbridge Wells Borough Councils (TWBC)** is published, but nothing is apparently published in relation to Ashford Borough Council or Tonbridge and Malling Borough Council.

. **Poor consultation between TWBC, the parish of Benenden and the Benenden Healthcare Society (BHS), the single landowner of those sites in the East End of Benenden where most of Benenden's houses are allocated.**

. **There is no Statement of Common Ground between TWBC and the Benenden Neighbourhood Plan (BNP)** although a SoCG was listed as a supporting document to the BNP Reg 14. This is significant *because the two plans, though identical in their choice of sites, show different areas within those sites for development at the East End, and both plans differ from the view of BHS.* BHS's position is presented to the public through its comments on the first draft of the Local Plan (TWFDLP Comments) (see web link)

. Looking at the issue in terms of its hectareage:

. according to the PSLP the northern site (AL/BE4) is 3.72 ha and the South East Quadrant (SEQ or AL/BE3) is 3.07 ha;

- according to the Benenden Neighbourhood Plan (BNP), the northern site (called LS41 in the BNP, see para 2.9.4.2.) is 1.9 ha and SEQ (called 424 plus LS40b, see para 2.9.3.2) is 4.24 ha.
- according to BHS, the northern site is 3.7 ha and the southern site is 4.2 ha (see TWFDLP comments), Savills for BHS: DLP\_4956)

The hectareage varies largely according to whether Local Wildlife Sites (LWS) are included in the development area. There are four LWS at the hospital. One of these lies in the northern area (AL/BE4) and two lie in the southern area (AL/BE3). The fourth is in an area not up for development.

- For AL/BE3, the PSLP excludes the second and the most southerly of its two Local Wildlife Sites (LWS), while the BNP *includes* both LWS. *Currently, Strutt and Parker are advertising to developers the larger, BNP version of the site for sale, together with Cleveland Farm.* The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE3 is incorrect.
- For AL/BE4, the PSLP *includes* all the LWS at the site, while the BNP includes only a small southerly section of it. The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE4 is incorrect.
- For AL/BE4, Savills' comments on behalf of the BHS (see TWFDLP comments), propose 43 dwellings for the site, which will include the LWS (see TWFDLP Comments, item DLP\_4956 para 3.6), "Unlike the BNP, the TWLP is broader in the site area by providing a boundary encompassing the entire hospital site, yet aside from the discrepancy addressed previously in this representation the two allocations align in terms of proposed numbers. The Society intends to bring forward the development on the two sites identified through the BNP and *within the boundary identified in the TWLP.* The Society welcomes the consistent approach to unit numbers, and the allocation of both parcels of land through the draft BNP and the TWLP."

In terms of boundaries:

- BHS understands (see DLP\_4956, para 2.8 in TWFDLP Comments) "The North East Quadrant occupies the North East of the site, bordered to the North and East by Mockbeggar Lane, to the south by Goddards Green Lane / Benenden Road and the West by existing hospital buildings." *In other words, it includes the entire LWS in its area.*
- To the south, BHS understands (see DLP\_4956, para 2.9 in TWFDLP comments), "The South East Quadrant occupies the South East of the site, bordered to the north by Goddards Green Lane / Benenden Road, to the West by Green Lane and to the South and East by agricultural land and the High Weald AONB boundary." *In other words, it includes the whole of the more southerly of the two LWS at the site.*

This means that PSLP's AL/BE3 is inaccurate because the larger BNP plan will likely prevail, while the PSLP's AL/BE4 could be challenged by the BNP (if successful in a referendum) (see PSLP para 5.421) and substantially reduced in size. The PSLP's plans for the two hospital plans are therefore both potentially inaccurate.

A failure to coordinate and effectively consult has produced unsound documents.

- **Poor consultation with stakeholders, the local community and the neighbouring parish** (possibly even more affected by the plans than Benenden). These parties have either not been consulted, or consulted after the fact or consulted but not engaged with.
  - **The Friends of the East End (FEE)** are more affected by the plans than most in the parish but they were not consulted over the development of the BNP on which the PSLP is based. The FEE are mainly residents of the East End which covers about one third of the parish and is a wholly rural location of 76 scattered households. Because it is isolated, it was chosen as the site for an isolation hospital. This now makes up a small enclave close to the border with the neighbouring parish of Biddenden.
  - The BNP Steering Committee is the only one in the borough to have made its own site allocations and these allocations were published in an Informal Draft Plan in February 2019, before consultations with the High Weald -AONB and before inviting AECOM to produce a Strategic Environmental Assessment (SEA). (N.B. Even when the HW-AONB were invited to assess sites, they were NOT asked to assess the hospital sites).

- The FEE object strongly to the proposal to site almost all the new housing in the East End, but the BNP Steering Committee never asked to meet the FEE nor engaged with them (See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others).
- The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the IDP (published on February 23, 2019), in which the allocations, later adopted by the PSLP were first set out. A second FEE submission with 164 signatures was submitted in October 2019 objecting to the TWFDLP, and in the same month, a third FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. Instead of acknowledging the strength of these views and the number of people who held them, the chair of the BNP Steering Group, who wrote a regular column in the Parish Magazine about the BNP process, wrote in January 2020, that only “31 residents from the East End” had sent in “comments”. For the strength of today’s opposition to the BNP, see the FEE’s current online petition with over 450 signatures <https://www.change.org/EastEndFriends>.
- Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about*. At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”
- Consultation also failed in relation to the neighbouring **parish of Biddenden**. The Clerk of Biddenden Council has repeatedly responded to Benenden Parish Council in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of consultations with the parish of Biddenden in the Biddenden Parish Magazine, February 2021.

## **2. The plan is unsound because of the untimely publication of site allocations**

- Pre-Submission Local Plan, para 5.420 reads “The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020.” But the allocations had already been made and published by the BNP in February 2019 in its so called “Informal Draft Plan”. The 2019 February allocations are virtually identical to the PSLP 2021 allocations. Para 5.420 states “The BNP proposes to include site “allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan.” How can the BNP follow the PSLP’s approach when its sites were already allocated? Because the PSLP is founded on site allocations made by the BNP, the unsoundness of the latter carries over and produces unsoundness in the former.
- The LP is based on the BNP and BNP allocations were made before **consultations with stakeholders**. This is not consulting in a timely fashion. For example, the PSLP requires archaeological surveys of the hospital sites *after* the designation of the sites for development. Historic England (HE) asks for the surveys to be carried out *before* allocation (see TWFDLP Comments DLP\_4556 - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted*.”

## **3. The plan is unsound because the evidence on which it is based is inaccurate or irrelevant**

### **Supporting Documents**

- **AONB Setting Analysis report: Main Report and AONB Study Plans and Photographs Benenden Hospital/Hankinson Duckett Associates**. November 2020.

See para 4.4.2, the description of the hospital site is for the *entire built up-hospital area*, minus the southerly LWS in the SEQ. It is therefore a *report on an area not submitted in the PSLP*. As a result, it draws its conclusions from areas not included in the PSLP. The conclusions are therefore unsound.

The report:

- . is concerned with adding 66-72 additional dwellings in addition to the 18 already extant on the northern site and presumably in addition to the 24 for which planning permission has been granted. That is between 108 and 114 new houses. The PSLP is talking about planning 43 houses for the northern site and 49 for the south. A total of 92 new houses. The report muddies the waters, leaving no clarity.
- . fails to note items of critical importance in any attempt to evaluate the landscape and historic importance of the site e.g.
  - . that the site is on an east-west ridge giving it a dominant position in relation to the AONB;
  - . the east-west Roman Road running over Benenden Healthcare Society (BHS) land a few yards to the south of the site, and the medieval drove road (Goddards Green Road - GGR) which divides the northern site from the southern one;
  - . the National Monument Register which lists a Bronze Age palstaff (SMR Number/Hob UID) found at the hospital site, (though, oddly, the report does note Scheduled Monuments in the village);
  - . that the SEQ development proposes two entrances on to Green Lane and two on to GGR, see Transport Planning Associates (tpa)- October 2019 Scoping note for BHS, 1907-038 under the section headed 'Access', para 4.4 "The consented vehicle access arrangements will be retained. Therefore, vehicle access to the Site will be taken from two access points along Goddards Green Road and two on Green Lane." (This and other documents were revealed to the FEE in May 2021 as a result of the BNP Independent Examiner's queries. In spite of the Examiner's request that all such material be published on-line, this document and the KCC Highways 13 Nov 2019 "Pre-App Response" have been not been published). Such entrances will seriously impact the AONB. Both Goddards Green and Green Lane are designated Rural Lanes, and, of the two, Green Lane is mentioned as a particularly high scoring lane (for its beauty and tranquillity) in *TWBC's Rural Lanes: Supplementary Planning Guidance*. Creating a series of broad entrances large enough so that an "11.4 m refuse vehicle can enter and leave the site in forward gear (see KCC Pre-App Response 13-11-19, a document revealed to the FEE as a result of the BNP Examiner's queries but not made public) would have a substantial effect on the AONB. Hankinson Duckett Associates ignore the issue (see Section 4 on Benenden in the main report and photos B1 and B2 in *Supporting Plans and Photographs , Benenden*).
- . offers photos (B5 & B6) which are irrelevant to the site in question. These photos look south towards an area not up for development, and are taken from a point also not up for development. These omissions undermine the report's conclusion.
- . ***Inset Map 18 (Benenden Hospital)***, unlike other maps attached as supporting documents to the PSLP, Inset Map 18 makes no reference to the AONB boundary. This is a significant omission because both the PSLP and the BNP claim that the hospital is outside the AONB and on this basis, largely justify placing most of Benenden's housing in the East End. Because AL/BE3&4 lie on a high ridge to the north of the parish and because the AONB boundary wraps tightly round the site which bulges, like a balloon, into the AONB, development at the East End significantly affects the AONB. While TWBC acknowledges this by requesting the Hankinson Duckett Report, by publishing Inset Map 18, which omits the AONB boundary, TWBC loses a critical opportunity to show the true relevance of AL/BE 3&4 to the AONB. It could even be said that by leaving out the boundary, there is an implication that the hospital sites are genuinely 'outside' the protected area.
- . ***Previous Stages, Draft Local Plan, Benenden Overview***, p263, provides a basis for the PSLP but contains inaccuracies.
  - . There is no "pre-school/nursery" as stated in the Overview
  - . There is no "Small shop at hospital" as stated in the Overview
  - . The statement that there are tennis courts and a café at the site is misleading. In TWFDLP Comments, Savills requests (see DLP\_4956 para 3.14) that "the requirement to incorporate the tennis courts and retain the sports pavilion is removed". As for the café, BHS states in its comments on the LP that the café is for hospital use only - "the existing hospital buildings ... have only been designed for hospital use". See TWFDLP detailed additional submissions from Savills "*Representation to the TWBC Draft Local Plan Regulation 18*" 2- Sept- 1Nov 2019 para 3.18 and 3.19)

#### 4. **Sustainability Appraisal**



As far as the East End of Benenden is concerned, the plan is unsound because the **Sustainability Appraisal**, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

**An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.**

**Climate Change:** AL/BE3&4 are not scored for climate change, nor are sites 158 & 222, yet, inexplicably, climate change is scored for AL/BE1&2 (Uphill and Feoffee) and for LS8. Where is the explanation for the failure to assess all sites, especially when sites 158, 222, AL/BE1&2 are all close to each other? The issue is particularly concerning in that sites AL/BE3&4 are both 3 miles distant from the village and without any amenities. Residents at these sites will be heavily car dependent and this was of concern even when only 24 houses were proposed for the site. "You will see from KCC's comments on the hybrid application (12/03130) that in consideration of this earlier application for 24 dwellings, the highways authority raised concern that all residents will be very heavily car dependent, which is contrary to a number of policy objectives, including the NPPF." (see KCC Pre-App Response, 13 Nov 2019, revealed in response to the BNP's Independent Examiner's queries and still not in the public arena).

**Biodiversity:** AL/BE3 is considered to be less at risk in terms of biodiversity than AL/BE4 though AL/BE 3 has two Local Wildlife Sites (LWS) while AL/BE 4 has only one. Where is the evidence to support the idea that the one is less important for biodiversity than the other?

The SA's scoring is not supported by evidence in a letter from Keith Nicholson of the Kent Wildlife Trust, former Planning and Conservation officer for the Kent Wildlife Trust (KWT), dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert in which he states, "The 2012 survey has demonstrated that Benenden hospital LWS is more valuable than previously believed. The applicant's consultant is now more firmly of the belief that the Site would fulfil the criteria for it to be considered a Site of Special Scientific Interest (paragraph 4.3.6.). The waxcap community is of national importance when judged against both the Reid classification (para 4.3.4.) and the JNCC Guidelines (para 4.3.5.)."

Nor is it supported by the view of the HW-AONB as stated in TWFDLP Comments (see DLP\_3458) that the hospital LWS *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* Neither the KWT nor the HW-AONB offer any indication that one or other of the LWS at the hospital is of less value than the rest. Further, we now know from

(see web link),

Regulation 18 Representation made by Benenden Healthcare Society, November 2019, that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that "The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."

In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE4 see (in the same document) para 3.17. "In addition, as highlighted in paragraph 3.13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (LWS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the LWS and / or sports provision is removed from the policy requirement." Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

**Business Growth:** AL/BE3&4 are scored as if they were more favourable to business growth than AL/BE1&2 and sites 158 and 222, but all four of these last-mentioned sites are in the heart of the village where residents will have ready access to local businesses as well as to daily bus services and other services and facilities. Residents at the East End, on the other hand, will have no access to local businesses except by car.



**Education:** All sites in this SA are scored equally for education, except for site 158 which scores less well. This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the *Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options* report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there. If, in 2006, the SA offered site 158 as one of two top sites in the village for building the new primary school, where is the evidence that its appropriateness has somehow massively declined since then? Where is the evidence site 158 is less favourable to education than all the other sites mentioned, especially given that the hospital sites, so favoured for development, are three miles distant from the village school?

Table 58 states that "the education objective does not deteriorate when considering the cumulative effects as the schools in Tenterden will be a viable option for residents in East End." Children from the East End will have priority over the between 70 and 75% of the existing pupils at the school who come from outside the parish. On what basis is the assumption made that East End parents will prefer to drive their children 6 miles into Tenterden than drive to the primary school in their own village?

**Heritage:** AL/BE 3 scores slightly less well in terms of its heritage value than AL/BE4 without supporting evidence. How were heritage issues assessed when there is no apparent knowledge of the historic importance of the site, for example: the PSLP makes no mention of the Roman road a few yards south of AL/BE3; the medieval driveway (GGR), which runs through the site and along the ridge; and the Bronze Age palstaff found at the hospital site (National Monument Register - SMR Number/Hob UID). How can a site be scored or evaluated without at least some knowledge of the site's historic significance? This is available at <https://www.benendenvillage.org.uk/History/benweb2006.pdf>

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**Services and Facilities:** How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children's playground, church, memorial hall, village hall and a primary school. In spite of this, sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

## 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.**

Many of the PSLP's problems are associated with failure in the duty to co-operate and can therefore not be remedied.

Many are due to poor evidence or poor interpretation of evidence. This too cannot be remedied.

In summary, development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites such as 158 and 222 in the village centre, or to LS8 in Iden Green. These sites all lie within walking distance of shops, other amenities and the primary school. Paragraphs 5.421 and 5.422 should be omitted.

#### **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:**

In order to present my case and to answer those with vested interests who may seek to put forward arguments against it.

#### **Question 8**

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

Sustainability Appraisal

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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

## Comment

Consultee	Mrs Dorota Collingwood ( [REDACTED] )
Address	[REDACTED] [REDACTED] Cranbrook TN17 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mrs Dorota Collingwood ( [REDACTED] )
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Question 1	
Respondent's Name and/or Organisation	Dorota Collingwood
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/BE 1 Land adjacent to New Pond Road (known as Uphill), Benenden

Policy AL/BE2 2 Feoffee Cottages and Land, Walkhurst Road, Benenden

Policy AL/BE3 Land at Benenden Hospital (south of Goddards Green Road), East End

Policy AL/BE4 Land at Benenden Hospital (north of Goddards Green Road), East End

EN1 Sustainable Design

Sustainability Statement

[TWBC: this representation has been input against Policies AL/BE 1, AL/BE 2, AL/BE 3, AL/BE 4 and EN 1 – see Comment Numbers PSLP\_2009, PSLP\_2010, PSLP\_2011, PSLP\_2012 and PSLP\_2013]

#### 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.

This representation relates to the Pre-submission Local Plan(PSLP) and its handling of the parish of Benenden

1 **The plan is unsound because of inadequacies in the consultation process.**

. Poor consultation between TWBC and other Borough Councils

**A Statement of Common Ground (SoCG) between Maidstone and Tunbridge Wells Borough Councils (TWBC) is published, but nothing is apparently published in relation to Ashford Borough Council or Tonbridge and Malling Borough Council.**

. **Poor consultation between TWBC, the parish of Benenden and the Benenden Healthcare Society (BHS), the single landowner of those sites in the East End of Benenden where most of Benenden's houses are allocated.**

. **There is no Statement of Common Ground between TWBC and the Benenden Neighbourhood Plan (BNP) although a SoCG was listed as a supporting document to the BNP Reg 14. This is significant because the two plans, though identical in their choice of sites, show different areas within those sites for development at the East End, and both plans differ from the view of BHS. BHS's position is presented to the public through its comments on the first draft of the Local Plan (TWFDLP Comments) (see web link)**

. Looking at the issue in terms of its hectareage:

. according to the PSLP the northern site (AL/BE4) is 3.72 ha and the South East Quadrant (SEQ or AL/BE3) is 3.07 ha;

. according to the Benenden Neighbourhood Plan (BNP), the northern site (called LS41in the BNP, see para 2.9.4.2.) is 1.9 ha and SEQ (called 424 plus LS40b, see para 2.9.3.2) is 4.24 ha.

- according to BHS, the northern site is 3.7 ha and the southern site is 4.2 ha (see TWFDLP comments), Savills for BHS: DLP\_4956)

The hectareage varies largely according to whether Local Wildlife Sites (LWS) are included in the development area. There are four LWS at the hospital. One of these lies in the northern area (AL/BE4) and two lie in the southern area (AL/BE3). The fourth is in an area not up for development.

- For AL/BE3, the PSLP excludes the second and the most southerly of its two Local Wildlife Sites (LWS), while the BNP *includes* both LWS. *Currently, Strutt and Parker are advertising to developers the larger, BNP version of the site for sale, together with Cleveland Farm.* The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE3 is incorrect.
- For AL/BE4, the PSLP *includes* all the LWS at the site, while the BNP includes only a small southerly section of it. The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE4 is incorrect.
- For AL/BE4, Savills' comments on behalf of the BHS (see TWFDLP comments), propose 43 dwellings for the site, which will include the LWS (see TWFDLP Comments, item DLP\_4956 para 3.6), "Unlike the BNP, the TWLP is broader in the site area by providing a boundary encompassing the entire hospital site, yet aside from the discrepancy addressed previously in this representation the two allocations align in terms of proposed numbers. The Society intends to bring forward the development on the two sites identified through the BNP and *within the boundary identified in the TWLP.* The Society welcomes the consistent approach to unit numbers, and the allocation of both parcels of land through the draft BNP and the TWLP."

In terms of boundaries:

- BHS understands (see DLP\_4956, para 2.8 in TWFDLP Comments) "The North East Quadrant occupies the North East of the site, bordered to the North and East by Mockbeggar Lane, to the south by Goddards Green Lane / Benenden Road and the West by existing hospital buildings." *In other words, it includes the entire LWS in its area.*
- To the south, BHS understands (see DLP\_4956, para 2.9 in TWFDLP comments), "The South East Quadrant occupies the South East of the site, bordered to the north by Goddards Green Lane / Benenden Road, to the West by Green Lane and to the South and East by agricultural land and the High Weald AONB boundary." *In other words, it includes the whole of the more southerly of the two LWS at the site.*

This means that PSLP's AL/BE3 is inaccurate because the larger BNP plan will likely prevail, while the PSLP's AL/BE4 could be challenged by the BNP (if successful in a referendum) (see PSLP para 5.421) and substantially reduced in size. The PSLP's plans for the two hospital plans are therefore both potentially inaccurate.

A failure to coordinate and effectively consult has produced unsound documents.

- **Poor consultation with stakeholders, the local community and the neighbouring parish** (possibly even more affected by the plans than Benenden). These parties have either not been consulted, or consulted after the fact or consulted but not engaged with.
  - **The Friends of the East End (FEE)** are more affected by the plans than most in the parish but they were not consulted over the development of the BNP on which the PSLP is based. The FEE are mainly residents of the East End which covers about one third of the parish and is a wholly rural location of 76 scattered households. Because it is isolated, it was chosen as the site for an isolation hospital. This now makes up a small enclave close to the border with the neighbouring parish of Biddenden.
    - The BNP Steering Committee is the only one in the borough to have made its own site allocations and these allocations were published in an Informal Draft Plan in February 2019, before consultations with the High Weald -AONB and before inviting AECOM to produce a Strategic Environmental Assessment (SEA). (N.B. Even when the HW-AONB were invited to assess sites, they were NOT asked to assess the hospital sites).
    - The FEE object strongly to the proposal to site almost all the new housing in the East End, but the BNP Steering Committee never asked to meet the FEE nor engaged with them (See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others).



- The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response to the IDP (published on February 23, 2019), in which the allocations, later adopted by the PSLP were first set out. A second FEE submission with 164 signatures was submitted in October 2019 objecting to the TWFDLP, and in the same month, a third FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. Instead of acknowledging the strength of these views and the number of people who held them, the chair of the BNP Steering Group, who wrote a regular column in the Parish Magazine about the BNP process, wrote in January 2020, that only “31 residents from the East End” had sent in “comments”. For the strength of today’s opposition to the BNP, see the FEE’s current online petition with over 450 signatures <https://www.change.org/EastEndFriends>.
- Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about*. At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”
- Consultation also failed in relation to the neighbouring **parish of Biddenden**. The Clerk of Biddenden Council has repeatedly responded to Benenden Parish Council in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of consultations with the parish of Biddenden in the Biddenden Parish Magazine, February 2021.

## **2. The plan is unsound because of the untimely publication of site allocations**

- Pre-Submission Local Plan, para 5.420 reads “The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020.” But the allocations had already been made and published by the BNP in February 2019 in its so called “Informal Draft Plan”. The 2019 February allocations are virtually identical to the PSLP 2021 allocations. Para 5.420 states “The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan.” How can the BNP follow the PSLP’s approach when its sites were already allocated? Because the PSLP is founded on site allocations made by the BNP, the unsoundness of the latter carries over and produces unsoundness in the former.
- The LP is based on the BNP and BNP allocations were made before **consultations with stakeholders**. This is not consulting in a timely fashion. For example, the PSLP requires archaeological surveys of the hospital sites *after* the designation of the sites for development. Historic England (HE) asks for the surveys to be carried out *before* allocation (see TWFDLP Comments DLP\_4556 - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted*.”

## **3. The plan is unsound because the evidence on which it is based is inaccurate or irrelevant**

### **Supporting Documents**

- AONB Setting Analysis report: Main Report and AONB Study Plans and Photographs Benenden Hospital/Hankinson Duckett Associates**. November 2020.

See para 4.4.2, the description of the hospital site is for the *entire built up-hospital area*, minus the southerly LWS in the SEQ. It is therefore a *report on an area not submitted in the PSLP*. As a result, it draws its conclusions from areas not included in the PSLP. The conclusions are therefore unsound.

The report:

- is concerned with adding 66-72 additional dwellings in addition to the 18 already extant on the northern site and presumably in addition to the 24 for which planning permission has been granted. That is between 108 and 114 new houses. The PSLP is talking about planning 43 houses for the



- northern sight and 49 for the south. A total of 92 new houses. The report muddies the waters, leaving no clarity.
- . fails to note items of critical importance in any attempt to evaluate the landscape and historic importance of the site e.g.
    - . that the site is on an east-west ridge giving it a dominant position in relation to the AONB;
    - . the east-west Roman Road running over Benenden Healthcare Society (BHS) land a few yards to the south of the site, and the medieval drove road (Goddards Green Road - GGR) which divides the northern site from the southern one;
    - . the National Monument Register which lists a Bronze Age palstaff (SMR Number/Hob UID) found at the hospital site, (though, oddly, the report does note Scheduled Monuments in the village);
    - . that the SEQ development proposes two entrances on to Green Lane and two on to GGR, see Transport Planning Associates (tpa)- October 2019 Scoping note for BHS, 1907-038 under the section headed 'Access', para 4 .4 "The consented vehicle access arrangements will be retained. Therefore, vehicle access to the Site will be taken from two access points along Goddards Green Road and two on Green Lane." (This and other documents were revealed to the FEE in May 2021 as a result of the BNP Independent Examiner's queries. In spite of the Examiner's request that all such material be published on-line, this document and the KCC Highways 13 Nov 2019 "Pre-App Response" have been not been published). Such entrances will seriously impact the AONB. Both Goddards Green and Green Lane are designated Rural Lanes, and, of the two, Green Lane is mentioned as a particularly high scoring lane (for its beauty and tranquillity) in *TWBC's Rural Lanes: Supplementary Planning Guidance*. Creating a series of broad entrances large enough so that an "11.4 m refuse vehicle can enter and leave the site in forward gear (see KCC Pre-App Response 13-11-19, a document revealed to the FEE as a result of the BNP Examiner's queries but not made public) would have a substantial effect on the AONB. Hankinson Duckett Associates ignore the issue (see Section 4 on Benenden in the main report and photos B1 and B2 in *Supporting Plans and Photographs , Benenden*).
  - . offers photos (B5 & B6) which are irrelevant to the site in question. These photos look south towards an area not up for development, and are taken from a point also not up for development. These omissions undermine the report's conclusion.
  - . ***Inset Map 18 (Benenden Hospital)***, unlike other maps attached as supporting documents to the PSLP, Inset Map 18 makes no reference to the AONB boundary. This is a significant omission because both the PSLP and the BNP claim that the hospital is outside the AONB and on this basis, largely justify placing most of Benenden's housing in the East End. Because AL/BE3&4 lie on a high ridge to the north of the parish and because the AONB boundary wraps tightly round the site which bulges, like a balloon, into the AONB, development at the East End significantly affects the AONB. While TWBC acknowledges this by requesting the Hankinson Duckett Report, by publishing Inset Map 18, which omits the AONB boundary, TWBC loses a critical opportunity to show the true relevance of AL/BE 3&4 to the AONB. It could even be said that by leaving out the boundary, there is an implication that the hospital sites are genuinely 'outside' the protected area.
  - . ***Previous Stages, Draft Local Plan, Benenden Overview***, p263, provides a basis for the PSLP but contains inaccuracies.
    - . There is no "pre-school/nursery" as stated in the Overview
    - . There is no "Small shop at hospital" as stated in the Overview
    - . The statement that there are tennis courts and a café at the site is misleading. In TWFDLP Comments, Savills requests (see DLP\_4956 para 3.14) that "the requirement to incorporate the tennis courts and retain the sports pavilion is removed". As for the café, BHS states in its comments on the LP that the café is for hospital use only - "the existing hospital buildings ... have only been designed for hospital use". See TWFDLP detailed additional submissions from Savills "*Representation to the TWBC Draft Local Plan Regulation 18*" 2- Sept- 1Nov 2019 para 3.18 and 3.19)

#### 4. **Sustainability Appraisal**

As far as the East End of Benenden is concerned, the plan is unsound because the **Sustainability Appraisal**, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the

BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

**An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.**

**Climate Change:** AL/BE3&4 are not scored for climate change, nor are sites 158 & 222, yet, inexplicably, climate change is scored for AL/BE1&2 (Uphill and Feoffee) and for LS8. Where is the explanation for the failure to assess all sites, especially when sites 158, 222, AL/BE1&2 are all close to each other? The issue is particularly concerning in that sites AL/BE3&4 are both 3 miles distant from the village and without any amenities. Residents at these sites will be heavily car dependent and this was of concern even when only 24 houses were proposed for the site. "You will see from KCC's comments on the hybrid application (12/03130) that in consideration of this earlier application for 24 dwellings, the highways authority raised concern that all residents will be very heavily car dependent, which is contrary to a number of policy objectives, including the NPPF." (see KCC Pre-App Response, 13 Nov 2019, revealed in response to the BNP's Independent Examiner's queries and still not in the public arena).

**Biodiversity:** AL/BE3 is considered to be less at risk in terms of biodiversity than AL/BE4 though AL/BE 3 has two Local Wildlife Sites (LWS) while AL/BE 4 has only one. Where is the evidence to support the idea that the one is less important for biodiversity than the other?

The SA's scoring is not supported by evidence in a letter from Keith Nicholson of the Kent Wildlife Trust, former Planning and Conservation officer for the Kent Wildlife Trust (KWT), dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert in which he states, "The 2012 survey has demonstrated that Benenden hospital LWS is more valuable than previously believed. The applicant's consultant is now more firmly of the belief that the Site would fulfil the criteria for it to be considered a Site of Special Scientific Interest (paragraph 4.3.6.). The waxcap community is of national importance when judged against both the Reid classification (para 4.3.4.) and the JNCC Guidelines (para 4.3.5.)."

Nor is it supported by the view of the HW-AONB as stated in TWFDLP Comments (see DLP\_3458) that the hospital LWS *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* Neither the KWT nor the HW-AONB offer any indication that one or other of the LWS at the hospital is of less value than the rest. Further, we now know from

(see web link),

Regulation 18 Representation made by Benenden Healthcare Society, November 2019, that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that "The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."

In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE4 see (in the same document) para 3.17. "In addition, as highlighted in paragraph 3.13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (LWS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the LWS and / or sports provision is removed from the policy requirement." Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

**Business Growth:** AL/BE3&4 are scored as if they were more favourable to business growth than AL/BE1&2 and sites 158 and 222, but all four of these last-mentioned sites are in the heart of the village where residents will have ready access to local businesses as well as to daily bus services and other services and facilities. Residents at the East End, on the other hand, will have no access to local businesses except by car.

**Education:** All sites in this SA are scored equally for education, except for site 158 which scores less well. This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a

choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the *Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options* report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there. If, in 2006, the SA offered site 158 as one of two top sites in the village for building the new primary school, where is the evidence that it's appropriateness has somehow massively declined since then? Where is the evidence site 158 is less favourable to education than all the other sites mentioned, especially given that the hospital sites, so favoured for development, are three miles distant from the village school?

Table 58 states that "the education objective does not deteriorate when considering the cumulative effects as the schools in Tenterden will be a viable option for residents in East End." Children from the East End will have priority over the between 70 and 75% of the existing pupils at the school who come from outside the parish. On what basis is the assumption made that East End parents will prefer to drive their children 6 miles into Tenterden than drive to the primary school in their own village?

**Heritage:** AL/BE 3 scores slightly less well in terms of its heritage value than AL/BE4 without supporting evidence. How were heritage issues assessed when there is no apparent knowledge of the historic importance of the site, for example: the PSLP makes no mention of the Roman road a few yards south of AL/BE3; the medieval droveway (GGR), which runs through the site and along the ridge; and the Bronze Age palstaff found at the hospital site (National Monument Register - SMR Number/Hob UID). How can a site be scored or evaluated without at least some knowledge of the sites historic significance? This is available at <https://www.benendenvillage.org.uk/History/benweb2006.pdf>

and advertised on the Benenden village website.

**Services and Facilities:** How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children's playground, church, memorial hall, village hall and a primary school. In spite of this, sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

## 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.

Many of the PSLP's problems are associated with failure in the duty to co-operate and can therefore not be remedied.

Many are due to poor evidence or poor interpretation of evidence. This too cannot be remedied.

In summary, development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites such as 158 and 222 in the village centre, or to LS8 in Iden Green. These sites all lie within walking distance of shops, other amenities and the primary school. Paragraphs 5.421 and 5.422 should be omitted.

## 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:**

In order to present my case and to answer those with vested interests who may seek to put forward arguments against it.

## Question 8

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

Sustainability Appraisal

As far as the East End of Benenden is concerned, the plan is unsound because the Sustainability Appraisal, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

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In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE4 see (in the same document) para 3.17. "In addition, as highlighted in paragraph 3.13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (LWS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the LWS and / or sports provision is removed from the policy requirement." Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

Business Growth: AL/BE3&4 are scored as if they were more favourable to business growth than AL/BE1&2 and sites 158 and 222, but all four of these last-mentioned sites are in the heart of the village where residents will have ready access to local businesses as well as to daily bus services and other services and facilities. Residents at the East End, on the other hand, will have no access to local businesses except by car.

Education: All sites in this SA are scored equally for education, except for site 158 which scores less well. This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there. If, in 2006, the SA offered site 158 as one of two top sites in the village for building the new primary school, where is the evidence that it's appropriateness has somehow massively declined since then? Where is the evidence site 158 is less favourable to education than all the other sites mentioned, especially given that the hospital sites, so favoured for development, are three miles distant from the village school?

Table 58 states that “the education objective does not deteriorate when considering the cumulative effects as the schools in Tenterden will be a viable option for residents in East End.” Children from the East End will have priority over the between 70 and 75% of the existing pupils at the school who come from outside the parish. On what basis is the assumption made that East End parents will prefer to drive their children 6 miles into Tenterden than drive to the primary school in their own village?

Heritage: AL/BE 3 scores slightly less well in terms of its heritage value than AL/BE4 without supporting evidence. How were heritage issues assessed when there is no apparent knowledge of the historic importance of the site, for example: the PSLP makes no mention of the Roman road a few yards south of AL/BE3; the medieval droveway (GGR), which runs through the site and along the ridge; and the Bronze Age palstaff found at the hospital site (National Monument Register - SMR Number/Hob UID). How can a site be scored or evaluated without at least some knowledge of the sites historic significance? This is available at <https://www.benendenvillage.org.uk/History/benweb2006.pdf> and advertised on the Benenden village website.

Services and Facilities: How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children’s playground, church, memorial hall, village hall and a primary school. In spite of this, sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

## **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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## Comment

Consultee	Mark Colyer [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tudeley [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mark Colyer [REDACTED]
Comment ID	PSLP_1004
Response Date	03/06/21 08:48
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Respondent's Name and/or Organisation	Mark Colyer
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 STR/SS 3	
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 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.**

We have lived since 1993 in Tudeley where we have raised children through the local schools of Tonbridge and Tunbridge Wells (TW). We live between the proposed STR/SS3 site and Tonbridge. For the last 10 years I have run a business based on Riverside Road, Tonbridge to which I often commute along the B2017 or take a train to London from Tonbridge station. We shop in Tonbridge. As such, I am a resident of Tunbridge Wells but feel more a part of Tonbridge and reside on the border between the two boroughs. I feel well qualified to provide thoughts on the horrific real world implications of this plan for the residents of this part of TW, but also those who live and work in and around Tonbridge.

In short, the proposed Tudeley Village (TV) is situated in the most unlikely, unconnected, unsustainable location imaginable. Whilst on paper it appears deliverable through single ownership, at what risk to local residents and tax payers in the widest sense? It is fundamentally unsound for numerous reasons including the following.

#### CONNECTIVITY

- . TV is not connected to TW or anywhere of any scale other than Five Oak Green Village and Tonbridge via the B2017. It will need a completely new additional road consuming further Green Belt as shown on Map 33 of the PSLP to the south east. On this it is referred to as "Road Improvement" – this is not a fair description of nearly 2km of road construction across agricultural fields and hedgerows. There is no access planned to the north. The remaining access is to Tonbridge. This is where potentially 3-4000 extra cars will come and go for the residents and those coming into the TV schools will drive. They may well be more and more electrified over the next decade, but they are still vehicles consuming road space and the vast majority will be fossil fuel powered for many years to come. The road is permanently gridlocked TODAY during rush hour with school traffic and commuting traffic to/from Tonbridge station and none of the proposed road improvements address the fundamental issue that from the Woodgate Way roundabout the Tonbridge roads are the restriction that cannot be removed. There is no plan (only a dream) of a rail station. It is therefore in concept a Garden Village "island" floating in a beautiful agricultural and bio-diverse landscape, missing the essential requirement of successful garden villages - being located within an existing transportation infrastructure.
- . High permeability is required of this Garden Village. But it is split by a railway line with limited vehicle crossings. And built on a hill with 35m of elevation in approximately 850m with an average gradient of >4%. So with a strategy to "maximise accessibility by foot from the new dwellings to serve local shopping needs" and "the layout should provide good levels of permeability to encourage more sustainable modes of transport. Walking and cycling linkages to be provided within the site" (page 160/161 of PSLP) many people will not be able to cycle and some walk around the south side of the site due to the gradient alone.



- . The plan is clearly UNSOUND with respect to connectivity. It is not positively prepared in terms of sustainable development, it is not justified with proportionate evidence, it is not consistent with policies for sustainability in terms of the road infrastructure required to provide limited access.

#### GREEN BELT AND HOUSING NEEDS

- . Regarding housing needs, Para 4.11 of the PSLP states “there are not exceptional circumstances to depart from this national default, standard method”. And it goes further in 4.13 “it is appropriate to assess the potential for also contributing towards unmet needs from elsewhere, as well as at providing for higher levels of housing need for the borough itself.”
- . The NPPF states in Para 11b) “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 area6.” Reference 6 includes “land designated as Green Belt”.
- . On one hand TWBC argues there is no exceptional circumstance for NOT meeting its housing needs PLUS offering to help neighbouring councils to take their needs, ignoring the NPPF Para 11b) guidance, and then argues there IS exceptional reason to remove Green Belt in order to meet its housing needs and more. This logic for releasing 600 acres of Green Belt land and >5% of TWBC total Green Belt area is UNSOUND. It is not positively prepared, nor justified nor consistent with the NPPF.

#### SUSTAINABLE ALTERNATIVES TO TV

- . Once again Section 4.47 of the PSLP states “Tudeley Village would involve the loss of a large area of Green Belt but is outside the AONB, is well located in terms of accessibility to nearby towns, would be of a scale that supports a good range of services, and can be planned in a holistic, comprehensive manner, achieving very high standards of sustainable design and development. Moreover, no sustainable option has been identified and, without this new settlement, the borough’s housing need would not reasonably be capable of being met.”
- . I believe Section 4.47 to be both untrue and misleading. It is NOT accessible to nearby local towns as covered previously under CONNECTIVITY.
- . TWBC admits its proposal is not sustainable “no sustainable option has been identified”, but this is not in my opinion a wholly true statement. Whilst it may be true that none of the alternatives are wholly sustainable in the terms defined in the Sustainability Appraisal of the Pre-Submission Local Plan, other alternatives have been identified and further alternatives for brownfield development are available but neither have been assessed fairly or consistently. I will not repeat the detail of Sustainability Appraisals provided in others’ inputs, but when assessed transparently and consistently and objectively by TWBC own scoring methods THERE ARE MORE SUSTAINABLE ALTERNATIVES and combinations including Blantyre, Castle Hill, brownfield and possibly Horsmonden. It appears that TWBC does not wish to look objectively at the alternatives – they are there and have not been given a fair review. See Save Capel input for details.
- . The plan is UNSOUND with respect to sustainable alternative strategies. It is not justified with proportionate evidence, and it is not consistent with policies for sustainability.

#### RISK AND DELIVERABILITY

- . As a tax payer to TWBC I would like my money spent wisely and I do see the benefit of having a Local Plan. Amongst many other things, ability to deliver a Local Plan is key. I can obviously see the benefit of a single land owner for TWBC.
- . However it appears this single fact has clouded the whole decision process such that the viability risks of TV outweigh any theoretical deliverability benefit offered by one landowner.
- . In simple terms, the cornerstone of the Local Plan is TV and East Capel as a whole. There is no fallback, yet MAJOR areas of the plan are still missing substance, costings or detail. So our money is being spent progressing a single plan with no idea if it is feasible or if the economics add up. The TV site is bereft of almost any infrastructure and it has to be questionable if it has sustainable scale for the undefined infrastructure investment required. There are 124 “TBC” items in the Appendix of the Infrastructure Delivery Plan in either the “Indicative Cost” or “Funding Position” columns including Libraries, Highways, Schools, Flood Risk Alleviation Schemes and so on. In other words, not the odd bus shelter but MAJOR INFRASTRUCTURE is uncoded and/or has unidentified sources of funding.

- Other aspects such as the compatibility of affordable housing goals with all the high value design and sustainability features, HQM Level 4, low density of housing and so on appears inconsistent and risky.
- A natural outcome may well be that the development as proposed is NOT viable and with no other alternative at that point, the “solution” needs to be larger and or cheaper requiring MORE Green Belt or AONB release or major compromise in the master planning.
- The “eggs in one basket” Local Plan is UNSOUND with respect to the risks of delivery and appears to be fuelled by the single goal of working with the one landowner on a heavily compromised, unsustainable and possibly non-viable strategy at the expense of both common sense, AND OTHER ALTERNATIVES which exist should TWBC care to look objectively.

## 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 Local Plan should argue there is exceptional circumstance to reduce the housing needs calculation, rather than productive Green Belt due to nature of TW make up of AONB and Green Belt.

Build a more diverse, lower risk and better balanced strategy comprising a spread of development first using brownfield sites such as Blantyre, then the many other available sites, particularly well connected ones around the A21 and North Farm where AONB has been released in a more sustainable way already, including Castle Hill, also under single ownership. Focus on the needs of TW existing residents and don't create a commuter magnet drawing in people from London seeking larger housing who will swamp Tonbridge roads, station, schools and 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)

## Question 8

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

Alternative sites are not consistently or transparently assessed against the SA Strategic Objectives using Appendix B. They are discounted without rigorous review.

## 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	Mrs Lynn Conquer [REDACTED]
Email Address	[REDACTED]
Address	- Royal Tunbridge Wells -
Event Name	Pre-Submission Local Plan
Comment by	Mrs Lynn Conquer [REDACTED]
Comment ID	PSLP_30
Response Date	07/04/21 15:57
Consultation Point	Policy AL/RTW 22 Land at Bayham Sports Field West ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.2
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Mrs Lynn Conquer
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/RTW 22: Land at Bayham Sports Field West

**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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I was horrified to only just discover of the Councils intention to dispose of this lovely green area for yet more development.

I only found out as it popped up on my sons computer through the Kent Online website.

This side of town is already being overdeveloped and the proposed access for this site is ridiculous.

The road is highly dangerous and cars come tearing down at such high speeds despite residents complaints. The site is also waterlogged and provides a natural habitat for lots of birds and wildlife. There are plenty of brown sites to be utilised before taking sites like this and there is also the effect of the pandemic which will undoubtedly leave lots of office sites empty which can be converted to housing.

This is a short sighted plan to make the Council some money when what they should really be looking at is all the money that could be saved.

[TWBC: further comments added on 07 April]:

Thank you for your email.

Yes, I would like this to be added to official comments for this application and have since thought of further comments I would like to add, which I presume I can do?

Will residents adjacent to this land be informed directly and if so when will this be?

Thank you for your help.

**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, data inputter to tick 'not stated' box.** Not Stated

## Comment

Consultee	Michael Conrad-Pickles [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Michael Conrad-Pickles [REDACTED]
Comment ID	PSLP_22
Response Date	05/04/21 11:22
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Respondent's Name and/or Organisation	Michael Conrad-Pickles
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.	
Inset Map 4	
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 positively prepared

#### 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.**

#### Unequal distribution

Paddock Wood has been unfairly targeted with the housing target percentage. There seems to be no formula to provide an equal share of the housing across the Borough. This can only imply that the borough does not wish to have a multitude of complaints regarding the green belt destruction and wish to focus their defense efforts on one town only.

#### Flooding

It is apparent, even from the mapping of the housing extension, that the new developments are planned to be built on flood plain areas. There are several aspects of this I wish to highlight.

- 1 Paddock Wood topography means that it is the lowest point in the surrounding area. This causes rainfall to run into the plain from the surrounding hills.
- 2 Paddock Wood is on clay soil. Clay is good at soaking up rain but when it is saturated, it cannot soak any more water up and the water builds up and builds up. I have photographic evidence from the past several years of water-covered fields where new developments are planned.
- . The development is planned to be surrounding various brooks within the area. In particular Tudeley Brook. I have videos and photos of the bank at breaking point during extreme weather events.
- . Extreme weather. The government has set out to be carbon neutral from 2050. This implies that for the next 30 years, excess carbon will be going into the atmosphere. Excess carbon is creating extreme weather events which local drainage networks cannot cope with. For example, within Paddock Wood, January 2021 saw a 100% above average (1989 -2010) rainfall which causes huge excess surface water and weeks of standing water in fields on which the development is planned
- . In case of efficient drainage systems, the water still needs to go somewhere. The drainage leads to the River Medway and into the existing town. Clearly, with no fields to take up the excess water, any excess water will find its way into the existing town, where the drainage system is inadequate, and also into the River Medway which could be overcome and Tonbridge would flood.
- . Existing housing. Whilst any new developments may be built with floodproofing in mind (i.e. ground floor level above one meter), how can this help existing houses within the town, in particular the Victorian houses which have not been designed to withstand flooding events?

#### Traffic

Paddock Wood does not have the infrastructure to cope with an additional 5,000 houses. Even with an additional school, doctors, dentists etc, the road system could not cope. Years upon years of lack of funding to improve cycling/bus access within the area has caused a massive increase in car dependency. All new developments will create additional car dependency. Paddock Wood has lost most of its town center. Indeed as I write, another section is being lost to retirement homes. This will inevitably require excess traffic on our roads for residents having to travel by car to visit town centers (Tonbridge Wells/Tonbridge).

As highlighted within the local plan report and I quote “Air quality is given a mixed score as the proposals pose a high risk to deterioration of local air quality. Traffic will increase substantially...”

### **Green Belt/Nature**

The government has expressed a promise to improve nature within this country. The UK is one of the most nature-depleted countries in the world. The location of the proposed developments does not allow for nature to survive. In one plot, nature is surrounded by the B201, the A228, a railway, and the town itself. Where do the developers propose where the nature that lives here goes? There is an element of pure hypocrisy from the planners and those councilors who agree to this. This week, a campaigning letter was received from Andrew Kennedy, Conservative and I quote “to save our green belt from the never-ending demands of speculative developers”.

### **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 local plan should be equally spread across the borough in terms of housing growth, at present there is an unjustifiable growth placed on Paddock Wood. There is no evidence that all brownfield sites have been thoroughly assessed to provide adequate housing. There is no evidence that the area can sustain the additional water requirements in consideration of future climate change drought events.

### **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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### **Question 8**

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

All comments have been made in my initial statement, therefore please refer to this.

### **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	Gerald Conyngham [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Crediton [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Gerald Conyngham [REDACTED]
Comment ID	PSLP_302
Response Date	23/05/21 18:15
Consultation Point	Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.14
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Gerald Conyngham
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 Numbers: 5.420 and 5.421

Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End

*[TWBC: This representation has been put against Policies AL/BE 3 and AL/BE 4 - see Comment Numbers PSLP\_302 and PSLP\_303]*

Inset Map 18

**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.

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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 representation relates to the Pre-submission Local Plan(PSLP) and its handling of the parish of Benenden

**1 The plan is unsound because of inadequacies in the consultation process.**

**(i) Poor consultation between TWBC and other Borough Councils**

**A Statement of Common Ground (SoCG) between Maidstone and Tunbridge Wells Borough Councils (TWBC)** is published, but nothing is apparently published in relation to Ashford Borough Council or Tonbridge and Malling Borough Council.

**(ii) Poor consultation between TWBC, the parish of Benenden and the Benenden Healthcare Society (BHS), the single landowner of those sites in the East End of Benenden where most of Benenden's houses are allocated.**

**(iii) There is no Statement of Common Ground between TWBC and the Benenden Neighbourhood Plan (BNP)** although a SoCG was listed as a supporting document to the BNP Reg 14. This is significant *because the two plans, though identical in their choice of sites, show different areas within those sites for development at the East End, and both plans differ from the view of BHS.* BHS's position is presented to the public through its comments on the first draft of the Local Plan (TWFDLP Comments) (see <https://tunbridgewells.gov.uk/planning/planning-policy/local-plan/previous-stages/local-plan-comments/section-5-benenden>)

- . Looking at the issue in terms of its hectarage:
- . according to the PSLP the northern site (AL/BE4) is 3.72 ha and the South East Quadrant (SEQ or AL/BE3) is 3.07 ha;
- . according to the Benenden Neighbourhood Plan (BNP), the northern site (called LS41 in the BNP, see para 2.9.4.2.) is 1.9 ha and SEQ (called 424 plus LS40b, see para 2.9.3.2) is 4.24 ha.
- . according to BHS, the northern site is 3.7 ha and the southern site is 4.2 ha (see TWFDLP comments), Savills for BHS: DLP\_4956)

The hectarage varies largely according to whether Local Wildlife Sites (LWS) are included in the development area. There are four LWS at the hospital. One of these lies in the northern area (AL/BE4) and two lie in the southern area (AL/BE3). The fourth is in an area not up for development.

- For AL/BE3, the PSLP excludes the second and the most southerly of its two Local Wildlife Sites (LWS), while the BNP *includes* both LWS. *Currently, Strutt and Parker are advertising to developers the larger, BNP version of the site for sale, together with Cleveland Farm.* The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE3 is incorrect.
- For AL/BE4, the PSLP *includes* all the LWS at the site, while the BNP includes only a small southerly section of it. The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE4 is incorrect.
- For AL/BE4, Savills' comments on behalf of the BHS (see TWFDLP comments), propose 43 dwellings for the site, which will include the LWS (see TWFDLP Comments, item DLP\_4956 para 3.6), "Unlike the BNP, the TWLP is broader in the site area by providing a boundary encompassing the entire hospital site, yet aside from the discrepancy addressed previously in this representation the two allocations align in terms of proposed numbers. The Society intends to bring forward the development on the two sites identified through the BNP and *within the boundary identified in the TWLP.* The Society welcomes the consistent approach to unit numbers, and the allocation of both parcels of land through the draft BNP and the TWLP."

In terms of boundaries:

- BHS understands (see DLP\_4956, para 2.8 in TWFDLP Comments) "The North East Quadrant occupies the North East of the site, bordered to the North and East by Mockbeggar Lane, to the south by Goddards Green Lane / Benenden Road and the West by existing hospital buildings." *In other words, it includes the entire LWS in its area.*
- To the south, BHS understands (see DLP\_4956, para 2.9 in TWFDLP comments), "The South East Quadrant occupies the South East of the site, bordered to the north by Goddards Green Lane / Benenden Road, to the West by Green Lane and to the South and East by agricultural land and the High Weald AONB boundary." *In other words, it includes the whole of the more southerly of the two LWS at the site.*

This means that PSLP's AL/BE3 is inaccurate because the larger BNP plan will likely prevail, while the PSLP's AL/BE4 could be challenged by the BNP (if successful in a referendum) (see PSLP para 5.421) and substantially reduced in size. The PSLP's plans for the two hospital plans are therefore both potentially inaccurate.

A failure to coordinate and effectively consult has produced unsound documents.

**(iv) Poor consultation with stakeholders, the local community and the neighbouring parish**

(possibly even more affected by the plans than Benenden). These parties have either not been consulted, or consulted after the fact or consulted but not engaged with.

- The Friends of the East End (FEE)** are more affected by the plans than most in the parish but they were not consulted over the development of the BNP on which the PSLP is based. The FEE are mainly residents of the East End which covers about one third of the parish and is a wholly rural location of 76 scattered households. Because it is isolated, it was chosen as the site for an isolation hospital. This now makes up a small enclave close to the border with the neighbouring parish of Biddenden.
- The BNP Steering Committee is the only one in the borough to have made its own site allocations and these allocations were published in an Informal Draft Plan in February 2019, before consultations with the High Weald -AONB and before inviting AECOM to produce a Strategic Environmental Assessment (SEA). (N.B. Even when the HW-AONB were invited to assess sites, they were NOT asked to assess the hospital sites).
- The FEE object strongly to the proposal to site almost all the new housing in the East End, but the BNP Steering Committee never asked to meet the FEE nor engaged with them (See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others).
- The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the IDP (published on February 23, 2019), in which the allocations, later adopted by the PSLP were first set out. A second FEE submission with 164 signatures was submitted in October 2019 objecting to the TWFDLP, and in the same month, a third FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. Instead of acknowledging the strength of these views and the number of people who held them, the chair of the BNP Steering Group, who wrote a regular column in the

Parish Magazine about the BNP process, wrote in January 2020, that only “31 residents from the East End” had sent in “comments”. For the strength of today’s opposition to the BNP, see the FEE’s current online petition with over 450 signatures see web link .

- . Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about.* At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”
- . Consultation also failed in relation to the neighbouring **parish of Biddenden**. The Clerk of Biddenden Council has repeatedly responded to Benenden Parish Council in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of consultations with the parish of Biddenden in the Biddenden Parish Magazine, February 2021.
- 1 **The plan is unsound because of the untimely publication of site allocations**
- . Pre-Submission Local Plan, para 5.420 reads “The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020.” But the allocations had already been made and published by the BNP in February 2019 in its so called “Informal Draft Plan”. The 2019 February allocations are virtually identical to the PSLP 2021 allocations. Para 5.420 states “The BNP proposes to include site “allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan.” How can the BNP follow the PSLP’s approach when its sites were already allocated? Because the PSLP is founded on site allocations made by the BNP, the unsoundness of the latter carries over and produces unsoundness in the former.
- . The LP is based on the BNP and BNP allocations were made before **consultations with stakeholders**. This is not consulting in a timely fashion. For example, the PSLP requires archaeological surveys of the hospital sites *after* the designation of the sites for development. Historic England (HE) asks for the surveys to be carried out *before* allocation (see TWFDLP Comments DLP\_4556 - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted.*”

1 **The plan is unsound because the evidence on which it is based is inaccurate or irrelevant**  
**Supporting Documents**

- . **AONB Setting Analysis report: Main Report and AONB Study Plans and Photographs Benenden Hospital/Hankinson Duckett Associates.** November 2020.

See para 4.4.2, the description of the hospital site is for the *entire built up-hospital area*, minus the southerly LWS in the SEQ. It is therefore a *report on an area not submitted in the PSLP*. As a result, it draws its conclusions from areas not included in the PSLP. The conclusions are therefore unsound.

The report:

- . is concerned with adding 66-72 additional dwellings in addition to the 18 already extant on the northern site and presumably in addition to the 24 for which planning permission has been granted. That is between 108 and 114 new houses. The PSLP is talking about planning 43 houses for the northern site and 49 for the south. A total of 92 new houses. The report muddies the waters, leaving no clarity.
- . fails to note items of critical importance in any attempt to evaluate the landscape and historic importance of the site e.g.
- . that the site is on an east-west ridge giving it a dominant position in relation to the AONB;
- . the east-west Roman Road running over Benenden Healthcare Society (BHS) land a few yards to the south of the site, and the medieval drove road (Goddards Green Road - GGR) which divides the northern site from the southern one;
- . the National Monument Register which lists a Bronze Age palstaff (SMR Number/Hob UID) found at the hospital site, (though, oddly, the report does note Scheduled Monuments in the village);
- . that the SEQ development proposes two entrances on to Green Lane and two on to GGR, see Transport Planning Associates (tpa)- October 2019 Scoping note for BHS, 1907-038 under the section headed ‘Access’, para 4.4 “The consented vehicle access arrangements will be retained.

Therefore, vehicle access to the Site will be taken from two access points along Goddards Green Road and two on Green Lane.” (This and other documents were revealed to the FEE in May 2021 as a result of the BNP Independent Examiner’s queries. In spite of the Examiner’s request that all such material be published on-line, this document and the KCC Highways 13 Nov 2019 “Pre-App Response” have been not been published). Such entrances will seriously impact the AONB. Both Goddards Green and Green Lane are designated Rural Lanes, and, of the two, Green Lane is mentioned as a particularly high scoring lane (for its beauty and tranquillity) in *TWBC’s Rural Lanes: Supplementary Planning Guidance*. Creating a series of broad entrances large enough so that an “11.4 m refuse vehicle can enter and leave the site in forward gear (see KCC Pre-App Response 13-11-19, a document revealed to the FEE as a result of the BNP Examiner’s queries but not made public) would have a substantial effect on the AONB.

Hankinson Duckett Associates ignore the issue (see Section 4 on Benenden in the main report and photos B1 and B2 in *Supporting Plans and Photographs , Benenden*).

- offers photos (B5 & B6) which are irrelevant to the site in question. These photos look south towards an area not up for development, and are taken from a point also not up for development. These omissions undermine the report’s conclusion.

- ***Inset Map 18 (Benenden Hospital)***, unlike other maps attached as supporting documents to the PSLP, Inset Map 18 makes no reference to the AONB boundary. This is a significant omission because both the PSLP and the BNP claim that the hospital is outside the AONB and on this basis, largely justify placing most of Benenden’s housing in the East End. Because AL/BE3&4 lie on a high ridge to the north of the parish and because the AONB boundary wraps tightly round the site which bulges, like a balloon, into the AONB, development at the East End significantly affects the AONB. While TWBC acknowledges this by requesting the Hankinson Duckett Report, by publishing Inset Map 18, which omits the AONB boundary, TWBC loses a critical opportunity to show the true relevance of AL/BE 3&4 to the AONB. It could even be said that by leaving out the boundary, there is an implication that the hospital sites are genuinely ‘outside’ the protected area.

- ***Previous Stages, Draft Local Plan, Benenden Overview***, p263, provides a basis for the PSLP but contains inaccuracies.

- There is no “pre-school/nursery” as stated in the Overview

- There is no “Small shop at hospital” as stated in the Overview

- The statement that there are tennis courts and a café at the site is misleading. In TWFDLP Comments, Savills requests (see DLP\_4956 para 3.14) that “the requirement to incorporate the tennis courts and retain the sports pavilion is removed”. As for the café, BHS states in its comments on the LP that the café is for hospital use only - “the existing hospital buildings ... have only been designed for hospital use”. See TWFDLP detailed additional submissions from Savills “*Representation to the TWBC Draft Local Plan Regulation 18*” 2- Sept- 1Nov 2019 para 3.18 and 3.19)

## 1 **Sustainability Appraisal**

As far as the East End of Benenden is concerned, the plan is unsound because the **Sustainability Appraisal**, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP’s Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

**An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA’s evidence base.**

**Climate Change:** AL/BE3&4 are not scored for climate change, nor are sites 158 & 222, yet, inexplicably, climate change is scored for AL/BE1&2 (Uphill and Feoffee) and for LS8. Where is the explanation for the failure to assess all sites, especially when sites 158, 222, AL/BE1&2 are all close to each other? The issue is particularly concerning in that sites AL/BE3&4 are both 3 miles distant from the village and without any amenities. Residents at these sites will be heavily car dependent and this was of concern even when only 24 houses were proposed for the site. “You will see from KCC’s comments on the hybrid application (12/03130) that in consideration of this earlier application for 24 dwellings, the highways authority raised concern that all residents will be very heavily car dependent, which is contrary to a number of policy objectives, including the NPPF.” (see KCC Pre-App Response,

13 Nov 2019, revealed in response to the BNP's Independent Examiner's queries and still not in the public arena).

**Biodiversity:** AL/BE3 is considered to be less at risk in terms of biodiversity than AL/BE4 though AL/BE 3 has two Local Wildlife Sites (LWS) while AL/BE 4 has only one. Where is the evidence to support the idea that the one is less important for biodiversity than the other?

The SA's scoring is not supported by evidence in a letter from Keith Nicholson of the Kent Wildlife Trust, former Planning and Conservation officer for the Kent Wildlife Trust (KWT), dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert in which he states, "The 2012 survey has demonstrated that Benenden hospital LWS is more valuable than previously believed. The applicant's consultant is now more firmly of the belief that the Site would fulfil the criteria for it to be considered a Site of Special Scientific Interest (paragraph 4.3.6.). The waxcap community is of national importance when judged against both the Reid classification (para 4.3.4.) and the JNCC Guidelines (para 4.3.5.)."

Nor is it supported by the view of the HW-AONB as stated in TWFDLP Comments (see DLP\_3458) that the hospital LWS *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* Neither the KWT nor the HW-AONB offer any indication that one or other of the LWS at the hospital is of less value than the rest. Further, we now know from ([https://ws.tunbridgewells.gov.uk/files/consulteessupportingdocuments/Benenden%20Healthcare/Savills%20for%20The%20Benenden%20Healthcare%20Society\\_full%20representation.pdf](https://ws.tunbridgewells.gov.uk/files/consulteessupportingdocuments/Benenden%20Healthcare/Savills%20for%20The%20Benenden%20Healthcare%20Society_full%20representation.pdf)),

files/consulteessupportingdocuments/

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%20representation.pdf), ,

Regulation 18 Representation made by Benenden Healthcare Society, November 2019, that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that "The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."

In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE4 see (in the same document) para 3.17. "In addition, as highlighted in paragraph 3.13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (LWS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the LWS and / or sports provision is removed from the policy requirement." Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

**Business Growth:** AL/BE3&4 are scored as if they were more favourable to business growth than AL/BE1&2 and sites 158 and 222, but all four of these last-mentioned sites are in the heart of the village where residents will have ready access to local businesses as well as to daily bus services and other services and facilities. Residents at the East End, on the other hand, will have no access to local businesses except by car.

**Education:** All sites in this SA are scored equally for education, except for site 158 which scores less well. This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the *Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options* report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the



less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there. If, in 2006, the SA offered site 158 as one of two top sites in the village for building the new primary school, where is the evidence that it's appropriateness has somehow massively declined since then? Where is the evidence site 158 is less favourable to education than all the other sites mentioned, especially given that the hospital sites, so favoured for development, are three miles distant from the village school?

Table 58 states that "the education objective does not deteriorate when considering the cumulative effects as the schools in Tenterden will be a viable option for residents in East End." Children from the East End will have priority over the between 70 and 75% of the existing pupils at the school who come from outside the parish. On what basis is the assumption made that East End parents will prefer to drive their children 6 miles into Tenterden than drive to the primary school in their own village?

**Heritage:** AL/BE 3 scores slightly less well in terms of its heritage value than AL/BE4 without supporting evidence. How were heritage issues assessed when there is no apparent knowledge of the historic importance of the site, for example: the PSLP makes no mention of the Roman road a few yards south of AL/BE3; the medieval droveway (GGR), which runs through the site and along the ridge; and the Bronze Age palstaff found at the hospital site (National Monument Register - SMR Number/Hob UID). How can a site be scored or evaluated without at least some knowledge of the sites historic significance? This is available at see web link

and advertised on the Benenden village website.

**Services and Facilities:** How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children's playground, church, memorial hall, village hall and a primary school. In spite of this, sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

## 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.**

Many of the PSLP's problems are associated with failure in the duty to co-operate and can therefore not be remedied.

Many are due to poor evidence or poor interpretation of evidence. This too cannot be remedied.

In summary, development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites such as 158 and 222 in

the village centre, or to LS8 in Iden Green. These sites all lie within walking distance of shops, other amenities and the primary school. Paragraphs 5.421 and 5.422 should be omitted.

#### 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 to present my case and to answer those with vested interests who may seek to put forward arguments against it.

#### Question 8

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

Sustainability Appraisal

As far as the East End of Benenden is concerned, the plan is unsound because the Sustainability Appraisal, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect. An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.

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[Savills%20for%20The%20Benenden%20Healthcare%20Society\\_full%20representation.pdf](#))

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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
---

## Comment

Consultee	Gerald Conyngham [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Crediton [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Gerald Conyngham [REDACTED]
Comment ID	PSLP_303
Response Date	23/05/21 18:15
Consultation Point	Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Gerald Conyngham
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 Numbers: 5.420 and 5.421

Policy AL/BE 4 Land at Benenden Hospital (south of Goddards Green Road), East End

*[TWBC: This representation has been put against Policies AL/BE 3 and AL/BE 4 - see Comment Numbers PSLP\_302 and PSLP\_303]*

Inset Map 18

**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.

This representation relates to the Pre-submission Local Plan(PSLP) and its handling of the parish of Benenden

**1 The plan is unsound because of inadequacies in the consultation process.**

**(i) Poor consultation between TWBC and other Borough Councils**

**A Statement of Common Ground (SoCG) between Maidstone and Tunbridge Wells Borough Councils (TWBC)** is published, but nothing is apparently published in relation to Ashford Borough Council or Tonbridge and Malling Borough Council.

**(ii) Poor consultation between TWBC, the parish of Benenden and the Benenden Healthcare Society (BHS), the single landowner of those sites in the East End of Benenden where most of Benenden's houses are allocated.**

**(iii) There is no Statement of Common Ground between TWBC and the Benenden Neighbourhood Plan (BNP)** although a SoCG was listed as a supporting document to the BNP Reg 14. This is significant *because the two plans, though identical in their choice of sites, show different areas within those sites for development at the East End, and both plans differ from the view of BHS.* BHS's position is presented to the public through its comments on the first draft of the Local Plan (TWFDLP Comments) (see see web link

- . Looking at the issue in terms of its hectarage:
- . according to the PSLP the northern site (AL/BE4) is 3.72 ha and the South East Quadrant (SEQ or AL/BE3) is 3.07 ha;
- . according to the Benenden Neighbourhood Plan (BNP), the northern site (called LS41 in the BNP, see para 2.9.4.2.) is 1.9 ha and SEQ (called 424 plus LS40b, see para 2.9.3.2) is 4.24 ha.
- . according to BHS, the northern site is 3.7 ha and the southern site is 4.2 ha (see TWFDLP comments), Savills for BHS: DLP\_4956)

The hectarage varies largely according to whether Local Wildlife Sites (LWS) are included in the development area. There are four LWS at the hospital. One of these lies in the northern area (AL/BE4) and two lie in the southern area (AL/BE3). The fourth is in an area not up for development.

- For AL/BE3, the PSLP excludes the second and the most southerly of its two Local Wildlife Sites (LWS), while the BNP *includes* both LWS. *Currently, Strutt and Parker are advertising to developers the larger, BNP version of the site for sale, together with Cleveland Farm.* The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE3 is incorrect.
- For AL/BE4, the PSLP *includes* all the LWS at the site, while the BNP includes only a small southerly section of it. The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE4 is incorrect.
- For AL/BE4, Savills' comments on behalf of the BHS (see TWFDLP comments), propose 43 dwellings for the site, which will include the LWS (see TWFDLP Comments, item DLP\_4956 para 3.6), "Unlike the BNP, the TWLP is broader in the site area by providing a boundary encompassing the entire hospital site, yet aside from the discrepancy addressed previously in this representation the two allocations align in terms of proposed numbers. The Society intends to bring forward the development on the two sites identified through the BNP and *within the boundary identified in the TWLP.* The Society welcomes the consistent approach to unit numbers, and the allocation of both parcels of land through the draft BNP and the TWLP."

In terms of boundaries:

- BHS understands (see DLP\_4956, para 2.8 in TWFDLP Comments) "The North East Quadrant occupies the North East of the site, bordered to the North and East by Mockbeggar Lane, to the south by Goddards Green Lane / Benenden Road and the West by existing hospital buildings." *In other words, it includes the entire LWS in its area.*
- To the south, BHS understands (see DLP\_4956, para 2.9 in TWFDLP comments), "The South East Quadrant occupies the South East of the site, bordered to the north by Goddards Green Lane / Benenden Road, to the West by Green Lane and to the South and East by agricultural land and the High Weald AONB boundary." *In other words, it includes the whole of the more southerly of the two LWS at the site.*

This means that PSLP's AL/BE3 is inaccurate because the larger BNP plan will likely prevail, while the PSLP's AL/BE4 could be challenged by the BNP (if successful in a referendum) (see PSLP para 5.421) and substantially reduced in size. The PSLP's plans for the two hospital plans are therefore both potentially inaccurate.

A failure to coordinate and effectively consult has produced unsound documents.

**(iv) Poor consultation with stakeholders, the local community and the neighbouring parish**

(possibly even more affected by the plans than Benenden). These parties have either not been consulted, or consulted after the fact or consulted but not engaged with.

- The Friends of the East End (FEE)** are more affected by the plans than most in the parish but they were not consulted over the development of the BNP on which the PSLP is based. The FEE are mainly residents of the East End which covers about one third of the parish and is a wholly rural location of 76 scattered households. Because it is isolated, it was chosen as the site for an isolation hospital. This now makes up a small enclave close to the border with the neighbouring parish of Biddenden.
- The BNP Steering Committee is the only one in the borough to have made its own site allocations and these allocations were published in an Informal Draft Plan in February 2019, before consultations with the High Weald -AONB and before inviting AECOM to produce a Strategic Environmental Assessment (SEA). (N.B. Even when the HW-AONB were invited to assess sites, they were NOT asked to assess the hospital sites).
- The FEE object strongly to the proposal to site almost all the new housing in the East End, but the BNP Steering Committee never asked to meet the FEE nor engaged with them (See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others).
- The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the IDP (published on February 23, 2019), in which the allocations, later adopted by the PSLP were first set out. A second FEE submission with 164 signatures was submitted in October 2019 objecting to the TWFDLP, and in the same month, a third FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. Instead of acknowledging the strength of these views and the number of people who held them, the chair of the BNP Steering Group, who wrote a regular column in the

Parish Magazine about the BNP process, wrote in January 2020, that only “31 residents from the East End” had sent in “comments”. For the strength of today’s opposition to the BNP, see the FEE’s current online petition with over 450 signatures see web link .

- . Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about.* At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”
- . Consultation also failed in relation to the neighbouring **parish of Biddenden**. The Clerk of Biddenden Council has repeatedly responded to Benenden Parish Council in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of consultations with the parish of Biddenden in the Biddenden Parish Magazine, February 2021.
- 1 **The plan is unsound because of the untimely publication of site allocations**
- . Pre-Submission Local Plan, para 5.420 reads “The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020.” But the allocations had already been made and published by the BNP in February 2019 in its so called “Informal Draft Plan”. The 2019 February allocations are virtually identical to the PSLP 2021 allocations. Para 5.420 states “The BNP proposes to include site “allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan.” How can the BNP follow the PSLP’s approach when its sites were already allocated? Because the PSLP is founded on site allocations made by the BNP, the unsoundness of the latter carries over and produces unsoundness in the former.
- . The LP is based on the BNP and BNP allocations were made before **consultations with stakeholders**. This is not consulting in a timely fashion. For example, the PSLP requires archaeological surveys of the hospital sites *after* the designation of the sites for development. Historic England (HE) asks for the surveys to be carried out *before* allocation (see TWFDLP Comments DLP\_4556 - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted.*”

1 **The plan is unsound because the evidence on which it is based is inaccurate or irrelevant**  
**Supporting Documents**

- . **AONB Setting Analysis report: Main Report and AONB Study Plans and Photographs Benenden Hospital/Hankinson Duckett Associates.** November 2020.

See para 4.4.2, the description of the hospital site is for the *entire built up-hospital area*, minus the southerly LWS in the SEQ. It is therefore a *report on an area not submitted in the PSLP*. As a result, it draws its conclusions from areas not included in the PSLP. The conclusions are therefore unsound.

The report:

- . is concerned with adding 66-72 additional dwellings in addition to the 18 already extant on the northern site and presumably in addition to the 24 for which planning permission has been granted. That is between 108 and 114 new houses. The PSLP is talking about planning 43 houses for the northern site and 49 for the south. A total of 92 new houses. The report muddies the waters, leaving no clarity.
- . fails to note items of critical importance in any attempt to evaluate the landscape and historic importance of the site e.g.
- . that the site is on an east-west ridge giving it a dominant position in relation to the AONB;
- . the east-west Roman Road running over Benenden Healthcare Society (BHS) land a few yards to the south of the site, and the medieval drove road (Goddards Green Road - GGR) which divides the northern site from the southern one;
- . the National Monument Register which lists a Bronze Age palstaff (SMR Number/Hob UID) found at the hospital site, (though, oddly, the report does note Scheduled Monuments in the village);
- . that the SEQ development proposes two entrances on to Green Lane and two on to GGR, see Transport Planning Associates (tpa)- October 2019 Scoping note for BHS, 1907-038 under the section headed ‘Access’, para 4.4 “The consented vehicle access arrangements will be retained.



Therefore, vehicle access to the Site will be taken from two access points along Goddards Green Road and two on Green Lane.” (This and other documents were revealed to the FEE in May 2021 as a result of the BNP Independent Examiner’s queries. In spite of the Examiner’s request that all such material be published on-line, this document and the KCC Highways 13 Nov 2019 “Pre-App Response” have been not been published). Such entrances will seriously impact the AONB. Both Goddards Green and Green Lane are designated Rural Lanes, and, of the two, Green Lane is mentioned as a particularly high scoring lane (for its beauty and tranquillity) in *TWBC’s Rural Lanes: Supplementary Planning Guidance*. Creating a series of broad entrances large enough so that an “11.4 m refuse vehicle can enter and leave the site in forward gear (see KCC Pre-App Response 13-11-19, a document revealed to the FEE as a result of the BNP Examiner’s queries but not made public) would have a substantial effect on the AONB.

Hankinson Duckett Associates ignore the issue (see Section 4 on Benenden in the main report and photos B1 and B2 in *Supporting Plans and Photographs , Benenden*).

- offers photos (B5 & B6) which are irrelevant to the site in question. These photos look south towards an area not up for development, and are taken from a point also not up for development. These omissions undermine the report’s conclusion.

- ***Inset Map 18 (Benenden Hospital)***, unlike other maps attached as supporting documents to the PSLP, Inset Map 18 makes no reference to the AONB boundary. This is a significant omission because both the PSLP and the BNP claim that the hospital is outside the AONB and on this basis, largely justify placing most of Benenden’s housing in the East End. Because AL/BE3&4 lie on a high ridge to the north of the parish and because the AONB boundary wraps tightly round the site which bulges, like a balloon, into the AONB, development at the East End significantly affects the AONB. While TWBC acknowledges this by requesting the Hankinson Duckett Report, by publishing Inset Map 18, which omits the AONB boundary, TWBC loses a critical opportunity to show the true relevance of AL/BE 3&4 to the AONB. It could even be said that by leaving out the boundary, there is an implication that the hospital sites are genuinely ‘outside’ the protected area.

- ***Previous Stages, Draft Local Plan, Benenden Overview***, p263, provides a basis for the PSLP but contains inaccuracies.

- There is no “pre-school/nursery” as stated in the Overview

- There is no “Small shop at hospital” as stated in the Overview

- The statement that there are tennis courts and a café at the site is misleading. In TWFDLP Comments, Savills requests (see DLP\_4956 para 3.14) that “the requirement to incorporate the tennis courts and retain the sports pavilion is removed”. As for the café, BHS states in its comments on the LP that the café is for hospital use only - “the existing hospital buildings ... have only been designed for hospital use”. See TWFDLP detailed additional submissions from Savills “*Representation to the TWBC Draft Local Plan Regulation 18*” 2- Sept- 1Nov 2019 para 3.18 and 3.19)

## 1 **Sustainability Appraisal**

As far as the East End of Benenden is concerned, the plan is unsound because the **Sustainability Appraisal**, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP’s Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

**An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA’s evidence base.**

**Climate Change:** AL/BE3&4 are not scored for climate change, nor are sites 158 & 222, yet, inexplicably, climate change is scored for AL/BE1&2 (Uphill and Feoffee) and for LS8. Where is the explanation for the failure to assess all sites, especially when sites 158, 222, AL/BE1&2 are all close to each other? The issue is particularly concerning in that sites AL/BE3&4 are both 3 miles distant from the village and without any amenities. Residents at these sites will be heavily car dependent and this was of concern even when only 24 houses were proposed for the site. “You will see from KCC’s comments on the hybrid application (12/03130) that in consideration of this earlier application for 24 dwellings, the highways authority raised concern that all residents will be very heavily car dependent, which is contrary to a number of policy objectives, including the NPPF.” (see KCC Pre-App Response,

13 Nov 2019, revealed in response to the BNP's Independent Examiner's queries and still not in the public arena).

**Biodiversity:** AL/BE3 is considered to be less at risk in terms of biodiversity than AL/BE4 though AL/BE 3 has two Local Wildlife Sites (LWS) while AL/BE 4 has only one. Where is the evidence to support the idea that the one is less important for biodiversity than the other?

The SA's scoring is not supported by evidence in a letter from Keith Nicholson of the Kent Wildlife Trust, former Planning and Conservation officer for the Kent Wildlife Trust (KWT), dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert in which he states, "The 2012 survey has demonstrated that Benenden hospital LWS is more valuable than previously believed. The applicant's consultant is now more firmly of the belief that the Site would fulfil the criteria for it to be considered a Site of Special Scientific Interest (paragraph 4.3.6.). The waxcap community is of national importance when judged against both the Reid classification (para 4.3.4.) and the JNCC Guidelines (para 4.3.5.)."

Nor is it supported by the view of the HW-AONB as stated in TWFDLP Comments (see DLP\_3458) that the hospital LWS *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* Neither the KWT nor the HW-AONB offer any indication that one or other of the LWS at the hospital is of less value than the rest. Further, we now know from (see web link

Regulation 18 Representation made by Benenden Healthcare Society, November 2019, that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that "The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."

In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE4 see (in the same document) para 3.17. "In addition, as highlighted in paragraph 3.13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (LWS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the LWS and / or sports provision is removed from the policy requirement." Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

**Business Growth:** AL/BE3&4 are scored as if they were more favourable to business growth than AL/BE1&2 and sites 158 and 222, but all four of these last-mentioned sites are in the heart of the village where residents will have ready access to local businesses as well as to daily bus services and other services and facilities. Residents at the East End, on the other hand, will have no access to local businesses except by car.

**Education:** All sites in this SA are scored equally for education, except for site 158 which scores less well. This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the *Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options* report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there. If, in 2006, the SA offered site 158 as one of two top sites in the village for building the new primary school, where is the evidence that its appropriateness has somehow massively declined since then? Where is the evidence site 158 is less favourable to education than all the other sites mentioned, especially given that the hospital sites, so favoured for development, are three miles distant from the village school?



Table 58 states that “the education objective does not deteriorate when considering the cumulative effects as the schools in Tenterden will be a viable option for residents in East End.” Children from the East End will have priority over the between 70 and 75% of the existing pupils at the school who come from outside the parish. On what basis is the assumption made that East End parents will prefer to drive their children 6 miles into Tenterden than drive to the primary school in their own village?

**Heritage:** AL/BE 3 scores slightly less well in terms of its heritage value than AL/BE4 without supporting evidence. How were heritage issues assessed when there is no apparent knowledge of the historic importance of the site, for example: the PSLP makes no mention of the Roman road a few yards south of AL/BE3; the medieval droveway (GGR), which runs through the site and along the ridge; and the Bronze Age palstaff found at the hospital site (National Monument Register - SMR Number/Hob UID). How can a site be scored or evaluated without at least some knowledge of the sites historic significance? This is available at see web link

and advertised on the Benenden village website.

**Services and Facilities:** How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children’s playground, church, memorial hall, village hall and a primary school. In spite of this, sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

## 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.**

Many of the PSLP’s problems are associated with failure in the duty to co-operate and can therefore not be remedied.

Many are due to poor evidence or poor interpretation of evidence. This too cannot be remedied.

In summary, development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites such as 158 and 222 in the village centre, or to LS8 in Iden Green. These sites all lie within walking distance of shops, other amenities and the primary school. Paragraphs 5.421 and 5.422 should be omitted.

## 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 to present my case and to answer those with vested interests who may seek to put forward arguments against it.

#### Question 8

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

Sustainability Appraisal

As far as the East End of Benenden is concerned, the plan is unsound because the Sustainability Appraisal, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

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rest. Further, we now know from  
([https://ws.tunbridgewells.gov.uk/files/consulteessupportingdocuments/Benenden%20Healthcare/Savills%20for%20The%20Benenden%20Healthcare%20Society\\_full%20representation.pdf](https://ws.tunbridgewells.gov.uk/files/consulteessupportingdocuments/Benenden%20Healthcare/Savills%20for%20The%20Benenden%20Healthcare%20Society_full%20representation.pdf)),

Regulation 18 Representation made by Benenden Healthcare Society, November 2019, that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that “The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area.”

In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE4 see (in the same document) para 3.17. “In addition, as highlighted in paragraph 3.13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (LWS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the LWS and / or sports provision is removed from the policy requirement.” Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

Business Growth: AL/BE3&4 are scored as if they were more favourable to business growth than AL/BE1&2 and sites 158 and 222, but all four of these last-mentioned sites are in the heart of the village where residents will have ready access to local businesses as well as to daily bus services and other services and facilities. Residents at the East End, on the other hand, will have no access to local businesses except by car.

Education: All sites in this SA are scored equally for education, except for site 158 which scores less well. This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC’s 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options report), that 158 was one of two top sites. “Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site.” On page 38, we read, “This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels”. In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158’s owners to build houses there. If, in 2006, the SA offered site 158 as one of two top sites in the village for building the new primary school, where is the evidence that it’s appropriateness has somehow massively declined since then? Where is the evidence site 158 is less favourable to education than all the other sites mentioned, especially given that the hospital sites, so favoured for development, are three miles distant from the village school?

Table 58 states that “the education objective does not deteriorate when considering the cumulative effects as the schools in Tenterden will be a viable option for residents in East End.” Children from the East End will have priority over the between 70 and 75% of the existing pupils at the school who come from outside the parish. On what basis is the assumption made that East End parents will prefer to drive their children 6 miles into Tenterden than drive to the primary school in their own village?

Heritage: AL/BE 3 scores slightly less well in terms of its heritage value than AL/BE4 without supporting evidence. How were heritage issues assessed when there is no apparent knowledge of the historic importance of the site, for example: the PSLP makes no mention of the Roman road a few yards south of AL/BE3; the medieval droveway (GGR), which runs through the site and along the ridge; and the Bronze Age palstaff found at the hospital site (National Monument Register - SMR Number/Hob UID). How can a site be scored or evaluated without at least some knowledge of the sites historic significance? This is available at <https://www.benendenvillage.org.uk/History/benweb2006.pdf> and advertised on the Benenden village website.

Services and Facilities: How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus

service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children's playground, church, memorial hall, village hall and a primary school. In spite of this, sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

### **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:**

<input type="checkbox"/>	Yes, I wish to be notified of future stages of the Local Plan
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## Comment

Consultee	Mrs Roshini Coombs [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Capel Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mrs Roshini Coombs [REDACTED]
Comment ID	PSLP_1687
Response Date	04/06/21 00:27
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village ( <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	Roshini Coombs
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 STR/SS 3 The Strategy for Tudeley Village	
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 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.**

I have lived in Capel since 2016 when I moved here with my family. We chose to live in this area for its peaceful rural setting as well as the proximity to Tonbridge and Tunbridge Wells. With two small children, we regularly enjoy walks through the nearby fields and woodlands. As commuters to London, we were particularly drawn to the ease of access to Tonbridge and the parking facilities available at the station.

I oppose the plan for the Tudeley Village development on the basis that it is not sound, for the following reasons:

- The development will result in a loss of 600 acres of Greenbelt land. The NPPF requires that there must be evidence of 'exceptional circumstances' in order to make any changes to Green Belt boundaries and that the Council must demonstrate that it has fully examined all other reasonable options in its development strategy, including making as much use as possible of brown field sites and under-utilised land. There is no available evidence that the Council has carried out any such investigations and the justifications provided in respect of Tudeley Village specifically (in Paragraph 6.186 of the Development Strategy Topic Paper) are inadequate as the proposed improvements would not have been contemplated if it were not for the planned development. Additionally, the Tudeley Village site includes ancient woodland, listed buildings and abuts the High Weald AONB. It is essential that these are protected for their environmental and cultural benefits. A development of the size proposed by the council would have a devastating impact on these important aspects of the area.

- The development will bring 2,800 new homes to an area which currently has around only 900 homes. Development on this scale is entirely disproportionate and the area does not have the infrastructure to cope with the associated influx of residents. Medical service providers, schools, roads and transport services would all be put under severe and unnecessary strain. It is also difficult to see how the proposed road improvements would help to alleviate the inevitable increase in traffic. A large number of residents would likely travel into Tonbridge for schools or for their commute (as Tonbridge station has the most links and parking) so would not be using the A228 or the new link road bypassing Five Oak Green but would instead add to the already very heavy traffic on Tudeley Road at busy times of the day. There is bound to be a significant impact on the neighbouring borough of Tonbridge & Malling but there has so far been no evidence of cooperation between the councils.

- The proposed new link road bypassing Five Oak Green would be built on high quality Grade 2 agricultural land. The land on either side of Sychem Lane is beneficial to the borough both economically, environmentally and aesthetically. It also provides a public footpath used by many people for access and exercise. Destroying land that is essential to the character of the surrounding area in order to alleviate traffic caused by an unnecessarily large development would be deeply at odds with the NPPF.

- The site of Tudeley Village is on an area highly susceptible to flooding. There is no guarantee that the building work would mitigate the risk of flooding (as the council suggests in its justification for releasing the land from the Green Belt). It could in fact make the likelihood of flooding greater in the local area. Paragraph 10 of the Strategy for Tudeley Village states that the strategy includes ensuring that a drainage strategy is in place in consultation with the relevant authorities “unless exceptional circumstances arise”. It goes on to say that such strategy “should demonstrate that the development will not exacerbate flooding elsewhere in the vicinity”. The inclusion of the caveat that “exceptional circumstances” may somehow release the council of its responsibility to provide an adequate drainage strategy is worrying, to say the least.

## 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.**

Remove Policy STR/SS3, the Strategy for Tudeley Village and all references to the Tudeley Village strategic site and/or development from the Local Plan. Remove all references to the new link road bypassing Five Oak Green 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)?**

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	Thomas Coombs [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Capel Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Thomas Coombs [REDACTED]
Comment ID	PSLP_1031
Response Date	02/06/21 21:33
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Thomas Coombs
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.**

Paragraphs 5.189, 5.224 and 5.199

Policy STR/SS 3 The Strategy for Tudeley Village

Policies Map 33

**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 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.**

1. I have lived in Capel village with my family since 2016, my son goes to school locally, and until the first UK lockdown in March 2020 I commuted to London for work via Tonbridge train station.

2. I have personal experience of local traffic congestion including on my commute to and from Tonbridge train station, and dropping off or picking up my son from school.

3. I do not believe the proposed Local Plan is sound. I explain below with reference to the Tudeley Village development including the "new link road, bypassing Five Oak Green" (Local Plan, paras 5.189/5.224).

#### **4. "Tudeley Village" (para 5.199)**

The Tudeley Village development is not sound as it is not justified, effective, or consistent with national policy for these reasons:

**4.2 It is disproportionate:** Capel ward has approx. 900 dwellings, and this development would add another 2,800 (along with 2,060 in the East Capel development). It is a disproportionate amount, and is not justified.

**4.3 It results in a significant loss of Greenbelt:** It's not clear there is evidence to justify the significant loss of 600 acres of Greenbelt land. Sections 136 and 137 of the NPPF states the boundaries should only be altered where exceptional circumstances are fully evidenced and justified. For example, the Local Plan does not demonstrate it makes as much use as possible of brownfield sites, as it has not set out specific alternatives that have been considered and ruled out.

**4.4 It is prone to risk of flooding:** The Tudeley Village development is on a flood plain. Surface water flooding is a common occurrence in the Capel Ward in times of sustained rain, particularly Five Oak Green. It's hard to see how a development on this scale would be justified given the significant flooding risk.

**4.5 It is not infrastructure-led:** The development should be infrastructure-led, not development-led. It is not effective as there is, even at this late stage, no evidence of a Statement of Common Ground with Tonbridge and Malling Borough Council who will be significantly impacted by the development. For example, it is not clear how the inevitable increase in traffic to Tonbridge from the development, along Tudeley Road, will be managed. In addition, there are no plans for a new rail station under the Local Plan (para. 5.218) to mitigate the inevitable increase in demand at Tonbridge train station.

#### **5. The "new link road, bypassing Five Oak Green" (paras 5.189/5.224)**

The “new link road” is not sound as:

## 5.2 It cuts through the highest quality Agricultural Land in TW borough

5.2.1 The TWBC Development Constraints Study (Oct 2016) (“**DCS**”) considered evidence on development constraints, and applied limitations in the NPPF. Para 2.35 of the DCS confirms TW borough contains some areas of “*higher quality*” Agricultural Land (i.e. Grade 2), and although it concludes its “*quantum*” would not constrain development, this proposed new link road would cut straight through Grade 2 Agricultural Land. 5.2.2 It is not consistent with the national policy, as it does not recognise “...*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...*” (Paragraph 170(b), NPPF). It also does not demonstrate consistent with the national policy that: “*Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality*” (Footnote 53, Paragraph 171, NPPF).

5.2.3 Agricultural Land remains important for the visual contribution to the landscape and character of the borough (which is accepted is important by TWBC (para. 2.36, DCS)), and this new link road would cut through a public footpath connecting Sychem Lane to Church Lane which is a popular local route.

## 5.3 The Transport Assessment does not provide evidence to support it

5.3.1 The Local Plan states the road would “...*alleviate issues caused by...Tudeley Village...*” (para. 5.190/5.225). The ‘Strategic Sites Masterplanning and Infrastructure Study’ (Feb 2021) also states “...*the growth at Tudeley Village...would increase traffic along the B1260 through the village...The Transport Assessment (SWECO) underpinning Regulation 18 Draft Local Plan pinpoints the need for a bypass...*” (para. 6.33).

5.3.2 This Transport Assessment by SWECO dated Sep 2019 (“**SWECO Report**”) (also titled the “TWBC Local Plan Transport Evidence Base”) concludes this new link road would “...*remove through highway trips through Five Oak Green...*” at para 9.6.6 Table 9-2, however, it is not clear that this is a justified conclusion.

5.3.3 In considering local factors as well as evidence in the SWECO Report, it seems likely most (if not all) new commuters to London (currently 83% of the rail mode share, Para 5.4.9 SWECO Report) from the Tudeley Village will travel to Tonbridge train station instead of the Paddock Wood or Tunbridge Wells train stations, and not through Five Oak Green, as:

(a) the train services to London from Tonbridge are far more frequent than from Paddock Wood or Tunbridge Wells (para 5.4.12, SWECO Report); (b) the journey times from Tonbridge to London are shorter than from Paddock Wood or Tunbridge Wells (para 5.4.11, SWECO Report); and (c) the season ticket prices to London are lower from Tonbridge than from Paddock Wood or Tunbridge Wells.

5.3.4 Therefore, it appears that statement at para 5.4.12, SWECO Report: “...*it is likely that some catchment to the west of Paddock Wood, such as Five Oak Green, will connect to rail at Tonbridge*” is an underestimate. It is more likely it will be most of (if not all) the catchment.

5.3.5 Furthermore, these conclusions in the SWECO Report:

“*Based on the location of other stations and connectivity across Tunbridge Wells borough, it is expected that the main areas that connect to Paddock Wood [train station] by car are...Five Oak Green and Tudeley to the west.*” (Para 5.4.15, SWECO Report); and

“...*with much of the demand [in “TW North” (i.e. Capel ward) for using Rail to commute to work] focused on Paddock Wood [train station]*” (Para 5.4.29, SWECO Report),

are both odd and unjustified, as they do not refer to any evidence, let alone any proportionate evidence.

5.3.6 It seems likely the road most impacted by an increase in commuters at Tudeley Village will be Tudeley Road, the route towards Tonbridge (and its train station). I know it well as that’s the route I drive to commute to Tonbridge station to travel to London. That route is also the same used to drop off or pick up students at a large school off Tudeley 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.**

Remove STR/SS3 The Strategy for Tudeley Village and any reference to the Tudeley Village from the plan, including the "new link road, bypassing Five Oak Green".

### 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\_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_2048
Response Date	04/06/21 16:54
Consultation Point	Pre-Submission Local Plan ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.12
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 3a	

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

Duty to Cooperate

Soundness

#### **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.

## **2.0 Duty to Cooperate**

### **Introduction**



2.1 A legal test for the TWBC Local Plan at Examination will be whether the Duty to Cooperate (DtC) has been satisfied.

2.2 In response to the legal requirements, and national policy<sup>12</sup>, TWBC has published a Duty to Cooperate Statement<sup>13</sup> (the Statement).

2.3 The Statement concludes (Page 54) that *“TWBC has actively undertaken a process of on-going collaborative, constructive engagement working with others in progressing cross-boundary strategic matters in the preparation of the Pre-Submission Local Plan”*.

2.4 This implies that the LPA is satisfied that it has met, or is in the process of meeting, the DtC as it progresses towards submission and examination of the LP. We have reservations as to the validity of this conclusion for the reasons set out below.

### **Scope of the DtC**

2.5 The DtC requires identification of cooperation over strategic, cross-boundary spatial planning matters. Four such matters are identified for the LP:

- . Housing needs
- . Employment/economic needs
- . Infrastructure and transport; and
- . Environment.

2.6 The Green Belt is a conspicuous issue that is missing. The Green Belt influences most, if not all, of these strategic matters.

2.7 As the Statement rightly acknowledges, the PPG encourages LPAs to commission joint research and evidence to address key cross-boundary matters. The Green Belt in this region is one such key strategic planning policy matter, acting as a significant constraint to development, but no joint study has been undertaken, and therefore decisions about opportunities to amend Green Belt boundaries, and its coverage across each Council area to meet development needs have been taken in isolation.

2.8 This contrasts to the approaches taken in some other regions so that strategic, cross-boundary decisions can be taken to release land for development in the most sustainable and effective places. We would draw attention to several precedents for such strategic reviews of Green Belts since the introduction of the DtC through the NPPG in 2012. These include:

- . West Midlands Joint Green Belt Study (July 2015)<sup>14</sup>
- . Dacorum BC, St Albans City and District Council and Welwyn Hatfield Borough Council: Green Belt Review Purposes Assessment, November 2013<sup>15</sup>
- . Christchurch and East Dorset: Green Belt Assessment: Final Report (September 2017)<sup>16</sup>.

### **Neighbouring authorities and the DtC**

2.9 It is relevant to note how the neighbouring authorities have fared with the DtC in recent months. Both Sevenoaks District Council (SDC) and Tonbridge and Malling Borough Council (TMBC) are more advanced in the plan-making process than TWBC, and have had Local Plans at Examination in the last two years.

2.10 As has been widely reported, both SDC and TMBC have encountered significant challenges over their compliance with this legal test.

2.11 In summary, SDC's Local Plan is not proceeding following the Inspector's letter identifying failings with the DtC<sup>17</sup>. This has subsequently been tested in the Courts and the Inspector's position has been supported<sup>18</sup>. SDC's position has been deemed “unarguable” by Rt. Hon. Lady Justice Macur in the Court of Appeal, who concurred with the Judgement of Dove J in the High Court, that *“the applicant had failed to take part in any timely, constructive, active or ongoing engagement with neighbouring councils regarding unmet housing needs in accordance with s33A(2) & (3) P & CPA 2004, informed by the Framework and Planning Practice Guidance.”*

2.12 A key paragraph from the Inspector's letter to SDC is:

*“In conclusion, I consider that the Council has not adequately undertaken constructive engagement with neighbouring authorities to resolve the issue of unmet housing need in the District and has failed to plan strategically by not sufficiently examining how these needs could be accommodated. 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**”.* (Our emphasis).

2.13 TMBC's Local Plan has also met similar problems following commencement of the Examination in autumn 2020. There, the Inspectors concluded that the DtC had not been satisfied<sup>19</sup>:

*"...we consider it reasonable to conclude that the Council has failed to engage constructively, actively and on an ongoing basis in the preparation of the plan, so far as it relates to the strategic matter of housing".*

2.14 In both cases, the failure to meet the DtC related specifically to the strategic, cross-boundary issue of housing needs. Both SDC and TMBC are within the West Kent Housing Market Area along with TWBC. Therefore, given that TWBC was part of the same process of strategic planmaking, logically, there must be significant risk that TWBC is not immune from the identified failures of its two neighbours.

#### **Who is responsible for remedying failures in DtC?**

2.15 The fate of both SDC and TMBC's Examinations has clarified, if clarification were needed, that failures in this legal duty cannot be remedied through the Examination process. Therefore, it is incumbent on TWBC before progressing to Submission and Examination of its Local Plan, to ensure that compliance with the DtC is fully reviewed in the context of the problems highlighted in the neighbouring authorities.

2.16 Noting that meeting strategic housing needs is the issue, specifically unmet needs in SDC, and that the Green Belt in the region is one of the key factors affecting the development capacity, it adds further emphasis on the need for joint evidence and coordinated strategy over the approach to the Green Belt in the West Kent HMA.

2.17 Paragraph 4.12 of the Regulation 19 Local Plan recognises: *"In addition to seeking to meet the borough's housing needs, the NPPF expects councils to also take into account any unmet housing needs from neighbouring areas"*. However, the paragraph continues: *"... the position for Sevenoaks District Council is unclear. It was not proposing to wholly meet its housing need (with a shortfall of 1,900 dwellings), although this is likely to be further tested."*

2.18 The Housing Needs Assessment Topic Paper for the Pre-Submission Local Plan states at Paragraphs 2.47 – 2.48:

*"...the Borough Council should, as a minimum, seek to meet its own local housing needs within the borough. In addition, although there is uncertainty about the robustness of the request by Sevenoaks District Council for help in meeting some of its housing need, it would be prudent to also consider the scope to help meet its unmet needs in order to ensure, as much as possible in accordance with the NPPF, that the full housing need across the West Kent housing market area is met"*.

*"Indeed, it is considered that the Sustainability Appraisal should assess a growth option that covers the scope for meeting up to the full unmet need (as currently advised) from Sevenoaks, of 1,900 dwellings. In addition, a further scenario with this in addition to the borough's own uncapped need should be assessed. This will provide an option with a relatively high level of growth, that covers both greater local needs than from Sevenoaks, or indeed elsewhere, if the current request is withdrawn or not found to be reasonable."*

2.19 The Sustainability Appraisal does assess the option of uncapped and meeting unmet need, and unsurprisingly concludes that there will be greater social and economic benefits resulting from additional growth, but with that there would be higher environmental impacts. This is a matter of planning balance. But weighing heavily in favour of further growth is the clear need for housing within the West Kent Market Area. Therefore TWBC, along with TMBC and SDC should have engaged constructively, actively and on an ongoing basis in the preparation of the respective Local Plans, in accordance with the Framework so that *"the full housing need across the West Kent housing market area is met"*.

2.20 However, the DtC Statement concludes (Paragraph 4.25) that:

*"...TWBC has fulfilled its legitimate expectations under DtC in relation to meeting housing needs and that it remains to be fully tested what, if any, unmet need there is from SDC. While TWBC has been an "active engager" with SDC it remains SDC's responsibility, rather than TWBC's, to lead on resolving its own housing needs. Discussions with SDC will continue on this matter ahead of submission of the TWBC Local Plan". (Our emphasis).*

2.21 This appears to be a very similar line of argument to that adopted by TMBC i.e. deferral to the LPA experiencing the strategic problem – but which was criticised by the Inspectors' as follows: *"The*

Council argue that SDC did not formally ask them for help and it was not up to the Council to “make the running”, but **this is a circular argument with a risk that both parties were seemingly deferring the issue to the other**”.<sup>20</sup> (Our emphasis).

2.22 Genuine cooperation between the HMA authorities would therefore require the issue of unmet need to be clarified and addressed and a strategic, cross-boundary solution identified for all the strategic plans involved. That would ensure that housing need, across the spectrum of different social groups, including specialist housing for older people, is both fully understood, and planned for in an effective way.

### **Conclusion on DtC**

2.23 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 Local Plan, in the same HMA, is at risk of failing the legal test on the specific matter of a lack of strategic, crossboundary planning to meet housing needs.

## **6.0 Soundness**

6.1 We consider the LP is not sound (i.e. is not positively prepared, justified, effective or consistent with national policy) in how it translates the broad development strategy and identified need into detailed policy for the provision of sufficient specialist accommodation to meet the needs of older people, specifically in relation to the provision of Extra Care housing. We also consider the LP is not sound in respect of the definition of Extra Care and Policy H3 in respect of affordable housing.

### **Extra Care Definition**

6.2 Paragraph 6.350 of the Regulation 19 LP states:

*“The PPG states that it is for the local planning authority to consider whether a particular development may fall within Use Class C2 (residential institutions) or C3 (dwelling houses).*

- Class C2: Residential Care Homes and Nursing Homes, End of Life, Hospice Care, and Dementia Care Home Accommodation;*
- Class C3: Age restricted general market housing, Retirement Living, Sheltered Accommodation, and Extra Care Accommodation, Assisted Living, Close Care, Continuing Care”*

6.3 Paragraph 6.351 continues: *“The above list is not exhaustive or prescriptive and sets out how different types of housing for older people would generally be viewed in terms of the Use Class Order, taking into account, in particular, the level of care that may be provided. However, it is acknowledged that levels of care provision do vary depending on the nature of the scheme put forward, with some schemes including a mix of Class C2 and C3 uses so that residents can remain in the one location, adjusting the level of care they need as their needs change. Consequently, each application will be assessed on its own merits.”*

6.4 It is agreed that Paragraph: 014 Reference ID: 63-014-20190626 of the PPG does states that it is for the LPA to consider into which Planning Use Class a particular development may fall. The PPG recognises that *“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.”*

6.5 However, the PPG is referring to the assessment of a planning application i.e. when presented with an application for older persons housing, it is for the decision-maker on the facts of the case to determine whether the proposed use is C2 or C3. This section of the PPG was not intending for each Council to categorise types of older persons housing into either C2 or C3 of the Use Classes Order.

6.6 If Paragraph 6.350 of the LP is not amended, an application such as that approved in July 2020 by Wealdon District Council at Little Mount Farm<sup>55</sup> in Frant (on the border of Royal Tunbridge Wells) for a C2 Extra Care scheme<sup>56</sup>, would be regarded as a C3 development in TWBC. This is non-sensical i.e. the determining factor is the nature of the use, not the geographical location of the development.

6.7 We note that there have been numerous appeal decisions and Judgements providing useful analysis of how a proposal for Extra Care housing should be considered, including consideration of the distinctions between a C2 use and a C3 use when it comes to Extra Care schemes.

6.8 In particular, the East Devon District Council application 16/0872/MFUL<sup>57</sup>, granted on appeal in January 2018 at Station Road, Sidmouth, considered the nature of C2 uses. This appeal decision also cites other independent sources including the RTPi's former Good Practice Note 858 and a Housing,

Learning and Improvement Network (Housing LIN) document<sup>59</sup>. Together, these indicates that C2 uses include “*purpose-built accommodation in which varying amounts of care and support can be offered and where some services are shared.*”

6.9 In the appeal decision for a scheme that included both flatted apartments and self-contained dwelling-style premises, the Inspector acknowledged that each unit in the development would have “*their own front doors, private space and facilities*”. However, many, but not all, would be accessed via communal spaces and that the occupiers of the units would have access to a range of communal areas and facilities including:

- . a restaurant/bar/cafe serving food throughout the day;
- . a well-being suite comprising a gym, treatment rooms and pool
- . a communal lounge; and
- . a staffed and supervised physiotherapy suite and a hydrotherapy pool.

6.10 All of the above facilities would be available primarily to residents, but the Inspector noted that these could also be available to the general public. Nonetheless, these matters, together with (a) an age restriction for primary occupiers (of 60 years or older) and (b) that the unit occupiers must be in need of at least 2 hours of personal care per week, would still constitute a C2 operation, even though in that case a care team would not be resident on site (only visiting as required/scheduled).

6.11 To address these concerns, Para 6.350 should be deleted, or at the very least amended so that the determination of the use class of a proposal is made on a case by case basis having regard to the particular facts pertaining to a development proposal. Given the variety of business models operating in the Extra Care sector, and the varying levels of care provided in such developments, it is entirely inappropriate for a Local Plan to ascribe Use Classes to these uses, the decision should be left to the decision maker.

## 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 RTP1 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



# 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_2051
Response Date	04/06/21 16:54
Consultation Point	Policy STR/RTW 1 The Strategy for Royal Tunbridge Wells ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.5
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 STR/RTW 1 The Strategy for Royal Tunbridge Wells

#### 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.

## **5.0 Land at Sandown Park**

5.1 In April 2017, the Council prepared a Draft Interim Report as an early version of the Strategic Housing and Economic Land Availability Assessment (SHELAA), with this finalised in July 2019. In this document, the CESL site at Sandown Park was referred to as Site 11454.

5.2 The conclusions of the 2019 SHELAA in respect of the site is at odds with those in the 2009 SHLAA yet in landscape terms the site had not change. Whereas the 2009 document concluded that the site *“could be suitable for sensitive... development”*, the 2019 document concludes that the site is *“considered unsuitable as a potential site allocation”* because of *“significant concerns about impact on the landscape”*.

5.3 There is no apparent explanation for the change in assessment in respect of this site.

5.4 CESL have submitted an application to TWBC for a 108 unit C2 Care Community development. As explained in that application, there is operator support for the proposed development. Audley Group Ltd, is a well-established developer and operator of residential care communities (Audley Villages) across the country. Discussions between CESL and Audley have been ongoing for several years and Audley has expressed an interest in acquiring this Site should outline planning permission for a C2 use be granted. There is a legal agreement in place between CESL and Audley Group enabling Audley to purchase the site if outline planning permission is granted. Therefore, there is strong operator support for the proposed C2 care community. Development on the land at Sandown Park is therefore not speculative – there is a prospective operator willing to deliver this much needed facility. The site should therefore be regarded as deliverable by the Council.

5.5 In terms of the suitability of the site, Paragraph 134 of the Framework sets out the five purposes of Green Belt designation:

- 1 a) to check the unrestricted sprawl of large built-up areas;
- 2 b) to prevent neighbouring towns merging into one another;
- 3 c) to assist in safeguarding the countryside from encroachment;
- 4 d) to preserve the setting and special character of historic towns; and
- 5 e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

5.6 With regard to bullet point (d), Royal Tunbridge Wells has grown significantly beyond its oldest core at The Pantiles. The site is on the edge of the existing Town boundary, and adjacent to 20th Century development. The allocation of the site would therefore preserve the setting and special character of the Town. Having regard to bullet point (e), the site and the site is neither derelict nor urban land. Purposes (a) to (c) are considered further below.

5.7 Turning first to Paragraph 134 a), the Council's Green Belt study concluded that *“Development on this parcel would leave only a very narrow physical gap, but the A21 and A246, and associated tree cover, would preserve a sense of separation”*. The allocation of this site would extend the built-up area of Tunbridge Wells in an easterly direction, but as noted by the Council's Green Belt study, the A21 and the area of retained woodland to the south and the east of the site will serve to check the unrestricted sprawl of the built-up area beyond the site. The allocation of the site, and the alteration of the Green Belt boundary in this location to accommodate this site, would therefore not conflict with this purpose.

5.8 Moving on to Paragraph 134 b), the Council's Green Belt Study concluded that *“The A21 and its containing tree cover which prevents any intervisibility between the two settlements, is a key element in the settlement separation”*. It is therefore the A21, and the associated tree cover, that serves to prevent the neighbouring towns of Tunbridge Wells and Pembury from merging into one another. Development on this site would therefore not affect the spatial separation between the Towns and so the allocation of this site would therefore not conflict with this purpose. We note that this was also not deemed to be an issue in respect of the allocation of the Woodgate Corner site.

5.9 Finally, in relation to Paragraph 134 c), the Council's Green Belt Study concluded that *“The parcel is adjacent to the large built-up area and relates more strongly to this than to the wider countryside”*. Given the presence of the A21 to the east of the site, and beyond this the development along the old Pembury Road, the sense of transition from town to countryside is not experienced on this site. Therefore, the site does not assist in safeguarding the countryside from encroachment and the allocation of this site would not therefore conflict with this purpose.

5.10 In summary, the Green Belt Study which forms part of the Council's evidence base concluded in respect of this site that:

- . *“Development on this parcel would leave only a very narrow physical gap, but the A21 and A246, and associated tree cover, would preserve a sense of separation.”* In other words, there would



be a narrowing of the existing gap, but a sense of separation still preserved if this Site were developed.

- . *"The A21 and its containing tree cover which prevents any intervisibility between the two settlements, is a key element in the settlement separation."* In other words, the A21 is the key element separating Pembury and Tunbridge Wells, not this Site, given the conclusions above.
- . *"The parcel is adjacent to the large built-up area and relates more strongly to this than to the wider countryside."* In other words, this Site relates to the existing settlement, therefore, development on this Site will be viewed in that context i.e., against the backdrop of existing buildings.

5.11 The allocation of this site for a C2 use would therefore not infringe any of the five purposes at Paragraph 134 of the Framework, and would also be supported by the Council's Green Belt Study.

5.12 We also consider there is an inconsistency in the Council's assessment of the Sandown Park Site when compared to Site 369 (Woodsgate Corner) which is on the opposite side of the A21, adjacent to the Tesco at Pembury. The Woodgate Corner site also lies within the Green Belt, yet the SHELAA concluded that site to be suitable for development, despite having similar constraints (Heritage, Trees, Highways, Noise, Air Quality and Rights of Way) to those identified in the assessment of the Sandown Park Site. The Woodsgate Corner site is also within the AONB, and in line with the Framework, *"Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection"*. The Sandown Park Site is not within the AONB.

5.13 The Council's approach is therefore unsound as it favours a site within the AONB over a suitable, available, and deliverable site that is outside of it. Further, the Green Belt Study recognised that Site 369 *"forms a largely undeveloped skyline that contributes to the wider rural setting of Tunbridge Wells"*. However, the Sandown Park site was concluded to relate to the built-up area of Tunbridge Wells, and not to the countryside. The Sandown Park Site also cannot be seen from Pembury Road.

5.14 Of the two sites therefore, development on the Sandown Park Site is clearly less harmful compared to the Woodsgate Corner Site on the opposite side of the A21.

5.15 In conclusion, there is clearly justification for allocating the land at Sandown Park, and this site is clearly needed in order to assist the Council in meeting its identified need for Extra Care accommodation.

## 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

## 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
---

## 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_2052
Response Date	04/06/21 16:54
Consultation Point	Policy H 3 Affordable Housing ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.5
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 H 3 Affordable Housing

#### 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.

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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.

### **Affordable Housing**

6.12 The effect of Para 6.350 (as described above), by ascribing a use class, will be to broaden the application of the Council's affordable housing policies to include all forms of Extra Care housing – rather than just those falling within Use Class C3.

6.13 There is concern that application of affordable housing policies, originally intended to apply to Use Class C3 developments, to uses which should properly fall within Class C2 uses – even if they fall within the definition of Extra Care - will severely prejudice the delivery of specialist accommodation for older people, and place operators of such developments at a significant disadvantage when compared with traditional housebuilders in terms of their ability to acquire new sites and deliver much needed accommodation and care for older people.

6.14 Specialist accommodation for older people, falling within Use Class C2, operates in a fundamentally different manner to conventional market housing developments falling with Use Class C3 provided by traditional housebuilders. Care communities, such as that proposed at Sandown Park, are 'Extra Care developments' that are genuine C2 uses providing extensive care and communal facilities that are specifically targeted to meet the needs of their residents. The cost of providing these care and communal facilities reduces the GDV of such developments (when compared with traditional forms of housing), which in turn makes the delivery of affordable housing (whether on site or through contributions) unviable.

Accordingly, it is essential that any changes to policies relating to the delivery of affordable housing consider the unique operational model and viability of Class C2 residential care communities.

6.15 The text in Paragraph 6.350, together with Policy H3 means that the starting point for the assessment of applications for Extra Care development would be an expectation that affordable housing should be provided in accordance with thresholds and criteria established for Class C3 developments – with no regard to the unique development and operating costs of the development proposed in the application.

6.16 We note that Paragraphs 6.335 and 6.336 recognise that individual planning applications may be supported by a viability assessment, however the LP is said to be informed by a whole plan viability assessment. Having reviewed the assessment available as part of the evidence base, it is noted that sites have been assessed as to whether they are viable based on market values, however, there appears to be no assessment of the impact of Policy H3 on the viability of C2 proposals i.e. the unique development and operating costs of a C2 residential care community have not been taken into account in the Plan and in setting the requirement to seek affordable housing from Extra Care developments.

6.17 Policy H3 currently also includes both the words “dwelling” and “unit”, with an apparent interchangeability. We consider this will lead to confusion and interpretation issues, rather than precision and certainty that the development industry and all stakeholders require from planning policy. We therefore suggest that all references to “unit” be amended instead to “dwelling” for consistency. Given recent case law (Rectory Homes) relating to the application of the term ‘dwellings’ it is considered that that the policy should confirm that affordable housing should not be sought from developments falling within Use Class C2.

## 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.

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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

[https://beta.tunbridgewells.gov.uk/\\_\\_data/assets/pdf\\_file/0005/291938/SHMA-final-September-2015.pdf](https://beta.tunbridgewells.gov.uk/__data/assets/pdf_file/0005/291938/SHMA-final-September-2015.pdf), 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

(see web link)

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)

## 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



## 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_2049
Response Date	04/06/21 16:54
Consultation Point	Policy H 6 Housing for Older People and People with Disabilities ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.8
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 H 6 Housing for Older People and People with Disabilities

#### 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.

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- 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.

### **3.0 Older People's Housing Need**

3.1 The December 2020 version of the Revised Indicative Local Housing Need (Revised Standard Methodology; SM2) indicates<sup>21</sup> that TWBC is expected to deliver a minimum 678 dwellings per annum (dpa).

3.2 Paragraph 4.10 of the LP identifies that the use of the standard method equates to a need of some 12,200 over the period from 2020-2038. Policy STR 1 of the LP proposes a development strategy to deliver a minimum of 12,204 dwellings and 14ha of employment land.

3.3 Although there is no reference to older people's housing within the Development Strategy or Strategic Policies of the LP, Paragraph 2.21 of the LP recognises that *"...with an ageing population...there will be an increasing need to ensure a range of housing types and sizes suitable to meet the needs of older people, including specialist forms of housing..."*.

#### **Older People's Housing Need Evidence Base**

3.4 The draft of the Regulation 19 Consultation version of the LP 2020-2038 (LP) was presented to Full Council on 03 February 2021<sup>22</sup>. The document had been previously presented to Cabinet on 21 January 2021<sup>23</sup> and to the Planning and Transportation Cabinet Advisory Board (PTAB) on 11 January 2021<sup>24</sup>.

3.5 As part of the papers presented to each Committee, an accompanying list of expected "Supporting and Evidence" documents was included<sup>25</sup>. Page 3 of this list indicates<sup>26</sup> that the Evidence base to the Regulation 19 LP was expected, as recently as 03 February 2021, to include an "Older People's Housing Topic Paper", as an "Update" to be completed and published in February/March 2021.

3.6 On 26 March 2021, the statutory consultation period for the Regulation 19 LP commenced. Interested persons are directed to the TWBC Local Plan webpage to find the documentation related to the consultation. A tab labelled "Pre-Submission Supporting Documents" provides a link to the Evidence Base<sup>27</sup>. Within that there are a number of further sub-divisions, namely:

- . General/Development Strategy
- . Housing
- . Employment, leisure and retail
- . Environment and landscape
- . Transport and infrastructure

3.7 On 29 March 2021, we scrutinised all of the above folders, however found there was no separate Topic Paper related specifically to Older People's Housing as anticipated. This was still the case on 19 April 2021 and therefore Pro Vision wrote to TWBC<sup>28</sup> requesting a copy of the Older People's Housing Topic Paper Update so that we, as well as other stakeholders, could fully participate in the consultation.

3.8 A response was received on 20 April 2021<sup>29</sup> from the TWBC 'Local Plan Team' stating that:

*"...prior to publication, it was decided that it would be better to combine the evidence in relation to overall housing needs/supply and that relating to particular types of need into single papers covering all housing needs and all supply.*

*Hence, you will find sections relating to the housing needs of older people in each of the following documents (which can also be found in the Housing section of the Pre-Submission Supporting Documents sub-page of the Local Plan website):*

*(see web link)*

*(see web link) "*

3.9 The Housing Needs Assessment (HNA) Topic Paper, dated February 2021<sup>30</sup> includes Paragraphs 3.30 - 3.53 which relate to "the housing needs of older people".

3.10 Paragraph 3.30 recognises that *"the need to provide housing for older people is crucial"*, and continues, *"the SHMA noted that the population of the borough of Tunbridge Wells aged 65+ years is expected to increase by 40.7%, from 22,600 in 2017 to 31,800 in 2033"*. Paragraph 3.31 states: *"The latest Office for National Statistics (2018-based) demographic projections forecast a total population increase of some 6,155 people (5.1%) over the plan period (2020- 2038). However, this shows substantial increases in the number of people aged over 65 years, and especially those over 85 years."* Table 4 in the HNA confirms that whilst 40.7% is the overall projected increase, for the 85 and overs the increase is 68%.



3.11 Paragraph 3.38 of the HNA refers to the SHMA update which provides an indication of the number of people aged 75 and over who are expected to be living in some form of C2 accommodation. The SHMA Update concluded that the need was 750 units within the plan period, equating to 37 units per annum.

3.12 Paragraphs 3.40 - 3.48 of the HNA Topic Paper deal specifically with “Sheltered, age-specific and **Extra Care housing**” (our emphasis), as a distinct market component that is separate from both “Residential Care and Nursing Care”<sup>31</sup> units and “Accessible and Adaptable Dwellings”<sup>32</sup>

3.13 Paragraph 3.45 of the HNA Topic Paper<sup>33</sup> indicates that the current TWBC stock of Extra Care dwellings is 164 units. This represents only 57% of the 287 units that the population-based, national, estimating tool SHOP@ (Strategic Housing for Older People Analysis Tool) suggest should have been within the Borough in 2020<sup>34</sup>. In other words, the HNA Topic Paper indicates clearly that TWBC have failed to meet expected demand for this type of housing to date.

3.14 Paragraphs 3.45 and 3.46 of the HNA Topic Paper seek to project the need forward over the LP plan period (to 2038). The SHOP@ tool suggests 431 units would be needed by 2038 (an increase in 267 units from the current stock), while a local method, administered by Kent County Council (KCC) suggests an approximate additional need for 245 units to 2038.

3.15 Paragraph 3.46 of the HNA<sup>35</sup> specifically indicates that KCC projections “*indicate a potential demand up to 2031 of a further 188 extra care dwellings.*” (our emphasis).

3.16 Accordingly, Paragraph 3.47 of the HNA Topic Paper indicates that “*it is considered prudent for the Local Plan to look towards providing for some 245 - 267 extra care units to be delivered over the plan period*”. The use of the word “prudent” and the inclusion of a range clearly indicates that 245 Extra Care dwellings should be the minimum number of units within the LP, and that these units should be clearly and unambiguously planned for (i.e. that allocations should be deliverable<sup>36</sup>).

3.17 These Paragraphs in the HNA Topic Paper are then reflected in Paragraphs 6.356 to 6.358 of the Regulation 19 Version of the LP in the section that relates to the ‘Types of Housing Delivery’. Pro Vision has been advocating that TWBC adopt a sector-specific approach to housing for older people, including specific provision for Extra Care units, since at least March 2015<sup>37</sup>, as to do so is in line with the NPPF<sup>38</sup> and the NPPG<sup>39</sup>. It is therefore welcome that TWBC have sought to recognise that there is a specific need for Older People’s Housing within the Borough, and included Policy H6 within the LP. However, as is discussed within the next section, it is considered that the LP has failed to allocate sufficient deliverable sites to meet the specific identified need for Extra Care housing for older people and therefore must look to allocate additional sites, such as the Land at Sandown Park, to meet the need identified.

#### . Proposed Older People’s Allocations

4.1 There are 56 sites proposed for housing allocations (or that include housing as part of mixed use schemes) within the Regulation 19 Local Plan. Together these sites propose up to 9,791 units (approximately 80% of the total requirement), leaving a minimum of 2,413 units to come from un-identified sites (at 134 dpa over the plan period).

#### ***Allocation strategy and delivery trajectory – General comments***

4.2 Over 52% of the housing requirement is anticipated to come from the two strategic sites (SS1: Paddock Wood and SS3: Tudeley Village) which together account for up to 6,390 units. We note also that nearly 80% of the housing requirement has been allocated to a total of just 9, out of the 56 sites.

4.3 Of the 56 sites allocated, at publication, 21 sites had permission, accounting for 1455 dwellings (or 2.14 years’ supply at 678dpa). In summary, the sites with permission break down as follows:

[TWBC: red font in table replaced with underlined text due to formatting differences]

No of sites

Sites with Permission

Permitted Units

No of sites <50 units

33

14

395

No of sites 50-100 units

14

4

300

No of sites 100-200 units

6

402

348

No of sites 200-1000 units

1

1

412

No of sites >1000 units

2

0

0

**TOTAL**

56

21

1455

4.4 The February 2021 Housing Trajectory Topic paper<sup>41</sup> refers to Nathaniel Lichfield and Partners (NLP) Nov 2016 report "Start to Finish"<sup>42</sup>. NLP indicate<sup>43</sup> that the *"annual average build-rate for the largest sites (of 2,000 or more units) is circa 161 dwellings per annum"*. Yet the Housing Trajectory Topic paper<sup>44</sup> assumes that Paddock Wood (SS1) will deliver 300 dpa by reference to the Letwin Review<sup>45</sup>.

4.5 The NLP Start to Finish report has been widely cited in appeal decisions and has been relied upon to inform decisions about likely build out rates. A second edition of the NLP report was produced in February 2020, and similarly concluded that the average annual build-out rate for a scheme of 2,000+ dwellings was 160dpa with sites taking on average 8.4 years from validation of the first planning application to the first dwelling being completed.

4.6 We consider that for SS1, the assumption of 300dpa per year from 2025 is ambitious and unrealistic. For this to be achieved, realistically construction would need to commence in just 2-3 years. This trajectory appears to take no account of likely lead in times and the length of time on average it takes to obtain planning permission and start on site. We consider that the lower trajectory adopted for SS3 of 150 – 200 dpa with an expected start on site date of 2025 more realistic.

4.7 In Summary, we consider the strategy places too many eggs in one basket with an over reliance on a small number of very large sites and an unrealistic delivery trajectory. There remains significant objections locally to both SS1 and SS3, and therefore applications are likely to take time to progress through the planning system. Given the various constraints applicable to these sites, we consider it improbable that in just 4 years from now SS1 will be delivering 300 completed units per annum. Our conclusion is that more sites are required in order to boost significantly the supply of housing and ensure the minimum housing requirement is met through the plan period.

### ***Older People's Housing allocations***



4.8 As above, the Council has identified a need using the SHOP@ national estimating tool for between 245 - 267 Extra Care dwellings within the plan period. However, the LP fails to allocate sites to specifically meet this need as we discuss below.

4.9 The LP proposes to allocate 8 sites to provide for older persons housing. These are:

- 1 a) AL/RTW 4: 36-40 St. John's Road, Royal Tunbridge Wells – 65 dwellings (C3) or approximately 90 dwellings for older people;
- 2 b) AL/RTW 9: Land at Beechwood Sacred Heart School, Royal Tunbridge Wells – 69 bed residential care home;
- 3 c) AL/HA 1: Land at The White House Highgate Hill, Hawkhurst – 43 retirement living apartments;
- 4 d) AL/PE 6: Woodsgate Corner, Pembury – up to 80 units Extra Care accommodation or up to 120 units of residential care accommodation (or a combination);
- 5 e) AL/PE 7: Cornford Court, Cornford Lane, Pembury – 68 bed suite integrated community health centre;
- 6 f) AL/PE 8: Owlsnest, Tonbridge Road, Pembury – 76 bed care home;
- 7 g) SS 1: Paddock Wood – at least one sheltered and one Extra Care housing scheme to be provided within the strategic site; and
- 8 h) SS 3: Tudeley Village – at least one sheltered and one Extra Care housing scheme to be provided within the strategic site.

4.10 Of these sites (a) and (b) are allocations carried forwards from the 2016 Allocations Plan. Site (a) has received planning permission for 89 units for older persons. The permission is extant. There is a condition limiting the age of residents to over 60's, however the application has been approved as a C3 development, not specifically as an Extra-Care scheme. There is no reference in the s106 to care being provided. Essentially, this site could deliver a retirement housing scheme which whilst catering generally to the need for older persons housing, would not meet the need identified for Extra Care accommodation.

4.11 Site (b) is a residential care home, not Extra Care. Site (c) is a McCarthy & Stone sheltered apartment scheme, so also not Extra Care. Sites (e) and (f) are permitted schemes that are for residential care homes and so not Extra Care.

4.12 Site (d) AL/PE 6 Woodgate Corner is specifically identified as an Extra Care allocation, although only potentially as the draft policy allows for this site to be a residential care home instead.

4.13 Whilst sites (g) and (h) do include for Extra Care housing to come forward, there can be no certainty as to if or when these sites will be delivered given the analysis above in relation to the strategic nature of these sites. Further, whilst the allocation policies relating to these sites do include for Extra Care accommodation, the Council continues to rely upon the market to deliver this element and there can be no certainty as to when this element of the development would come forward, if at all. This is in contrast to, for example, the CESL site at Sandown Park which is a specific proposal for a C2 care community that is backed by an operator, Audley Group Ltd and is deliverable within the next 5 years.

4.14 In summary, we consider there is no certainty that the identified need of at least 267 units will be met through these allocations. Meeting the need requires site (d) Woodsgate Corner; and both sites (g) and (h) to come forward and deliver Extra Care housing. If any of these sites do not / cannot deliver Extra Care housing, then the acknowledged need would not be met but in any event none of these sites are available now in the short term to deliver older peoples housing to meet the identified, yet unmet 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.”

(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

## Comment

Consultee	Mr Adrian Cory [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Hawkhurst [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Adrian Cory [REDACTED]
Comment ID	PSLP_1895
Response Date	03/06/21 14:12
Consultation Point	Pre-Submission Local Plan ( <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 Mr Adrian Cory

### Question 3a

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

Comments on the whole Plan

### Question 4

Do you consider that the Local Plan:

Is legally compliant Don't know

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.

<b>Do you consider that the Local Plan is not sound because:</b>	. It is not positively prepared . It is not effective . It is not justified
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#### 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 astounded that the Council should intentionally make it so difficult, complex and burdensome to submit representations on the Local Plan. The Web based portal is extraordinarily difficult for the lay person to navigate and populate. I am a former senior civil servant and IT expert and even I found it too complex and burdensome to manage. I reverted to the offline form, which is also cumbersome to complete, requiring extensive cutting and pasting.

I believe that your representation arrangements are beyond the capability of many ordinary people to manage and that, consequently, the number of representations you receive will be artificially suppressed. There is suspicion in our local community that this is deliberate.

For this reason I believe that the Council is failing in its duty to cooperate.

#### 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 Council should make it much easier for people to comment on the Plan, even if this means more work for its staff.

#### 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>	. 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	Mr Adrian Cory [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Hawkhurst [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Adrian Cory [REDACTED]
Comment ID	PSLP_1896
Response Date	03/06/21 14:12
Consultation Point	Section 2: Setting the Scene ( <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 Mr Adrian Cory

### Question 3a

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

Section 2: Setting the Scene

### Question 4

Do you consider that the Local Plan:

Is legally compliant Don't know

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:**

<input type="checkbox"/>	It is not effective
<input type="checkbox"/>	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.**

I strongly object to the designation of Hawkhurst as a "Rural Service Centre" (2.4; 2.5). The previous plan incorrectly designated the village as a town, and the choice of this planning jargon term appears to confirm suspicions that TWBC are determined to try to obscure the fact that the correct status of Hawkhurst is a village. To describe Hawkhurst as a "Rural Service Centre" implies that the village offers no more than a collection of services for the surrounding area. That is objectionable and misleading: it obscures the fact that the village is a thriving community in its own right and deserving of recognition as such. Hawkhurst is a village, to be counted amongst the other Wealden villages in the borough.

### Question 6

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Hawkhurst must be recorded using its correct designation as a village, and the current implication, that it is an entity sui generis and separate from the village status afforded to other Wealden villages, removed.

### 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	Mr Adrian Cory [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Hawkhurst [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Adrian Cory [REDACTED]
Comment ID	PSLP_1897
Response Date	03/06/21 14:12
Consultation Point	Section 4: The Development Strategy and Strategic Policies ( <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	Mr Adrian Cory
Question 3a	

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

Section 4: The Development Strategy and Strategic Policies  
Paragraphs 2.16; 4.10; 4.13

### Question 4

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

Is legally compliant	Don't know
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

#### 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 Plan fails to explain why TWBC not only accepts the unrealistic housing allocation figure set for the borough by the NPPF, but proposes unilaterally to increase it. The borough's own population projections (based on ONS data) show a projected population increase of only 6,155 over the planning period (2.16). Nevertheless it appears that, the NPPF "standard method" requires the borough to build 12,200 houses over the period (4.10). Rather than challenging the illogic of this allocation, TWBC instead proposes to exacerbate the situation by also contributing to "unmet needs elsewhere" by adding further to its housing allocation (4.13). Surely TWBC should be acting in the interests of its own residents by limiting development rather than assuming responsibility for other councils' allocations? Why can our Council not follow the excellent lead given by Sevenoaks DC in challenging the excessive and unjustified allocation?

Furthermore, planning for excess building above the borough's organic requirement works counter to the sustainability requirement. The inevitable result of such a policy is that new residents would be drawn into the borough from neighbouring districts where, had housing been available, they would have found it more convenient to live, typically owing to proximity to their place of work. Consequently, over-provision of housing where it would not otherwise be required adds to vehicle movement, congestion, pollution and consumption of fossil fuels.

#### Question 6

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The Council should challenge the NPPF housing allocation figure as grossly out of line with projected housing needs in the borough, on grounds that 70% of the borough comprises AONB land, and that to build in line with NPPF allocation works against the sustainability mandate.

#### 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	Mr Adrian Cory [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Hawkhurst [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Adrian Cory [REDACTED]
Comment ID	PSLP_1898
Response Date	03/06/21 14:12
Consultation Point	Policy STR 5 Infrastructure and Connectivity ( <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	Mr Adrian Cory
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Question 3a

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

Policy STR 5 Infrastructure and Connectivity  
Paragraphs 4.88-4.96

Question 4

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

Is legally compliant	Don't know
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

#### 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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The Plan continues to fail to address the need to ensure that developments are only allowed to proceed when the planning authority is satisfied that associated services and utilities are adequate to support them. For example, there is reference to the need for additional capacity at water waste treatment works (page 53 and STR5) and a claim that regulatory bodies "have been consulted" (page 55) but developers are merely required to collaborate with service providers without sanction for non-delivery. Our experience with Southern Water gives no confidence that the statutory providers will either co-operate effectively, or comply with any undertaking once given.

#### Question 6

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It should be made clear that planning permission will not be given in the absence of effective and binding undertakings relating to the provision of the necessary services and utilities, and that occupation of buildings will not be permitted until those services and utilities are in place.

#### 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	Mr Adrian Cory [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Hawkhurst [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Adrian Cory [REDACTED]
Comment ID	PSLP_1902
Response Date	03/06/21 14:12
Consultation Point	Policy AL/HA 7 Hawkhurst Station Business Park ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Mr Adrian Cory
Question 3a	

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

Policy AL/HA 7 Hawkhurst Station Business Park

Paragraph No. 5.343 et seq.

[TWBC: this comment also set against Policy AL/HA8 - see PSLP\_1903]

**Question 4**

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

Is legally compliant	Don't know
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

#### Question 5

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The conditions attached to the proposed industrial developments at Gills Green (AL/HA 7 & 8) should presumably include the need for an impact assessment on the Hawkhurst crossroads? There must be a likelihood that these developments will increase the passage of HGVs. The general need for such an impact assessment is stated at para 5.358.

#### Question 6

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The conditions attached to the proposed industrial developments at Gills Green (AL/HA 7 & 8) should include the need for an impact assessment on the Hawkhurst crossroads.

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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	Mr Adrian Cory [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Hawkhurst [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Adrian Cory [REDACTED]
Comment ID	PSLP_1903
Response Date	03/06/21 14:12
Consultation Point	Policy AL/HA 8 Site at Limes Grove (March's Field) ( <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	Mr Adrian Cory
Question 3a	

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

Policy AL/HA 8 Site at Limes Grove (March's Field)

Paragraph No. 5.343 et seq.

[TWBC: this comment also set against Policy AL/HA7 - see PSLP\_1902]

**Question 4**

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

Is legally compliant	Don't know
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

#### Question 5

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The conditions attached to the proposed industrial developments at Gills Green (AL/HA 7 & 8) should presumably include the need for an impact assessment on the Hawkhurst crossroads? There must be a likelihood that these developments will increase the passage of HGVs. The general need for such an impact assessment is stated at para 5.358.

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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

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

## Comment

Consultee	Rosemary Cory [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Cranbrook [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Rosemary Cory [REDACTED]
Comment ID	PSLP_1690
Response Date	04/06/21 16:05
Consultation Point	Pre-Submission Local Plan ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.4

Data inputter to enter their initials here HB

### Question 1

Respondent's Name and/or Organisation Rosemary Cory

### Question 3a

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

Comments on the whole Plan and consultation process

### Question 4

Do you consider that the Local Plan:

Is legally compliant Don't know

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.

<b>Do you consider that the Local Plan is not sound because:</b>	<ul style="list-style-type: none"> <li>. It is not positively prepared</li> <li>. It is not effective</li> <li>. It is not justified</li> </ul>
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#### Question 5

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The representation arrangements are probably beyond the capability of many ordinary people to manage and, consequently, the number of representations you receive will be artificially suppressed.

For this reason I believe that the Council is failing in its duty to cooperate.

#### Question 6

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<b>If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?</b>	<ul style="list-style-type: none"> <li>. No, I do not wish to participate in examination hearing session(s)</li> </ul>
---	--

#### 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>	<ul style="list-style-type: none"> <li>. Yes, I wish to be notified of future stages of the Local Plan</li> </ul>
--	---

## Comment

Consultee	Rosemary Cory [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Cranbrook [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Rosemary Cory [REDACTED]
Comment ID	PSLP_1692
Response Date	04/06/21 16:05
Consultation Point	Section 2: Setting the Scene ( <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	Rosemary Cory
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.	
Paragraph No(s) 2.4 & 2.5	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
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 effective
- . It is not justified

#### Question 5

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I strongly object to the designation of Hawkhurst as a "Rural Service Centre" (2.4; 2.5). The previous plan incorrectly designated the village as a town, and the choice of this new term obscures the fact that the correct status of Hawkhurst is a village. To describe Hawkhurst as a "Rural Service Centre" implies that the village offers no more than a collection of services for the surrounding area. That obscures the fact that the village is a thriving community in its own right and deserving of recognition as such. Hawkhurst is a village, to be counted amongst the other Wealden villages in the borough.

#### 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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Hawkhurst should be designated as a village, and the current implication, that it is not deserving of the village status afforded to other Wealden villages, should be removed.

#### 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	Rosemary Cory [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Cranbrook [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Rosemary Cory [REDACTED]
Comment ID	PSLP_1694
Response Date	04/06/21 16:05
Consultation Point	Policy STR 1 The Development Strategy ( <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	Rosemary Cory
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 STR 1 The Development Strategy	
Paragraph No(s) 2.16, 4.10 & 4.13	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know

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 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.

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 Plan fails to explain why TWBC not only accepts the unrealistic housing allocation figure set for the borough by the NPPF, but proposes to add to it.

The borough's own population projections (based on ONS data) show a projected population increase of only 6,155 over the planning period (2.16). However, the NPPF "standard method" requires the borough to build 12,200 houses over the period (4.10).

Rather than challenging the illogic of this allocation, TWBC instead proposes to exacerbate the situation by also contributing to "unmet needs elsewhere" by adding further to its housing allocation (4.13). TWBC should be acting in the interests of its own residents and of the natural environment by limiting development rather than assuming responsibility for other councils' allocations?

Planning for excess building above the borough's organic requirement also tends to undermine the sustainability strategy. New residents would be drawn into the borough from neighbouring districts where, had housing been available, they would have found it more convenient to live, typically owing to proximity to their place of work. Consequently, over-provision of housing where it would not otherwise be required adds to vehicle movement, congestion, pollution and consumption of fossil fuels.

#### Question 6

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The Council should challenge the NPPF housing allocation figure as grossly out of line with projected housing needs in the borough, that 70% of the borough comprises AONB land, and that to build in line with NPPF allocation works against the sustainability mandate.

### 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	Rosemary Cory [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Cranbrook [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Rosemary Cory [REDACTED]
Comment ID	PSLP_1696
Response Date	04/06/21 16:05
Consultation Point	Policy STR 5 Infrastructure and Connectivity ( <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	Rosemary Cory
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 STR 5 Infrastructure and Connectivity	
Paragraph No(s) 4.88-4.96	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know

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 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.**

The Plan fails to ensure that developments are only allowed to proceed when the planning authority is satisfied that associated services and utilities are adequate to support them. For example, there is reference to the need for additional capacity at water waste treatment works (page 53 and STR5) and a claim that regulatory bodies "have been consulted" (page 55) but developers are merely required to collaborate with service providers without sanction for non-delivery. Our experience with Southern Water gives no confidence that the statutory providers will either co-operate effectively, or comply with any undertaking once given.

#### Question 6

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It should be made clear that planning permission will not be given in the absence of effective and binding undertakings relating to the provision of the necessary services and utilities, and that occupation of buildings will not be permitted until those services and utilities are in place.

#### 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	Rosemary Cory [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Cranbrook [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Rosemary Cory [REDACTED]
Comment ID	PSLP_1698
Response Date	04/06/21 16:05
Consultation Point	Policy AL/HA 5 Land to the north of Birchfield Grove ( <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	Rosemary Cory
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/HA 5 Land to the north of Birchfield Grove	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know

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

#### 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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AL/HA5 – while there is a need for a new medical centre in Hawkhurst, the proposed site is not appropriate due to the impact on the AONB and the unacceptable level of traffic through Birchfield Grove.

#### Question 6

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Removal of AL/HA 5.

#### 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

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

## Comment

Consultee	Rosemary Cory [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Cranbrook [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Rosemary Cory [REDACTED]
Comment ID	PSLP_1699
Response Date	04/06/21 16:05
Consultation Point	Policy AL/HA 7 Hawkhurst Station Business Park ( <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	Rosemary Cory
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/HA 7 Hawkhurst Station Business Park	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know

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

#### 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.**

I welcome the requirement for development proposals to establish the impact of proposed developments on Hawkhurst crossroads and the Flimwell crossroads (5.285 and 5.358). However, I believe that there has been no strategic assessment carried out on the traffic impacts of the Hawkhurst crossroads and the Flimwell junction. The borough-wide transport assessment does not consider these impacts. Therefore, the Plan is not "sound".

I welcome TWBC's decision that the proposal for a so-called "relief road" as a quid pro quo for a large development on the Hawkhurst golf course was not supportable in the light of national policy to limit development in AONBs. It would, in fact, have been no more than an access road for a large housing development, that would have had a negative impact on traffic congestion on the other three arms of the crossroads and the Flimwell junction. This would have also impacted the wider highway network, not just in Hawkhurst but in the surrounding villages.

The conditions attached to the proposed industrial developments at Gills Green (AL/HA 7 & 8) should presumably include the need for an impact assessment on the Hawkhurst crossroads? There must be a likelihood that these developments will increase the passage of HGVs. The general need for such an impact assessment is stated at para 5.358.

#### Question 6

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The Plan should incorporate a proper assessment of the traffic impact of proposed developments on both the Hawkhurst Crossroads and the Flimwell junction (in consultation with Highways England and East Sussex CC).

The conditions attached to the proposed industrial developments at Gills Green (AL/HA 7 & 8) should include the need for an impact assessment on the Hawkhurst crossroads.

#### Question 7

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## Comment

Consultee	Rosemary Cory [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Cranbrook [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Rosemary Cory [REDACTED]
Comment ID	PSLP_1700
Response Date	04/06/21 16:05
Consultation Point	Policy AL/HA 8 Site at Limes Grove (March's Field) ( <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	Rosemary Cory
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/HA 8 Site at Limes Grove (March's Field)	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know

Is sound

No

#### Question 4a

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- . It is not positively prepared
- . It is not effective
- . It is not justified

#### Question 5

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The Plan should incorporate a proper assessment of the traffic impact of proposed developments on both the Hawkhurst Crossroads and the Flimwell junction (in consultation with Highways England and East Sussex CC).



The conditions attached to the proposed industrial developments at Gills Green (AL/HA 7 & 8) should include the need for an impact assessment on the Hawkhurst crossroads.

#### 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)?**

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#### Future Notifications

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

## Comment

Consultee	Councillors J Botten, M Boughton and J Lark [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Tonbridge & Malling Borough Councillors for Medway Ward, Tonbridg
Address	[REDACTED] Tonbridge TN9 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Tonbridge & Malling Borough Councillors for Medway Ward, Tonbridg [REDACTED] [REDACTED]
Comment ID	PSLP_890
Response Date	02/06/21 08:35
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Councillors J Botten, M Boughton & J Lark, Borough Councillors for Medway Ward, Tonbridge
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 STR/SS 3 The Strategy for Tudeley Village

#### 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

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In advance of the close of the Regulation 19 consultation on the Tunbridge Wells Borough Council (TWBC) Local Plan on Friday, we wanted to write to reiterate our opposition to aspects of the plan. Specifically, STR/SS3 - The Strategy for Tudeley Village, which will have an impact on the part of Tonbridge we represent above and beyond all recognition.

As Borough Councillors representing this area of Tonbridge for a combined 10 years, we are fully aware of the huge sacrifice people make to live here. Our community is one of the best located around with excellent transport links and schools, which attract people to come and live here. While this is welcome, it puts an increasingly server burden on infrastructure around Tonbridge which is already creaking.

Just last week, Tonbridge and Malling Borough Council (TMBC) rejected a planning application for another supermarket at Tonbridge Retail Park on Cannon Lane because of concerns about the ability of the road network to cope. Cannon Lane was originally built as the 'mini-bypass' in Tonbridge, yet is frequently gridlocked. Thousands of homes just over the border in Tunbridge Wells borough, as allocated in STR/SS3 at Tudeley Village, will only lengthen the queues across the south east of Tonbridge and make it harder for children to get into one of the excellent schools in the town.

You will have seen us make these points as part of our response to the Regulation 18 consultation in 2019, and we are disappointed that they have, on the whole, not been addressed since. You will also note that we have consistently spoken strongly at TMBC to influence its own response.

As part of that response, agreed at the Planning and Transportation Advisory Board meeting chaired by Jon Botten earlier this month, TMBC made a number of accurate and extremely pressing comments. Most relevant is the inability of TWBC to fully model forthcoming development in Tonbridge as part of its assessment, since residents in Tudeley will look towards the town much more than any other of the identified retail centres in Tunbridge Wells borough for services, shops and schools. Consequently, we would have expected to see a complete list of proposed mitigations - if even possible - within Tonbridge to cope for this. Sadly none have been put forward within the Local Plan process, and we do not think the reduction in car use arising from this development is realistic.

We also wanted to touch on the landscape impact, since the area we represent goes far east beyond Cannon Lane, including some of the rural roads and public footpaths which would link the proposed development at Tudeley with Tonbridge. There is no doubt that this development, and more people

using this area would result in greater intensification of its use. Therefore it is not in doubt, in our view, that there will be a detrimental impact on the landscape of Tonbridge as a result, and it is of deep concern this has not been modelled. Specifically, we would argue this is incomplete because the Landscape and Visual Impact Assessment only applies to sites located within the High Weald Area of Outstanding Natural Beauty. While this is important, it underplays the wonderful landscape that is visible from within Tonbridge and to Tonbridge from notable landmarks. We would have expected this assessment to account for the character of our area as well.

As a result we would argue strongly that the inclusion of STR/SS3, Strategy for Tudeley Village in the draft Tunbridge Wells Local Plan is unsound and does not meet the tests contained within the National Planning Policy Framework. It is not positively prepared because the cumulative impact of development on Tonbridge and Malling has not been assessed. It is not justified because reasonable alternatives have not been considered fully before this. It is not effective because significant infrastructure improvements will be needed, which are not forthcoming. Finally it is not consistent with the National Planning Policy Framework because the severe impacts on traffic cannot be mitigated, as TMBC have made clear on Cannon Lane already.

We therefore ask that you remove this allocation from the draft Local Plan.

### 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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### 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)?**

# Supporting Information File Ref No: SI\_150

## Comment

Agent	Mr David Bedford ( [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_2118
Response Date	26/05/21 16:30
Consultation Point	Section 3: Vision and Objectives ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.9
Files	<a href="#">DHA Planning for Countryside Properties-full representation AL-CRS2.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 3a

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

Section 3: Vision and Objectives

*[TWBC: the full representation attached has been divided between Vision and Strategic Objectives (PSLP\_2118), Policies STR1 (PSLP\_2121), AL/CRS2 (PSLP\_2127) and Development Management Policies (PSLP\_2128)*

### 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 within Countryside Properties' control adjacent to the Crane Valley, Cranbrook which forms part of proposed allocation reference AL/CRS 2.

1.1.3 The site, combined with land proposed for allocation under AL/CRS 1, currently cover land that represents a single larger Local Plan allocation contained within the adopted Site Allocations Local Plan 2016 Policy AL/CR 4. These sites have traditionally always featured as a single allocation owing to the fact that access to the CR2 land is required through site CR1.

1.1.4 In respect of progress of the site to date; Persimmon Homes secured outline planning permission prior on the CR1 land prior to surrendering its option to another developer. Nonetheless, it is understood that a reserved matters application is in preparation for the CR1 land.

1.1.5 In the meantime, Countryside remains committed to bringing the CR2 site forward at the earliest available opportunity once a suitable access can be achieved via the CR1 land.

#### 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 comments 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 duty to cooperate, 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.

#### **Vision and Strategic Objectives**

1.4.4 The pre-submission plan is underpinned by vision and strategic objectives.

1.4.5 The vision is set out below:

*[TWBC: PSLP Vision has been duplicated here - see full representation attached].*

1.4.6 In order to deliver the vision the plan sets a number of strategic objectives:

*[TWBC: PSLP Strategic Objectives hav been duplicated here - see full representation attached].*

#### **1.4.7 Response**

1.4.8 We broadly support the general thrust of the vision and these objectives, which seek to meet identified housing needs and boost the supply of new affordable homes. However, the vision and objectives could be more positive and set a framework whereby suitable development opportunities are actively embraced. As drafted, the message is clear that meeting need is somewhat enforced.

1.4.9 Indeed, we would suggest some minor modification to ensure that the plan is positively prepared and fully aligned with the provisions of the National Planning Policy Framework ('NPPF'). Indeed, we consider that the vision should be modified to read.

'Growth in new homes, jobs, and supporting infrastructure to meet boroughwide needs will actively be persuaded in full and in a manner that best compliments the distinctive qualities of the borough'.

1.4.10 We consider that objective 2 should be modified to read:

'To significantly boost the supply of all forms of housing to meet the full needs of our population, with particular emphasis on affordable housing'

1.4.11 With the above modifications, the objectives and vision will then be positively prepared.

## 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. Furthermore, we support the continued allocation of our client's land in Cranbrook, albeit with some modification to the affordable housing requirement in line with the adopted allocation.

1.5.3 Finally, 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.**

### 1.4.7 Response

1.4.8 We broadly support the general thrust of the vision and these objectives, which seek to meet identified housing needs and boost the supply of new affordable homes. However, the vision and objectives could be more positive and set a framework whereby suitable development opportunities are actively embraced. As drafted, the message is clear that meeting need is somewhat enforced.

1.4.9 Indeed, we would suggest some minor modification to ensure that the plan is positively prepared and fully aligned with the provisions of the National Planning Policy Framework ('NPPF'). Indeed, we consider that the vision should be modified to read.

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'To significantly boost the supply of all forms of housing to meet the full needs of our population, with particular emphasis on affordable housing'

1.4.11 With the above modifications, the objectives and vision will then be positively prepared.

## 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\_157

### Comment

Agent	Mr Jonathan Buckwell ( [REDACTED] )
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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_2263
Response Date	02/06/21 11:41
Consultation Point	Section 3: Vision and Objectives ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.6
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 3a

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

Section 3: Vision and Objectives

*[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 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.

#### **Vision and Strategic Objectives**

1.4.4 The pre-submission plan is underpinned by vision and strategic objectives.

1.4.5 The vision is set out below:

*[TWBC: PSLP Vision is duplicated here - see full representation].*

1.4.6 In order to deliver the vision the plan sets a number of strategic objectives:

*[TWBC: PSLP Strategic Objectives is duplicated here - see full representation].*

#### **1.4.7 Response**

1.4.8 We broadly support the general thrust of the vision and these objectives, which seek to meet identified housing needs and boost the supply of new affordable homes. However, the vision and objectives could be more positive and set a framework whereby suitable development opportunities are actively embraced. As drafted, the message is clear that meeting need is somewhat enforced.

1.4.9 Indeed, we would suggest some minor modification to ensure that the plan is positively prepared and fully aligned with the provisions of the National Planning Policy Framework ('NPPF'). Indeed, we consider that the vision should be modified to read:

'Growth in new homes, jobs, and supporting infrastructure to meet boroughwide needs will actively be persuade in full and in a manner that best compliments the distinctive qualities of the borough'.

1.4.10 We consider that objective 2 should be modified to read:

'To significantly boost the supply of all forms of housing to meet the full needs of our population, with particular emphasis on affordable housing'

1.4.11 With the above modifications, the objectives and vision will then be positively prepared.

### **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.**

### 1.4.7 Response

1.4.8 We broadly support the general thrust of the vision and these objectives, which seek to meet identified housing needs and boost the supply of new affordable homes. However, the vision and objectives could be more positive and set a framework whereby suitable development opportunities are actively embraced. As drafted, the message is clear that meeting need is somewhat enforced.

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1.4.10 We consider that objective 2 should be modified to read:

'To significantly boost the supply of all forms of housing to meet the full needs of our population, with particular emphasis on affordable housing'

1.4.11 With the above modifications, the objectives and vision will then be positively prepared.

## 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\_153

### Comment

Agent	Mr David Bedford ( [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_2145
Response Date	26/05/21 16:30
Consultation Point	Section 3: Vision and Objectives ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.5
Files	<a href="#">DHA Planning for Countryside Properties-full representation Hawkhurst.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? Paragraph(s)

### Question 3a

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

Section 3: Vision and Objectives

[TWBC: the full representation attached has been divided between Policy STR/HA1 (PSLP\_2140), Vision and Strategic Objectives (PSLP\_2145), Policy STR1 (PSLP\_2148) and Development Management Policies (PSLP\_2158)

### 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 adjacent to Countryside Properties' existing site on Highgate Hill, which is now complete following a successful permission allowed at appeal in 2015. Countryside is promoting this additional land as a logical 'phase 2' (SHELAA Site 86) residential redevelopment to mirror the quality of the established scheme.

1.1.3 Based on the current national and local planning context, we consider this additional site to be suitable for development and we consider there to be 'exceptional circumstances' to release this additional land within the High Weald Area of Outstanding Natural Beauty ('AONB'). As a consequence we object to its omission,

#### 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 comments on the plan having regard to these tests of soundness as well as wider legal compliance.

### **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, and having regard to the duty to cooperate, there is grave concern in respect of the degree of cross boundary working and the extent to which Tunbridge Wells Borough has genuinely sought to assist with unmet housing need arising from neighbouring authorities. Indeed, the Sevenoaks, Tonbridge and Malling and Wealden Local Plans have all recently failed to pass through independent examination because of inadequate efforts to work collectively. Given these failures, it is difficult to conclude that Tunbridge Wells Borough Council should be absolved of similar criticisms.

1.3.4 Indeed, within the Duty to Cooperate Topic Paper the Council confirms that it relies upon the Statements of Common Ground (SOCG) agreed with Sevenoaks DC in May 2019, yet this agreement was deemed inadequate for Sevenoaks to have properly discharged its duty to cooperate. It was seen as too little too late.

1.3.5 The topic paper then states that an updated SoCG between TWBC and SDC is currently being prepared, but is delayed due to ongoing legal action by SDC following an adverse decision by the High Court (note this was Court of Appeal) in relation to its own Local Plan. That Court of Appeal judgement has now been handed down and reinforces the failure to discharge the duty.

1.3.6 Having regard to the above, 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.

1.3.7 In any event, the deletion of a vast number of suitable sites at the Regulation 19 stage would suggest that there are opportunities to meet the needs of the adjacent and potentially more constrained neighbours and that this is a matter that should be address via the plan making process, collectively with the West Kent neighbouring authorities, rather than Tunbridge Wells proceeding ahead in isolation.

### **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.

### **Vision and Strategic Objectives**

1.4.4 The pre-submission plan is underpinned by vision and strategic objectives.

1.4.5 The vision is set out below:

*[TWBC: PSLP Vision is duplicated here - see full representation].*

1.4.6 In order to deliver the vision the plan sets a number of strategic objectives:

*[TWBC: PSLP Strategic Objectives is duplicated here - see full representation].*

#### **1.4.7 Response**

1.4.8 We broadly support the general thrust of the vision and these objectives, which seek to meet identified housing needs and boost the supply of new affordable homes. However, the vision and objectives could be more positive and set a framework whereby suitable development opportunities are actively embraced. As drafted, the message is clear that meeting need is somewhat enforced.

1.4.9 Indeed, we would suggest some minor modification to ensure that the plan is positively prepared and fully aligned with the provisions of the National Planning Policy Framework ('NPPF'). Indeed, we consider that the vision should be modified to read.

'Growth in new homes, jobs, and supporting infrastructure to meet boroughwide needs will actively be persuade in full and in a manner that best compliments the distinctive qualities of the borough'.

1.4.10 We consider that objective 2 should be modified to read:

'To significantly boost the supply of all forms of housing to meet the full needs of our population, with particular emphasis on affordable housing'

1.4.11 With the above modifications, the objectives and vision will then be positively prepared.

### **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 object to the exclusion of our client's land at Highgate Hill, Hawkhurst (Site 86) which is unsubstantiated by evidence. Furthermore, we object to the limited growth promoted around Hawkhurst.

1.5.3 Furthermore, we consider that the Local Plan strategy 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.

1.5.4 In our view, further small to medium sites are needed to remedy these matters or soundness and such additional sites should be directed to sustainable locations such as Hawkhurst.

### **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.**

1.4.7 Response

1.4.8 We broadly support the general thrust of the vision and these objectives, which seek to meet identified housing needs and boost the supply of new affordable homes. However, the vision and objectives could be more positive and set a framework whereby suitable development opportunities are actively embraced. As drafted, the message is clear that meeting need is somewhat enforced.

1.4.9 Indeed, we would suggest some minor modification to ensure that the plan is positively prepared and fully aligned with the provisions of the National Planning Policy Framework ('NPPF'). Indeed, we consider that the vision should be modified to read.

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**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\_155

### Comment

Agent	Matthew Porter ( [REDACTED] )
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Consultee	( [REDACTED] )
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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_2161
Response Date	03/06/21 11:02
Consultation Point	Section 3: Vision and Objectives ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.5
Files	<a href="#">DHA Planning for Countryside Properties-full representation STR-SS1.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.**

Section 3: Vision and Objectives

*[TWBC: the full representation attached has been divided between Policy STR/SS1 (PSLP\_2160), Vision and Strategic Objectives (PSLP\_2161), Policy STR1 (PSLP\_2162) and Development Management Policies (PSLP\_2163)]*

**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.**

**1.1 Introduction and Context**

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 Church Farm, Church Road that forms part of the strategic expansion of Paddock Wood (STR/SS1).

1.1.3 The site is allocated in the current Local Plan (Site Allocations Local Plan 2016, AL/PW3A) and is within the 'Limits of Built Development'.

1.1.4 Outline planning permission for 300 dwellings and a new country park, together with associated highways, landscaping, allotments, flood mitigation works including attenuation basins and open space was granted by Tunbridge Wells Borough Council (TWBC) in February 2018 for (reference: 14/504140/HYBRID).

1.1.5 A Reserved Matters application (reference: 19/03655/REM) for the full 300 dwellings was approved by TWBC in July 2020 on part of the site. This approved the full 300 dwellings, but on only part of the developable area. The consented 300 unit development has recently been implemented and is underway.

1.1.6 As part of the overall masterplanning and detailed design process, the reserved matters application identified that an increase in residential density across parts of the site was appropriate, and as such identified a future area of potential additional development within the scheme for a later stage. As such, there is the opportunity to make efficient use of the land available and utilise it to provide further residential development without a reduction in the overall country open space provision and within the area originally envisaged for residential development.

1.1.7 Following pre application advice discussions with TWBC and due to changes resulting from recent planning case law, it is no longer permissible to seek to vary the description of a planning permission through a Section 73 application. Therefore, Countryside Properties have submitted a standalone detailed planning application for the construction of a further 60 dwellings on the site known as phase 2.

1.1.8 Whilst this application has the potential to overtake the Local Plan process, this representation is submitted in parallel to demonstrate that the land as a whole is Countryside.

1.1.9 Based on the current national and local planning context, we consider this site to be suitable for such additional development.

## **1.2 Local Plan 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 comments on the plan having regard to these tests of soundness as well as wider legal compliance.

## **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, and having regard to the duty to cooperate, there is concern in respect of the degree of cross boundary working and the extent to which Tunbridge Wells Borough has genuinely sought to assist with unmet housing need arising from neighbouring authorities. In this context, and owing to such concerns, it is essential that consented uses are maximised to their full potential.

## **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.

## **Vision and Strategic Objectives**

1.4.4 The pre-submission plan is underpinned by vision and strategic objectives.

1.4.5 The vision is set out below:

*[TWBC: Vision from PSLP was duplicated here - see full representation attached].*

1.4.6 In order to deliver the vision the plan sets a number of strategic objectives:

*[TWBC: Strategic Objectives from PSLP were duplicated here - see full representation attached].*

### **1.4.7 Response**

1.4.8 We broadly support the general thrust of the vision and these objectives, which seek to meet identified housing needs and boost the supply of new affordable homes. However, the vision and objectives could be more positive and set a framework whereby suitable development opportunities are actively embraced. As drafted, the message is clear that meeting need is somewhat enforced.

1.4.9 Indeed, we would suggest some minor modification to ensure that the plan is positively prepared and fully aligned with the provisions of the National Planning Policy Framework ('NPPF'). Indeed, we consider that the vision should be modified to read.

'Growth in new homes, jobs, and supporting infrastructure to meet boroughwide needs will actively be persuaded in full and in a manner that best complements the distinctive qualities of the borough'.

1.4.10 We consider that objective 2 should be modified to read:

'To significantly boost the supply of all forms of housing to meet the full needs of our population, with particular emphasis on affordable housing'

1.4.11 With the above modifications, the objectives and vision will then be positively prepared.

## **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 relies heavily on the delivery of Tudeley Village and the overly optimistic projections to the delivery of housing proposed.

1.5.3 We fully support the proposed expansion of Paddock Wood to create a balanced mix of housing and employment development, but we require amendments to the policy wording for policy STR/SS1 and to Map 28 to make it clearer that Church Farm is a consented and implemented site and that the Phase 2 element is distinct from the wider STR/SS1 Eastern Parcel (being the areas which outside of the current Limits of Built Development). The Plan should reflect the potential for the Church Farm Phase 2 element to be delivered in advance of the other parts of the Eastern Parcel in a form that reflects its physical position contained within a consented and implemented development. This could be achieved by means of a separate site allocation policy for Church Farm Phase 2 and amendments to the Policies Map and Map 28.

1.5.4 We also object to the detail of some of the development management policies as set out above, which we are concerned unnecessarily replicate the NPPF, whilst providing detail which could have the unwanted side effect of unnecessarily limiting and frustrating beneficial 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.**

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**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\_130

### Comment

Agent	Matthew Porter [REDACTED]
Email Address	[REDACTED]
Company / Organisation	DHA Planning Ltd
Address	- Maidstone -
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_1971
Response Date	03/06/21 11:02
Consultation Point	Section 3: Vision and Objectives ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.3
Files	<a href="#">PSLP_1962_DHA Plg for Countryside Properties_full representation.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.

Section 3: Vision and Objectives

### 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.

#### 1.1 Introduction and Context

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 Church Farm, Church Road that forms part of the strategic expansion of Paddock Wood (STR/SS1).

1.1.3 The site is allocated in the current Local Plan (Site Allocations Local Plan 2016, AL/PW3A) and is within the 'Limits of Built Development'.

1.1.4 Outline planning permission for 300 dwellings and a new country park, together with associated highways, landscaping, allotments, flood mitigation works including attenuation basins and open space was granted by Tunbridge Wells Borough Council (TWBC) in February 2018 for (reference: 14/504140/HYBRID).

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standalone detailed planning application for the construction of a further 60 dwellings on the site known as phase 2.

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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:

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## **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.

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1.5.3 We fully support the proposed expansion of Paddock Wood to create a balanced mix of housing and employment development, but we require amendments to the policy wording for policy STR/SS1 and to Map 28 to make it clearer that Church Farm is a consented and implemented site and that the Phase 2 element is distinct from the wider STR/SS1 Eastern Parcel (being the areas which outside of the current Limits of Built Development). The Plan should reflect the potential for the Church Farm Phase 2 element to be delivered in advance of the other parts of the Eastern Parcel in a form that reflects its physical position contained within a consented and implemented development. This could be achieved by means of a separate site allocation policy for Church Farm Phase 2 and amendments to the Policies Map and Map 28.

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#### **Question 6**

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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)?**

## Supporting Information File Ref No: SI\_153

### Comment

Agent	Mr David Bedford ( [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_2148
Response Date	26/05/21 16:30
Consultation Point	Policy STR 1 The Development Strategy ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.8
Files	<a href="#">DHA Planning for Countryside Properties-full representation Hawkhurst.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 STR 1 The Development Strategy

[TWBC: the full representation attached has been divided between Policy STR/HA1 (PSLP\_2140), Vision and Strategic Objectives (PSLP\_2145), Policy STR1 (PSLP\_2148) and Development Management Policies (PSLP\_2158)

### 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 adjacent to Countryside Properties' existing site on Highgate Hill, which is now complete following a successful permission allowed at appeal in 2015. Countryside is promoting this additional land as a logical 'phase 2' (SHELAA Site 86) residential redevelopment to mirror the quality of the established scheme.

1.1.3 Based on the current national and local planning context, we consider this additional site to be suitable for development and we consider there to be 'exceptional circumstances' to release this additional land within the High Weald Area of Outstanding Natural Beauty ('AONB'). As a consequence we object to its omission,

#### 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:

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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, and having regard to the duty to cooperate, there is grave concern in respect of the degree of cross boundary working and the extent to which Tunbridge Wells Borough has genuinely sought to assist with unmet housing need arising from neighbouring authorities. Indeed, the Sevenoaks, Tonbridge and Malling and Wealden Local Plans have all recently failed to pass through independent examination because of inadequate efforts to work collectively. Given these failures, it is difficult to conclude that Tunbridge Wells Borough Council should be absolved of similar criticisms.

1.3.4 Indeed, within the Duty to Cooperate Topic Paper the Council confirms that it relies upon the Statements of Common Ground (SOCG) agreed with Sevenoaks DC in May 2019, yet this agreement was deemed inadequate for Sevenoaks to have properly discharged its duty to cooperate. It was seen as too little too late.

1.3.5 The topic paper then states that an updated SoCG between TWBC and SDC is currently being prepared, but is delayed due to ongoing legal action by SDC following an adverse decision by the High Court (note this was Court of Appeal) in relation to its own Local Plan. That Court of Appeal judgement has now been handed down and reinforces the failure to discharge the duty.

1.3.6 Having regard to the above, 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.

1.3.7 In any event, the deletion of a vast number of suitable sites at the Regulation 19 stage would suggest that there are opportunities to meet the needs of the adjacent and potentially more constrained neighbours and that this is a matter that should be address via the plan making process, collectively with the West Kent neighbouring authorities, rather than Tunbridge Wells proceeding ahead in isolation.

### **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.

### **Development Strategy and Strategic Policies (Policy STR1)**

1.4.12 The purpose of the Development Strategy is to outline how much development will be provided to meet the needs of the borough and where it will be located.

1.4.13 In terms of the amount of housing, paragraph 59 of the NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed. Further, to determine the number of homes needed, strategic policies should be informed by a local housing needs assessment conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals.

1.4.14 The Council confirm that their housing need target for the plan period to 2038 is 12,200 dwellings (678 dwellings per annum), which is calculated using the Government's standard method and the 2014-based household projections. We support this approach.

1.4.15 In terms of the different supply components, the Council consider that the Local Plan must (as a minimum) include additional allocations to accommodate 6,945 homes. This figure was formulated by taking into account; extant planning permissions (3,313); Windfall allowances (1,670); and outstanding site allocations (276).

1.4.16 At Regulation 18 the Council subsequently applied a 10% non-delivery rate to these figures to err on the side of caution. This is not referenced within the Regulation 19 version as such requires clarification and potential modification if this provision has not been carried forward to the pre-submission plan.

*[TWBC: for PSLP Figure 5 Key Diagram see full representation attached].*

1.4.17 In terms of how these needs will be met, policy ST1 sets the development strategy and states:

*[TWBC: PSLP Policy STR1 has been duplicated here - see full representation attached].*

1.4.18 In terms of justification, the Council state that The Draft Local Plan consultation concluded that, having seized all reasonable opportunities for growth 'across the includes the strategic growth of certain settlements. However, it goes on to state that it is evident from site assessment work that there is very little scope for adding much in the way of further housing numbers to the rural settlements. Indeed, in some cases, the scale of major developments in the AONB have been found to be unacceptably great.

1.4.19 Paddock Wood is said to be a logical choice for strategic growth for a number of reasons; being an existing service and employment centre, having a central railway station and main road links, giving wider accessibility.

1.4.20 Tudeley Village is acknowledged to involve the loss of a large area of Green Belt but this is justified because it is outside the AONB, is well located in terms of accessibility to nearby towns, would be of a scale that supports a good range of services, and can be planned in a holistic, comprehensive manner.

1.4.21 The full proposed distribution of development is set out below.

*[TWBC: PSLP Table 4 Distribution of housing allocations has been duplicated here - see full representation attached].*

### **Response**

1.4.22 We agree that TWBC is capable of meeting its need in full and support this approach to plan-making. However, given its role in failing to fulfil the duty to cooperate with its West Kent Neighbours, we consider the review process should cease and a cohesive and coordinated approach be progressed with the relevant surrounding authorities. Failing to work with the West Kent Authorities represents a rejection of any form of genuinely strategic thinking and planning and opportunities to meet the full needs of the housing market area is likely to be lost. By not assisting in this process the plan is not positively prepared, is not justified and is therefore not sound or legally compliant.



1.4.23 We broadly support the general thrust of the development strategy, which proposes a strategy to meet the housing needs of the borough with a dispersed growth approach. Nonetheless, we have concerns regarding the deliverability of the strategy. The Council's Housing Trajectory Topic Paper states that for Tudeley Village (STR/SS 3), it is proposed that for the first 10 years of delivery from 2025/26, 150 units are expected per annum, increasing to 200 per annum during the years after. For the plan period, 2,100 homes are allowed for.

1.4.24 Based on this statement, we say that the proposed trajectory is potentially over optimistic and the assumption that a new village is likely to be found to be acceptable via the examination process, be masterplanned, obtain planning consent, deliver key infrastructure and to commence delivering 150 dwellings per annum from the period 2025/26 is wholly unrealistic.

1.4.25 In this regard, we would draw attention back to the 2016 document published by Nathaniel Lichfield's and Partners (NLP) - 'Start to Finish: How Quickly do Large-Scale Housing Sites Deliver', which provides evidence pertaining to the speed and rate of delivery of large-scale housing, based on a large number of sites across England and Wales. It identifies that the average lead in time for the submission of a planning application is 3.9 years, from the date the site is first identified. In terms of the planning approval period, for larger scale sites (2,000 + homes) this is circa 6 years. After planning permission is granted, larger sites start to deliver within a year and the average build out rate thereafter is 161 dwellings per annum, although it can be as high as 301 dwellings per annum.

1.4.26 On the basis of this research, if the Local plan is adopted by 2022, planning permission approved by 2024 and delivery commences within 6 years (2030), the likely deliver for the plan period would be significantly less than envisaged by the Council.

1.4.27 Taking the above into account, our view is that the Council have applied overly optimistic development trajectory for the delivery of strategic sites, both in terms of the start date for completions and the expected build out rates.

1.4.28 Given the absence of any similar scale strategic sites in Tunbridge Wells Borough as a point of comparison, one could have regard to similar scale delivery in neighbouring authority Tonbridge and Malling Borough. In this respect, we provide evidence below of its three key strategic sites and the associated delivery rates (derived from the Tonbridge and Malling BV Annual Monitoring Report).

1.4.29 Kings Hill is an extremely prudent example to consider in the context of the Paddock wood extension and new garden village at Tudeley, how deliverable this would be. Indeed, Kings Hill was a new village started in 1989 near land previously occupied by RAF West Malling. The concept was for a multipurpose site of both residential and office business space. The development is still being delivered some 30 years later, despite having multiple national housebuilders delivering different phases concurrently. Based on the most up-to-date delivery data for the last decade, Kings Hill has only delivered 131 dwellings per annum, despite being a highly desirable location and multiple developers delivering concurrently. Furthermore, the earlier delivery phases were delivered at lower rates given the need to front load infrastructure.

1.4.30 Therefore, we consider that whilst some development may come forward in the plan period from the two proposed strategic sites, in reality these strategic allocations are longer term aspirations that will extend beyond 2038.

1.4.31 Having regard to paragraph 11 of the NPPF, plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means that plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change.

1.4.32 The over reliance upon Tudeley Garden Village is such that if it is not delivered as planned there is no flexibility to address any resulting shortfall in housing. Accordingly, the plan is unsound on the basis it conflicts with paragraph 11 and lacks sufficient strategic flexibility.

1.4.33 Notwithstanding our objection, the over reliance of the site within the trajectory need not be fatal. In order to remedy it, we consider that any delivery from Tudeley should be assumed to come forward in the next plan period, once there is a greater degree of certainty that the scheme will be progressed and is acceptable from a Green Belt perspective. In the intervening time, further sites should be added to offset the loss of the housing relied upon from Tudeley.

1.4.34 In respect of the wider, strategy, we support the general principle of proportionately spreading the benefits of growth. Adopting a pattern of dispersed growth approach would allow a number of sites

to be developed at the same time, serving different segments of the local housing market, which is preferable to saturation of the market in a single area. Nonetheless, we do not accept the Council's conclusion that there is very little scope for adding much in the way of further housing numbers to the rural settlements. To the contrary, the objective of the planning system is to deliver the right homes in the right locations.

1.4.35 As the borough is covered by more than 60% AONB designation, it is clear that a vast number of its residents wish to live in a village setting and within the eastern aspect of the borough. As such, the needs of these people must be met in the most sustainable manner possible. It is not reasonable to assume that residents in these areas, and those that cannot afford their own homes, wish to be displaced to the more built up non-Green Belt areas nor to congregate in the Paddock Wood/Tudeley corridor.

1.4.36 Indeed, it can be seen by the Core Diagram that the proposed strategy is to direct development to the west of the borough with far more limited growth to the east.

1.4.37 Accordingly, we would encourage the Council to increase the balance of small and medium sized sites to the east of the borough. Many of these sites, including our client's land, can deliver quickly and usually require limited intervention to infrastructure.

### **Green Belt vs AONB Release**

1.4.38 Policy SRT9 sets out that exceptional circumstances justify the proposed release of Green Belt land for development.

1.4.39 We broadly support this conclusion and agree that some greenfield Green Belt release is needed to meet housing need in the areas of the borough affected by that designation. However, we disagree with the scale of Green Belt release as an alternative to sensitive redevelopment of AONB land.

1.4.40 The Council's unmet housing need is sufficient to amount to exceptional circumstance to justify a review of Green Belt boundaries. Indeed, this approach has been endorsed by the Court in the Hunston High Court judgment in St Albans where judge stated:

'Having identified the full objectively assessed needs figure the decision maker must then consider the impact of the other policies set out in the NPPF. The Green Belt policy is not an outright prohibition on development in the Green Belt. Rather it is a prohibition on inappropriate development in the absence of very special circumstances. It is entirely circular to argue that there are no very special circumstances based on objectively assessed but unfulfilled need that can justify development in the Green Belt by reference to a figure that has been arrived at under a revoked policy which was arrived at taking account of the need to avoid development in the Green Belt.'

1.4.41 It should also be noted that neighbouring authorities such as Sevenoaks, Tonbridge and Malling and Tandridge are all instigating Green Belt reviews based on need being the driver of exceptional circumstances.

1.4.42 However, as set out above, we are concerned with the Council's approach to the scale of the Green Belt release vs that of AONB land.

1.4.43 From a Green belt context, *Calverton Parish Council v Nottingham City Council, Broxtowe Borough Council and Gedling Borough Council* [2015] EWHC 1078 (Admin)) provides very clear guidelines for determining whether exceptional circumstances exist.

'planning judgments involved in the ascertainment of exceptional circumstances in the context of both national policy and the positive obligation located in section 39(2) should, at least ideally, identify and then grapple with the following matters: (i) the acuteness/intensity of the objectively assessed need (matters of degree may be important); (ii) the inherent constraints on supply/availability of land prima facie suitable for sustainable development; (iii) (on the facts of this case) the consequent difficulties in achieving sustainable development without impinging on the Green Belt; (iv) the nature and extent of the harm to this Green Belt (or those parts of it which would be lost if the boundaries were reviewed); and

(v) the extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced to the lowest reasonably practicable extent'.

1.4.44 Considering these parameters, the acuteness of the local housing need is clear. The Council's housing need (12,200 for the plan period) is more than double of that previously been required (6,000 between 2006 and 2026) and many urban sites have been depleted since the last plan review. However,

it must also be recognised that only 22% of borough lies within the Metropolitan Green Belt and so it is distinctly possible to channel much of the development beyond this designated area.

1.4.45 In respect of the extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced, this is to be judged on a site by site basis and small scale release can be mitigated with relative ease given many have limited role in fulfilling the requirements of the Green Belt. However, the same cannot be said of a new settlement within the Green Belt whereby the impact by way of loss of openness would be substantial.

1.4.46 Taking the above into consideration, it is our view that the Calverton judgement sets out very clear parameters for assessing whether exceptional circumstances exist and that a sound case could be made for releasing some Green Belt land in line with NPPF guidance. However, we do not consider the evidence exists to justify the scale currently proposed within the plan, at least not until all reasonable alternatives have been assessed.

1.4.47 When dealing with AONBs, paragraph 172 of the NPPF states that great weight should be given to conserving landscape and scenic beauty. It goes on to state that planning permission should be refused for major developments in AONB areas except in exceptional circumstances and where it can be demonstrated they are in the public interest.

1.4.48 Consideration of such major applications should include an assessment of:

(1) 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;(2) the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and(3) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

1.4.49 It is important to stress that footnote 55 of the NPPF is clear that 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. The term has no direct correlation with the definitions set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

1.4.50 The above being the case, we believe that the housing currently being pursued on Green Belt land at Tudeley could potentially be disbursed across the wider extent of the non-Green Belt areas of the borough in a manner that is not major development and thus not requiring an exceptional circumstance test to be met.

1.4.51 Turning to the requirements of paragraph 172, there is an overriding and growing housing need within the Borough. The Council's SHMA findings initially identified the future need to plan for some 678 new homes per year. In addition to the need moving forward, the previous difficulties in keeping pace with delivery has resulted in a need to accommodate a significant number of dwellings in the short term with a deficit in five year supply.

1.4.52 With respect to the cost of, and scope for, developing elsewhere, we recognise that Tunbridge Wells is a constrained borough. There are a number of archaeological and heritage sites, including 45 Historic Parks and Gardens, 25 Conservation Areas and 11 Scheduled Ancient Monuments. In addition, there are approximately 3,000 Listed Buildings.

1.4.53 The landscape of the High Weald AONB contains numerous historic landscape features, including field patterns, settlements and ancient woodland, whilst the borough also hosts a number of, or is close to, areas of ecological importance. These include:

Ancient Woodland (approximately 16% of the borough) Circa 60 Local Wildlife Sites (approximately 11% of the borough) Ten Sites of Special Scientific Interest (SSSI) Five Local Nature Reserves (including one Community Woodland) One Regionally Important Geological Site, at Scotney Castle Quarry.

1.4.54 The nearby Ashdown Forest is a designated Special Area of Conservation (SAC) and Special Protection Area (SPA).

1.4.55 Although not an environmental constraint, the Metropolitan Green Belt covers 22% of Tunbridge Wells borough.

1.4.56 Given the above constraints, it is acknowledged that planning for housing requires the need to balance a number of core environmental and planning matters in order to reach a sensitive future

development strategy. However, there is no doubt that the threshold for there being a need to develop in the Green Belt and AONB is patently met and with every development comes an opportunity to moderate the effects of development, including substantial areas of landscaping and associated ecological and heritage buffers and the opportunity to increase public access to the land.

1.4.57 Ultimately it is our view that the Council has wrongly taken the AONB designation and treated it as a 'higher bar' or more significant constraint to development than Green Belt. We consider this approach to be wrong and inconsistent with the NPPF.

1.4.58 As a fundamental principle of planning, there is no barrier to development within AONB. It is a landscape designation and indeed much of the AONB is characterised by built up areas, including villages and towns such as Matfield, Hawkhurst and Cranbrook that are washed over by the designation. In planning terms it is entirely possible to develop within, or adjacent to these (and other AONB) settlements and have development sensitively integrate within the protected landscape. In contrast, Green Belt is an absolute constraint and exists to fulfil a strategic planning role. Once encroachment occurs, of any scale or quality, permanent harm is caused.

1.4.59 The NPPF tells us that the Government attaches great importance to Green Belts and the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. In releasing land within the Green Belt the ability to mitigate the impact does not exist in the same manner as it does within the AONB.

1.4.60 The above context in mind, whilst we support a level of Green Belt release, we object to the soundness of the Council's plan on the assumption that Green Belt has been treated as a lesser constraint than the AONB area of the borough. This assumption has dictated the entire growth strategy and renders the strategy inconsistent with the NPPF, not justified and not positively planned.

1.4.61 The over estimation of harm to the AONB, and under estimation of the strategic impact of Green Belt release, is such that this matter can only be addressed through main modification and the redistribution of some of the proposed growth.

1.4.62 Finally, it is important to address that demographically the eastern AONB extent of the borough, characterised by rural villages, represents some of the most affluent part of the borough. Accordingly, there is a risk that the strategy as drafted seeks to concentrate development to the more deprived areas.

### **Housing Delivery**

1.4.63 It is widely acknowledged that there is a housing crisis in this country, which has arisen as a direct consequence of too few houses being built to keep pace with a growing population. Accordingly, the Government has repeatedly indicated that 300,000 additional homes per year should be constructed.

1.4.64 It has been evidenced that the LPA has fallen a long way behind the required rate of delivery in the years since the NPPF was published. Indeed, the LPA's average annual housing delivery for the period 2016 to 2020 is 506 dwellings per annum, resulting in a deficit that is increasing by circa 172 dwellings per annum. Whilst the draft plan seeks to bridge this gap in delivery, we remain concerned about where a consistent level of delivery is likely to be achievable based on the pre-submission draft and the close repetition of the current Core Strategy.

1.4.65 The current Core Strategy pre-dates the publication of the NPPF, published in March 2012. The effectiveness of the strategy was in question long before this date and there is an evidenced legacy of failure of the Core Strategy that is unrelated to the introduction of the need to plan for the full objectively assessed development needs of the area.

1.4.66 Indeed, as outlined within the table below, for the immediate five years since adoption of the Core Strategy in 2010, the LPA achieved only 829 new homes against a target of 1,500 dwellings. This amounts to just 166 dwellings per annum for the initial five year plan period.

[TWBC: for table showing Housing completion rates 2010 to 2015 see full representation attached].

1.4.67 Based on this evidence, the persistent failure of the Core Strategy began long prior to the introduction of housing targets set by the SHMA and Standard Methodology. As a consequence, mirroring the early strategy with a stringent restriction of development beyond the established limits to built development is likely to result in a similar failure. Instead, a mechanism is needed to ensure that a consistent level of housing can be brought forward at all times.

1.4.68 Turning to the context following the publication of the standard methodology, the LPA's delivery rate between 2015 and 2020 has improved slightly, but not to a level that meets the recognised needs of the area. The LPA achieved 2,473 new homes against a target of 3,360 dwellings. This amounts to just 495 dwellings per annum for the five year period and a reduction on the previous five year rate.

*[TWBC: for table showing Housing completion rates 2015 to 2020 (statement of common ground) see full representation attached].*

1.4.69 The recently published Housing Delivery Test (January 2021) results also confirm the need for the LPA to prepare a further action plan to demonstrate how delivery will be addressed moving forward.

1.4.70 In summary, there is a historic legacy of under delivery over the last decade and even with the preparation of the pre-submission plan, past delivery rates provide compelling evidence that the Core Strategy has never been effective in delivering housing at the rates needed to meet the needs of borough residents and that a far more significant buffer or contingency is needed if the new plan is to be effective.

### **Maintaining a Five Year Housing Land Supply**

1.4.71 The continued need to deliver more houses is reflected within the NPPF. In particular, paragraph 11 reiterates the presumption in favour of sustainable development and that plans should positively seek opportunities to meet the development needs of their area and be sufficiently flexible to adapt to rapid change. Furthermore, 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.

1.4.72 The NPPF requires Local Planning Authorities to ensure that their Local Plan meets the full needs for market and affordable housing. Policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot show a robust five year supply of housing land and cannot fulfil the requirements of the Government's Housing Delivery Test.

1.4.73 It is common ground that the LPA is not currently able to demonstrate a robust five year housing land supply pending the outcome of the development plan review process. Indeed, based on the latest published update it's agreed that the Tunbridge Wells Borough Council Five-Year Housing Land Supply Statement 2019/2020 (September 2020) that the supply to be 4.83 years, an improvement on the 4.69 years published for the period 2018/2019.

1.4.74 Nonetheless, we would express our caution in accepting there has been a material improvement in position over the last monitoring year and that the Council is close to achieving a robust supply of land. Published data shows that within the latest monitoring year the annual housing delivery target was missed by 204 units and the published supply only increased by 82 homes. As such, the overall supply context actually worsened by 122 homes. Indeed, the projected supply is a single unit more than it was when the 2017/18 updated position was published suggesting little genuine progress in increasing the supply of land.

*[TWBC: for table showing Information extracted from the LPA's published supply statements see full representation attached].*

1.4.75 Based upon the evidence, the Council's supply position appears much more robust than it really is owing to the repeated resetting of the base date upon which the five year supply calculation is based. The justification for this is the Standard Method takes into account previous delivery so there is no need to separately address any previous under-supply.

1.4.76 Whilst we do not challenge the fact that guidance permits this, the underlying effect of resetting the base date is to disguise a worsening situation as an improvement. This allied with a persistent failure to meet historic targets means that there must be a clear basis for assuming that adoption of the pre-submission Local Plan will result in an immediate step change in decision making and delivery of housing. We see no evidence to suggest that this step change will occur and therefore the plan fails the test of being both positively prepared and effective.

### **Affordable Housing Need**

1.4.77 There is a chronic affordable housing need within the Borough. In this respect, The LPA's SHMA (2015) finds that the borough would need 341 affordable homes per annum to meet their housing needs.

1.4.78 The more recent Housing Needs Study (2018) prepared to accompany work on the pre-submission Local Plan, further assessed affordable requirements by taking into account the need

from existing and newly-forming households within sub-areas of the borough of Tunbridge Wells, and comparing this with the supply of affordable housing. This assessment reveals that there is a net annual imbalance of 443 affordable dwellings across the Borough.

1.4.79 The LPA's Local Plan Housing Need Assessment Topic Paper (2019) concludes that the corrected affordable housing need over a 15-year period is actually 391 dwellings/year.

1.4.80 In terms of past delivery, Table 26 of the Annual Monitoring Report 2018/19 outlines the completion rates for affordable units, with an annual average delivery rate of just 82.5 affordable units per annum for the period 2006 to 2019.

1.4.81 Based on this context, immediate delivery of onsite affordable housing is a significant benefit that should weigh heavily in devising a new strategy. In this regard, the absence of a cogent strategy for a new garden village places grave uncertainty as to whether it can deliver at the same rate as non-strategic sites. Even if it would, there is likely to be a long delay with any affordable being delivered towards the back end of this current plan period. In the context, the plan fails to put in place a robust strategy to meet affordable need and is therefore ineffective, not justified and inconsistent with National Planning Policy.

1.4.82 This being the case, removing the reliance of delivery of Tudeley Garden Village in this plan period, and supplementing the plan with genuinely deliverable sites, capable of providing affordable housing, would be an appropriate remedy.

## **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 object to the exclusion of our client's land at Highgate Hill, Hawkhurst (Site 86) which is unsubstantiated by evidence. Furthermore, we object to the limited growth promoted around Hawkhurst.

1.5.3 Furthermore, we consider that the Local Plan strategy 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.

1.5.4 In our view, further small to medium sites are needed to remedy these matters or soundness and such additional sites should be directed to sustainable locations such as Hawkhurst.

## **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\_155

### Comment

Agent	Matthew Porter ( [REDACTED] )
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Company / Organisation	DHA Planning Ltd
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Comment by	Countryside Properties ( [REDACTED] )
Comment ID	PSLP_2162
Response Date	03/06/21 11:02
Consultation Point	Policy STR 1 The Development Strategy ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.4
Files	<a href="#">DHA Planning for Countryside Properties-full representation STR-SS1.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 STR 1 The Development Strategy

*[TWBC: the full representation attached has been divided between Policy STR/SS1 (PSLP\_2160), Vision and Strategic Objectives (PSLP\_2161), Policy STR1 (PSLP\_2162) and Development Management Policies (PSLP\_2163)]*

**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 and Context**

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 Church Farm, Church Road that forms part of the strategic expansion of Paddock Wood (STR/SS1).

1.1.3 The site is allocated in the current Local Plan (Site Allocations Local Plan 2016, AL/PW3A) and is within the 'Limits of Built Development'.

1.1.4 Outline planning permission for 300 dwellings and a new country park, together with associated highways, landscaping, allotments, flood mitigation works including attenuation basins and open space was granted by Tunbridge Wells Borough Council (TWBC) in February 2018 for (reference: 14/504140/HYBRID).

1.1.5 A Reserved Matters application (reference: 19/03655/REM) for the full 300 dwellings was approved by TWBC in July 2020 on part of the site. This approved the full 300 dwellings, but on only part of the developable area. The consented 300 unit development has recently been implemented and is underway.

1.1.6 As part of the overall masterplanning and detailed design process, the reserved matters application identified that an increase in residential density across parts of the site was appropriate, and as such identified a future area of potential additional development within the scheme for a later stage. As such, there is the opportunity to make efficient use of the land available and utilise it to provide further residential development without a reduction in the overall country open space provision and within the area originally envisaged for residential development.



1.1.7 Following pre application advice discussions with TWBC and due to changes resulting from recent planning case law, it is no longer permissible to seek to vary the description of a planning permission through a Section 73 application. Therefore, Countryside Properties have submitted a standalone detailed planning application for the construction of a further 60 dwellings on the site known as phase 2.

1.1.8 Whilst this application has the potential to overtake the Local Plan process, this representation is submitted in parallel to demonstrate that the land as a whole is Countryside.

1.1.9 Based on the current national and local planning context, we consider this site to be suitable for such additional development.

## **1.2 Local Plan 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 comments on the plan having regard to these tests of soundness as well as wider legal compliance.

## **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, and having regard to the duty to cooperate, there is concern in respect of the degree of cross boundary working and the extent to which Tunbridge Wells Borough has genuinely sought to assist with unmet housing need arising from neighbouring authorities. In this context, and owing to such concerns, it is essential that consented uses are maximised to their full potential.

## **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.

#### **Development Strategy and Strategic Policies (Policy STR1)**

1.4.12 The purpose of the Development Strategy is to outline how much development will be provided to meet the needs of the borough and where it will be located.

1.4.13 In terms of the amount of housing, paragraph 59 of the NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed. Further, to determine the number of homes needed, strategic policies should be informed by a local housing needs assessment conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals.

1.4.14 The Council confirm that their housing need target for the plan period to 2038 is 12,200 dwellings (678 dwellings per annum), which is calculated using the Government's standard method and the 2014-based household projections. We support this approach.

1.4.15 In terms of the different supply components, the Council consider that the Local Plan must (as a minimum) include additional allocations to accommodate 6,945 homes. This figure was formulated by taking into account; extant planning permissions (3,313); Windfall allowances (1,670); and outstanding site allocations (276).

1.4.16 At Regulation 18 the Council subsequently applied a 10% non-delivery rate to these figures to err on the side of caution. This is not referenced within the Regulation 19 version as such requires clarification and potential modification if this provision has not been carried forward to the pre-submission plan.

1.4.15 In terms of the different supply components, the Council consider that the Local Plan must (as a minimum) include additional allocations to accommodate 6,945 homes. This figure was formulated by taking into account; extant planning permissions (3,313); Windfall allowances (1,670); and outstanding site allocations (276).

1.4.16 At Regulation 18 the Council subsequently applied a 10% non-delivery rate to these figures to err on the side of caution. This is not referenced within the Regulation 19 version as such requires clarification and potential modification if this provision has not been carried forward to the pre-submission plan.

*[TWBC: Figure 5 Key Diagram from PSLP was duplicated here - see full representation attached].*

1.4.17 In terms of how these needs will be met, policy ST1 sets the development strategy and states:

*[TWBC: Policy STR1 from PSLP was duplicated here - see full representation attached].*

1.4.18 In terms of justification, the Council state that The Draft Local Plan consultation concluded that, having seized all reasonable opportunities for growth 'across the board', meeting the housing need can only be met if the development strategy includes the strategic growth of certain settlements. However, it goes on to state that it is evident from site assessment work that there is very little scope for adding much in the way of further housing numbers to the rural settlements. Indeed, in some cases, the scale of major developments in the AONB have been found to be unacceptably great.

1.4.19 Paddock Wood is said to be a logical choice for strategic growth for a number of reasons; being an existing service and employment centre, having a central railway station and main road links, giving wider accessibility.

1.4.20 Tudeley Village is acknowledged to involve the loss of a large area of Green Belt but this is justified because it is outside the AONB, is well located in terms of accessibility to nearby towns, would be of a scale that supports a good range of services, and can be planned in a holistic, comprehensive manner.

1.4.21 The full proposed distribution of development is set out below.

*[TWBC: Table 4 Distribution of housing allocations from PSLP was duplicated here - see full representation attached].*

#### **Response**

1.4.22 We agree that TWBC is capable of meeting its need in full and support this approach to plan-making. However, given its role in failing to fulfil the duty to cooperate with its West Kent

Neighbours, we endorse a coordinated approach with the relevant surrounding authorities. Failing to work with the West Kent Authorities represents a rejection of any form of genuinely strategic thinking and planning and opportunities to meet the full needs of the housing market area is likely to be lost. By not assisting in this process the plan is not positively prepared, is not justified and is therefore not sound or legally compliant.

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1.4.24 In our opinion, the proposed new settlement and the strategic growth of Paddock Wood are geographically too close and have the potential to saturate the market in the western part of the borough. Based on market intelligence, it is unlikely that development will come forward at the rates expected by the Council. Indeed, the Council's Housing Trajectory Topic Paper states that for Tudeley Village (STR/SS 3), it is proposed that for the first 10 years of delivery from 2025/26, 150 after. For the plan period, 2,100 homes are allowed for.

1.4.25 Based on this statement, we say that the proposed trajectory is potentially over optimistic and the assumption that a new village is likely to be found to be acceptable via the examination process, be masterplanned, obtain planning consent, deliver key infrastructure and to commence delivering 150 dwellings per annum from the period 2025/26 is wholly unrealistic.

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1.4.28 Taking the above into account, our view is that the Council have applied overly optimistic development trajectory for the delivery of Tudeley, both in terms of the start date for completions and the expected build out rates.

1.4.29 Given the absence of any similar scale strategic sites in Tunbridge Wells Borough as a point of comparison, one could have regard to similar scale delivery in neighbouring authority Tonbridge and Malling Borough. In this respect, we provide evidence below of its three key strategic sites and the associated delivery rates (derived from the Tonbridge and Malling BV Annual Monitoring Report).

1.4.30 Kings Hill is an extremely prudent example to consider in the context of the Paddock wood extension and new garden village at Tudeley, how deliverable this would be. Indeed, Kings Hill was a new village started in 1989 near land previously occupied by RAF West Malling. The concept was for a multipurpose site of both residential and office business space. The development is still being delivered some 30 years later, despite having multiple national housebuilders delivering different phases concurrently. Based on the most up-to-date delivery data for the last decade, Kings Hill has only delivered 131 dwellings per annum, despite being a highly desirable location and multiple developers delivering concurrently. Furthermore, the earlier delivery phases were delivered at lower rates given the need to front load infrastructure.

1.4.31 Therefore, we consider that whilst some development may come forward in the plan period from the two proposed strategic sites, in reality these strategic allocations are longer terms aspirations that will extend beyond 2038.

1.4.32 Having regard to paragraph 11 of the NPPF, plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means their area, and be sufficiently flexible to adapt to rapid change.

1.4.33 The over reliance upon Tudeley Garden Village is such that if it is not delivered as planned there is no flexibility to address any resulting shortfall in housing. Accordingly, the plan is unsound on the basis it conflicts with paragraph 11 and lacks sufficient strategic flexibility.

1.4.34 Notwithstanding our objection, the over reliance of the site within the trajectory need not be fatal. In order to remedy it, we consider that any delivery from Tudeley should be assumed to come forward in the next plan period, once there is a greater degree of certainty that the scheme will be progressed and is acceptable from a Green Belt perspective. In the intervening time, further sites should be added to offset the loss of the housing relied upon from Tudeley.

1.4.35 In respect of the wider, strategy, we support the general principle of proportionately spreading the benefits of growth mixed with the strategic expansion of Paddock Wood. Adopting a pattern of dispersed growth approach would allow a number of sites to be developed at the same time, serving different segments of the local housing market, which is preferable to saturation of the market in a single area.

1.4.36 Accordingly, we would encourage the Council to increase the balance of small and medium sized sites to the eastern of the borough. Many of these sites, including our client's land, can deliver quickly and usually require limited intervention to infrastructure.

### **Green Belt Release**

1.4.37 Policy SRT9 sets out that exceptional circumstances justify the proposed release of Green Belt land for development.

1.4.38 We broadly support this conclusion and agree that some greenfield Green Belt release is needed to meet housing need in the areas of the borough affected by that designation.

1.4.39 The Council's unmet housing need is sufficient to amount to exceptional circumstance to justify a review of Green Belt boundaries. Indeed, this approach has been endorsed by the Court in the Hunston High Court judgment in St Albans where judge stated:

'Having identified the full objectively assessed needs figure the decision maker must then consider the impact of the other policies set out in the NPPF. The Green Belt policy is not an outright prohibition on development in the Green Belt. Rather it is a prohibition on inappropriate development in the absence of very special circumstances. It is entirely circular to argue that there are no very special circumstances based on objectively assessed but unfulfilled need that can justify development in the Green Belt by reference to a figure that has been arrived at under a revoked policy which was arrived at taking account of the need to avoid development in the Green Belt.'

1.4.40 It should also be noted that neighbouring authorities such as Sevenoaks, Tonbridge and Malling and Tandridge are all instigating Green Belt reviews based on need being the driver of exceptional circumstances.

1.4.41 However, as set out above, we are concerned with the Council's approach to the scale of the Green Belt release.

1.4.42 From a Green belt context, *Calverton Parish Council v Nottingham City Council, Broxtowe Borough Council and Gedling Borough Council* [2015] EWHC 1078 (Admin)) provides very clear guidelines for determining whether exceptional circumstances exist.

'planning judgments involved in the ascertainment of exceptional circumstances in the context of both national policy and the positive obligation located in section 39(2) should, at least ideally, identify and then grapple with the following matters: (i) the acuteness/intensity of the objectively assessed need (matters of degree may be important); (ii) the inherent constraints on supply/availability of land prima facie suitable for sustainable development; (iii) (on the facts of this case) the consequent difficulties in achieving sustainable development without impinging on the Green Belt; (iv) the nature and extent of the harm to this Green Belt (or those parts of it which would be lost if the boundaries were reviewed); and (v) the extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced to the lowest reasonably practicable extent'.

1.4.43 Considering these parameters, the acuteness of the local housing need is clear. The Council's housing need (12,200 for the plan period) is more than double of that previously been required (6,000 between 2006 and 2026) and many urban sites have been depleted since the last plan review. However, it must also be recognised that only 22% of borough lies within the Metropolitan Green Belt and so it is distinctly possible to channel much of the development beyond this designated area.

1.4.44 In respect of the extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced, this is to be judged on a site by site basis but generally extensions to settlements can be mitigated with relative ease. However, the same cannot be said of a new settlement within the Green Belt whereby the impact by way of loss of openness would be substantial.

1.4.45 Taking the above into consideration, it is our view that the Calverton judgement sets out very clear parameters for assessing whether exceptional circumstances exist and that a sound case could be made for releasing some Green Belt land in line with NPPF guidance. However, we do not consider the evidence exists to justify the scale currently proposed within the plan, at least not until all reasonable alternatives have been assessed.

1.4.46 The above being the case, we believe that the housing currently being pursued on Green Belt land at Tudeley could potentially be disbursed across the wider extent of the non-Green Belt areas of the borough in a manner that is not major development and thus not requiring an exceptional circumstance test to be met.

1.4.47 The above context in mind, whilst we support a level of Green Belt release, we object to the soundness of the Council's plan on the assumption that Green Belt has been treated as a lesser constraint than the AONB area of the borough. This assumption has dictated the entire growth strategy and renders the strategy inconsistent with the NPPF, not justified and not positively planned.

### **Housing Delivery**

1.4.48 It is widely acknowledged that there is a housing crisis in this country, which has arisen as a direct consequence of too few houses being built to keep pace with a growing population. Accordingly, the Government has repeatedly indicated that 300,000 additional homes per year should be constructed.

1.4.49 It has been evidenced that the LPA has fallen a long way behind the required rate of delivery in the years since the NPPF was published. Indeed, the LPA's average annual housing delivery for the period 2016 to 2020 is 506 dwellings per annum, resulting in a deficit that is increasing by circa 172 dwellings per annum. Whilst the draft plan seeks to bridge this gap in delivery, we remain concerned about where a consistent level of delivery is likely to be achievable based on the pre-submission draft and the close repetition of the current Core Strategy.

1.4.50 The current Core Strategy pre-dates the publication of the NPPF, published in March 2012. The effectiveness of the strategy was in question long before this date and there is an evidenced legacy of failure of the Core Strategy that is unrelated to the introduction of the need to plan for the full objectively assessed development needs of the area.

1.4.51 Indeed, as outlined within the table below, for the immediate five years since adoption of the Core Strategy in 2010, the LPA achieved only 829 new homes against a target of 1,500 dwellings. This amounts to just 166 dwellings per annum for the initial five year plan period.

*[TWBC: for table showing Housing completion rates 2010 to 2015 see full representation attached].*

1.4.52 Based on this evidence, the persistent failure of the Core Strategy began long prior to the introduction of housing targets set by the SHMA and Standard Methodology. As a consequence, mirroring the early strategy with a stringent restriction of development beyond the established limits to built development is likely to result in a similar failure. Instead, a mechanism is needed to ensure that a consistent level of housing can be brought forward at all times.

1.4.53 Turning to the context following the publication of the standard methodology, the LPA's delivery rate between 2015 and 2020 has improved slightly, but not to a level that meets the recognised needs of the area. The LPA achieved 2,473 new homes against a target of 3,360 dwellings. This amounts to just 495 dwellings per annum for the five year period and a reduction on the previous five year rate.

*[TWBC: for table showing Housing completion rates 2015 to 2020 (statement of common ground) see full representation attached].*

1.4.54 The recently published Housing Delivery Test (January 2021) results also confirm the need for the LPA to prepare a further action plan to demonstrate how delivery will be addressed moving forward.

1.4.55 In summary, there is a historic legacy of under delivery over the last decade and even with the preparation of the pre-submission plan, past delivery rates provide compelling evidence that the Core Strategy has never been effective in delivering housing at the rates needed to meet the needs of borough residents and that a far more significant buffer or contingency is needed if the new plan is to be effective.

## **Maintaining a Five Year Housing Land Supply**

1.4.56 The continued need to deliver more houses is reflected within the NPPF. In particular, paragraph 11 reiterates the presumption in favour of sustainable development and that plans should positively seek opportunities to meet the development needs of their area and be sufficiently flexible to adapt to rapid change. Furthermore, 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.

1.4.57 The NPPF requires Local Planning Authorities to ensure that their Local Plan meets the full needs for market and affordable housing. Policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot show a robust five year supply of housing land and cannot fulfil the requirements of the Government's Housing Delivery Test.

1.4.58 It is common ground that the LPA is not currently able to demonstrate a robust five year housing land supply pending the outcome of the development plan review process. Indeed, based on the latest published update it's agreed that the Tunbridge Wells Borough Council Five-Year Housing Land Supply Statement 2019/2020 (September 2020) that the supply to be 4.83 years, an improvement on the 4.69 years published for the period 2018/2019.

1.4.59 Nonetheless, we would express our caution in accepting there has been a material improvement in position over the last monitoring year and that the Council is close to achieving a robust supply of land. Published data shows that within the latest monitoring year the annual housing delivery target was missed by 204 units and the published supply only increased by 82 homes. As such, the overall supply context actually worsened by 122 homes. Indeed, the projected supply is a single unit more than it was when the 2017/18 updated position was published suggesting little genuine progress in increasing the supply of land.

*[TWBC: for table showing Information extracted from the LPA's published supply statements see full representation attached].*

1.4.60 Based upon the evidence, the Council's supply position appears much more robust than it really is owing to the repeated resetting of the base date upon which the five year supply calculation is based. The justification for this is the Standard Method takes into account previous delivery so there is no need to separately address any previous under-supply.

1.4.61 Whilst we do not challenge the fact that guidance permits this, the underlying effect of resetting the base date is to disguise a worsening situation as an improvement. This allied with a persistent failure to meet historic targets means that there must be a clear basis for assuming that adoption of the pre-submission Local Plan will result in an immediate step change in decision making and delivery of housing. We see no evidence to suggest that this step change will occur and therefore the plan fails the test of being both positively prepared and effective.

## **Affordable Housing Need**

1.4.62 There is a chronic affordable housing need within the Borough. In this respect, The LPA's SHMA (2015) finds that the borough would need 341 affordable homes per annum to meet their housing needs.

1.4.63 The more recent Housing Needs Study (2018) prepared to accompany work on the pre-submission Local Plan, further assessed affordable requirements by taking into account the need from existing and newly-forming households within sub-areas of the borough of Tunbridge Wells, and comparing this with the supply of affordable housing. This assessment reveals that there is a net annual imbalance of 443 affordable dwellings across the Borough.

1.4.64 The LPA's Local Plan Housing Need Assessment Topic Paper (2019) concludes that the corrected affordable housing need over a 15-year period is actually 391 dwellings/year.

1.4.65 In terms of past delivery, Table 26 of the Annual Monitoring Report 2018/19 outlines the completion rates for affordable units, with an annual average delivery rate of just 82.5 affordable units per annum for the period 2006 to 2019.

1.4.66 Based on this context, immediate delivery of onsite affordable housing is a significant benefit that should weigh heavily in devising a new strategy. In this regard, the absence of a cogent strategy for a new garden village places grave uncertainty as to whether it can deliver at the same rate as non-strategic sites. Even if it would, there is likely to be a long delay with any affordable being delivered towards the back end of this current plan period. In the context, the plan fails to put in place a robust

strategy to meet affordable need and is therefore ineffective, not justified and inconsistent with National Planning Policy.

1.4.67 This being the case, removing the reliance of delivery of Tudeley Garden Village in this plan period, and supplementing the plan with genuinely deliverable sites, capable of providing affordable housing, would be an appropriate remedy.

## 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 relies heavily on the delivery of Tudeley Village and the overly optimistic projections to the delivery of housing proposed.

1.5.3 We fully support the proposed expansion of Paddock Wood to create a balanced mix of housing and employment development, but we require amendments to the policy wording for policy STR/SS1 and to Map 28 to make it clearer that Church Farm is a consented and implemented site and that the Phase 2 element is distinct from the wider STR/SS1 Eastern Parcel (being the areas which outside of the current Limits of Built Development). The Plan should reflect the potential for the Church Farm Phase 2 element to be delivered in advance of the other parts of the Eastern Parcel in a form that reflects its physical position contained within a consented and implemented development. This could be achieved by means of a separate site allocation policy for Church Farm Phase 2 and amendments to the Policies Map and Map 28.

1.5.4 We also object to the detail of some of the development management policies as set out above, which we are concerned unnecessarily replicate the NPPF, whilst providing detail which could have the unwanted side effect of unnecessarily limiting and frustrating beneficial development.

## 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\_130

### Comment

Agent	Matthew Porter [REDACTED]
Email Address	[REDACTED]
Company / Organisation	DHA Planning Ltd
Address	- Maidstone -
Consultee	[REDACTED]
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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_1972
Response Date	03/06/21 11:02
Consultation Point	Policy STR 1 The Development Strategy ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.3
Files	<a href="#">PSLP_1962_DHA Plg for Countryside Properties_full representation.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 STR 1 The Development Strategy

### 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 and Context

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 Church Farm, Church Road that forms part of the strategic expansion of Paddock Wood (STR/SS1).

1.1.3 The site is allocated in the current Local Plan (Site Allocations Local Plan 2016, AL/PW3A) and is within the 'Limits of Built Development'.

1.1.4 Outline planning permission for 300 dwellings and a new country park, together with associated highways, landscaping, allotments, flood mitigation works including attenuation basins and open space was granted by Tunbridge Wells Borough Council (TWBC) in February 2018 for (reference: 14/504140/HYBRID).

1.1.5 A Reserved Matters application (reference: 19/03655/REM) for the full 300 dwellings was approved by TWBC in July 2020 on part of the site. This approved the full 300 dwellings, but on only part of the developable area. The consented 300 unit development has recently been implemented and is underway.

1.1.6 As part of the overall masterplanning and detailed design process, the reserved matters application identified that an increase in residential density across parts of the site was appropriate, and as such identified a future area of potential additional development within the scheme for a later stage. As such, there is the opportunity to make efficient use of the land available and utilise it to provide further residential development without a reduction in the overall country open space provision and within the area originally envisaged for residential development.

1.1.7 Following pre application advice discussions with TWBC and due to changes resulting from recent planning case law, it is no longer permissible to seek to vary the description of a planning permission through a Section 73 application. Therefore, Countryside Properties have submitted a

standalone detailed planning application for the construction of a further 60 dwellings on the site known as phase 2.

1.1.8 Whilst this application has the potential to overtake the Local Plan process, this representation is submitted in parallel to demonstrate that the land as a whole is Countryside.

1.1.9 Based on the current national and local planning context, we consider this site to be suitable for such additional development.

## **1.2 Local Plan 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 comments on the plan having regard to these tests of soundness as well as wider legal compliance.

## **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, and having regard to the duty to cooperate, there is concern in respect of the degree of cross boundary working and the extent to which Tunbridge Wells Borough has genuinely sought to assist with unmet housing need arising from neighbouring authorities. In this context, and owing to such concerns, it is essential that consented uses are maximised to their full potential.

## **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.

## Development Strategy and Strategic Policies (Policy STR1)

1.4.12 The purpose of the Development Strategy is to outline how much development will be provided to meet the needs of the borough and where it will be located.

1.4.13 In terms of the amount of housing, paragraph 59 of the NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed. Further, to determine the number of homes needed, strategic policies should be informed by a local housing needs assessment conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals.

1.4.14 The Council confirm that their housing need target for the plan period to 2038 is 12,200 dwellings (678 dwellings per annum), which is calculated using the Government's standard method and the 2014-based household projections. We support this approach.

1.4.15 In terms of the different supply components, the Council consider that the Local Plan must (as a minimum) include additional allocations to accommodate 6,945 homes. This figure was formulated by taking into account; extant planning permissions (3,313); Windfall allowances (1,670); and outstanding site allocations (276).

1.4.16 At Regulation 18 the Council subsequently applied a 10% non-delivery rate to these figures to err on the side of caution. This is not referenced within the Regulation 19 version as such requires clarification and potential modification if this provision has not been carried forward to the pre-submission plan.

*[TWBC: Figure 5 Key Diagram from PSLP was duplicated here - see full representation attached].*

1.4.17 In terms of how these needs will be met, policy ST1 sets the development strategy and states:

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1.4.28 Taking the above into account, our view is that the Council have applied overly optimistic development trajectory for the delivery of Tudeley, both in terms of the start date for completions and the expected build out rates.

1.4.29 Given the absence of any similar scale strategic sites in Tunbridge Wells Borough as a point of comparison, one could have regard to similar scale delivery in neighbouring authority Tonbridge and Malling Borough. In this respect, we provide evidence below of its three key strategic sites and the associated delivery rates (derived from the Tonbridge and Malling BV Annual Monitoring Report).

1.4.30 Kings Hill is an extremely prudent example to consider in the context of the Paddock wood extension and new garden village at Tudeley, how deliverable this would be. Indeed, Kings Hill was a new village started in 1989 near land previously occupied by RAF West Malling. The concept was for a multipurpose site of both residential and office business space. The development is still being delivered some 30 years later, despite having multiple national housebuilders delivering different phases concurrently. Based on the most up-to-date delivery data for the last decade, Kings Hill has only delivered 131 dwellings per annum, despite being a highly desirable location and multiple developers delivering concurrently. Furthermore, the earlier delivery phases were delivered at lower rates given the need to front load infrastructure.

1.4.31 Therefore, we consider that whilst some development may come forward in the plan period from the two proposed strategic sites, in reality these strategic allocations are longer terms aspirations that will extend beyond 2038.

1.4.32 Having regard to paragraph 11 of the NPPF, plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means that plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change.

1.4.33 The over reliance upon Tudeley Garden Village is such that if it is not delivered as planned there is no flexibility to address any resulting shortfall in housing. Accordingly, the plan is unsound on the basis it conflicts with paragraph 11 and lacks sufficient strategic flexibility.

1.4.34 Notwithstanding our objection, the over reliance of the site within the trajectory need not be fatal. In order to remedy it, we consider that any delivery from Tudeley should be assumed to come forward in the next plan period, once there is a greater degree of certainty that the scheme will be progressed and is acceptable from a Green Belt perspective. In the intervening time, further sites should be added to offset the loss of the housing relied upon from Tudeley.

1.4.35 In respect of the wider, strategy, we support the general principle of proportionately spreading the benefits of growth mixed with the strategic expansion of Paddock Wood. Adopting a pattern of

dispersed growth approach would allow a number of sites to be developed at the same time, serving different segments of the local housing market, which is preferable to saturation of the market in a single area.

1.4.36 Accordingly, we would encourage the Council to increase the balance of small and medium sized sites to the eastern of the borough. Many of these sites, including our client's land, can deliver quickly and usually require limited intervention to infrastructure.

#### **Green Belt Release**

1.4.37 Policy SRT9 sets out that exceptional circumstances justify the proposed release of Green Belt land for development.

1.4.38 We broadly support this conclusion and agree that some greenfield Green Belt release is needed to meet housing need in the areas of the borough affected by that designation.

1.4.39 The Council's unmet housing need is sufficient to amount to exceptional circumstance to justify a review of Green Belt boundaries. Indeed, this approach has been endorsed by the Court in the Hunston High Court judgment in St Albans where judge stated:

'Having identified the full objectively assessed needs figure the decision maker must then consider the impact of the other policies set out in the NPPF. The Green Belt policy is not an outright prohibition on development in the Green Belt. Rather it is a prohibition on inappropriate development in the absence of very special circumstances. It is entirely circular to argue that there are no very special circumstances based on objectively assessed but unfulfilled need that can justify development in the Green Belt by reference to a figure that has been arrived at under a revoked policy which was arrived at taking account of the need to avoid development in the Green Belt.'

1.4.40 It should also be noted that neighbouring authorities such as Sevenoaks, Tonbridge and Malling and Tandridge are all instigating Green Belt reviews based on need being the driver of exceptional circumstances.

1.4.41 However, as set out above, we are concerned with the Council's approach to the scale of the Green Belt release.

1.4.42 From a Green belt context, *Calverton Parish Council v Nottingham City Council, Broxtowe Borough Council and Gedling Borough Council* [2015] EWHC 1078 (Admin)) provides very clear guidelines for determining whether exceptional circumstances exist.

'planning judgments involved in the ascertainment of exceptional circumstances in the context of both national policy and the positive obligation located in section 39(2) should, at least ideally, identify and then grapple with the following matters:

(i) the acuteness/intensity of the objectively assessed need (matters of degree may be important);(ii) the inherent constraints on supply/availability of land prima facie suitable for sustainable development;(iii) (on the facts of this case) the consequent difficulties in achieving sustainable development without impinging on the Green Belt;(iv) the nature and extent of the harm to this Green Belt (or those parts of it which would be lost if the boundaries were reviewed); and(v) the extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced to the lowest reasonably practicable extent'.

1.4.43 Considering these parameters, the acuteness of the local housing need is clear. The Council's housing need (12,200 for the plan period) is more than double of that previously been required (6,000 between 2006 and 2026) and many urban sites have been depleted since the last plan review. However, it must also be recognised that only 22% of borough lies within the Metropolitan Green Belt and so it is distinctly possible to channel much of the development beyond this designated area.

1.4.44 In respect of the extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced, this is to be judged on a site by site basis but generally extensions to settlements can be mitigated with relative ease. However, the same cannot be said of a new settlement within the Green Belt whereby the impact by way of loss of openness would be substantial.

1.4.45 Taking the above into consideration, it is our view that the Calverton judgement sets out very clear parameters for assessing whether exceptional circumstances exist and that a sound case could be made for releasing some Green Belt land in line with NPPF guidance. However, we do not consider the evidence exists to justify the scale currently proposed within the plan, at least not until all reasonable alternatives have been assessed.

1.4.46 The above being the case, we believe that the housing currently being pursued on Green Belt land at Tudeley could potentially be disbursed across the wider extent of the non-Green Belt areas of the borough in a manner that is not major development and thus not requiring an exceptional circumstance test to be met.

1.4.47 The above context in mind, whilst we support a level of Green Belt release, we object to the soundness of the Council's plan on the assumption that Green Belt has been treated as a lesser constraint than the AONB area of the borough. This assumption has dictated the entire growth strategy and renders the strategy inconsistent with the NPPF, not justified and not positively planned.

### **Housing Delivery**

1.4.48 It is widely acknowledged that there is a housing crisis in this country, which has arisen as a direct consequence of too few houses being built to keep pace with a growing population. Accordingly, the Government has repeatedly indicated that 300,000 additional homes per year should be constructed.

1.4.49 It has been - evidenced that the LPA has fallen a long way behind the required rate of delivery in the years since the NPPF was published. Indeed, the LPA's average annual housing delivery for the period 2016 to 2020 is 506 dwellings per annum, resulting in a deficit that is increasing by circa 172 dwellings per annum. Whilst the draft plan seeks to bridge this gap in delivery, we remain concerned about where a consistent level of delivery is likely to be achievable based on the pre-submission draft and the close repetition of the current Core Strategy.

1.4.50 The current Core Strategy pre-dates the publication of the NPPF, published in March 2012. The effectiveness of the strategy was in question long before this date and there is an evidenced legacy of failure of the Core Strategy that is unrelated to the introduction of the need to plan for the full objectively assessed development needs of the area.

1.4.51 Indeed, as outlined within the table below, for the immediate five years since adoption of the Core Strategy in 2010, the LPA achieved only 829 new homes against a target of 1,500 dwellings. This amounts to just 166 dwellings per annum for the initial five year plan period.

*[TWBC: for table showing Housing completion rates 2010 to 2015 see full representation attached].*

1.4.52 Based on this evidence, the persistent failure of the Core Strategy began long prior to the introduction of housing targets set by the SHMA and Standard Methodology.

As a consequence, mirroring the early strategy with a stringent restriction of development beyond the established limits to built development is likely to result in a similar failure. Instead, a mechanism is needed to ensure that a consistent level of housing can be brought forward at all times.

1.4.53 Turning to the context following the publication of the standard methodology, the LPA's delivery rate between 2015 and 2020 has improved slightly, but not to a level that meets the recognised needs of the area. The LPA achieved 2,473 new homes against a target of 3,360 dwellings. This amounts to just 495 dwellings per annum for the five year period and a reduction on the previous five year rate.

*[TWBC: for table showing Housing completion rates 2015 to 2020 (statement of common ground) see full representation attached].*

1.4.54 The recently published Housing Delivery Test (January 2021) results also confirm the need for the LPA to prepare a further action plan to demonstrate how delivery will be addressed moving forward.

1.4.55 In summary, there is a historic legacy of under delivery over the last decade and even with the preparation of the pre-submission plan, past delivery rates provide compelling evidence that the Core Strategy has never been effective in delivering housing at the rates needed to meet the needs of borough residents and that a far more significant buffer or contingency is needed if the new plan is to be effective.

### **Maintaining a Five Year Housing Land Supply**

1.4.56 The continued need to deliver more houses is reflected within the NPPF. In particular, paragraph 11 reiterates the presumption in favour of sustainable development and that plans should positively seek opportunities to meet the development needs of their area and be sufficiently flexible to adapt to rapid change. Furthermore, 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.

1.4.57 The NPPF requires Local Planning Authorities to ensure that their Local Plan meets the full needs for market and affordable housing. Policies for the supply of housing should not be considered

up to date if the Local Planning Authority cannot show a robust five year supply of housing land and cannot fulfil the requirements of the Government's Housing Delivery Test.

1.4.58 It is common ground that the LPA is not currently able to demonstrate a robust five year housing land supply pending the outcome of the development plan review process. Indeed, based on the latest published update it's agreed that the Tunbridge Wells Borough Council Five-Year Housing Land Supply Statement 2019/2020 (September 2020) that the supply to be 4.83 years, an improvement on the 4.69 years published for the period 2018/2019.

1.4.59 Nonetheless, we would express our caution in accepting there has been a material improvement in position over the last monitoring year and that the Council is close to achieving a robust supply of land. Published data shows that within the latest monitoring year the annual housing delivery target was missed by 204 units and the published supply only increased by 82 homes. As such, the overall supply context actually worsened by 122 homes. Indeed, the projected supply is a single unit more than it was when the 2017/18 updated position was published suggesting little genuine progress in increasing the supply of land.

*[TWBC: for table showing Information extracted from the LPA's published supply statements see full representation attached].*

1.4.60 Based upon the evidence, the Council's supply position appears much more robust than it really is owing to the repeated resetting of the base date upon which the five year supply calculation is based. The justification for this is the Standard Method takes into account previous delivery so there is no need to separately address any previous under-supply.

1.4.61 Whilst we do not challenge the fact that guidance permits this, the underlying effect of resetting the base date is to disguise a worsening situation as an improvement. This allied with a persistent failure to meet historic targets means that there must be a clear basis for assuming that adoption of the pre-submission Local Plan will result in an immediate step change in decision making and delivery of housing. We see no evidence to suggest that this step change will occur and therefore the plan fails the test of being both positively prepared and effective.

### **Affordable Housing Need**

1.4.62 There is a chronic affordable housing need within the Borough. In this respect, The LPA's SHMA (2015) finds that the borough would need 341 affordable homes per annum to meet their housing needs.

1.4.63 The more recent Housing Needs Study (2018) prepared to accompany work on the pre-submission Local Plan, further assessed affordable requirements by taking into account the need from existing and newly-forming households within sub-areas of the borough of Tunbridge Wells, and comparing this with the supply of 443 affordable dwellings across the Borough.

1.4.64 The LPA's Local Plan Housing Need Assessment Topic Paper (2019) concludes that the corrected affordable housing need over a 15-year period is actually 391 dwellings/year.

1.4.65 In terms of past delivery, Table 26 of the Annual Monitoring Report 2018/19 outlines the completion rates for affordable units, with an annual average delivery rate of just 82.5 affordable units per annum for the period 2006 to 2019.

1.4.66 Based on this context, immediate delivery of onsite affordable housing is a significant benefit that should weigh heavily in devising a new strategy. In this regard, the absence of a cogent strategy for a new garden village places grave uncertainty as to whether it can deliver at the same rate as non-strategic sites. Even if it would, there is likely to be a long delay with any affordable being delivered towards the back end of this current plan period. In the context, the plan fails to put in place a robust strategy to meet affordable need and is therefore ineffective, not justified and inconsistent with National Planning Policy.

1.4.67 This being the case, removing the reliance of delivery of Tudeley Garden Village in this plan period, and supplementing the plan with genuinely deliverable sites, capable of providing affordable housing, would be an appropriate remedy.

### **Place Shaping Policies**

1.4.68 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.

1.4.69 Policy STR/PW 1 sets the Strategy for Paddock Wood and states that approximately 3,490-3,590 dwellings and accompanying infrastructure will be delivered via the planned extension to Paddock Wood.

1.4.70 Policy STR/SS1 sets the detailed strategy and states:

*[TWBC: PSLP Policy STR/SS1 has been duplicated here - see full representation attached].*

*[TWBC: for Extract of proposed proposal map for Paddock Wood see full representation attached].*

1.4.71 An area of open green space is included within the original hybrid application which extends around the northern, eastern and western boundaries of the site. The details of the landscaping of this area have been agreed pursuant to the conditions and S106 of the hybrid planning permission for the site. The Phase 2 element does not seek to amend the extent of this area. The emerging Local Plan seeks the formal allocation of the green space as Local Green Space under Policy EN15. Policy EN15 states:

*[TWBC: PSLP Policy EN15 has been duplicated here - see full representation attached].*

### **Site Specific Policy Response Church Farm Phase 2**

1.4.72 The inclusion of the wider Church Farm site within the strategic allocation for Paddock Wood (STR / SS1) is generally welcomed and its acknowledgement as a strategy site is supported.

1.4.73 However, the Plan no longer proposes to include individual site allocations within the strategic development area and, in doing so, the strategic allocation does not distinguish between the additional potential development at Church Farm (which would be entirely contained within the consented and implemented 'Phase 1' element (300 units) and the wider 'Eastern Parcel'; the area of STR/SS1 washes entirely over the consented and implemented area and the proposed Phase 2 area alike.

1.4.74 Whilst the aims and objectives of the Paddock Wood Strategic Allocation STR/SS1 are supported, our client objects to the current policy wording in that it does not adequately deal with the specifics of the Church Farm site, namely:

(1) That the site is distinct from the other parts of the strategic allocation STR/SS1 in that the 'Phase 1' element is consented and implemented. This should be recognised in the Plan and the accompanying policies map;(2) That the Church Farm Phase 2 site is specifically suitable and available for an additional phase of development for c.60 residential units (as is shown in the current planning application for this element). This should be specifically referenced in the Plan and on the accompanying policies map and Map 28;

(3) That the Phase 2 element is physically distinct from the wider Paddock Wood strategic allocation (beyond the existing limits of built development) because of the fact that the consented 'Phase 1' element has been implemented;(4) That the Phase 2 element should therefore not be subject to the same requirements as the greater areas of land outside the current Limits of Built Development (e.g. land to the east of Church Farm) in terms of:(a) STR/SS1 (5) in respect of proposals being subject to design review panel; the Phase 2 element will naturally follow the form and design of the consented and implemented Phase 1 element and will not have wider impacts in terms of the design (being entirely surrounded by the consented development. The requirement for the input of the design review panel should not be mandatory in all cases and the requirement should take account of individual circumstances. This aspect of the policy should be reworded as it relates to Church Farm Phase 2;(b) STR/SS1 (8) in respect of the proposals providing transport infrastructure as part of the wider masterplanned strategic allocation, particularly as the Church Farm Phase 2 element would utilise the same access (vehicular, pedestrian and cycle) as the consented and implemented development in which it is entirely contained; this element of STR/SS1 should be reworded to acknowledge that the Church Farm Phase 2 element cannot physically provide for additional connections to the Town Centre, for example (as the connections have already been established by the wider Phase 1 consent);(c) Requiring the site to 'be delivered through' the eastern parcel masterplan; the site is distinct from the areas of potential development to the east within the Eastern Parcel, outside of the current limits of built development. This element of the policy should be reworded to acknowledge that the Church Farm Phase 2 site is distinct from the other parts of the Eastern Parcel and should not therefore be subject to the masterplanning requirements of that area.



1.4.75 Whilst the objective of STR/SS1 to avoid 'piecemeal development' within the strategic area is supported, the Plan should be updated to acknowledge that, because of its unique nature, the Church Farm Phase 2 site is capable of being delivered separately and independently of the wider Eastern Parcel.

1.4.76 Our client considers that the above points would be best remedied through the inclusion of an individual site allocation for Church Farm Phase 2, separate from the wider STR/SS1 'Eastern Parcel'.

1.4.77 Notwithstanding, the proposed allocation of the open green space (to the extent approved by planning permission 14/504140/HYBRID (and later detailed in the details pursuant to the conditions to that consent) as Local Green Space (EN15) is supported.

#### **Development Management Policies**

1.4.78 In addition to our comments on the strategy, we have reviewed the proposed replacement development management policies as set out in chapter 6 of the document.

1.4.79 In general terms, we would refer back to paragraph 15 of the NPPF that promotes succinct and up-to-date plans, which provide a positive vision.

1.4.80 As a general comment, there are large numbers of policies that effectively seek to provide a localised policy approach that mirrors the NPPF. For example, good design, protection of heritage assets etc. Not only are these policies repetitive, but many are of such prescriptive detail that they are neither positively prepared nor flexible enough to allow for a range of different circumstances. Furthermore, many aspirations result in inevitable conflict. On this basis, we would recommend that the majority of proposed policies are deleted where they offer nothing beyond the guidance already contained in the NPPF. This will also avoid the plan being quickly rendered out of date in the event of a change to the NPPF.

1.4.81 Turning to detailed policies, there are a number of contradictory elements that need to be remedied. For example, policy EN1 seeks to ensure development must respect the established character and surrounding form. However, policy EN3 places significant emphasis on measures to radically reduce greenhouse gas emissions.

1.4.82 The provision of a step change towards more sustainable construction and climate change is, inevitably going to result in a need for a change in attitude towards design, material and construction. Accordingly, a cohesive policy approach is needed that allows innovative and different design if supported on wider environmental and planning grounds. As drafted the policies fail to be succinct and instead are overly prescriptive.

1.4.83 A number of policies also seek to provide guidance rather than policy. For example, policy EN4 seeks to clarify what information is needed in order to assess a heritage proposal. This level of information is already established via the NPPF and should instead feature within a support SPD not policy.

1.4.84 Turning to housing policies, policy H2 states that development should make efficient use of land, having full regard to the context of the site, including its character, landscape setting, topography, surrounding built form, and access to infrastructure and services.

1.4.85 In our view, this policy adds nothing beyond the advice contained in the NPPF and therefore adds little. It also goes against the principle of preparing succinct Local Plans.

1.4.86 Policy H3 sets out affordable housing requirements. Whilst we support the general thrust of the objectives and the securing of affordable provision, we object to the rounding up of the calculations and contributions being based on a net rather than gross number of units. For small scale proposals this will often see the proposed percentage increase to closer to 45% and 35% respectively. Such thresholds would therefore need to be tested and justified by evidence. A pragmatic approach would be to apply traditional rounding up or down.

1.4.87 The phasing of affordable provision also needs to be sufficiently flexible so as to not prohibit wider delivery. In this regard, we consider that entering into contract with a registered affordable provider ahead of the 50% occupation should provide the certainty of delivery, but without risking a wider delay in market delivery. The timing of affordable delivery should also be dictated by scale, size and type of site.

1.4.88 The Council will be aware of wider country wide discussions regarding the viability of providing social rented accommodation as part of a wider offer. Such provision is becoming increasingly difficult

and without robust policy in place that addresses this matter, this matter is likely to significantly slow delivery.

1.4.89 In summary, whilst this overview is not exhaustive, we do have concerns about the nature of the proposed policy framework and the degree to which it appears to be trying to limit and frustrate development. Accordingly, in the interests of positive planning, we recommend that the policy framework is simplified and refined and subject to further detailed consultation and focussed on planning matters.

## **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 relies heavily on the delivery of Tudeley Village and the overly optimistic projections to the delivery of housing proposed.

1.5.3 We fully support the proposed expansion of Paddock Wood to create a balanced mix of housing and employment development, but we require amendments to the policy wording for policy STR/SS1 and to Map 28 to make it clearer that Church Farm is a consented and implemented site and that the Phase 2 element is distinct from the wider STR/SS1 Eastern Parcel (being the areas which outside of the current Limits of Built Development). The Plan should reflect the potential for the Church Farm Phase 2 element to be delivered in advance of the other parts of the Eastern Parcel in a form that reflects its physical position contained within a consented and implemented development. This could be achieved by means of a separate site allocation policy for Church Farm Phase 2 and amendments to the Policies Map and Map 28.

1.5.4 We also object to the detail of some of the development management policies as set out above, which we are concerned unnecessarily replicate the NPPF, whilst providing detail which could have the unwanted side effect of unnecessarily limiting and frustrating beneficial development.

## **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\_157

### Comment

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Comment by	Countryside Properties ( [REDACTED] )
Comment ID	PSLP_2264
Response Date	02/06/21 11:41
Consultation Point	Policy STR 1 The Development Strategy ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.6
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 STR 1 The Development Strategy

[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 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.

#### **Development Strategy and Strategic Policies (Policy STR1)**

1.4.12 The purpose of the Development Strategy is to outline how much development will be provided to meet the needs of the borough and where that development will be located.

1.4.13 In terms of the amount of housing, paragraph 59 of the NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed. Further, to determine the number of homes needed, strategic policies should be informed by a local housing needs assessment conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals.

1.4.14 The Council confirm that their housing need target for the plan period to 2038 is 12,200 dwellings (678 dwellings per annum), which is calculated using the Governments standard method and the 2014-based household projections. We support this approach.

1.4.15 In terms of the different supply components, the Council consider that the Local Plan must (as a minimum) include additional allocations to accommodate 6,945 homes. This figure was formulated by taking into account: extant planning permissions (3,313); Windfall allowances (1,670); and outstanding site allocations (276).

1.4.16 At Regulation 18 the Council subsequently applied a 10% non-delivery rate to these figures to err on the side of caution. This is not referenced within the Regulation 19 version as such requires clarification and potential modification if this provision has not been carried forward to the pre-submission plan.

[TWBC: for PSLP Figure 5 Key Diagram see full representation attached].

1.4.17 In terms of how these needs will be met, policy ST1 sets the development strategy and states:  
[TWBC: PSLP Policy STR1 has been duplicated here - see full representation attached].

1.4.18 In terms of justification, the Council state that The Draft Local Plan consultation concluded that, having seized all reasonable opportunities for growth 'across the board', meeting the housing need can only be met if the development strategy includes the strategic growth of certain settlements. However, it goes on to state that it is evident from site assessment work that there is very little scope for adding much in the way of further housing numbers to the rural settlements. Indeed, in some cases, the scale of major developments in the AONB have been found to be unacceptably great.

1.4.19 Paddock Wood is said to be a logical choice for strategic growth for a number of reasons; being an existing service and employment centre, having a central railway station and main road links, giving wider accessibility.

1.4.20 Tudeley Village is acknowledged to involve the loss of a large area of Green Belt but this is justified because it is outside the AONB, is well located in terms of accessibility to nearby towns, would be of a scale that supports a good range of services, and can be planned in a holistic, comprehensive manner.

1.4.21 The full proposed distribution of development is set out below.

[TWBC: PSLP Table 4 Distribution of housing allocations has been duplicated here - see full representation attached].

#### Response

1.4.22 We agree that TWBC is capable of meeting its need in full and support this approach to plan-making.

1.4.23 We broadly support the general thrust of the development strategy, which proposes a strategy to meet the housing needs of the borough with a dispersed growth approach. Nonetheless, we have concerns regarding the deliverability of the strategy. The Council's Housing Trajectory Topic Paper states that for Tudeley Village (STR/SS 3), it is proposed that for the first 10 years of delivery from 2025/26, 150 units are expected per annum, increasing to 200 per annum during the years after. For the plan period, 2,100 homes are allowed for.

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1.4.40 Considering these parameters, the acuteness of the local housing need is clear. The Council's housing need (12,200 for the plan period) is more than double that previously been required (6,000 between 2006 and 2026) and many urban sites have been depleted since the last plan review. However, it must also be recognised that only 22% of borough lies within the Metropolitan Green Belt and so it is possible to channel much of the development beyond this designated area.

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### **Housing Delivery**

1.4.43 It is widely acknowledged that there is a housing crisis in this country, which has arisen as a direct consequence of too few houses being built to keep pace with a growing population. Accordingly, the Government has repeatedly indicated that 300,000 additional homes per year should be constructed.

1.4.44 It has been evidenced that the LPA has fallen a long way behind the required rate of delivery in the years since the NPPF was published. Indeed, the LPA's average annual housing delivery for the period 2016 to 2020 is 506 dwellings per annum, resulting in a deficit that is increasing by circa 172 dwellings per annum. Whilst the draft plan seeks to bridge this gap in delivery, we remain concerned about where a consistent level of delivery is likely to be achievable based on the pre-submission draft and the close repetition of the current Core Strategy.

1.4.45 The current Core Strategy pre-dates the publication of the NPPF, published in March 2012. The effectiveness of the strategy was in question long before this date and there is an evidenced legacy of failure of the Core Strategy that is unrelated to the introduction of the need to plan for the full objectively assessed development needs of the area.

1.4.46 Indeed, as outlined within the table below, for the immediate five years since adoption of the Core Strategy in 2010, the LPA achieved only 829 new homes against a target of 1,500 dwellings. This amounts to just 166 dwellings per annum for the initial five year plan period.

*[TWBC: for table showing Housing completion rates 2010 to 2015 see full representation attached].*

1.4.47 Based on this evidence, the persistent failure of the Core Strategy began long prior to the introduction of housing targets set by the SHMA and Standard Methodology. As a consequence, mirroring the early strategy with a stringent restriction of development beyond the established limits to built development is likely to result in a similar failure. Instead, a mechanism is needed to ensure that a consistent level of housing can be brought forward at all times.

1.4.48 Turning to the context following the publication of the standard methodology, the LPA's delivery rate between 2015 and 2020 has improved slightly, but not to a level that meets the recognised needs of the area. The LPA achieved 2,473 new homes against a target of 3,360 dwellings. This amounts to just 495 dwellings per annum for the five year period and a reduction on the previous five year rate.

*[TWBC: for table showing Housing completion rates 2015 to 2020 (statement of common ground) see full representation attached].*

1.4.49 The recently published Housing Delivery Test (January 2021) results also confirm the need for the LPA to prepare a further action plan to demonstrate how delivery will be addressed moving forward.



1.4.50 In summary, there is a historic legacy of under delivery over the last decade and even with the preparation of the pre-submission plan, past delivery rates provide compelling evidence that the Core Strategy has never been effective in delivering housing at the rates needed to meet the needs of borough residents and that a far more significant buffer or contingency is needed if the new plan is to be effective.

### **Maintaining a Five Year Housing Land Supply**

1.4.51 The continued need to deliver more houses is reflected within the NPPF. In particular, paragraph 11 reiterates the presumption in favour of sustainable development and that plans should positively seek opportunities to meet the development needs of their area and be sufficiently flexible to adapt to rapid change. Furthermore, 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.

1.4.52 The NPPF requires Local Planning Authorities to ensure that their Local Plan meets the full needs for market and affordable housing. Policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot show a robust five year supply of housing land and cannot fulfil the requirements of the Government's Housing Delivery Test.

1.4.53 It is common ground that the LPA is not currently able to demonstrate a robust five year housing land supply pending the outcome of the development plan review process. Indeed, based on the latest published update is agreed that the Tunbridge Wells Borough Council Five-Year Housing Land Supply Statement 2019/2020 (September 2020) that the supply to be 4.83 years, an improvement on the 4.69 years published for the period 2018/2019.

1.4.54 Nonetheless, we would express our caution in accepting there has been a material improvement in position over the last monitoring year and that the Council is close to achieving a robust supply of land. Published data shows that within the latest monitoring year the annual housing delivery target was missed by 204 units and the published supply only increased by 82 homes. As such, the overall supply context actually worsened by 122 homes. Indeed, the projected supply is a single unit more than it was when the 2017/18 updated position was published suggesting little genuine progress in increasing the supply of land.

*[TWBC: for table showing Information extracted from the LPA's published supply statements see full representation attached].*

1.4.55 Based upon the evidence, the Council's supply position appears much more robust than it really is owing to the repeated resetting of the base date upon which the five year supply calculation is based. The justification for this is the Standard Method takes into account previous delivery so there is no need to separately address any previous under-supply.

1.4.56 Whilst we do not challenge the fact that guidance permits this, the underlying effect of resetting the base date is to disguise a worsening situation as an improvement. This allied with a persistent failure to meet historic targets means that there must be a clear basis for assuming that adoption of the pre-submission Local Plan will result in an immediate step change in decision making and delivery of housing. We see no evidence to suggest that this step change will occur and therefore the plan fails the test of being both positively prepared and effective.

### **Affordable Housing Need**

1.4.57 There is a chronic affordable housing need within the Borough. In this respect, The LPA's SHMA (2015) finds that the borough would need 341 affordable homes per annum to meet their housing needs.

1.4.58 The more recent Housing Needs Study (2018) prepared to accompany work on the pre-submission Local Plan, further assessed affordable requirements by taking into account the need from existing and newly-forming households within sub-areas of the borough of Tunbridge Wells, and comparing this with the supply of affordable housing. This assessment reveals that there is a net annual imbalance of 443 affordable dwellings across the Borough.

1.4.59 The LPA's Local Plan Housing Need Assessment Topic Paper (2019) concludes that the corrected affordable housing need over a 15-year period is actually 391 dwellings/year.

1.4.60 In terms of past delivery, Table 26 of the Annual Monitoring Report 2018/19 outlines the completion rates for affordable units, with an annual average delivery rate of just 82.5 affordable units per annum for the period 2006 to 2019.

1.4.61 Based on this context, immediate delivery of onsite affordable housing is a significant benefit that should weigh heavily in devising a new strategy. In this regard, the absence of a cogent strategy for a new garden village places grave uncertainty as to whether it can deliver at the same rate as non-strategic sites. Even if it would, there is likely to be a long delay with any affordable being delivered towards the back end of this current plan period. In the context, the plan fails to put in place a robust strategy to meet affordable need and is therefore ineffective, not justified and inconsistent with National Planning Policy.

1.4.62 This being the case, removing the reliance of delivery of Tudeley Garden Village in this plan period, and supplementing the plan with genuinely deliverable sites, capable of providing affordable housing, would be an appropriate remedy.

## **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**

**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

Agent	Mr David Bedford ([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_2121
Response Date	26/05/21 16:30
Consultation Point	Policy STR 1 The Development Strategy ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.5
Files	<a href="#">DHA Planning for Countryside Properties-full representation AL-CRS2.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 STR 1 The Development Strategy

[TWBC: the full representation attached has been divided between Vision and Strategic Objectives (PSLP\_2118), Policies STR1 (PSLP\_2121), AL/CRS2 (PSLP\_2127) and Development Management Policies (PSLP\_2128)

#### 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 within Countryside Properties' control adjacent to the Crane Valley, Cranbrook which forms part of proposed allocation reference AL/CRS 2.

1.1.3 The site, combined with land proposed for allocation under AL/CRS 1, currently cover land that represents a single larger Local Plan allocation contained within the adopted Site Allocations Local Plan 2016 Policy AL/CR 4. These sites have traditionally always featured as a single allocation owing to the fact that access to the CR2 land is required through site CR1.

1.1.4 In respect of progress of the site to date; Persimmon Homes secured outline planning permission prior on the CR1 land prior to surrendering its option to another developer. Nonetheless, it is understood that a reserved matters application is in preparation for the CR1 land.

1.1.5 In the meantime, Countryside remains committed to bringing the CR2 site forward at the earliest available opportunity once a suitable access can be achieved via the CR1 land.

##### 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 comments 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 duty to cooperate, 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.

#### **Development Strategy and Strategic Policies (Policy STR1)**

1.4.12 The purpose of the Development Strategy is to outline how much development will be provided to meet the needs of the borough and where it will be located.

1.4.13 In terms of the amount of housing, paragraph 59 of the NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed. Further, to determine the number of homes needed, strategic policies should be informed by a local housing needs assessment conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals.

1.4.14 The Council confirm that their housing need target for the plan period to 2038 is 12,200 dwellings (678 dwellings per annum), which is calculated using the Government's standard method and the 2014-based household projections. We support this approach.

1.4.15 In terms of the different supply components, the Council consider that the Local Plan must (as a minimum) include additional allocations to accommodate 6,945 homes. This figure was formulated

by taking into account; extant planning permissions (3,313); Windfall allowances (1,670); and outstanding site allocations (276).

1.4.16 At Regulation 18 the Council subsequently applied a 10% non-delivery rate to these figures to err on the side of caution. This is not referenced within the Regulation 19 version as such requires clarification and potential modification if this provision has not been carried forward to the pre-submission plan.

*[TWBC: for PSLP Figure 5 Key Diagram see full representation attached].*

1.4.17 In terms of how these needs will be met, policy ST1 sets the development strategy and states:

*[TWBC: PSLP Policy STR/1 has been duplicated here - see full representation attached].*

1.4.18 In terms of justification, the Council state that The Draft Local Plan consultation concluded that, having seized all reasonable opportunities for growth 'across the board', meeting the housing need can only be met if the development strategy includes the strategic growth of certain settlements. However, it goes on to state that it is evident from site assessment work that there is very little scope for adding much in the way of further housing numbers to the rural settlements. Indeed, in some cases, the scale of major developments in the AONB have been found to be unacceptably great.

1.4.19 Paddock Wood is said to be a logical choice for strategic growth for a number of reasons; being an existing service and employment centre, having a central railway station and main road links, giving wider accessibility.

1.4.20 Tudeley Village is acknowledged to involve the loss of a large area of Green Belt but this is justified because it is outside the AONB, is well located in terms of accessibility to nearby towns, would be of a scale that supports a good range of services, and can be planned in a holistic, comprehensive manner.

1.4.21 The full proposed distribution of development is set out below.

*[TWBC: PSLP Table 4 Distribution of housing allocations has been duplicated here - see full representation attached].*

#### Response

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1.4.42 Taking the above into consideration, it is our view that the Calverton judgement sets out very clear parameters for assessing whether exceptional circumstances exist and that a sound case could be made for releasing some Green Belt land in line with NPPF guidance. However, we do not consider the evidence exists to justify the scale currently proposed within the plan, at least not until all reasonable alternatives have been assessed.

## **Housing Delivery**

1.4.43 It is widely acknowledged that there is a housing crisis in this country, which has arisen as a direct consequence of too few houses being built to keep pace with a growing population. Accordingly, the Government has repeatedly indicated that 300,000 additional homes per year should be constructed. 1.4.44 It has been evidenced that the LPA has fallen a long way behind the required rate of delivery in the years since the NPPF was published. Indeed, the LPA's average annual housing delivery for the period 2016 to 2020 is 506 dwellings per annum, resulting in a deficit that is increasing by circa 172 dwellings per annum. Whilst the draft plan seeks to bridge this gap in delivery, we remain concerned about where a consistent level of delivery is likely to be achievable based on the pre-submission draft and the close repetition of the current Core Strategy.

1.4.45 The current Core Strategy pre-dates the publication of the NPPF, published in March 2012. The effectiveness of the strategy was in question long before this date and there is an evidenced legacy of failure of the Core Strategy that is unrelated to the introduction of the need to plan for the full objectively assessed development needs of the area.

1.4.46 Indeed, as outlined within the table below, for the immediate five years since adoption of the Core Strategy in 2010, the LPA achieved only 829 new homes against a target of 1,500 dwellings. This amounts to just 166 dwellings per annum for the initial five year plan period.

*[TWBC: for table showing Housing completion rates 2010 to 2015 see full representation attached].*

1.4.47 Based on this evidence, the persistent failure of the Core Strategy began long prior to the introduction of housing targets set by the SHMA and Standard Methodology. As a consequence, mirroring the early strategy with a stringent restriction of development beyond the established limits to built development is likely to result in a similar failure. Instead, a mechanism is needed to ensure that a consistent level of housing can be brought forward at all times.



1.4.48 Turning to the context following the publication of the standard methodology, the LPA's delivery rate between 2015 and 2020 has improved slightly, but not to a level that meets the recognised needs of the area. The LPA achieved 2,473 new homes against a target of 3,360 dwellings. This amounts to just 495 dwellings per annum for the five year period and a reduction on the previous five year rate.

*[TWBC: for table showing Housing completion rates 2015 to 2020 (statement of common ground) see full representation attached].*

1.4.49 The recently published Housing Delivery Test (January 2021) results also confirm the need for the LPA to prepare a further action plan to demonstrate how delivery will be addressed moving forward.

1.4.50 In summary, there is a historic legacy of under delivery over the last decade and even with the preparation of the pre-submission plan, past delivery rates provide compelling evidence that the Core Strategy has never been effective in delivering housing at the rates needed to meet the needs of borough residents and that a far more significant buffer or contingency is needed if the new plan is to be effective.

### **Maintaining a Five Year Housing Land Supply**

1.4.51 The continued need to deliver more houses is reflected within the NPPF. In particular, paragraph 11 reiterates the presumption in favour of sustainable development and that plans should positively seek opportunities to meet the development needs of their area and be sufficiently flexible to adapt to rapid change. Furthermore, 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.

1.4.52 The NPPF requires Local Planning Authorities to ensure that their Local Plan meets the full needs for market and affordable housing. Policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot show a robust five year supply of housing land and cannot fulfil the requirements of the Government's Housing Delivery Test.

1.4.53 It is common ground that the LPA is not currently able to demonstrate a robust five year housing land supply pending the outcome of the development plan review process. Indeed, based on the latest published update it's agreed that the Tunbridge Wells Borough Council Five-Year Housing Land Supply Statement 2019/2020 (September 2020) that the supply to be 4.83 years, an improvement on the 4.69 years published for the period 2018/2019.

1.4.54 Nonetheless, we would express our caution in accepting there has been a material improvement in position over the last monitoring year and that the Council is close to achieving a robust supply of land. Published data shows that within the latest monitoring year the annual housing delivery target was missed by 204 units and the published supply only increased by 82 homes. As such, the overall supply context actually worsened by 122 homes. Indeed, the projected supply is a single unit more than it was when the 2017/18 updated position was published suggesting little genuine progress in increasing the supply of land.

*[TWBC: for table showing Information extracted from the LPA's published supply statements see full representation attached].*

1.4.55 Based upon the evidence, the Council's supply position appears much more robust than it really is owing to the repeated resetting of the base date upon which the five year supply calculation is based. The justification for this is the Standard Method takes into account previous delivery so there is no need to separately address any previous under-supply.

1.4.56 Whilst we do not challenge the fact that guidance permits this, the underlying effect of resetting the base date is to disguise a worsening situation as an improvement. This allied with a persistent failure to meet historic targets means that there must be a clear basis for assuming that adoption of the pre-submission Local Plan will result in an immediate step change in decision making and delivery of housing. We see no evidence to suggest that this step change will occur and therefore the plan fails the test of being both positively prepared and effective.

### **Affordable Housing Need**

1.4.57 There is a chronic affordable housing need within the Borough. In this respect, The LPA's SHMA (2015) finds that the borough would need 341 affordable homes per annum to meet their housing needs.

1.4.58 The more recent Housing Needs Study (2018) prepared to accompany work on the pre-submission Local Plan, further assessed affordable requirements by taking into account the need

from existing and newly-forming households within sub-areas of the borough of Tunbridge Wells, and comparing this with the supply of affordable housing. This assessment reveals that there is a net annual imbalance of 443 affordable dwellings across the Borough.

1.4.59 The LPA's Local Plan Housing Need Assessment Topic Paper (2019) concludes that the corrected affordable housing need over a 15-year period is actually 391 dwellings/year.

1.4.60 In terms of past delivery, Table 26 of the Annual Monitoring Report 2018/19 outlines the completion rates for affordable units, with an annual average delivery rate of just 82.5 affordable units per annum for the period 2006 to 2019.

1.4.61 Based on this context, immediate delivery of onsite affordable housing is a significant benefit that should weigh heavily in devising a new strategy. In this regard, the absence of a cogent strategy for a new garden village places grave uncertainty as to whether it can deliver at the same rate as non-strategic sites. Even if it would, there is likely to be a long delay with any affordable being delivered towards the back end of this current plan period. In the context, the plan fails to put in place a robust strategy to meet affordable need and is therefore ineffective, not justified and inconsistent with National Planning Policy.

1.4.62 This being the case, removing the reliance of delivery of Tudeley Garden Village in this plan period, and supplementing the plan with genuinely deliverable sites, capable of providing affordable housing, would be an appropriate remedy.

## 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. Furthermore, we support the continued allocation of our client's land in Cranbrook, albeit with some modification to the affordable housing requirement in line with the adopted allocation.

1.5.3 Finally, 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

**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\_157

### Comment

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Event Name	Pre-Submission Local Plan
Comment by	Countryside Properties ( [REDACTED] )
Comment ID	PSLP_2267
Response Date	02/06/21 11:41
Consultation Point	Policy STR 9 Green Belt ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.5
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 STR 9 Green Belt

[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 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.

### **Policy STR9**

1.4.70 Countryside also agrees with Policy STR9 insofar as it confirms that the removal of this land from the Green Belt has been fully justified through the consideration of reasonable alternatives and is supported by exceptional circumstances.

1.4.71 The site was assessed in the Council's Strategic Housing and Employment Land Availability Assessment (SHELAA) which concluded that it was suitable for the development of 80 houses, and would form a logical extension to the built-up area of Pembury. The SHELAA assessment noted that it is not well connected with other agricultural land and is suitable, available and deliverable for development. Its release from the Green Belt was assessed as resulting only in a low level of Green Belt harm. Countryside agrees with these conclusions.

### **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

**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\_155

### Comment

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Event Name	Pre-Submission Local Plan
Comment by	Countryside Properties ( [REDACTED] )
Comment ID	PSLP_2160
Response Date	03/06/21 11:02
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.5
Files	<a href="#">DHA Planning for Countryside Properties-full representation STR-SS1.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 STR/SS 1 The Strategy for Paddock Wood, including land at east Capel

[TWBC: the full representation attached has been divided between Policy STR/SS1 (PSLP\_2160), Vision and Strategic Objectives (PSLP\_2161), Policy STR1 (PSLP\_2162) and Development Management Policies (PSLP\_2163)]

### 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 and Context

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 Church Farm, Church Road that forms part of the strategic expansion of Paddock Wood (STR/SS1).

1.1.3 The site is allocated in the current Local Plan (Site Allocations Local Plan 2016, AL/PW3A) and is within the 'Limits of Built Development'.

1.1.4 Outline planning permission for 300 dwellings and a new country park, together with associated highways, landscaping, allotments, flood mitigation works including attenuation basins and open space was granted by Tunbridge Wells Borough Council (TWBC) in February 2018 for (reference: 14/504140/HYBRID).

1.1.5 A Reserved Matters application (reference: 19/03655/REM) for the full 300 dwellings was approved by TWBC in July 2020 on part of the site. This approved the full 300 dwellings, but on only part of the developable area. The consented 300 unit development has recently been implemented and is underway.

1.1.6 As part of the overall masterplanning and detailed design process, the reserved matters application identified that an increase in residential density across parts of the site was appropriate, and as such identified a future area of potential additional development within the scheme for a later stage. As such, there is the opportunity to make efficient use of the land available and utilise it to provide further



residential development without a reduction in the overall country open space provision and within the area originally envisaged for residential development.

1.1.7 Following pre application advice discussions with TWBC and due to changes resulting from recent planning case law, it is no longer permissible to seek to vary the description of a planning permission through a Section 73 application. Therefore, Countryside Properties have submitted a standalone detailed planning application for the construction of a further 60 dwellings on the site known as phase 2.

1.1.8 Whilst this application has the potential to overtake the Local Plan process, this representation is submitted in parallel to demonstrate that the land as a whole is Countryside.

1.1.9 Based on the current national and local planning context, we consider this site to be suitable for such additional development.

## **1.2 Local Plan 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 as well as wider legal compliance.

## **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, and having regard to the duty to cooperate, there is concern in respect of the degree of cross boundary working and the extent to which Tunbridge Wells Borough has genuinely sought to assist with unmet housing need arising from neighbouring authorities. In this context, and owing to such concerns, it is essential that consented uses are maximised to their full potential.

## **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**

1.4.68 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.

1.4.69 Policy STR/PW 1 sets the Strategy for Paddock Wood and states that approximately 3,490-3,590 dwellings and accompanying infrastructure will be delivered via the planned extension to Paddock Wood.

1.4.70 Policy STR/SS1 sets the detailed strategy and states:

*[TWBC: PSLP Policy STR/SS1 duplicated here - see full representation attached].*

*[TWBC: for Extract of proposed proposal map for Paddock Wood see full representation attached].*

1.4.71 An area of open green space is included within the original hybrid application which extends around the northern, eastern and western boundaries of the site. The details of the landscaping of this area have been agreed pursuant to the conditions and S106 of the hybrid planning permission for the site. The Phase 2 element does not seek to amend the extent of this area. The emerging Local Plan seeks the formal allocation of the green space as Local Green Space under Policy EN15. Policy EN15 states:

*[TWBC: PSLP Policy EN15 duplicated here - see full representation attached].*

### **Site Specific Policy Response Church Farm Phase 2**

1.4.72 The inclusion of the wider Church Farm site within the strategic allocation for Paddock Wood (STR / SS1) is generally welcomed and its acknowledgement as a strategy site is supported.

1.4.73 However, the Plan no longer proposes to include individual site allocations within the strategic development area and, in doing so, the strategic allocation does not distinguish between the additional potential development at Church Farm (which would be entirely contained within the consented and implemented 'Phase 1' element (300 units) and the wider 'Eastern Parcel'; the area of STR/SS1 washes entirely over the consented and implemented area and the proposed Phase 2 area alike.

1.4.74 Whilst the aims and objectives of the Paddock Wood Strategic Allocation STR/SS1 are supported, our client objects to the current policy wording in that it does not adequately deal with the specifics of the Church Farm site, namely:

(1) That the site is distinct from the other parts of the strategic allocation STR/SS1 in that the 'Phase 1' element is consented and implemented. This should be recognised in the Plan and the accompanying policies map; (2) That the Church Farm Phase 2 site is specifically suitable and available for an additional phase of development for c.60 residential units (as is shown in the current planning application for this element). This should be specifically referenced in the Plan and on the accompanying policies map and Map 28;

(3) That the Phase 2 element is physically distinct from the wider Paddock Wood strategic allocation (beyond the existing limits of built development) because of the fact that the consented 'Phase 1' element has been implemented; (4) That the Phase 2 element should therefore not be subject to the same requirements as the greater areas of land outside the current Limits of Built Development (e.g. land to the east of Church Farm) in terms of: (a) STR/SS1 (5) in respect of proposals being subject to design review panel; the Phase 2 element will naturally follow the form and design of the consented and implemented Phase 1 element and will not have wider impacts in terms of the design (being entirely surrounded by the consented development. The requirement for the input of the design review panel should not be mandatory in all cases and the requirement should take account of individual circumstances. This aspect of the policy should be reworded as it relates to Church Farm Phase 2; (b) STR/SS1 (8) in respect of the proposals providing transport infrastructure as part of the wider masterplanned strategic allocation, particularly as the Church Farm Phase 2 element would utilise the same access (vehicular, pedestrian and cycle) as the consented and implemented development in

which it is entirely contained; this element of STR/SS1 should be reworded to acknowledge that the Church Farm Phase 2 element cannot physically provide for additional connections to the Town Centre, for example (as the connections have already been established by the wider Phase 1 consent);(c) Requiring the site to 'be delivered through' the eastern parcel masterplan; the site is distinct from the areas of potential development to the east within the Eastern Parcel, outside of the current limits of built development. This element of the policy should be reworded to acknowledge that the Church Farm Phase 2 site is distinct from the other parts of the Eastern Parcel and should not therefore be subject to the masterplanning requirements of that area.

1.4.75 Whilst the objective of STR/SS1 to avoid 'piecemeal development' within the strategic area is supported, the Plan should be updated to acknowledge that, because of its unique nature, the Church Farm Phase 2 site is capable of being delivered separately and independently of the wider Eastern Parcel.

1.4.76 Our client considers that the above points would be best remedied through the inclusion of an individual site allocation for Church Farm Phase 2, separate from the wider STR/SS1 'Eastern Parcel'.

1.4.77 Notwithstanding, the proposed allocation of the open green space (to the extent approved by planning permission 14/504140/HYBRID (and later detailed in the details pursuant to the conditions to that consent) as Local Green Space (EN15) is supported.

## 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 relies heavily on the delivery of Tudeley Village and the overly optimistic projections to the delivery of housing proposed.

1.5.3 We fully support the proposed expansion of Paddock Wood to create a balanced mix of housing and employment development, but we require amendments to the policy wording for policy STR/SS1 and to Map 28 to make it clearer that Church Farm is a consented and implemented site and that the Phase 2 element is distinct from the wider STR/SS1 Eastern Parcel (being the areas which outside of the current Limits of Built Development). The Plan should reflect the potential for the Church Farm Phase 2 element to be delivered in advance of the other parts of the Eastern Parcel in a form that reflects its physical position contained within a consented and implemented development. This could be achieved by means of a separate site allocation policy for Church Farm Phase 2 and amendments to the Policies Map and Map 28.

1.5.4 We also object to the detail of some of the development management policies as set out above, which we are concerned unnecessarily replicate the NPPF, whilst providing detail which could have the unwanted side effect of unnecessarily limiting and frustrating beneficial development.

## 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\_130

### Comment

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Event Name	Pre-Submission Local Plan
Comment by	Countryside Properties [REDACTED]
Comment ID	PSLP_1962
Response Date	03/06/21 11:02
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.7
Files	<a href="#">PSLP_1962_DHA Plg for Countryside Properties_full representation.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 STR/SS 1 The Strategy for Paddock Wood, including land at east Capel

### 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 and Context

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 Church Farm, Church Road that forms part of the strategic expansion of Paddock Wood (STR/SS1).

1.1.3 The site is allocated in the current Local Plan (Site Allocations Local Plan 2016, AL/PW3A) and is within the 'Limits of Built Development'.

1.1.4 Outline planning permission for 300 dwellings and a new country park, together with associated highways, landscaping, allotments, flood mitigation works including attenuation basins and open space was granted by Tunbridge Wells Borough Council (TWBC) in February 2018 for (reference: 14/504140/HYBRID).

1.1.5 A Reserved Matters application (reference: 19/03655/REM) for the full 300 dwellings was approved by TWBC in July 2020 on part of the site. This approved the full 300 dwellings, but on only part of the developable area. The consented 300 unit development has recently been implemented and is underway.

1.1.6 As part of the overall masterplanning and detailed design process, the reserved matters application identified that an increase in residential density across parts of the site was appropriate, and as such identified a future area of potential additional development within the scheme for a later stage. As such, there is the opportunity to make efficient use of the land available and utilise it to provide further residential development without a reduction in the overall country open space provision and within the area originally envisaged for residential development.

1.1.7 Following pre application advice discussions with TWBC and due to changes resulting from recent planning case law, it is no longer permissible to seek to vary the description of a planning permission through a Section 73 application. Therefore, Countryside Properties have submitted a standalone detailed planning application for the construction of a further 60 dwellings on the site known as phase 2.

1.1.8 Whilst this application has the potential to overtake the Local Plan process, this representation is submitted in parallel to demonstrate that the land as a whole is Countryside.

1.1.9 Based on the current national and local planning context, we consider this site to be suitable for such additional development.

## **1.2 Local Plan 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 comments on the plan having regard to these tests of soundness as well as wider legal compliance.

## **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, and having regard to the duty to cooperate, there is concern in respect of the degree of cross boundary working and the extent to which Tunbridge Wells Borough has genuinely sought to assist with unmet housing need arising from neighbouring authorities. In this context, and owing to such concerns, it is essential that consented uses are maximised to their full potential.

## **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.

## **Site Specific Policy Response Church Farm Phase 2**

1.4.72 The inclusion of the wider Church Farm site within the strategic allocation for Paddock Wood (STR / SS1) is generally welcomed and its acknowledgement as a strategy site is supported.

1.4.73 However, the Plan no longer proposes to include individual site allocations within the strategic development area and, in doing so, the strategic allocation does not distinguish between the additional potential development at Church Farm (which would be entirely contained within the consented and implemented 'Phase 1' element (300 units) and the wider 'Eastern Parcel'; the area of STR/SS1 washes entirely over the consented and implemented area and the proposed Phase 2 area alike.

1.4.74 Whilst the aims and objectives of the Paddock Wood Strategic Allocation STR/SS1 are supported, our client objects to the current policy wording in that it does not adequately deal with the specifics of the Church Farm site, namely:

(1) That the site is distinct from the other parts of the strategic allocation STR/SS1 in that the 'Phase 1' element is consented and implemented. This should be recognised in the Plan and the accompanying policies map; (2) That the Church Farm Phase 2 site is specifically suitable and available for an additional phase of development for c.60 residential units (as is shown in the current planning application for this element). This should be specifically referenced in the Plan and on the accompanying policies map and Map 28;

(3) That the Phase 2 element is physically distinct from the wider Paddock Wood strategic allocation (beyond the existing limits of built development) because of the fact that the consented 'Phase 1' element has been implemented; (4) That the Phase 2 element should therefore not be subject to the same requirements as the greater areas of land outside the current Limits of Built Development (e.g. land to the east of Church Farm) in terms of: (a) STR/SS1 (5) in respect of proposals being subject to design review panel; the Phase 2 element will naturally follow the form and design of the consented and implemented Phase 1 element and will not have wider impacts in terms of the design (being entirely surrounded by the consented development. The requirement for the input of the design review panel should not be mandatory in all cases and the requirement should take account of individual circumstances. This aspect of the policy should be reworded as it relates to Church Farm Phase 2; (b) STR/SS1 (8) in respect of the proposals providing transport infrastructure as part of the wider masterplanned strategic allocation, particularly as the Church Farm Phase 2 element would utilise the same access (vehicular, pedestrian and cycle) as the consented and implemented development in which it is entirely contained; this element of STR/SS1 should be reworded to acknowledge that the Church Farm Phase 2 element cannot physically provide for additional connections to the Town Centre, for example (as the connections have already been established by the wider Phase 1 consent); (c) Requiring the site to 'be delivered through' the eastern parcel masterplan; the site is distinct from the areas of potential development to the east within the Eastern Parcel, outside of the current limits of built development. This element of the policy should be reworded to acknowledge that the Church Farm Phase 2 site is distinct from the other parts of the Eastern Parcel and should not therefore be subject to the masterplanning requirements of that area.

1.4.75 Whilst the objective of STR/SS1 to avoid 'piecemeal development' within the strategic area is supported, the Plan should be updated to acknowledge that, because of its unique nature, the Church Farm Phase 2 site is capable of being delivered separately and independently of the wider Eastern Parcel.

1.4.76 Our client considers that the above points would be best remedied through the inclusion of an individual site allocation for Church Farm Phase 2, separate from the wider STR/SS1 'Eastern Parcel'.

1.4.77 Notwithstanding, the proposed allocation of the open green space (to the extent approved by planning permission 14/504140/HYBRID (and later detailed in the details pursuant to the conditions to that consent) as Local Green Space (EN15) is supported.

## **Development Management Policies**

1.4.78 In addition to our comments on the strategy, we have reviewed the proposed replacement development management policies as set out in chapter 6 of the document.

1.4.79 In general terms, we would refer back to paragraph 15 of the NPPF that promotes succinct and up-to-date plans, which provide a positive vision.

1.4.80 As a general comment, there are large numbers of policies that effectively seek to provide a localised policy approach that mirrors the NPPF. For example, good design, protection of heritage assets etc. Not only are these policies repetitive, but many are of such prescriptive detail that they are neither positively prepared nor flexible enough to allow for a range of different circumstances. Furthermore, many aspirations result in inevitable conflict. On this basis, we would recommend that the majority of proposed policies are deleted where they offer nothing beyond the guidance already contained in the NPPF. This will also avoid the plan being quickly rendered out of date in the event of a change to the NPPF.

1.4.81 Turning to detailed policies, there are a number of contradictory elements that need to be remedied. For example, policy EN1 seeks to ensure development must respect the established character and surrounding form. However, policy EN3 places significant emphasis on measures to radically reduce greenhouse gas emissions.

1.4.82 The provision of a step change towards more sustainable construction and climate change is, inevitably going to result in a need for a change in attitude towards design, material and construction. Accordingly, a cohesive policy approach is needed that allows innovative and different design if supported on wider environmental and planning grounds. As drafted the policies fail to be succinct and instead are overly prescriptive.

1.4.83 A number of policies also seek to provide guidance rather than policy. For example, policy EN4 seeks to clarify what information is needed in order to assess a heritage proposal. This level of information is already established via the NPPF and should instead feature within a support SPD not policy.

1.4.84 Turning to housing policies, policy H2 states that development should make efficient use of land, having full regard to the context of the site, including its character, landscape setting, topography, surrounding built form, and access to infrastructure and services.

1.4.85 In our view, this policy adds nothing beyond the advice contained in the NPPF and therefore adds little. It also goes against the principle of preparing succinct Local Plans.

1.4.86 Policy H3 sets out affordable housing requirements. Whilst we support the general thrust of the objectives and the securing of affordable provision, we object to the rounding up of the calculations and contributions being based on a net rather than gross number of units. For small scale proposals this will often see the proposed percentage increase to closer to 45% and 35% respectively. Such thresholds would therefore need to be tested and justified by evidence. A pragmatic approach would be to apply traditional rounding up or down.

1.4.87 The phasing of affordable provision also needs to be sufficiently flexible so as to not prohibit wider delivery. In this regard, we consider that entering into contract with a registered affordable provider ahead of the 50% occupation should provide the certainty of delivery, but without risking a wider delay in market delivery. The timing of affordable delivery should also be dictated by scale, size and type of site.

1.4.88 The Council will be aware of wider country wide discussions regarding the viability of providing social rented accommodation as part of a wider offer. Such provision is becoming increasingly difficult and without robust policy in place that addresses this matter, this matter is likely to significantly slow delivery.

1.4.89 In summary, whilst this overview is not exhaustive, we do have concerns about the nature of the proposed policy framework and the degree to which it appears to be trying to limit and frustrate development. Accordingly, in the interests of positive planning, we recommend that the policy framework is simplified and refined and subject to further detailed consultation and focussed on planning matters.

## **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 relies heavily on the delivery of Tudeley Village and the overly optimistic projections to the delivery of housing proposed.

1.5.3 We fully support the proposed expansion of Paddock Wood to create a balanced mix of housing and employment development, but we require amendments to the policy wording for policy STR/SS1 and to Map 28 to make it clearer that Church Farm is a consented and implemented site and that the Phase 2 element is distinct from the wider STR/SS1 Eastern Parcel (being the areas which outside of the current Limits of Built Development). The Plan should reflect the potential for the Church Farm Phase 2 element to be delivered in advance of the other parts of the Eastern Parcel in a form that reflects its physical position contained within a consented and implemented development. This could be achieved by means of a separate site allocation policy for Church Farm Phase 2 and amendments to the Policies Map and Map 28.

1.5.4 We also object to the detail of some of the development management policies as set out above, which we are concerned unnecessarily replicate the NPPF, whilst providing detail which could have the unwanted side effect of unnecessarily limiting and frustrating beneficial development.

## **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\_150

### Comment

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Consultee	([REDACTED])
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Company / Organisation	Countryside Properties
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Event Name	Pre-Submission Local Plan
Comment by	Countryside Properties ([REDACTED])
Comment ID	PSLP_2127
Response Date	26/05/21 16:30
Consultation Point	Policy AL/CRS 2 Land south of Corn Hall, Crane Valley, Cranbrook ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.6
Files	<a href="#">DHA Planning for Countryside Properties-full representation AL-CRS2.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/CRS 2 Land south of Corn Hall, Crane Valley, Cranbrook

[TWBC: the full representation attached has been divided between Vision and Strategic Objectives (PSLP\_2118), Policies STR1 (PSLP\_2121), AL/CRS2 (PSLP\_2127) and Development Management Policies (PSLP\_2128)

### 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 within Countryside Properties' control adjacent to the Crane Valley, Cranbrook which forms part of proposed allocation reference AL/CRS 2.

1.1.3 The site, combined with land proposed for allocation under AL/CRS 1, currently cover land that represents a single larger Local Plan allocation contained within the adopted Site Allocations Local Plan 2016 Policy AL/CR 4. These sites have traditionally always featured as a single allocation owing to the fact that access to the CR2 land is required through site CR1.

1.1.4 In respect of progress of the site to date; Persimmon Homes secured outline planning permission prior on the CR1 land prior to surrendering its option to another developer. Nonetheless, it is understood that a reserved matters application is in preparation for the CR1 land.

1.1.5 In the meantime, Countryside remains committed to bringing the CR2 site forward at the earliest available opportunity once a suitable access can be achieved via the CR1 land.

#### 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 comments 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 duty to cooperate, 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.

1.4.64 Policy AL/CRS 1 has regard to land at Brick Kiln Farm and states:

*[TWBC: PSLP Policy AL/CRS 1 has been duplicated here - see full representation attached].*

1.4.65 Policy AL/CRS 2 (land within our client's control) has regard to land south of Corn Hall, Crane Valley, Cranbrook and states:

*[TWBC: PSLP Policy AL/CRS 2 has been duplicated here - see full representation attached].*

1.4.66 Our client considered the proposed allocation to be deliverable and so we are supportive of the principle. However, we consider that the affordable housing requirement should mirror that of the CR1 land (i.e. 35% affordable) and in line with the established development plan allocation.

## **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. Furthermore, we support the continued allocation of our client's land in Cranbrook, albeit with some modification to the affordable housing requirement in line with the adopted allocation.

1.5.3 Finally, 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.**

1.4.66 Our client considered the proposed allocation to be deliverable and so we are supportive of the principle. However, we consider that the affordable housing requirement should mirror that of the CR1 land (i.e. 35% affordable) and in line with the established development plan allocation.

## **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\_153

### Comment

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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_2140
Response Date	26/05/21 16:30
Consultation Point	Policy STR/HA 1 The Strategy for Hawkhurst parish ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.7
Files	<a href="#">DHA Planning for Countryside Properties-full representation Hawkhurst.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 STR/HA 1 The Strategy for Hawkhurst parish

[TWBC: the full representation attached has been divided between Policy STR/HA1 (PSLP\_2140), Vision and Strategic Objectives (PSLP\_2145), Policy STR1 (PSLP\_2148) and Development Management Policies (PSLP\_2158)

### 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.**

#### 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 adjacent to Countryside Properties' existing site on Highgate Hill, which is now complete following a successful permission allowed at appeal in 2015. Countryside is promoting this additional land as a logical 'phase 2' (SHELAA Site 86) residential redevelopment to mirror the quality of the established scheme.

1.1.3 Based on the current national and local planning context, we consider this additional site to be suitable for development and we consider there to be 'exceptional circumstances' to release this additional land within the High Weald Area of Outstanding Natural Beauty ('AONB'). As a consequence we object to its omission,

#### 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 comments on the plan having regard to these tests of soundness as well as wider legal compliance.

### **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, and having regard to the duty to cooperate, there is grave concern in respect of the degree of cross boundary working and the extent to which Tunbridge Wells Borough has genuinely sought to assist with unmet housing need arising from neighbouring authorities. Indeed, the Sevenoaks, Tonbridge and Malling and Wealden Local Plans have all recently failed to pass through independent examination because of inadequate efforts to work collectively. Given these failures, it is difficult to conclude that Tunbridge Wells Borough Council should be absolved of similar criticisms.

1.3.4 Indeed, within the Duty to Cooperate Topic Paper the Council confirms that it relies upon the Statements of Common Ground (SOCG) agreed with Sevenoaks DC in May 2019, yet this agreement was deemed inadequate for Sevenoaks to have properly discharged its duty to cooperate. It was seen as too little too late.

1.3.5 The topic paper then states that an updated SoCG between TWBC and SDC is currently being prepared, but is delayed due to ongoing legal action by SDC following an adverse decision by the High Court (note this was Court of Appeal) in relation to its own Local Plan. That Court of Appeal judgement has now been handed down and reinforces the failure to discharge the duty.

1.3.6 Having regard to the above, 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.

1.3.7 In any event, the deletion of a vast number of suitable sites at the Regulation 19 stage would suggest that there are opportunities to meet the needs of the adjacent and potentially more constrained neighbours and that this is a matter that should be address via the plan making process, collectively with the West Kent neighbouring authorities, rather than Tunbridge Wells proceeding ahead in isolation.

### **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***

1.4.83 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.

1.4.84 Policy STR/HA1 sets the proposed strategy for Hawkhurst and states that Approximately 161 to 170 net new dwellings will be allocated for the village. This represents a substantial reduction on the 681-731 new dwellings that were proposed to be delivered across seven sites as part of the Regulation 18 plan.

*[TWBC: for Extract of proposed proposal map for Hawkhurst see full representation attached].*

1.4.85 Whilst some provision is made for the sensitive enlargement of Hawkshurst, we do not think the plan has gone far enough and given the sustainability credentials of the settlement. Indeed, we consider that Hawkhurst could and should accommodate more than the 2.75% of growth that has been assigned to it.

1.4.86 We draw this conclusion because Hawkhurst falls within the third tier of the settlement hierarchy, and is defined as a Rural Service Centre within policy ED8. It is a highly substantial village with a range of basic services and a population of approximately 4,400 and therefore further growth will help maintain existing rural services and would promote an improved offer.

1.4.87 Countryside also has concerns about the nature and deliverability of some of the sites that have been proposed for inclusion at the expense of their land. For example, during the course of the public inquiry for the Phase 1 development, the landscape visual impact of development on the south western edge of the village was fully debated and tested, with the Inspector ultimately accepting the case of the Council. Landscape impact is not therefore a reasonable basis not to allocate the land.

1.4.88 It is our view that the failure to adequately plan for the needs of residents, including those that would like to live in the village but do not have adequate access to properties in Hawkhurst, must be addressed and this represents a further example of not providing the right homes in the right locations. Simply put, the residents that want to live in Hawkhurst do not want to be decanted to wait a decade for Tudeley Village or to be decanted to the outskirts of Paddock Wood.

1.4.89 Based on the above context, the place shaping aspects of the strategy are unsound and require modification, including the redistribution of housing proposed at Tudeley to genuinely deliverable sites like our client's land at Hawkhurst.

1.4.90 The SHELAA's basis for rejecting the inclusion of Site 86 is extremely limited, with the only justification being that 'there is significant concern about landscape impact and the settlement pattern'.

1.4.91 However, the SHELAA is not a policy document and instead should be a 'policy of' technical assessment of site availability. For this reason, the site should be identified as being suitable, available and achievable given it is in the control of a developer and has no overriding constraints. Furthermore, on the basis that TWBC's SHELAA appears to only find sites suitable for development where they are then allocated, this means it is not a robust and reliable piece of evidence base upon which sound decisions can be reached.

1.4.92 Furthermore, Countryside has prepared and previously presented to the Council a detailed Landscape Visual Assessment (LVA) which identifies there is capacity for residential development within the Site.

1.4.93 From a wider perspective, Site 86 represents a sustainable alternative allocation option. It falls within 400 metres walk from the commercial centre of the village and immediately abuts a site where 62 new homes have been delivered by Countryside .

1.4.94 The land is irregular in shape and comprises two agricultural fields enclosed by a central division of tree and hedge planting.

1.4.95 To the north, the site is bound by existing residential development along the Cul de Sac 'Theobolds' and an area of mature trees.

1.4.96 To the east the site abuts Countryside existing development site (known as Phase 1), which provides an opportunity for a direct linkage to Highgate Hill.

1.4.97 To the south, the land is surrounded by open agricultural land, with sporadic residential development along Hensil Lane to the southwest and the playing fields associated with Marlborough House School to the west.

1.4.98 In respect of the local surroundings, the local primary school is approximately 800 metres walk distance via Rye Road, and the commercial centre gives access to a range of facilities, services and amenities, including Waitrose and Tesco food stores that would provide future residents with an outlet for the weekly shop.

1.4.99 With respect to public transport, the nearest bus stops are positioned adjacent to the Phase 1 site access on Highgate Hill. These provide at least one school service, plus two services to Hastings, the highest frequency of which is hourly Monday to Saturday with four services on a Sunday. A further service to Tunbridge Wells runs hourly from the High Street.

1.4.100 With the above in mind, the site is sustainably located and provides a logical location for new housing in Hawkhurst and is promoted by a developer with a strong track record of delivering in the area.

## 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 object to the exclusion of our client's land at Highgate Hill, Hawkhurst (Site 86) which is unsubstantiated by evidence. Furthermore, we object to the limited growth promoted around Hawkhurst.

1.5.3 Furthermore, we consider that the Local Plan strategy 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.

1.5.4 In our view, further small to medium sites are needed to remedy these matters or soundness and such additional sites should be directed to sustainable locations such as Hawkhurst.

## Question 6

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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 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.**

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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)?**

## Supporting Information File Ref No: SI\_157

### Comment

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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

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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.**

##### 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 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

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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

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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)?**

## Supporting Information File Ref No: SI\_157

### Comment

Agent	Mr Jonathan Buckwell ([REDACTED])
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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

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#### 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:

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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.

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Event Name	Pre-Submission Local Plan
Comment by	Countryside Properties ( [REDACTED] )
Comment ID	PSLP_2268
Response Date	02/06/21 11:41
Consultation Point	Section 6: Development Management Policies ( <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 3a

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Section 6: Development Management Policies

*[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)]*

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**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:**

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

### **1.3 Legal Compliance**

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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.

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### **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.

#### **Development Management Policies**

1.4.72 In addition to our comments on the strategy, we have reviewed the proposed replacement development management policies as set out in chapter 6 of the document.

1.4.73 In general terms, we would refer back to paragraph 15 of the NPPF that promotes succinct and up-to-date plans, which provide a positive vision.

1.4.74 As a general comment, there are large numbers of policies that effectively seek to provide a localised policy approach that mirrors the NPPF. For example, good design, protection of heritage assets etc. Not only are these policies repetitive, but many are of such prescriptive detail that they are neither positively prepared nor flexible enough to allow for a range of different circumstances. Furthermore, many aspirations result in inevitable conflict. On this basis, we would recommend that the majority of proposed policies are deleted where they offer nothing beyond the guidance already contained in the NPPF. This will also avoid the plan being quickly rendered out of date in the event of a change to the NPPF.

1.4.75 Turning to detailed policies, there are a number of contradictory elements that need to be remedied. For example, policy EN1 seeks to ensure development must respect the established character and surrounding form. However, policy EN3 places significant emphasis on measures to radically reduce greenhouse gas emissions.

1.4.76 The provision of a step change towards more sustainable construction and climate change is, inevitably going to result in a need for a change in attitude towards design, material and construction. Accordingly, a cohesive policy approach is needed that allows innovative and different design if supported on wider environmental and planning grounds. As drafted the policies fail to be succinct and instead are overly prescriptive.

1.4.77 A number of policies also seek to provide guidance rather than policy. For example, policy EN4 seeks to clarify what information is needed in order to assess a heritage proposal. This level of information is already established via the NPPF and should instead feature within a support SPD not policy.

1.4.78 Turning to housing policies, policy H2 states that development should make efficient use of land, having full regard to the context of the site, including its character, landscape setting, topography, surrounding built form, and access to infrastructure and services.

1.4.79 In our view, this policy adds nothing beyond the advice contained in the NPPF and therefore adds little. It also goes against the principle of preparing succinct Local Plans.

1.4.80 Policy H3 sets out affordable housing requirements. Whilst we support the general thrust of the objectives and the securing of affordable provision, we object to the rounding up of the calculations and contributions being based on a net rather than gross number of units. For small scale proposals this will often see the proposed percentage increase to closer to 45% and 35% respectively. Such thresholds would therefore need to be tested and justified by evidence. A pragmatic approach would be to apply traditional rounding up or down.

1.4.81 The phasing of affordable provision also needs to be sufficiently flexible so as to not prohibit wider delivery. In this regard, we consider that entering into contract with a registered affordable provider ahead of the 50% occupation should provide the certainty of delivery, but without risking a wider delay in market delivery. The timing of affordable delivery should also be dictated by scale, size and type of site.

1.4.82 The Council will be aware of wider country wide discussions regarding the viability of providing social rented accommodation as part of a wider offer. Such provision is becoming increasingly difficult and without robust policy in place that addresses this matter, this matter is likely to significantly slow delivery.

1.4.83 In summary, whilst this overview is not exhaustive, we do have concerns about the nature of the proposed policy framework and the degree to which it appears to be trying to limit and frustrate development. Accordingly, in the interests of positive planning, we recommend that the policy framework is simplified and refined and subject to further detailed consultation and focussed on planning matters.

## **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**

**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\_155

### Comment

Agent	Matthew Porter ( [REDACTED] )
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Event Name	Pre-Submission Local Plan
Comment by	Countryside Properties ( - [REDACTED] )
Comment ID	PSLP_2163
Response Date	03/06/21 11:02
Consultation Point	Section 6: Development Management Policies ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.3
Files	<a href="#">DHA Planning for Countryside Properties-full representation STR-SS1.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.**

Section 6: Development Management Policies

*[TWBC: the full representation attached has been divided between Policy STR/SS1 (PSLP\_2160), Vision and Strategic Objectives (PSLP\_2161), Policy STR1 (PSLP\_2162) and Development Management Policies (PSLP\_2163)]*

**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 and Context**

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 Church Farm, Church Road that forms part of the strategic expansion of Paddock Wood (STR/SS1).

1.1.3 The site is allocated in the current Local Plan (Site Allocations Local Plan 2016, AL/PW3A) and is within the 'Limits of Built Development'.

1.1.4 Outline planning permission for 300 dwellings and a new country park, together with associated highways, landscaping, allotments, flood mitigation works including attenuation basins and open space was granted by Tunbridge Wells Borough Council (TWBC) in February 2018 for (reference: 14/504140/HYBRID).

1.1.5 A Reserved Matters application (reference: 19/03655/REM) for the full 300 dwellings was approved by TWBC in July 2020 on part of the site. This approved the full 300 dwellings, but on only part of the developable area. The consented 300 unit development has recently been implemented and is underway.

1.1.6 As part of the overall masterplanning and detailed design process, the reserved matters application identified that an increase in residential density across parts of the site was appropriate, and as such identified a future area of potential additional development within the scheme for a later stage. As such, there is the opportunity to make efficient use of the land available and utilise it to provide further residential development without a reduction in the overall country open space provision and within the area originally envisaged for residential development.

1.1.7 Following pre application advice discussions with TWBC and due to changes resulting from recent planning case law, it is no longer permissible to seek to vary the description of a planning permission through a Section 73 application. Therefore, Countryside Properties have submitted a standalone detailed planning application for the construction of a further 60 dwellings on the site known as phase 2.

1.1.8 Whilst this application has the potential to overtake the Local Plan process, this representation is submitted in parallel to demonstrate that the land as a whole is Countryside.

1.1.9 Based on the current national and local planning context, we consider this site to be suitable for such additional development.

## **1.2 Local Plan 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 comments on the plan having regard to these tests of soundness as well as wider legal compliance.

## **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, and having regard to the duty to cooperate, there is concern in respect of the degree of cross boundary working and the extent to which Tunbridge Wells Borough has genuinely sought to assist with unmet housing need arising from neighbouring authorities. In this context, and owing to such concerns, it is essential that consented uses are maximised to their full potential.

## **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.

### **Development Management Policies**

1.4.78 In addition to our comments on the strategy, we have reviewed the proposed replacement development management policies as set out in chapter 6 of the document.

1.4.79 In general terms, we would refer back to paragraph 15 of the NPPF that promotes succinct and up-to-date plans, which provide a positive vision.

1.4.80 As a general comment, there are large numbers of policies that effectively seek to provide a localised policy approach that mirrors the NPPF. For example, good design, protection of heritage assets etc. Not only are these policies repetitive, but many are of such prescriptive detail that they are neither positively prepared nor flexible enough to allow for a range of different circumstances. Furthermore, many aspirations result in inevitable conflict. On this basis, we would recommend that the majority of proposed policies are deleted where they offer nothing beyond the guidance already contained in the NPPF. This will also avoid the plan being quickly rendered out of date in the event of a change to the NPPF.

1.4.81 Turning to detailed policies, there are a number of contradictory elements that need to be remedied. For example, policy EN1 seeks to ensure development must respect the established character and surrounding form. However, policy EN3 places significant emphasis on measures to radically reduce greenhouse gas emissions.

1.4.82 The provision of a step change towards more sustainable construction and climate change is, inevitably going to result in a need for a change in attitude towards design, material and construction. Accordingly, a cohesive policy approach is needed that allows innovative and different design if supported on wider environmental and planning grounds. As drafted the policies fail to be succinct and instead are overly prescriptive.

1.4.83 A number of policies also seek to provide guidance rather than policy. For example, policy EN4 seeks to clarify what information is needed in order to assess a heritage proposal. This level of information is already established via the NPPF and should instead feature within a support SPD not policy.

1.4.84 Turning to housing policies, policy H2 states that development should make efficient use of land, having full regard to the context of the site, including its character, landscape setting, topography, surrounding built form, and access to infrastructure and services.

1.4.85 In our view, this policy adds nothing beyond the advice contained in the NPPF and therefore adds little. It also goes against the principle of preparing succinct Local Plans.

1.4.86 Policy H3 sets out affordable housing requirements. Whilst we support the general thrust of the objectives and the securing of affordable provision, we object to the rounding up of the calculations and contributions being based on a net rather than gross number of units. For small scale proposals this will often see the proposed percentage increase to closer to 45% and 35% respectively. Such thresholds would therefore need to be tested and justified by evidence. A pragmatic approach would be to apply traditional rounding up or down.

1.4.87 The phasing of affordable provision also needs to be sufficiently flexible so as to not prohibit wider delivery. In this regard, we consider that entering into contract with a registered affordable provider ahead of the 50% occupation should provide the certainty of delivery, but without risking a wider delay in market delivery. The timing of affordable delivery should also be dictated by scale, size and type of site.

1.4.88 The Council will be aware of wider country wide discussions regarding the viability of providing social rented accommodation as part of a wider offer. Such provision is becoming increasingly difficult and without robust policy in place that addresses this matter, this matter is likely to significantly slow delivery.

1.4.89 In summary, whilst this overview is not exhaustive, we do have concerns about the nature of the proposed policy framework and the degree to which it appears to be trying to limit and frustrate development. Accordingly, in the interests of positive planning, we recommend that the policy framework is simplified and refined and subject to further detailed consultation and focussed on planning matters.

### **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 relies heavily on the delivery of Tudeley Village and the overly optimistic projections to the delivery of housing proposed.

1.5.3 We fully support the proposed expansion of Paddock Wood to create a balanced mix of housing and employment development, but we require amendments to the policy wording for policy STR/SS1 and to Map 28 to make it clearer that Church Farm is a consented and implemented site and that the Phase 2 element is distinct from the wider STR/SS1 Eastern Parcel (being the areas which outside of the current Limits of Built Development). The Plan should reflect the potential for the Church Farm Phase 2 element to be delivered in advance of the other parts of the Eastern Parcel in a form that reflects its physical position contained within a consented and implemented development. This could be achieved by means of a separate site allocation policy for Church Farm Phase 2 and amendments to the Policies Map and Map 28.

1.5.4 We also object to the detail of some of the development management policies as set out above, which we are concerned unnecessarily replicate the NPPF, whilst providing detail which could have the unwanted side effect of unnecessarily limiting and frustrating beneficial development.

## **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\_150

### Comment

Agent	Mr David Bedford ( [REDACTED] )
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Consultee	( [REDACTED] )
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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_2128
Response Date	26/05/21 16:30
Consultation Point	Section 6: Development Management Policies ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.4
Files	<a href="#">DHA Planning for Countryside Properties-full representation AL-CRS2.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.

Section 6: Development Management Policies

[TWBC: the full representation attached has been divided between Vision and Strategic Objectives (PSLP\_2118), Policies STR1 (PSLP\_2121), AL/CRS2 (PSLP\_2127) and Development Management Policies (PSLP\_2128)

### 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 within Countryside Properties' control adjacent to the Crane Valley, Cranbrook which forms part of proposed allocation reference AL/CRS 2.

1.1.3 The site, combined with land proposed for allocation under AL/CRS 1, currently cover land that represents a single larger Local Plan allocation contained within the adopted Site Allocations Local Plan 2016 Policy AL/CR 4. These sites have traditionally always featured as a single allocation owing to the fact that access to the CR2 land is required through site CR1.

1.1.4 In respect of progress of the site to date; Persimmon Homes secured outline planning permission prior on the CR1 land prior to surrendering its option to another developer. Nonetheless, it is understood that a reserved matters application is in preparation for the CR1 land.

1.1.5 In the meantime, Countryside remains committed to bringing the CR2 site forward at the earliest available opportunity once a suitable access can be achieved via the CR1 land.

#### 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 comments 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 duty to cooperate, 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.

#### ***Development Management Policies***

1.4.67 In addition to our comments on the strategy, we have reviewed the proposed replacement development management policies as set out in chapter 6 of the document.

1.4.68 In general terms, we would refer back to paragraph 15 of the NPPF that promotes succinct and up-to-date plans, which provide a positive vision.

1.4.69 As a general comment, there are large numbers of policies that effectively seek to provide a localised policy approach that mirrors the NPPF. For example, good design, protection of heritage assets etc. Not only are these policies repetitive, but many are of such prescriptive detail that they are neither positively prepared nor flexible enough to allow for a range of different circumstances. Furthermore, many aspirations result in inevitable conflict. On this basis, we would recommend that the majority of proposed policies are deleted where they offer nothing beyond quickly rendered out of date in the event of a change to the NPPF.

1.4.70 Turning to detailed policies, there are a number of contradictory elements that need to be remedied. For example, policy EN1 seeks to ensure development must respect the established character

and surrounding form. However, policy EN3 places significant emphasis on measures to radically reduce greenhouse gas emissions.

1.4.71 The provision of a step change towards more sustainable construction and climate change is, inevitably going to result in a need for a change in attitude towards design, material and construction. Accordingly, a cohesive policy approach is needed that allows innovative and different design if supported on wider environmental and planning grounds. As drafted the policies fail to be succinct and instead are overly prescriptive.

1.4.72 A number of policies also seek to provide guidance rather than policy. For example, policy EN4 seeks to clarify what information is needed in order to assess a heritage proposal. This level of information is already established via the NPPF and should instead feature within a support SPD not policy.

1.4.73 Turning to housing policies, policy H2 states that development should make efficient use of land, having full regard to the context of the site, including its character, landscape setting, topography, surrounding built form, and access to infrastructure and services.

1.4.74 In our view, this policy adds nothing beyond the advice contained in the NPPF and therefore adds little. It also goes against the principle of preparing succinct Local Plans.

1.4.75 Policy H3 sets out affordable housing requirements. Whilst we support the general thrust of the objectives and the securing of affordable provision, we object to the rounding up of the calculations and contributions being based on a net rather than gross number of units. For small scale proposals this will often see the proposed percentage increase to closer to 45% and 35% respectively. Such thresholds would therefore need to be tested and justified by evidence. A pragmatic approach would be to apply traditional rounding up or down.

1.4.76 The phasing of affordable provision also needs to be sufficiently flexible so as to not prohibit wider delivery. In this regard, we consider that entering into contract with a registered affordable provider ahead of the 50% occupation should provide the certainty of delivery, but without risking a wider delay in market delivery. The timing of affordable delivery should also be dictated by scale, size and type of site.

1.4.77 The Council will be aware of wider country wide discussions regarding the viability of providing social rented accommodation as part of a wider offer. Such provision is becoming increasingly difficult and without robust policy in place that addresses this matter, this matter is likely to significantly slow delivery.

1.4.78 In summary, whilst this overview is not exhaustive, we do have concerns about the nature of the proposed policy framework and the degree to which it appears to be trying to limit and frustrate development. Accordingly, in the interests of positive planning, we recommend that the policy framework is simplified and refined and subject to further detailed consultation and focussed on planning matters.

## **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. Furthermore, we support the continued allocation of our client's land in Cranbrook, albeit with some modification to the affordable housing requirement in line with the adopted allocation.

1.5.3 Finally, 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**



**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\_153

### Comment

Agent	Mr David Bedford ([REDACTED])
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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_2158
Response Date	26/05/21 16:30
Consultation Point	Section 6: Development Management Policies ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.3
Files	<a href="#">DHA Planning for Countryside Properties-full representation Hawkhurst.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.

Section 6: Development Management Policies

[TWBC: the full representation attached has been divided between Policy STR/HA1 (PSLP\_2140), Vision and Strategic Objectives (PSLP\_2145), Policy STR1 (PSLP\_2148) and Development Management Policies (PSLP\_2158)

### 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 adjacent to Countryside Properties' existing site on Highgate Hill, which is now complete following a successful permission allowed at appeal in 2015. Countryside is promoting this additional land as a logical 'phase 2' (SHELAA Site 86) residential redevelopment to mirror the quality of the established scheme.

1.1.3 Based on the current national and local planning context, we consider this additional site to be suitable for development and we consider there to be 'exceptional circumstances' to release this additional land within the High Weald Area of Outstanding Natural Beauty ('AONB'). As a consequence we object to its omission,

#### 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 comments on the plan having regard to these tests of soundness as well as wider legal compliance.

### **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, and having regard to the duty to cooperate, there is grave concern in respect of the degree of cross boundary working and the extent to which Tunbridge Wells Borough has genuinely sought to assist with unmet housing need arising from neighbouring authorities. Indeed, the Sevenoaks, Tonbridge and Malling and Wealden Local Plans have all recently failed to pass through independent examination because of inadequate efforts to work collectively. Given these failures, it is difficult to conclude that Tunbridge Wells Borough Council should be absolved of similar criticisms.

1.3.4 Indeed, within the Duty to Cooperate Topic Paper the Council confirms that it relies upon the Statements of Common Ground (SOCG) agreed with Sevenoaks DC in May 2019, yet this agreement was deemed inadequate for Sevenoaks to have properly discharged its duty to cooperate. It was seen as too little too late.

1.3.5 The topic paper then states that an updated SoCG between TWBC and SDC is currently being prepared, but is delayed due to ongoing legal action by SDC following an adverse decision by the High Court (note this was Court of Appeal) in relation to its own Local Plan. That Court of Appeal judgement has now been handed down and reinforces the failure to discharge the duty.

1.3.6 Having regard to the above, 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.

1.3.7 In any event, the deletion of a vast number of suitable sites at the Regulation 19 stage would suggest that there are opportunities to meet the needs of the adjacent and potentially more constrained neighbours and that this is a matter that should be address via the plan making process, collectively with the West Kent neighbouring authorities, rather than Tunbridge Wells proceeding ahead in isolation.

### **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.

### **Development Management Policies**

1.4.101 In addition to our comments on the strategy, we have reviewed the proposed replacement development management policies as set out in chapter 6 of the document.

1.4.102 In general terms, we would refer back to paragraph 15 of the NPPF that promotes succinct and up-to-date plans, which provide a positive vision.

1.4.103 As a general comment, there are large numbers of policies that effectively seek to provide a localised policy approach that mirrors the NPPF. For example, good design, protection of heritage assets etc. Not only are these policies repetitive, but many are of such prescriptive detail that they are neither positively prepared nor flexible enough to allow for a range of different circumstances. Furthermore, many aspirations result in inevitable conflict. On this basis, we would recommend that the majority of proposed policies are deleted where they offer nothing beyond the guidance already contained in the NPPF. This will also avoid the plan being quickly rendered out of date in the event of a change to the NPPF.

1.4.104 Turning to detailed policies, there are a number of contradictory elements that need to be remedied. For example, policy EN1 seeks to ensure development must respect the established character and surrounding form. However, policy EN3 places significant emphasis on measures to radically reduce greenhouse gas emissions.

1.4.105 The provision of a step change towards more sustainable construction and climate change is, inevitably going to result in a need for a change in attitude towards design, material and construction. Accordingly, a cohesive policy approach is needed that allows innovative and different design if supported on wider environmental and planning grounds. As drafted the policies fail to be succinct and instead are overly prescriptive.

1.4.106 A number of policies also seek to provide guidance rather than policy. For example, policy EN4 seeks to clarify what information is needed in order to assess a heritage proposal. This level of information is already established via the NPPF and should instead feature within a support SPD not policy.

1.4.107 Turning to housing policies, policy H2 states that development should make efficient use of land, having full regard to the context of the site, including its character, landscape setting, topography, surrounding built form, and access to infrastructure and services.

1.4.108 In our view, this policy adds nothing beyond the advice contained in the NPPF and therefore adds little. It also goes against the principle of preparing succinct Local Plans.

1.4.109 Policy H3 sets out affordable housing requirements. Whilst we support the general thrust of the objectives and the securing of affordable provision, we object to the rounding up of the calculations and contributions being based on a net rather than gross number of units. For small scale proposals this will often see the proposed percentage increase to closer to 45% and 35% respectively. Such thresholds would therefore need to be tested and justified by evidence. A pragmatic approach would be to apply traditional rounding up or down.

1.4.110 The phasing of affordable provision also needs to be sufficiently flexible so as to not prohibit wider delivery. In this regard, we consider that entering into contract with a registered affordable provider ahead of the 50% occupation should provide the certainty of delivery, but without risking a wider delay in market delivery. The timing of affordable delivery should also be dictated by scale, size and type of site.

1.4.111 The Council will be aware of wider country wide discussions regarding the viability of providing social rented accommodation as part of a wider offer. Such provision is becoming increasingly difficult and without robust policy in place that addresses this matter, this matter is likely to significantly slow delivery.

1.4.112 In summary, whilst this overview is not exhaustive, we do have concerns about the nature of the proposed policy framework and the degree to which it appears to be trying to limit and frustrate development. Accordingly, in the interests of positive planning, we recommend that the policy framework is simplified and refined and subject to further detailed consultation and focussed on planning matters.

### **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 object to the exclusion of our client's land at Highgate Hill, Hawkhurst (Site 86) which is unsubstantiated by evidence. Furthermore, we object to the limited growth promoted around Hawkhurst.

1.5.3 Furthermore, we consider that the Local Plan strategy 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.

1.5.4 In our view, further small to medium sites are needed to remedy these matters or soundness and such additional sites should be directed to sustainable locations such as Hawkhurst.

#### **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	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_460
Response Date	27/05/21 09:54
Consultation Point	Vision and Strategic Objectives 1 Vision ( <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.	
Vision and Strategic Objectives 1	
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

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

### Question 5

*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.*

Agricultural land has a vital role to play in feeding the nation, absorbing carbon and preserving biodiversity, including the biodiversity in soils. Once it is built over the soil biodiversity is lost. Therefore,



to minimise land take, it is essential that density of developments on green field sites is as high as reasonably possible.

CPRE Kent objects to the allocation of land for a new garden settlement at Tudeley, when density could be increased on other allocated sites in more sustainable locations.

Please note: All responses to this Regulation 19 consultation have been prepared jointly by CPRE Kent and by the Tunbridge Wells District Committee of CPRE Kent. For brevity, our comments are expressed as being from 'CPRE Kent' throughout.

The plan is considered to be unsound because it is not justified and is not consistent with national policy.

CPRE Kent would wish to participate at the examination hearings to explore this issue further.

## 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 the Council's development strategy.

## 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_461
Response Date	27/05/21 09:58
Consultation Point	Vision and Strategic Objectives 2 Strategic Objectives ( <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.	
Vision and Objectives 2	
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.**

CPRE, the countryside charity was formed in 1926. It is a registered charity and one of the longest established and most respected environmental groups in England, with over 40,000 members and supporters living in our cities, towns, villages and the countryside. CPRE Kent is the largest of the CPRE County branches with over 2,300 members, including 150 parish councils, civic societies and other Kent organisations and companies.

Our vision is of a beautiful and thriving countryside that enriches all our lives, and our mission is to promote, enhance and protect that countryside.

We believe that the planning system is a toolbox for achieving better – for people, nature and the economy – while supporting the delivery of more badly-needed homes to end the housing crisis.

In general, CPRE Kent supports a development strategy which meets the following criteria:

- 1 brownfield first, especially in urban areas and not in rural areas if it would result in unsustainable patterns of development;
- 2 development should result in sustainable communities;
- 3 housing provision in rural areas where there is an identified local need and the scale of development is appropriate for the size of the settlement;

The plan should promote development in locations:

- . that are well supported by, or where it can reasonably be shown that they will be supported by, sustainable transport and active travel.
- . that are well served by regular public transport services and social and community facilities, that are in safe walking and cycling distance or would support, or result in, a sustainable settlement. Such routes should feel safe, be well-lit, especially for children and women who have to use them after dark. If they are not, cars will inevitably become the preferred mode of transport to the detriment of sustainability.

Overall, it is our position that the Council should seek to ensure that the impact of development on the countryside, both directly and indirectly, is kept to a minimum and that development is sustainable in accordance with national planning policy.

CPRE Kent considers that there are good reasons why the Tunbridge Wells Local Plan should not meet its housing requirement in full - reflecting the fact that 69% of the borough is designated AONB (and 22% is green belt).

CPRE Kent remains to be convinced that the Council has placed sufficient emphasis on increasing density within the towns or on insisting on high density development on green field sites. The result is that far too much AONB and green belt countryside (and agricultural land) is being allocated for development.

Agricultural land has a vital role to play in feeding the nation, absorbing carbon and preserving biodiversity, including the biodiversity in soils. Once it is built over the soil biodiversity is lost. Therefore, to minimise land take, it is essential that density of developments on green field sites is as high as reasonably possible.

CPRE Kent objects to the allocation of land for a new garden settlement at Tudeley, when density could be increased on other allocated sites in more sustainable locations.

Please note: All responses to this Regulation 19 consultation have been prepared jointly by CPRE Kent and by the Tunbridge Wells District Committee of CPRE Kent. For brevity, our comments are expressed as being from 'CPRE Kent' throughout.

The plan is considered to be unsound because it is not justified and is not consistent with national policy.

CPRE Kent would wish to participate at the examination hearings to explore this issue further.

## 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 the Council's development strategy.

## 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\_29

### 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_463
Response Date	27/05/21 10:19
Consultation Point	Policy STR 1 The Development Strategy ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.5
Files	<a href="#">Jenrick Gale letter 210421.pdf</a>
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.	
Policy STR1 The Deveelopment Strategy	
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.**

All responses to this Regulation 19 consultation have been prepared jointly by CPRE Kent and by the Tunbridge Wells District Committee of CPRE Kent. For brevity, our comments are expressed as being from 'CPRE Kent' throughout.

##### Moderation of scale of development

CPRE Kent considers there are good reasons why the Tunbridge Wells Local Plan should not meet its housing requirement in full – reflecting the constraints clearly shown on the key diagram, including the fact that 69% of the borough is designated AONB, 22% is Metropolitan Green Belt and there are areas of Ancient Woodland outside these protected landscape areas.

Additional constraints arise from the location of the flood plain, best and most versatile agricultural land, conservation areas and intrinsically dark skies. All of these factors limit the amount of land available for development in the borough, in accordance with the NPPF. Much of the borough consists of rural landscape, valued and designated as such and demonstrating a pattern of settlement and land use of great historical significance. The settings of the various settlements form part of their character and historic interest. The borough's duties under the NPPF, read as a whole, are not to destroy or damage these features, but to protect and enhance them.

Paragraph 172 of the NPPF requires great weight to be given to conserving and enhancing landscape and scenic beauty in AONBs.

Given that the High Weald AONB stretches across the whole length of the borough, not only should consideration be given to the impact of the development strategy on the AONB, but also the impact on the significant areas of land which lie within its setting.

Paragraph 133 of the NPPF confirms that the Government attaches great weight to the green belt.

In balancing the role the AONB and green belt have on the Council's development strategy, the NPPF at paragraph 3 states "the framework should be read as a whole (including its footnotes and annexes)."

Paragraph 11(b) expands on this by stating that strategic policies should provide for assessed needs unless:

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

This is explained in footnote 6 as policies relating to land designated as green belt, local green space, AONB, irreplaceable habitats, designated heritage assets and areas at risk of flooding.

Or "(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

If the delivery of housing was the sole objective of the NPPF then paragraphs 3 and 11(b) would have not been included. Thus, for these paragraphs to be meaningful they will need to be given due consideration.

CPRE Kent is of the view that the scale of development should be moderated, as set out in paragraph 4.40 of the plan.

The reason given for proposing a strategy that reflects that housing need should hold greater weight than any other consideration is that the need, in itself, would not be met.

This stance overlooks the key issue that it is accepted that need should be a starting point – balanced against the constraints of being a borough with significant green belt and AONB coverage (as stated in paragraph 11(b) footnote 6 of the NPPF).

The Secretary of State for Housing Communities and Local Government confirmed this view in his letter to Roger Gale MP on 21 April (attached), stating in his last paragraph: “I would emphasise that the **standard method is only the starting point for local authorities in identifying the housing need** in a local area. Local housing need does not set a target for the number of homes to be built – local authorities take into account land supply considerations and environmental constraints before determining the number of homes likely to be delivered in the area. **This recognizes that not everywhere will be able to meet their housing need in full.**” [CPRE Kent emphasis]

This position is further confirmed on the MHCLG blog post (25 May 2021) which states:

“That's not how they work –**the numbers mentioned are a starting point for local councils to help them understand how much housing is needed in their area and are not legally binding.** Put simply, it is a measure of an area's housing need, against which councils must then consider their local circumstances and supply pipeline. Councils draw up a local housing target, taking into account factors including land availability and environmental constraints such as Green Belt.

**Protecting the Green Belt is a priority** and our national planning policy reinforces regenerating previously developed land, known as brownfield sites, and prioritising urban areas. The uplift in local housing needed within our biggest cities and urban centres in England will direct homes to where they are better served by infrastructure, and therefore protect our countryside. It also supports our wider objectives of regenerating brownfield sites, renewal, and levelling up.” [CPRE Kent emphasis in bold]

[see weblink](#)

CPRE Kent considers that the borough does not have the capacity to meet its housing targets without significant harm to the green belt and AONB and other characteristics of the borough protected by, or worthy of protection under, the planning system.

#### Housing delivery

CPRE Kent has concerns about the number of dwellings proposed in the local plan and how these new homes will be delivered.

The target of 686 dwellings per annum is more than double the 338 dwellings per annum which have been built on average in the borough over the last ten years. Only twice in the last 20 years have more than 686 dwellings per year been built (2006/07 and 2007/08)[1].

This discrepancy between the borough's OAN and any reasonable estimate of future household formation or housebuilding capacity is hardly surprising, since the standard methodology for calculating OAN no longer lays claim to being an estimate of local need, based on up-to-date data.

The Government's published justification for the methodology is as follows. The 2014-based household projections are used within the standard method to provide stability for planning authorities and communities, ensure that historic under-delivery and declining affordability are reflected, and to be consistent with the Government's objective of significantly boosting the supply of homes.

Leaving to one side the question of whether this represents a legally sound basis for the policy - on which we reserve our position - we would suggest that the artificial and unrealistic nature of the OAN should only add relative countervailing weight to the clear and unambiguous duties of the Council to protect the AONB, green belt, irreplaceable habitats, best and most versatile agricultural land and conservation areas in the borough, and avoid inappropriate development in areas of flood risk.

#### Housing density

In addition, CPRE Kent is firmly of the view that green field development should be the last option and that brownfield sites should be developed first. All development, whether it be on sustainably located brownfield sites, or on green fields should be built at higher than low suburban development densities of 30dph, so that green field land take is kept to an absolute minimum.

In this respect, it is difficult to understand how the Council's stated aims of optimising density (to minimise loss of green fields) has been applied across the proposed allocations. Will schemes be built out at low, medium or high density in the interests of minimising green belt release?

The highest density possible should be used to reflect the nature of local character areas and local housing need requirements.

Paragraph 3.28 of the SHELAA states: *"A more refined density calculation has been used at a later stage in plan making to inform site allocation policies. This will take full account of the context of each site and its opportunities and constraints, such as location, surrounding character and environment –but it's not clear what densities have actually been applied."*

The Brownfield and Urban Topic Paper (January 2021) makes reference to use of an indicative density of 45dph (compared to the 30dph in the SHELAA), which is little more than suburban density levels. If the density of brownfield and urban land is being optimised to what amounts to very low levels of development, the question arises about what happens in the case of green field allocations – and the implications for resultant yields and the provision of affordable housing and support to active travel and public transport.

The Strategic Sites Masterplanning and Infrastructure Study report (February 2021) refers to the opportunity to provide a higher density of development around the settlement centre at Tudeley, with lower density development at the edges to respect rural character. At paragraph 5.63 it is noted that average density would be between 35-38dph for the urban extension at Paddock Wood. These densities are very low and fall below the expectations set out in the draft National Design Code.

The CPRE report Space to Breathe see web link (October 2019) demonstrates that where green belt is being developed it's providing executive housing, without affordable homes and is failing to make the best use of land – with densities at just 14dph, which is far below that needed to support sustainable communities.

Further research undertaken by CPRE and Place Alliance (A housing design audit for England, 2020) see web link concludes that housing schemes performed more poorly with distance from the urban core and with reduced density. The additional constraints imposed by stronger pre-existing urban context, were considered to encourage a more sensitive design response. Building at low density and on green fields is not being done well in terms of design quality. The most successful schemes (as audited in the study of 142 developments) were those at 56dph – which is almost double the national average of 31dph.

The National Design Codes consultation (January 2021) states that density is an essential component of an effective design code. Building at 20-40dph is noted as representing development in outer suburbs; suburban development is pegged at 40-60dph and urban neighbourhoods at 50-120dph.

Setting aside these issues of general principle CPRE Kent is concerned that approximately half of the land to be allocated for homes is concentrated across two strategic allocations. If delivery at either of these sites stalls, housing need will not be met as predicted in the Council's housing trajectory.

#### Distribution of development

It would be helpful to understand the distribution of development in terms of its relationship to the Council's settlement hierarchy to ensure that development is being planned in the most sustainable locations across the borough.

Table 4 (distribution of housing allocations) does not clearly set out the balance of housing growth in relation to the most sustainable locations across the borough.

Parishes/settlements below the main urban areas of Royal Tunbridge Wells, Southborough and Paddock Wood are listed in alphabetical order. There is no reference to how the number of homes allocated relates to settlement role or function, or to the settlement hierarchy.

Confusingly, the Settlement Role and Function Study (February 2021) provides settlement groupings in tiers (a)-(g), whereas policy ED8 refers to settlements by type: town, rural service and neighbourhood



centres and villages. As such, it is difficult to understand the development strategy in terms of the sustainability of the borough's settlements. Is development being directed to the right places?

#### Exceptional circumstances

With 5.71% of green belt in the borough being released for development, CPRE Kent is concerned that the Council does not intend to designate additional land as replacement.

The Council has set out in its Development Strategy Topic Paper (February 2021) the exceptional circumstances for releasing green belt, which can be summarised as follows (see paragraph 6.183):

- . heavily constrained borough – green belt/AONB
- . growth in sustainable parts of the borough will impact on green belt and/or AONB
- . development requirements are higher than previous local plans – housing requirement is more than double that required in the 2010 Core Strategy

The Council state that without release of green belt identified development need cannot be met.

The fallacy in accepting such matters as constituting 'exceptional circumstances' is they have the consequence that, the greater the proportion of a district that comprises protected areas, the weaker their protection under the planning system. The correct conclusion under the NPPF, is that the greater the proportion of a district that consists of protected areas, the less scope there is for development in that district. As confirmed by Robert Jenrick on 21 April 2021 (see above) and in the MHCLG blog post of 25 May, housing need/the standard method, is the *starting point*.

CPRE Kent considers that there are good reasons why the Tunbridge Wells Local Plan should not meet its housing requirement in full - reflecting the fact that 69% of the borough is designated AONB (and 22% is green belt).

CPRE Kent remains to be convinced that the Council has placed sufficient emphasis on increasing density within the towns or on insisting on high density development on green field sites. The result is that far too much AONB and green belt countryside is being allocated for development.

#### AONB

With regard to the AONB, paragraph 172 of the NPPF states:

*"Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within these designated areas should be limited. 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".*

Planning Practice Guidance, 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. [CPRE Kent emphasis]*

Paragraph: 041 Reference ID: 8-041-20190721.

AONBs together with National Parks have the highest status of protection in relation to landscape and scenic beauty. For National Parks "the Government recognises that the Parks are not suitable locations for unrestricted housing and does not therefore provide general housing targets for them. The expectation is that new housing will be focused on meeting affordable housing requirements, supporting local employment opportunities and key services"[2].

This principle equally applies to AONBs - through paragraph 11(b)(ii) of the NPPF – which seeks to ensure that the scale and extent of development proposed does not harm the purposes for which these areas were nationally designated.

On this point the Glover Review (Landscapes Review 2019) sets out how important it is that the "needs and requirements of the local community will be met within the broader context of achieving sustainable development appropriate to these nationally important landscapes" and how AONBs "should not be

*the place for major intrusive development*” (pages 62/63). Building homes in the AONB isn’t ruled out completely, with the report acknowledging that “we need more homes in the countryside, including in national landscapes, but in small numbers, built beautifully and made affordable” (page 105).

The CPRE report *Beauty Still Betrayed* (April 2021) see web link highlights the threats to our AONBs as a result of unsuitable housing, particularly in the south east, with the High Weald AONB suffering the highest development of all. Evidence demonstrates that building within AONBs is taking place at low density (averaging 16dph) and doesn’t provide the affordable homes that rural communities need.

To ensure that these special landscapes are safeguarded and receive the highest levels of protection against development (in accordance with paragraph 11(b) footnote 6 of the NPPF), development of small scale affordable and social homes for local people should be prioritised.

### Employment

The spatial distribution of future housing and employment needs are not matched. This will result in unsustainable patterns of development as movement takes place between home and work.

The Plan indicates that there is 47ha of key employment areas in the Borough. The plan would increase this by 55%.

The plan (table 5) allocates 25.8ha employment land to ensure at least 14ha is developed. 13.4ha is allocated by the A21 and 11.2ha on two sites at Paddock Wood. There is no differentiation between the sites as they are all allocated for the same mix of use classes.

This raises questions. Such as whether all the allocated land will be developed and how it is phased. Will the Longfield Road allocation be developed first, and would this undermine demand for the Paddock Wood sites? Or vice versa? Or would allocations only be partially developed?

Distance travelled to work data (Census 2011) indicates for Paddock Wood that 30% of 16-74 year-olds in employment either travelled less than 5km to work or worked mainly at or from home. Additional employment land at Paddock Wood could provide opportunities for Paddock Wood residents to work closer to home – which is important from a sustainable travel point of view.

If the Paddock Wood allocations were not delivered, or there was limited development, this is likely to result in greater out-commuting. It would also mean Tudeley residents would have to commute further, rather than having the convenience of being able to work in Paddock Wood (which is nearer than Tunbridge Wells). It could very well increase traffic on the A228 between Paddock Wood and the Longfield Road allocation.

### Sustainability and climate change

The NPPF sets out at paragraph 7 that “the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.”

Footnote 4 to this paragraph refers to Resolution 42/187 of the United Nations General Assembly.

Paragraph 9 continues:

“So that sustainable development is pursued in a positive way, at the heart of the Framework is a **presumption in favour of sustainable development** (paragraph 11).”

Whilst 11(b) states:

“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<sup>5</sup>, unless:

- 1 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<sup>6</sup>, or
- 2 Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

Where footnote 5 states “As established through statements of common ground (see paragraph 27)” and footnote 6 “The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and /or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding

Natural Beauty: ...; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change.”

The NPPF at paragraph 149 requires plans to take a proactive approach to mitigation and adapting to climate change.

The Queen’s Speech (11 May 2021) to Parliament confirmed the Government’s commitment to achieving net-zero greenhouse gas emissions by 2050.

The foreword to the progress report to the Parliamentary Committee on Climate Change (July 2019) points out tougher targets do not in themselves reduce emissions – new plans must be drawn up to deliver them, that climate change will continue to warm in the short-term, and sea level will continue to rise and that we must plan for this reality[3].

The House of Commons Science and Technology Committee report[4] in its conclusions and recommendations encourages the Government “to develop and act on policies to ensure that the UK is on track to meet a 2050 net-zero emissions target” and that “it must seek to achieve this through, wherever possible, domestic emissions reduction.”[5] With regard to decarbonising transport the Committee state “The Government’s current long-term targets for decarbonising transport focus heavily on reducing exhaust emissions and increasing sales of low-emissions vehicles, rather than delivering a low-emissions transport system. In the long-term, **widespread personal vehicle ownership does not appear to be compatible with significant decarbonisation**. The Government should not aim to achieve emission reductions simply by replacing existing vehicles with lower-emission vehicles.” And continues “it must develop a strategy to stimulate a low-emissions transport system, with the metrics and targets to match. This should aim **to reduce the number of vehicles required**, for example by: promoting and improving public transport; reducing its cost relative to private transport; encouraging vehicle usership in place of ownership; and encouraging and **supporting increased levels of walking and cycling**.”[6] [CPRE Kent emphasis].

Siting new development in locations well supported by, or that will support, sustainable transport will help achieve this. This local plan should promote development in locations well served by regular public transport services and social and community facilities, that are in safe walking and cycling distance or would support, or result in, sustainable settlement. Such routes need to feel safe, be well lit, especially for children and women who have to use them after dark - otherwise cars will be the preferred mode of transport.

#### Dark Skies

The rural areas of the borough, including within the High Weald AONB benefit from dark skies [<https://www.nightblight.cpre.org.uk/maps/>]. Paragraph 180(c) of the NPPF requires plans to limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

#### Conclusion

The plan is therefore considered to be unsound because it is not justified and is not consistent with national policy.

CPRE Kent would wish to participate at the examination hearings to explore this issue further.

[1] Table 122 - see web link

[2] English national parks and the broads: UK government vision and circular 2010 see web link

[3] Committee on Climate Change 2019 Progress Report to Parliament July 2019

[4] House of Commons Science and Technology Committee 20th Report – Clean Growth: Technologies for meeting the UK’s emissions reduction targets. see web link

[5] Ibid Conclusions and recommendations paragraph 3

[6] Ibid Conclusions and recommendations paragraph 31

## **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:**

CPRE Kent would wish to participate at the examination hearings to explore this issue further.

**If you would like to attach a file in support of your comments, please upload it here.** [Jenrick Gale letter 210421.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

## Comment

Consultee	Julie Davies [REDACTED]
Email Address	[REDACTED]
Company / Organisation	CPRE Kent
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	CPRE Kent ( Julie Davies [REDACTED])
Comment ID	PSLP_465
Response Date	27/05/21 10:23
Consultation Point	Policy STR 2 Place Shaping and Design ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.2
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.	
Policy STR2 Place Shaping and Design	
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

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

### Question 5

*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.*

Further research undertaken by CPRE and Place Alliance (A housing design audit for England, 2020) [https://www.cpre.org.uk/wp-content/uploads/2020/03/Place-Alliance-A-Housing-Design-Audit-for-England\\_2020.pdf](https://www.cpre.org.uk/wp-content/uploads/2020/03/Place-Alliance-A-Housing-Design-Audit-for-England_2020.pdf) concludes that housing schemes performed more poorly with distance from the urban core and with reduced density. The additional constraints imposed by stronger pre-existing urban context, were considered to encourage a more sensitive design response. Building at low density and on green fields is not being done well in terms of design quality. The most successful schemes (as audited in the study of 142 developments) were those at 56dph – which is almost double the national average of 31dph.

The National Design Codes consultation (January 2021) states that density is an essential component of an effective design code. Building at 20-40dph is noted as representing development in outer suburbs; suburban development is pegged at 40-60dph and urban neighbourhoods at 50-120dph.

The highest density possible should be used to reflect the nature of local character areas and local housing need requirements.

The plan is therefore considered to be unsound because it is not justified and is not consistent with national policy.

CPRE Kent would wish to participate at the examination hearings to explore this issue further.

## 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:**

CPRE Kent would wish to participate at the examination hearings to explore this issue further.

## 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 ( Julie Davies - [REDACTED] )
Comment ID	PSLP_466
Response Date	27/05/21 11:36
Consultation Point	Policy STR 3 Brownfield Land ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.2
Question 1	
Respondent's Name and/or Organisation	CPRE Kent

### Question 3a

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

Policy STR9 Brownfield Land

### 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.**

CPRE Kent supports the development of previously used land in urban/sustainable locations.

As set out in our comments at STR1 and STR2, use of brownfield land – in sustainable locations – should be optimised.

All development should be built at higher than low suburban development densities of 30dph, so that green field land take is kept to an absolute minimum.

The Brownfield and Urban Topic Paper (January 2021) makes reference to use of an indicative density of 45dph (compared to the 30dph in the SHELAA), which is little more than suburban density levels. If the density of brownfield and urban land is being optimised to what amounts to very low levels of development, the question arises about what happens in the case of green field allocations – and the implications for resultant yields and the provision of affordable housing and support to active travel and public transport.

Research undertaken by CPRE and Place Alliance (A housing design audit for England, 2020) [https://www.cpre.org.uk/wp-content/uploads/2020/03/Place-Alliance-A-Housing-Design-Audit-for-England\\_2020.pdf](https://www.cpre.org.uk/wp-content/uploads/2020/03/Place-Alliance-A-Housing-Design-Audit-for-England_2020.pdf) concludes that housing schemes performed more poorly with distance from the urban core and with reduced density. The additional constraints imposed by stronger pre-existing urban context, were considered to encourage a more sensitive design response. Building at low density is not being done well in terms of design quality. The most successful schemes (as audited in the study of 142 developments) were those at 56dph – which is almost double the national average of 31dph.

The National Design Codes consultation (January 2021) states that density is an essential component of an effective design code. Building at 20-40dph is noted as representing development in outer suburbs; suburban development is pegged at 40-60dph and urban neighbourhoods at 50-120dph.

The plan is therefore considered to be unsound because it is not justified and is not consistent with national policy.

CPRE Kent would wish to participate at the examination hearings to explore this issue further.

#### 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:**

CPRE Kent would wish to participate at the examination hearings to explore this issue further.

#### **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_468
Response Date	27/05/21 10:29
Consultation Point	Policy STR 4 Ensuring Comprehensive Development ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.2
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.	
Policy STR4 Ensuring Comprehensive Development	
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.**

CPRE Kent supports the use of masterplans, provided they are agreed in advance of the relevant planning permissions being sought and are subject to public consultation.

The Council will need to ensure they cover the entirety of the sites that make up the proposed strategic allocations.

In order to optimise the use of land, densities should be specifically referred to in the proposed master plans.

See comments STR1 and STR2.

All development should be built at higher than low suburban development densities of 30dph, so that green field land take is kept to an absolute minimum.

The Brownfield and Urban Topic Paper (January 2021) makes reference to use of an indicative density of 45dph (compared to the 30dph in the SHELAA), which is little more than suburban density levels. If the density of brownfield and urban land is being optimised to what amounts to very low levels of development, the question arises about what happens in the case of green field allocations – and the implications for resultant yields and the provision of affordable housing and support to active travel and public transport.

The CPRE report Space to Breathe see web link (October 2019) demonstrates that where green belt is being developed its providing executive housing, without affordable homes and is failing to make the best use of land – with densities at just 14dph, which is far below that needed to support sustainable communities.

Further research undertaken by CPRE and Place Alliance (A housing design audit for England, 2020) see web link concludes that housing schemes performed more poorly with distance from the urban core and with reduced density. The additional constraints imposed by stronger pre-existing urban context, were considered to encourage a more sensitive design response. Building at low density and on green fields is not being done well in terms of design quality. The most successful schemes (as audited in the study of 142 developments) were those at 56dph – which is almost double the national average of 31dph.

The National Design Codes consultation (January 2021) states that density is an essential component of an effective design code. Building at 20-40dph is noted as representing development in outer suburbs; suburban development is pegged at 40-60dph and urban neighbourhoods at 50-120dph.

The plan is therefore considered to be unsound because it is not justified and is not consistent with national policy.

CPRE Kent would wish to participate at the examination hearings to explore this issue further.

### 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:**

CPRE Kent would wish to participate at the examination hearings to explore this issue further.

### 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_469
Response Date	27/05/21 10:34
Consultation Point	Policy STR 5 Infrastructure and Connectivity ( <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.	
Policy ST5 Infrastructure and Connectivity	
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

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

### Question 5

*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.*

CPRE Kent would wish to participate at the examination hearings to explore this issue further.

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**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**

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

CPRE Kent would wish to participate at the examination hearings to explore this issue further.



## Comment

Consultee	Julie Davies ( [REDACTED] )
Email Address	[REDACTED]
Company / Organisation	CPRE Kent
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	CPRE Kent ( Julie Davies - [REDACTED] )
Comment ID	PSLP_472
Response Date	27/05/21 10:40
Consultation Point	Policy STR 6 Transport and Parking ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.2
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.	
Policy STR6 Transport and Parking	
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

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

### Question 5

*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.*

Very little information has been provided about the environmental effects of the proposed highway improvements - including loss of green belt, light pollution and impact on the setting of the AONB - set out at section (c) of this policy. On this point the policy maps should be updated to clearly show the full extent of the proposed works/safeguarded land and at a comparable scale if the works are divided across a number of inset maps.

The plan is therefore considered to be unsound because it is not justified and is not consistent with national policy.

CPRE Kent would wish to participate at the examination hearings to explore this issue further.

#### 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

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

CPRE Kent would wish to participate at the examination hearings to explore this issue further.

#### 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 ( Julie Davies - [REDACTED])
Comment ID	PSLP_487
Response Date	27/05/21 11:23
Consultation Point	Policy STR 7 Climate Change ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.4
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.	
Policy STR7 Climate Change	
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.**

CPRE Kent remains to be convinced that “all development within the borough will recognize the climate change emergency.”

For instance, it's not clear how the Council's spatial strategy for the distribution of homes across the borough relates to the Council's settlement hierarchy and whether development is proposed in the most sustainable locations where the normal range of day-to-day services and facilities can be accessed without reliance on a private car. See CPRE Kent comments on STR1.

In addition, the spatial distribution of future housing and employment needs are not matched. This will result in unsustainable patterns of development as movement takes place between home and work.

See CPRE Kent comments on STR1 in relation to the allocation of employment land in relation to the level of housing proposed at Paddock Wood and whether the planned employment land there will come forward before or after the 14ha allocation at Longfield Road at Tunbridge Wells.

If for any reason the Paddock Wood employment land is not delivered or there is limited development, this is likely to result in greater out-commuting. It would also mean Tudeley residents would have to commute further. It could very well increase traffic on the A228 between Paddock Wood and the site – contrary to the Council's climate change objectives.

CPRE Kent is concerned that the Council's development strategy is reliant on new road building. We oppose the offline A228 (Colts Hill bypass) works and the proposed Five Oak Green bypass, as set out in our comments on policies STR6 and TP6.

The CPRE report 'The end of the road? Challenging the road building consensus' (March 2017) <https://www.cpre.org.uk/resources/transport/roads/item/4543-the-end-of-the-road-challenging-the-road-building-consensus> details how more road schemes generate more traffic.

Instead, the Council should be embracing opportunities to support public transport and active travel. In this respect CPRE has set out proposals for a comprehensive bus network for rural England in its report 'Every village, every hour' (March 2021) and is campaigning for our towns and villages to have a reliable, frequent and cheap bus service <https://www.cpre.org.uk/resources/every-village-every-hour-2021-buses-report-full-report/>

CPRE Kent has set out its concerns regarding active travel in its comments on policy TP5. For instance, it appears at paragraph 6.575 of the plan that the Council is willing to use its Compulsory Purchase Order powers if necessary, to deliver strategic road links, but makes no such reassurances in respect of delivering active travel routes.

However, at paragraph 6.574 of the plan it says that where sections of the former Hop Pickers Line route are no longer available for walking and cycling, suitable alternatives and new links may need to be found, and these will be provided through negotiation with individual landowners as necessary.

It fails to say what will happen if individual landowners refuse, but the clear implication is that if individual landowners refuse, the scheme will not progress. This clearly shows that the Council is not yet giving real priority to active and sustainable travel, but instead it is still prioritising travel by car. The Council has statutory powers to create footpaths, bridleways and restricted byways compulsorily under Section 26 of the Highways Act 1980 and it must be prepared to use them.

Transport for New Homes and other signatories (including CPRE) has written to the Secretary of State in a similar vein – as part of the Homes Without Jams campaign - stating: “new housing is being sited in places that are not and, worse, cannot be served well by public transport, are inaccessible on foot or cycle and often have few or no local facilities and amenities. In addition, the design and layout of the developments themselves inhibit walking and cycling and bus service provision ”  
[joint-letter-may-2021-final.pdf (transportfornewhomes.org.uk)]

The plan is therefore considered to be unsound because it is not justified and is not consistent with national policy.

CPRE Kent would wish to participate at the examination hearings to explore this issue further.

### 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:**

CPRE Kent would wish to participate at the examination hearings to explore this issue further.

### 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 Ken [REDACTED]
Comment ID	PSLP_488
Response Date	27/05/21 11:27
Consultation Point	Policy STR 8 Conserving and Enhancing the Natural, Built, and Historic Environment ( <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.	
STR8	
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.**

Section 5 of the policy should make reference to veteran trees (they are mentioned at paragraph 4.117) and soil biodiversity.

CPRE Kent believes the planning system should help tackle the biodiversity crisis. This means better protecting species and our most important habitats and ensuring that there are green corridors between them.

The UK's wildlife continues to decline. Since the 1970s, there has been a 13% decline in average abundance across wildlife studied and the declines continue unabated. While the biodiversity crisis also has other causes, climate change is a significant contributor, so the two crises are two sides of the same coin, and we must address them together.

The plan is therefore considered to be unsound because it is not justified and is not consistent with national policy.

CPRE Kent would wish to participate at the examination hearings to explore this issue further.

#### 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:**

CPRE Kent would wish to participate at the examination hearings to explore this issue further.

#### 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_489
Response Date	27/05/21 11:31
Consultation Point	Policy STR 9 Green Belt ( <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.	
STR9 Green Belt	
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

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

### Question 5

*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.*

The plan is therefore considered to be unsound because it is not consistent with national policy.

CPRE Kent would wish to participate at the examination hearings to explore this issue further.

## 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.**

It should be made clear on allocations on sites to be released from the green belt what specific compensatory improvements to environmental quality and accessibility of the remaining green belt will be required, over and above normal development management criteria.

Confirm that on sites washed over by green belt that permitted development rights will be removed in the interests of safeguarding the green belt from inappropriate development.

The policy should be amended to set out how planning applications for the re-use of buildings, replacement buildings, extension to buildings, infilling or redevelopment of previously developed sites, changes of use, agricultural land equine development and development for outdoor sport and recreation will be assessed in relation to green belt interests.

## 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:**

CPRE Kent would wish to participate at the examination hearings to explore this issue further.

## 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_490
Response Date	27/05/21 11:33
Consultation Point	Policy STR 10 Neighbourhood Plans ( <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.	
STR10 Neighbourhood Plans	
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.

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CPRE Kent supports this 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)?

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

## 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_512
Response Date	27/05/21 14:51
Consultation Point	Policy STR/RTW 1 The Strategy for Royal Tunbridge Wells ( <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.	
STR/RTW 1	
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 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.**

##### STR/RTW1 sound policies

CPRE Kent supports much of policy STR/RTW 1 and considers STR/RTW1 draft Policies 2-9, 11-14, 16, 18 to be sound. CPRE Kent also considers site allocations *other than* AL/RTW 5 and AL/RTW 16 to be sound.

CPRE Kent strongly supports points 2 and 3 of the policy which provide for intensification of densities on allocated sites and windfall developments and use of PDL, as this should reduce pressure to develop land in the adjacent green belt and AONB.

CPRE Kent supports point 5 which seeks to maintain employment and leisure uses within the main employment area. Although the proposed business park under point 4, allocated as AL/RTW 17 falls within the green belt and AONB, quite exceptionally, we do not deny that exceptional circumstances involving the whole economy of the Borough might be made out here and therefore do not object to the allocation, which already has the benefit of planning permission.

We strongly support the proposed mitigation in the form of open space and buffer, to be retained and managed for the lifetime of the development to provide mitigation for negative landscape and biodiversity effects and having particular regard to the topography, existing hedgerows and mature trees, ancient woodland and buffers in what is a very sensitive landscape location.

CPRE Kent supports point 6 for a Town Centre Area Plan which should have as a major focus the intensification of development beyond the extremely conservative additional 150-200 dwellings anticipated, this particularly in view of ownership by the Borough Council of some key sites in the town centre whose present use is under review. This should relieve pressure for development in the adjacent Green Belt and AONB in a highly sustainable form.

We similarly support point 7 on mixed use development in the town centre.

CPRE Kent strongly supports points 8 and 9 on active travel and bus services. Much of the congestion in the town arises from short local trips which might be eliminated altogether by the provision of adequate active travel infrastructure and more frequent bus services.

CPRE Kent generally supports points 11,12, 13 and 14 and also point 18 on developer contributions.

CPRE Kent strongly supports point 16 on provision of allotments, amenity/natural green space, parks and recreation grounds, children's and youth play space as required to meet needs and mitigate the impact of future development. In the event that any Green Belt or AONB land adjacent to Royal Tunbridge Wells is finally allocated, CPRE would press for the most generous provision possible of mitigating amenity and natural green space under any subsequent planning application.

##### STR/RTW unsound Policies



CPRE Kent maintains that the Regulation 19 draft Local Plan does not sufficiently address the impact of the proportion of green belt and AONB in the Borough on its ability to meet identified housing need and that point 1 of Policy STR/RTW1 is therefore unsound. To some extent the scarcity of suitable land could be better mitigated in Royal Tunbridge Wells than is proposed, by seeking to intensify housing allocations within the LBD. It should not lead to the proposed incursions into the green belt under draft allocation policies AL/RTW 5 at Caenwood Farm and AL/RTW 16 at Spratsbrook Farm which are unjustified.

Both these sites are currently within the green belt and adjoining or adjacent to AONB and we do not believe that loss of this green belt land is justified by any current exceptional circumstances in relation to a deficit in housing numbers that could not be remedied in RTW without their allocation.

Even if the Inspector were minded to disagree, these two proposed allocations would not be effective in making efficient use of land in Royal Tunbridge Wells as is required under paragraph 123 of the NPPF and would still consequently not be consistent with national policy.

We develop our arguments further in our response to policy STR/RTW2.

CPRE Kent also objects to the safeguarding of land at Colebrooke House, Pembury Road, Tunbridge Wells (see table 6 Green Belt sites). The Economic Development Topic Paper (page 23) states the site is in both the green belt and AONB.

With regard to point 10 of policy STR/RTW1, CPRE Kent believes that the proposal to build a new roundabout on the A264 at the junction with Halls Hole Road and Blackhurst Lane does not appear justified or consistent with national policy and would most likely be ineffective in reducing the traffic congestion which is put forward as a reason to build it. As such, it appears to be unsound.

A similar roundabout scheme was proposed for Southborough on the A26 at the junction with Speldhurst Road and Yew Tree Road but was found to be likely to worsen the existing congestion and was not implemented, a modified traffic light scheme being substituted.

The roundabout would encourage greater rat-running along Halls Hole Road which is actually a narrow rural lane on most of its length, and would be ineffective in encouraging active travel in the area because it would worsen the environment and road safety for walkers and cyclists on Halls Hole Road for active travel across the eastern side of RTW, including to the Skinners Kent Academy. This would be inconsistent with national policy and to point 8 of STR/RTW 1 which seeks to encourage active travel. The point at which the roundabout would be situated is on an arcadian section of the Pembury Road A264 and would have a seriously detrimental effect on the local environment.

CPRE Kent understands that Sports England supports the proposals for a sports hub at Hawkenbury on land to the north of Hawkenbury Recreation Ground under point 15 of policy STR/RTW1 and site allocation AL/RTW 19. This land is currently green belt and AONB, but, exceptionally, CPRE Kent is not opposed in principle to the proposed use as it would contribute to mitigating the impact of recent housing development at Hawkenbury and allow development within the LBD of parts of some existing sports facilities. However, we do have concerns about the additional car journeys which seem inevitable unless active travel infrastructure is first provided across the urban area to a greater extent than is planned or is likely to be financed in the near future.

The plan is therefore considered to be unsound because it is not effective, not justified and is not consistent with national policy.

CPRE Kent would wish to participate at the examination hearings to explore this issue further.

## 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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Point 1 of STR/RTW 1

The Local Plan could be made sound by deleting policies AL/RTW 5 and AL/RTW 16 and achieving greater densification on other sites proposed for allocation and through bringing forward a number of sites within the defined town centre which are likely to be proposed under the forthcoming Town Centre Area Plan under point 6 which CPRE Kent supports. We set out more substantial justification in our response to policy STR/RTW 2.

Point 10 of STR/RTW 1

The Local Plan could be made sound by abandoning the roundabout proposal. Instead, further refinement of the traffic light system might be contemplated. The very high cost of the proposed scheme should be re-allocated as funding for active travel routes which would produce a much higher long term cost benefit, including improvements in health within RTW and might allow mitigation of the negative traffic effects of the proposed allocation AL/RTW 19 for a sports hub at Hawkenbury.

## **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:**

CPRE Kent would wish to participate at the examination hearings to explore further the soundness of proposed housing allocations AL/RTW5 and AL/RTW16.

## **Question 8**

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

CPRE Kent strongly supports the decision of the Council not to entertain development on sites in the green belt and AONB identified in the 2021 version of the SHELAA and in the Sustainability Appraisal including:

Site 73 Land south of Pembury Road  
Site 99 Land north of Pembury Road  
Site 116 Land south of Pembury Road  
Site 112 Land at Sandown Park  
Site 165 Pantiles car park  
Site 199 Smockham Farm  
Site 30 Caenwood Farm (part unallocated)

Site 205 Little Knoll  
Site 226 St Marks Recreation Ground  
Site 280 Midway  
Site 328 Land at Eridge Road  
Site 384 Land at Great Bayhall Cornford Lane  
Sites 434 and 457 Tutty's Farm  
Site DPC5 Land north of Hawkenbury Road

CPRE also supports the non-allocation of Site 12 Grove Junction to West Station which should continue to be safeguarded for possible reinstatement of the Tunbridge Wells to Brighton railway line.

## 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_516
Response Date	27/05/21 15:27
Consultation Point	Policy STR/RTW 2 Royal Tunbridge Wells Town Centre ( <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.	
STR/RTW2	
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 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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##### STR/RTW2 sound policies

CPRE Kent supports most of policy STR/RTW 2, so far as it applies to Royal Tunbridge Wells town centre, the development of a Town Centre Area Plan and the proposed allocations made within the LBD.

Taking note of policy STR/RTW1 point 2 to “Provide additional housing which may be delivered through the redevelopment and intensification of allocated sites and other windfall development inside the defined Limits to Built Development” we strongly advocate that the proposed densities on allocated sites should be reviewed with a view to further intensification when planning applications come forward for those sites.

The suggestion that scope for at least 150-200 additional housing units may be identified under the TCAP seems far too conservative, especially in view of the ownership by the Council of a number of town centre sites which will be up for review.

##### STR/RTW2 unsound policies

CPRE Kent is opposed to removal of land from the green belt or building in the AONB or the green belt unless there are exceptional circumstances, which we do not believe to be the case. We consider the plan is unsound because the proposed allocations under policies AL/RTW5 and AL/RTW16 are unjustified, ineffective and contrary to national policy as set out in paragraphs 123 and 137 of the NPPF.

Paragraph 137 of the NPPF states that “Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development.” This will be assessed through the examination of its strategic policies, and whether the strategy makes as much use as possible of suitable Brownfield sites and underutilised land and optimises the density of development.

It is our contention that this has not been demonstrated.

Paragraph 123 of the NPPF states that “Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.”

It is our contention that this has not been demonstrated.

The proposed allocations at AL/RTW5 and AL/RTW16 are ineffective and contrary to national policy. Both sites are in the green belt and there is insufficient evidence to that there are exceptional circumstances that would justify their removal from the green belt and allocation for housing.

In fact, the evidence within the Regulation 19 draft Local Plan tends to point the other way. There is to be a major review starting in 2021 of land within the designated town centre of Royal Tunbridge Wells in order to produce a Town Centre Area Plan. There would need to be 220 dwellings (additional to those currently estimated to become available in the town centre), to replace those which would be lost by cancelling the allocations at Caenwood and Spratsbrook.

The proposed allocation at AL/RTW3 at Lifestyle Ford Mt Ephraim appears to be a fairly high density development, in a sustainable location which is appropriate for a town centre site. Given:

- . the opportunity for intensification of some other proposed allocations;
- . the opportunities for a concerted campaign to bring upstairs floors of retail units back into residential use;
- . the likelihood of a major readjustment of retail demand and redundancy of many units in a town centre which was already excessively spread out before the pandemic;
- . the likelihood that major redevelopment at the Royal Victoria Place will include substantial residential development;
- . the possibility that the TCAP may allocate residential development of part of the redundant Council land holdings in the town centre;
- . the likelihood of major redevelopment of the Morrisons and Torrington sites and other development opportunities in that part of the town centre;
- . the possibility of substantial redevelopment of land off Grosvenor Road and the Meadow Road Car Park;
- . the opportunities for redevelopment of other poorly used sites outside the defined town centre, for example off High Brooms Road; and
- . demographic change which seems likely to lead to a reduction in OAN.

it is inconceivable that at least one hectare, in total, of additional development land beyond that currently estimated and capable of supporting similar densities will not be found within Royal Tunbridge Wells in the next five years.

Consequently, CPRE Kent would like to see the allocations at Caenwood and Spratsbrook deleted. Should our reasonable assessment of the likelihood of land becoming available not prove accurate, there will be the opportunity to review the situation under the five-year review process. But if the land at Caenwood and Spratsbrook is allocated now, it will be lost to the green belt for ever.

#### Policy AL/RTW5 is unsound

The land identified as SHELAA site 100 and a corner of site 30, now designated as AL/RTW5, unusually serves, and is recognised to serve, all five purposes for which the Green Belt is established:

- . it prevents unrestricted sprawl of the large built up areas of Tunbridge Wells and Southborough on the perimeters of each town;
- . it prevents the towns of Tunbridge Wells and Southborough from merging into one another on the only perimeter where that is still possible;
- . it assists in safeguarding the countryside from encroachment and is close to buffer to adjoining High Weald AONB to the west;
- . it contributes to preserving the unique setting and special character of the towns; and
- . its existence acts as an incentive to urban regeneration in the town centre where substantial opportunities exist for increased residential development beyond present allocations.

The stage 2 Green Belt Review considered that, taken in isolation, release of the parcel SO1A (now proposed as AL/RTW5) would cause moderate harm but it sits adjacent to a wider parcel SO1B (which adjoins the AONB and a historic park and garden at Salomons), the release of which would cause very high harm. The negative consequences of the proposed allocation in terms of substantial light and noise pollution, disruption to wildlife in the two nearby Local Wildlife Sites and Biodiversity Opportunity Area would add to the harm which would accrue from development at this site.

The Stage 3 Green Belt Review, based on the same parcel and the same facts modified the perceived harm from release from moderate to low/moderate. This seems to have been a very late and perhaps addition to the Stage 3 Green Belt Review as the parcel was not given an allocation number in the review. Under the preceding Regulation 18 draft Local Plan and on the strength of a comprehensive evidence base, this site was not included for allocation. Procedurally there has therefore been no

opportunity for respondents to that public consultation to voice objections which might be taken into account by the Council before submitting the draft plan for Examination.

The exceptional circumstances for this allocation have not been demonstrated. Its removal from the green belt for allocation is therefore considered unjustified.

#### Policy AL/RTW16 is unsound

The land identified as AL/RTW16, serves, and is recognised to serve the following purposes, for which the Green Belt is established:

- . it prevents unrestricted sprawl of the large built up area of Tunbridge Wells;
- . it assists in safeguarding the countryside from encroachment and adjoins AONB to the south and north west;
- . it contributes to preserving the unique setting and special character of the towns; and
- . its existence acts as an incentive to urban regeneration in the town centre where substantial opportunities exist for increased residential development beyond present allocations.

The negative consequences of the proposed allocation in terms of substantial light and noise pollution, disruption to wildlife in the nearby Local Wildlife Site and Biodiversity Opportunity Area would add to the harm which would accrue from development at this site.

The Stage 2 Green Belt Review considered the site as parcel TW10 and found that harm from its removal from the green belt would be high. The Stage 3 Green Belt Review, based on retention of the north western two thirds of the parcel within the Green Belt, modified the perceived harm from release from moderate to low/moderate. The negative consequences of the proposed allocation in terms of substantial light and noise pollution, disruption to wildlife in the nearby Local Wildlife Site and Biodiversity Opportunity Area would add to the harm which would accrue from development at this site.

The proposed allocation has not been shown to be subject to exceptional circumstances which override its purpose in remaining part of the Green Belt and the harm which would be caused by its removal. Its removal from the Green Belt for allocation is therefore considered unjustified.

### **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.**

CPRE Kent believes the plan could be made sound by deletion of allocations AL/RTW5 and AL/RTW 16 at Caenwood and Spratsbrook Farms for the reasons set out above.

However, if the Inspector is not minded to recommend that this allocation be deleted, CPRE Kent would like to see the following:

- 1 There being in our opinion insufficient evidenced to justify for the current allocations at Caenwood and Spratsbrook, our first preference would be to invite the Inspector to be mindful of paragraph 139 of the NPPF and recommend that areas of safeguarded land be identified between the urban area and the green belt equivalent to the parts identified as developable in sites AL/RTW5 and AL/RTW16, in order to meet potential longer-term development needs stretching well beyond the plan period and once maximum intensification has been achieved within the existing LBD. The Inspector should make clear that the safeguarded land is not allocated for development at the present time and that planning permission for the permanent development of the safeguarded land should only be granted following an update to the local plan which proposes the development.

- 1 Should the Inspector nonetheless be minded not to safeguard rather than allocate land at sites RTW5 and RTW16, our second preference would be for the Inspector to recommend that the proposed densities on the allocations be modified in accordance with paragraphs 123 and 137 of the NPPF which we consider to have been disregarded in the draft plan.

The projected densities of approximately 20 dwellings per hectare on both sites are far too low for sites which are immediately adjacent to Limits to Built Development. CPRE Kent would therefore like to see a much higher density. Besides bringing the allocations into conformity with national policy, significantly higher density would also be far more compatible with meeting the actually identified housing need in the borough for social and affordable housing than is likely to be the case under the current proposed densities.

- 1 As these densities would produce a number of dwellings significantly greater than said to be required during the plan period, this might alternatively allow the Inspector to recommend the reduction in loss of green belt by reducing the allocated area on both sites and maintaining the remainder as green belt.
- 1 Higher density housing does not need to be ugly. Some of the most desirable properties in Royal Tunbridge Wells 'village area' are terraces and other clustered dwellings – the now valued high density housing of the past. Even in modern developments, a village atmosphere can be successfully created with terraces, maisonettes and other three to four storey developments forming an attractive part of the development.
- 1 If the Inspector should confirm removal of land from the green belt, paragraph 138 of the NPPF states that a Plan should 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". Paragraph 141 of the NPPF states: "Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land."

The Regulation 19 Pre-submission Plan reads as though the land at both Caenwood and Spratsbrook has *already* been removed from the green belt prior to its allocation. That being its approach, CPRE Kent would expect to see specific detailed mapped proposals in both the allocations as to how the provisions of paragraphs 138 and 141 of the NPPF will be given effect.

Mitigation and enhancement seems to be limited to land within the sites to be allocated although it is understood that the prospective developers own adjacent additional land. In the case of Spratsbrook Farm, an area of the allocation nearly twice the developable area is to remain open with public access. In the case of Caenwood Farm, only about a third is to remain open although the projected housing numbers are similar (120 and 100 respectively).

In neither case are there sufficiently specific details as to how the provisions of paragraphs 138 and 141 of the NPPF are to be given effect. CPRE Kent strongly urges the Inspector to remedy this by recommending that the Council identify within the plan the specific mitigation and enhancement within the remaining green belt which will be provided as compensation for the loss of the parts removed from it. Without concrete provisions within the plan, it is highly likely that the significant obligations placed by the NPPF will not be honoured in practice.

## 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:**

CPRE Kent would wish to participate at the examination hearings to explore the reasons for the allocation of land at AL/RTW5 and AL/RTW16, which are a key part of the green belt in the immediate environs of Royal Tunbridge Wells, and because so many issues arise concerning compliance with the NPPF in relation to their allocation, as we have set out above.

#### **Question 8**

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

We have set out in our response to policy STR/RTW1 our strong support for the decision of the Council based on the 2021 version of the SHELAA and in the Sustainability Appraisal not to entertain development on the sites we listed.

#### **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_518
Response Date	27/05/21 15:41
Consultation Point	Policy AL/RTW 5 Land to the south of Speldhurst Road and west of Reynolds Lane at Caenwood Farm, Speldhurst 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/RTW5	
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 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.**

The land identified as SHELAA site 100 and a corner of site 30, now designated as AL/RTW5, unusually serves, and is recognised to serve, all five purposes for which the Green Belt is established:

- . it prevents unrestricted sprawl of the large built up areas of Tunbridge Wells and Southborough on the perimeters of each town;
- . it prevents the towns of Tunbridge Wells and Southborough from merging into one another on the only perimeter where that is still possible;
- . it assists in safeguarding the countryside from encroachment and is close to buffer to adjoining High Weald AONB to the west;
- . it contributes to preserving the unique setting and special character of the towns; and
- . its existence acts as an incentive to urban regeneration in the town centre where substantial opportunities exist for increased residential development beyond present allocations.

The stage 2 Green Belt Review considered that, taken in isolation, release of the parcel SO1A (now proposed as AL/RTW5) would cause moderate harm but it sits adjacent to a wider parcel SO1B (which adjoins the AONB and a historic park and garden at Salomons), the release of which would cause very high harm. The negative consequences of the proposed allocation in terms of substantial light and noise pollution, disruption to wildlife in the two nearby Local Wildlife Sites and Biodiversity Opportunity Area would add to the harm which would accrue from development at this site.

The Stage 3 Green Belt Review, based on the same parcel and the same facts modified the perceived harm from release from moderate to low/moderate. This seems to have been a very late and perhaps addition to the Stage 3 Green Belt Review as the parcel was not given an allocation number in the review. Under the preceding Regulation 18 draft Local Plan and on the strength of a comprehensive evidence base, this site was not included for allocation. Procedurally there has therefore been no opportunity for respondents to that public consultation to voice objections which might be taken into account by the Council before submitting the draft plan for Examination.

The exceptional circumstances for this allocation have not been demonstrated. Its removal from the green belt for allocation is therefore considered unjustified.

#### 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.**

CPRE Kent believes the plan could be made sound by deletion of allocation AL/RTW5 at Caenwood for the reasons set out above.

However, if the Inspector is not minded to recommend that this allocation be deleted, CPRE Kent would like to see the following:

- 1 There being in our opinion insufficient evidenced to justify for the current allocation at Caenwood, our first preference would be to invite the Inspector to be mindful of paragraph 139 of the NPPF and recommend that areas of safeguarded land be identified between the urban area and the green belt equivalent to the parts identified as developable in site AL/RTW5, in order to meet potential longer-term development needs stretching well beyond the plan period and once maximum intensification has been achieved within the existing LBD. The Inspector should make clear that the safeguarded land is not allocated for development at the present time and that planning permission for the permanent development of the safeguarded land should only be granted following an update to the local plan which proposes the development.
- 2 Should the Inspector nonetheless be minded not to safeguard rather than allocate land at RTW5, our second preference would be for the Inspector to recommend that the proposed densities on the allocations be modified in accordance with paragraphs 123 and 137 of the NPPF which we consider to have been disregarded in the draft plan.

The projected densities of approximately 20 dwellings per hectare on both sites are far too low for sites which are immediately adjacent to Limits to Built Development. CPRE Kent would therefore like to see a much higher density. Besides bringing the allocations into conformity with national policy, significantly higher density would also be far more compatible with meeting the actually identified housing need in the borough for social and affordable housing than is likely to be the case under the current proposed densities.

- 1 As these densities would produce a number of dwellings significantly greater than said to be required during the plan period, this might alternatively allow the Inspector to recommend the reduction in loss of green belt by reducing the allocated area on both sites and maintaining the remainder as green belt.
- 2 Higher density housing does not need to be ugly. Some of the most desirable properties in Royal Tunbridge Wells 'village area' are terraces and other clustered dwellings – the now valued high density housing of the past. Even in modern developments, a village atmosphere can be successfully created with terraces, maisonettes and other three to four storey developments forming an attractive part of the development.
- 3 If the Inspector should confirm removal of land from the green belt, paragraph 138 of the NPPF states that a Plan should 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". Paragraph 141 of the NPPF states: "Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land."

The Regulation 19 Pre-submission Plan reads as though the land at Caenwood has *already* been removed from the green belt prior to its allocation. That being its approach, CPRE Kent would expect to see specific detailed mapped proposals in both the allocations as to how the provisions of paragraphs 138 and 141 of the NPPF will be given effect.

Mitigation and enhancement seems to be limited to land within the sites to be allocated although it is understood that the prospective developers own adjacent additional land.

There are insufficiently specific details as to how the provisions of paragraphs 138 and 141 of the NPPF are to be given effect. CPRE Kent strongly urges the Inspector to remedy this by recommending that the Council identify within the plan the specific mitigation and enhancement within the remaining green belt which will be provided as compensation for the loss of the parts removed from it. Without

concrete provisions within the plan, it is highly likely that the significant obligations placed by the NPPF will not be honoured in practice.

#### 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:**

CPRE Kent would wish to participate at the examination hearings to explore the reasons for the allocation of land at AL/RTW5, which is a key part of the green belt in the immediate environs of Royal Tunbridge Wells, and because so many issues arise concerning compliance with the NPPF in relation to this allocation, as set out above.

## 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_520
Response Date	27/05/21 16:03
Consultation Point	Policy AL/RTW 16 Land to the west of Eridge Road at Spratsbrook Farm ( <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/RTW16	
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 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.**

The land identified as AL/RTW16, serves, and is recognised to serve the following purposes, for which the Green Belt is established:

- . it prevents unrestricted sprawl of the large built up area of Tunbridge Wells;
- . it assists in safeguarding the countryside from encroachment and adjoins AONB to the south and north west;
- . it contributes to preserving the unique setting and special character of the towns; and
- . its existence acts as an incentive to urban regeneration in the town centre where substantial opportunities exist for increased residential development beyond present allocations.

The negative consequences of the proposed allocation in terms of substantial light and noise pollution, disruption to wildlife in the nearby Local Wildlife Site and Biodiversity Opportunity Area would add to the harm which would accrue from development at this site.

The Stage 2 Green Belt Review considered the site as parcel TW10 and found that harm from its removal from the green belt would be high. The Stage 3 Green Belt Review, based on retention of the north western two thirds of the parcel within the Green Belt, modified the perceived harm from release from moderate to low/moderate. The negative consequences of the proposed allocation in terms of substantial light and noise pollution, disruption to wildlife in the nearby Local Wildlife Site and Biodiversity Opportunity Area would add to the harm which would accrue from development at this site.

The proposed allocation has not been shown to be subject to exceptional circumstances which override its purpose in remaining part of the Green Belt and the harm which would be caused by its removal. Its removal from the Green Belt for allocation is therefore considered unjustified.

#### 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.**

CPRE Kent believes the plan could be made sound by deletion of allocation AL/RTW 16 at Spratsbrook Farm for the reasons set out above.

However, if the Inspector is not minded to recommend that this allocation be deleted, CPRE Kent would like to see the following:

- 1 There being in our opinion insufficient evidenced to justify for the current allocation at Spratsbrook, our first preference would be to invite the Inspector to be mindful of paragraph 139 of the NPPF and recommend that areas of safeguarded land be identified between the urban area and the green belt equivalent to the parts identified as developable at AL/RTW16, in order to meet potential longer-term development needs stretching well beyond the plan period and once maximum intensification has been achieved within the existing LBD. The Inspector should make clear that the safeguarded land is not allocated for development at the present time and that planning permission for the permanent development of the safeguarded land should only be granted following an update to the local plan which proposes the development.
- 1 Should the Inspector nonetheless be minded not to safeguard rather than allocate land at RTW16, our second preference would be for the Inspector to recommend that the proposed densities on the allocations be modified in accordance with paragraphs 123 and 137 of the NPPF which we consider to have been disregarded in the draft plan.

The projected densities of approximately 20 dwellings per hectare on both sites are far too low for sites which are immediately adjacent to Limits to Built Development. CPRE Kent would therefore like to see a much higher density. Besides bringing the allocations into conformity with national policy, significantly higher density would also be far more compatible with meeting the actually identified housing need in the borough for social and affordable housing than is likely to be the case under the current proposed densities.

- 1 As these densities would produce a number of dwellings significantly greater than said to be required during the plan period, this might alternatively allow the Inspector to recommend the reduction in loss of green belt by reducing the allocated area on both sites and maintaining the remainder as green belt.
- 2 Higher density housing does not need to be ugly. Some of the most desirable properties in Royal Tunbridge Wells 'village area' are terraces and other clustered dwellings – the now valued high density housing of the past. Even in modern developments, a village atmosphere can be successfully created with terraces, maisonettes and other three to four storey developments forming an attractive part of the development.
- 3 If the Inspector should confirm removal of land from the green belt, paragraph 138 of the NPPF states that a Plan should 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". Paragraph 141 of the NPPF states: "Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land."

The Regulation 19 Pre-submission Plan reads as though the land at Spratsbrook has *already* been removed from the green belt prior to its allocation. That being its approach, CPRE Kent would expect to see specific detailed mapped proposals in both the allocations as to how the provisions of paragraphs 138 and 141 of the NPPF will be given effect.

Mitigation and enhancement seems to be limited to land within the sites to be allocated although it is understood that the prospective developers own adjacent additional land. In the case of Spratsbrook Farm, an area of the allocation nearly twice the developable area is to remain open with public access.

There are insufficiently specific details as to how the provisions of paragraphs 138 and 141 of the NPPF are to be given effect. CPRE Kent strongly urges the Inspector to remedy this by recommending that the Council identify within the plan the specific mitigation and enhancement within the remaining green belt which will be provided as compensation for the loss of the parts removed from it. Without concrete provisions within the plan, it is highly likely that the significant obligations placed by the NPPF will not be honoured in practice.



### 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:**

CPRE Kent would wish to participate at the examination hearings to explore the reasons for the allocation of land at AL/RTW16, which is a key part of the green belt in the immediate environs of Royal Tunbridge Wells, and because so many issues arise concerning compliance with the NPPF in relation to their allocation, as we have set out above.

### 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_521
Response Date	27/05/21 16:27
Consultation Point	Policy STR/SO 1 The Strategy for Southborough ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.2
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.	
Policy STR/SO 1 The Strategy for Southborough	
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 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.

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 objects to policy STR/SO 1, the Strategy for Southborough. We are concerned that the policy does not appear to include requirements/provisions for the whole of Southborough, limiting its scope to a smaller, but undefined, area of "the town".

The Southborough Town Council website provides a brief description of the formation of Southborough Town Council in 1974 together with maps of the town's three electoral wards (see <https://southborough-tc.gov.uk>). From these maps it can be seen that the "town" of Southborough includes the whole of the area within the parish boundary (edged in blue on Inset Map 3), stretching from the borough boundary with Tonbridge in the north to RTW unparished wards in the south. To the east Southborough is bordered by the parishes of Speldhurst and Bidborough, while to the west it is bordered by the parish of Capel and RTW unparished wards, with the border primarily following the Tonbridge to Tunbridge Wells railway line.

CPRE Kent additionally questions references to "the parished area" in the policy preamble as this suggests that some part or parts of Southborough are "unparished", mirroring the status of the adjoining areas of Royal Tunbridge Wells. This is also suggested in paragraphs 5.1 to 5.3 (Section 5: Place Shaping Policies) and in policy STR/RTW 1 which state that Inset Map 1 shows the "unparished area at Royal Tunbridge Wells" when in fact it shows the Main Urban Area including the whole of the Southborough LBD. Again, Town Council website does not appear to support the Plan's view

In light of the above, CPRE Kent has considered this policy as the development strategy for the whole of Southborough as defined on the Southborough Town Council website and our comments below reflect our key areas of concern. This is not intended as a full list of additional policy provisions that may be required.

Please also see our responses to Policies STR1, STR2, STR3, STR5, STR6, STR7, STR8 and STR9.

The Policies Maps does not appear to separate the Southborough LBD from the RTW LBD. While together forming the Main Urban Area, we suggest that each should have a fully bounded LBD for clarity, mirroring the approach taken to the north west of Southborough where its LBD adjoins that of Bidborough.

The sites that have been allocated for housing development (AL/SO 1 and AL/SO 3) have already received planning permission. Both are within the Southborough LBD in sustainable urban locations; AL/SO 1 is a greenfield site in close proximity to the town centre area on London Road while AL/SO 3 is a brownfield site near the High Brooms neighbourhood centre and High Brooms railway station. What is the density proposed for these sites? We have highlighted our concerns re effective use of land in our responses to policies STR 1 and H3 and would like to be assured that housing developments in within the Southborough LBD are being built at an appropriate density to their urban local, to ensure that countryside is not built over unnecessarily.

The policy does not cover the provision of additional housing, including windfall developments within the LBD. As part of the Main Urban area, we would expect this to be an important element of the development strategy.

Our response to policy STR1 suggests that it would be helpful to understand the distribution of development in terms of its relationship to the settlement hierarchy, to ensure that development is being planned in the most sustainable locations across the borough. The reasons for the significant reduction in housing allocations (42 dwellings) on that in the draft Local Plan (135-205 dwellings) in what is clearly a sustainable location should be set out in the preamble to the policy, to inform this analysis.

We additionally note from the SHELAA that ALS/SO 3 is part of a brownfield site that was submitted for mixed use development during the draft Local Plan consultation in 2019. The wider site contains a number of ageing industrial workspaces that are still in use but is not a Key Employment Area. It is located close to both the Southborough/High Brooms KEA and the North Farm/Longfield Road KEA. We question why the SHELAA has not provided a potential residential yield for the whole site, which is approximately four times the allocated area and could make a valuable contribution to meeting the borough's housing. Were steps taken to try to release the whole site, for example by offering options for relocation to one of the nearby KEAs or for regeneration of the site for mixed use?

We are surprised that the development at AL/SO 2 is not part of the strategy for Southborough. The development proposed in that allocation meets an identified need in the borough for luxury tourist accommodation and will also deliver health, employment and heritage benefits. Please see Policy AL/SO 2 for our further comments on this proposed development.

We also consider that the policy should safeguard the Southborough/High Brooms Key Employment Area in accordance with policy ED 1 and resist the loss of local shops, community facilities and green space in accordance with policy ED 12.

In the Plan Southborough appears to be valued only as "... a sustainable location for additional future development." (paragraph 5.138). CPRE Kent believes that it is essential to recognise the contribution that those areas outside the LBD also make to creating an attractive and prosperous community and a place where people want to live and work.

With 66% of the parish in the green belt and 64% in the AONB, around half of Southborough is not urban. The rural areas provide employment in agriculture and forestry while some farms have diversified to provide event venues and small-scale tourist accommodation. Barnetts Wood, described in the policy as "a natural green space", is an urban-edge Local Nature Reserve bringing High Weald countryside to local residents. Southborough Common has a variety of habitats including open woodland (wood pasture), dense thickets, acid grassland, heathland and a pond. Both of these are Ancient Woodland. The Salomons Estate which includes a Victorian Mansion designed by the architect Decimus Burton and gardens, parkland and woods is at the south western corner of the parish. (<https://www.salomons-estate.com/>).

We have not attempted to identify whether the policy requires further modification to cover these and the many other environmental and heritage assets in Southborough. As a minimum, the list of relevant policies that follows the policy box should be updated.

We are further concerned that air quality at the A26, a major issue for Southborough, is not addressed by this policy. The town centre, Southborough Common and the neighbourhood centre at Southborough North Parade are all within the AQMA. While the Air Quality Topic Paper (February 2021) indicates that NO<sub>2</sub> levels in the AQMA are reducing, local residents walking to the shops or to the Common continue to suffer poor air quality issues; narrow road widths mean that even a delivery lorry or a bus stopping may cause a long queue of stationary traffic.

CPRE Kent strongly supports proposals to increase active travel as key to improving air quality. Proposals are included in IDP and the LCWIP for improved walking/cycling provision and we suggest that the Plan's standard policy wording re supporting active travel by delivering improvements to the local pedestrian and cycling network is included in the strategy for Southborough.

That said, the proposed approach of an on-road A26 inter-settlement cycling route through Southborough does not pay due regard to the air quality and safety issues. The topography, restricted road widths and volume of commercial vehicles including HGVs using the A26 in Southborough will continue to

make it unsafe for cyclists even with an on-road cycle track. Proximity to the traffic will place them at risk not only of serious injury in a traffic accident but also of permanently damaging their health through breathing vehicle emissions. We believe that cycling and walking routes need to be separate from roads for these reasons and this is a location where provision of off-road cycling infrastructure is essential.

The option of an alternative “quiet route” may be safer and healthier but use of Rural Lanes and PRowS risks suburbanising these areas through the infrastructure required for safety such as surface treatments for routes crossing open green spaces, lighting and roadway traffic calming measures. Vauxhall Lane, nominated to provide an alternative for part of the A26 route, is a designated Rural Lane in the AONB, adjacent to a local wildlife site and bordered by agricultural fields for most of its length. This area benefits from dark skies and installation of street lighting would be contrary to Paragraph 180(c) of the NPPF, which requires plans to limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

#### Southborough Sites not allocated.

CPRE Kent strongly supports the Council's decision not to allocate sites 10, 45, 335 and 445, which are in sensitive locations in terms of landscape, biodiversity AONB and/or Green Belt.

### 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.**

As noted above.

Please note that visibility of information on the map needs to be improved e.g. by an increase in scale; it is very ‘busy’ with a number of designations overlaying each other.

### 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:**

CPRE Kent would wish to participate at the examination hearings to explore these issues further. In particular, development at sites 10, 45, 335 and 445 would have an impact on landscape, biodiversity

and/or the green belt we would wish to participate at the Examination Hearings to counter any representations which may be made at the hearing sessions on behalf of promoters of the sites.

#### **Question 8**

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

Please see our comments under policy AL/SO 2

#### **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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## 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_522
Response Date	27/05/21 16:53
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.3
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.	
Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel	
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 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.**

CPRE Kent notes the detailed work which has gone into the Structure Report and Plan for the urban extension at Paddock Wood and east Capel together with the constructive parcelling of individual sites to form clear parcels for masterplanning. In line with the approach taken in the Strategic Sites Masterplanning and Infrastructure Study, we have included policies STR/SS2 and STR/PW 1 in our review of the STR/SS1 as policies for the Paddock Wood town centre and the wider built-up area form an integral part of the masterplanning. We have commented below on specific points within the Policy.

We do, however, remain concerned by the loss of green belt land resulting from this development and by the low density of housing on what are primarily greenfield sites around the perimeter of the Paddock Wood town.

We are also seeking assurance on how the delivery risk for this strategic site will be managed. Over one third of the homes to be delivered by this local plan are at Paddock Wood. If delivery at any of the parcels stalls, housing need will not be met as predicted in the Council's housing trajectory.

We note that the extension of the key employment area at Paddock Wood may provide opportunities for new residents to work close to home, while the existing retail and service provisions in Paddock Wood town centre will meet needs beyond those delivered by the new neighbourhood centres. CPRE strongly supports the aim of reducing private car journeys and therefore welcomes the provision of walking and cycling to Paddock Wood town centre and the Key Employment Area as well as within the sites. We also recognise that this development has the merit of being close to a railway station, enabling sustainable travel to a wide variety of destinations to be a realistic option.

We note that the preamble to this policy suggests that the new Tudeley garden settlement will contribute to the opportunity for ambitious investment into the Paddock Wood town centre. Is that development expected to make financial contribution to the Paddock Wood town centre regeneration plan or is this simply based upon the expectation of increased economic activity for Paddock Wood businesses?

We conclude that there appears to be the opportunity for organic growth of the town through the urban extension, in much the same way as local hop-growing drove previous growth. However, we are not convinced that a number of critical infrastructure issues have been fully addressed.

The Infrastructure Delivery Plan (March 2021) states "Additional waste water treatment capacity required over the Plan Period to be determined" and identifies some works and their associated costs. It is critical that there is a full understanding of what additional waste water treatment capacity is required and the cost. Unless there is clear evidence that the necessary infrastructure will be provided *before* the new dwellings are inhabited, this allocation should not be permitted. The capacity issues were well known even before the previous Local Plan consultation and Greg Clark MP for Tunbridge Wells raised them in a parliamentary debate on 28 October 2019. It is surprising that there still seems to be some uncertainty about the way forward.



The road system in the centre of Paddock Wood needs to be improved. There needs to be additional public parking space and/or new, very frequent public transport from the surrounding villages (including East Peckham in Tonbridge & Malling and Yalding, Laddingford and Collier Street in Maidstone) - as Paddock Wood lies at the junction of three boroughs - to ensure that the residents of outlying villages who will continue to need to rely on Paddock Wood as their local service centre are not excluded by the vehicles from the additional 3,500 dwellings. We note that Policy STR/SS2 requires provision of new/replacement car parks and seek assurance that this will also provide secure cycle parking.

The Transport Connections maps indicate that inter-settlement cycle routes will align with existing roads. Given the serious dangers of cycling on rural roads if there is no off-road or segregated cycle provision, these will be of little use to Paddock Wood residents. There need to be costed, funded proposals to provide much better, largely off-road cycling routes, and for the Council to use its compulsory powers to create them.

CPRE Kent also seeks reassurance that aspirations for a post-plan railway station serving Tudeley garden settlement will not prevent/preclude improvements to the rail service envisaged in the Kent Rail Strategy 2021.

#### Efficient Use of Land

CPRE Kent does not consider that the proposed development makes efficient use of land as required by the NPPF. Our comments on Strategic Policies STR1, STR2, STR3 and STR4 make clear why we consider that achieving high density of development is of critical importance.

Paragraph 4.34 of the Strategic Sites Topic Paper (March 2021) states that average density for the 3,450 dwellings at Paddock Wood and East Capel would be between 35-38dph based on 91ha of residential land. We are very concerned at this low density and suggest that it needs to be increased to a density appropriate for its context as an urban extension rather than fantasising that it will remain rural even after it has been built on. A higher density would also require less land take.

Higher density housing does not need to be ugly. Some of the most desirable properties in Royal Tunbridge Wells 'village area' are terraces and other clustered dwellings – the now-valued high density housing of the past. Even in modern developments, a village atmosphere can be successfully created with terraces, maisonettes and other three to four storey developments forming an attractive part of the development. More compact forms of development can assist in delivering a complete and connected neighbourhood where people can meet their everyday needs within a short walk or cycle.

Further research undertaken by CPRE and Place Alliance (A housing design audit for England, 2020) (see web link) concludes that housing schemes performed more poorly with distance from the urban core and with reduced density. The additional constraints imposed by stronger pre-existing urban context, were considered to encourage a more sensitive design response. Building at low density and on green fields is not being done well in terms of design quality. The most successful schemes (as audited in the study of 142 developments) were those at 56dph – which is almost double the national average of 31dph.

The National Design Codes consultation (January 2021) states that density is an essential component of an effective design code. Building at 20-40dph is noted as representing development in outer suburbs; suburban development is pegged at 40-60dph and urban neighbourhoods at 50-120dph.

#### Agricultural Land

Paragraph 170(b) of the NPPF requires planning decisions to contribute to and enhance the natural and local environment by recognising the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land. With paragraph 170b, footnote 53 stating that “where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.” The allocation includes Grade 2 and 3 agricultural land – which is at least in part best and most versatile land. There appears to be no evidence that the Council has sought to identify areas of poorer quality agricultural land for development.

As set out in our response to policy EN20, agricultural land is important in preserving the means to provide a reliable food source with low food miles and high animal welfare. Recent events have demonstrated the importance of maintaining home-grown food supply. The relatively small fields of the High and Low Weald, with their hedgerows that provide shelter, are particularly well suited to

providing grazing for non-intensive livestock farming, as well as the fruit and vegetables of the 'Garden of England'.

Agricultural land also has a vital role to play in absorbing carbon and preserving biodiversity, including the biodiversity in soils. Once it is built over the soil biodiversity is lost.

This is a precious and finite resource that must not be wasted - yet another reason why any development at this site must be at a much higher density and in a more compact form than currently proposed.

#### Green belt release

It is noted that the policy provides for the release of 148ha of land from the green belt at Paddock Wood.

Given that a large part of the borough is not green belt it is felt that the disproportionate loss of green belt in this location (which sits at the eastern most extremity of the large swathe of green belt east of the A26 running from Watlingbury to Tunbridge Wells) would undermine the five purposes for green belt designation as set out in paragraph 134 of the NPPF.

The Green Belt Study Stage Three Assessment of Green Belt allocations (November 2020) confirms that development in the green belt at Paddock Wood would result in high harm.

CPRE Kent is firmly of the view that green field development should be the last option and that brownfield sites should be developed first. All development, whether it be on sustainably located brownfield sites, or on green fields should be built at higher than low suburban development densities, so green field land take is kept to an absolute minimum.

CPRE Kent is concerned that the Council does not intend to designate additional land as replacement green belt.

CPRE Kent considers that replacement green belt should be designated at Paddock Wood, in order to ensure that future residents have access to green spaces that will have green belt protection.

It is not clear from policy STR/SS1 what the specific compensatory improvements to environmental quality and accessibility of the remaining green belt are, in addition to the general requirements/criteria for the proposed development. What compensatory improvements are being specifically sought compared to other developments that don't result in release of green belt land? The proposed flood mitigation would, we suggest, be necessary for the proposed development in any case and hence should not count as compensatory improvements for the loss of green belt.

Assurances are sought as to how compensatory improvements to environmental quality and accessibility of the remaining green belt will actually be delivered. This should be explicitly confirmed in the wording of the policy.

#### Flood Risk

Paragraph 149 of the NPPF places an onus on the Council to ensure that it takes "a proactive approach to mitigating and adapting to climate change, taking into account the long term implications for flood risk".

A high proportion of the land in this proposed allocation lies in in flood zones 2 and 3. While it is noted that the proposed policy requires that development will not exacerbate flooding elsewhere (potentially at Five Oak Green, Whetsted, Paddock Wood and further afield) and should deliver flood storage/attenuation/mitigation measures, it must be questionable whether development in an area at risk of flooding, and which could exacerbate flooding further afield, should be permitted in this location, especially in the light of impending climate change. Moreover, the policy does not require building standards and designs that will make the new dwellings and other development resilient to any flooding that may occur despite the flood storage/attenuation/mitigation measures.

#### Light Pollution

CPRE Kent is concerned that development of the site will increase and intensify the extent of light intrusion in this and the surrounding areas.

NPPF 180(c) requires planning policies to limit the impact of light pollution on intrinsically dark landscapes. The CPRE Dark Skies map <https://www.nightblight.cpre.org.uk/maps/> shows that Paddock Wood is in the darker skies category (one up from brighter) and the AONB to the south and the river

plain north to Hadlow are both in the next to darkest category. The scale of the development will introduce light pollution into the area of dark skies contrary to the NPPF.

It is also not clear whether street lighting will be required on the proposed A228 improvements around Colts Hill and/or the new Five Oak Green bypass, while inter-settlement cycle routes which use rural lanes or PROWs will require some form of lighting if they are to be more than day-time route options.

#### Conclusion

The plan is therefore considered to be unsound because it is not consistent with national policy.

CPRE Kent would wish to participate at the examination hearings to explore this issue further.

#### **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:**

CPRE Kent would wish to participate at the examination hearings to explore this issue further.

#### **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_524
Response Date	28/05/21 08:08
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.2
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.	
STR/SS3	
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 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.**

CPRE Kent objects to policy STR/SS3. The proposed development is in an unsustainable location and on green field land in active agricultural usage. We are concerned that the development will not result in a sustainable settlement for a significant period of its 15+year build out projection and will require the loss of 183 hectares of green belt land for the site itself and a further as yet unspecified amount to provide the new and upgraded roads and active travel routes necessary to provide inter-settlement links to Tonbridge, Paddock Wood and Royal Tunbridge Wells.

CPRE Kent is concerned that around one quarter of the homes to be delivered by this Plan are at this site, with delivery managed by a sole landowner. If delivery at this site stalls, housing need will not be met as predicted in the Council's housing trajectory.

#### Sustainability

The Masterplanning and Infrastructure Study (February 2021) note on a technical workshop raised the following: that Tudeley lacks a rail station and will need good bike link to Paddock Wood or Tonbridge stations to promote sustainable travel; and that the route connecting Paddock Wood – Tudeley – Tonbridge is very hostile to bicycles (paragraph 4.50).

The new settlement is about 4.5 miles from Paddock Wood railway station by road (3 miles as the crow flies) and 2.8 miles from Tonbridge railway station by road (2.5 miles as the crow flies). Rail travellers may prefer to travel to Tonbridge - which is on a confluence of four lines with trains going to Tunbridge Wells, Hastings and Redhill (with onward links to Gatwick Airport) as well as London, Sevenoaks, Dover and Ramsgate - rather than back to Paddock Wood.

There is currently no active travel infrastructure between the site and these railway stations. The Masterplanning and Infrastructure Study suggests that these would follow the existing roadways while the Strategic Sites Topic Paper states that the Hadlow Estate have identified "a completely offline route .... on land within its control to provide a cycle and pedestrian route from Tudeley Village westwards to Tonbridge ...", indicating a cycle journey time of 22 minutes from the centre of the village. As the Tudeley Village Delivery Strategy produced by the Hadlow Estate does not form part of the formal Local Plan supporting document set, no further detail of the route has been provided and such a route would presumably only be off-road up to the perimeter of Tonbridge, we consider that there is insufficient evidence to support this claim.

We wonder if residents would choose to cycle this as part of an onward journey to work in London and think it highly unlikely that residents would choose to walk, as this is a 45 minute to 1 hour walk, depending on the speed of the walker.

The Transport Connections maps indicate that inter-settlement cycle routes will align with existing roads. Given the serious dangers of cycling on rural roads if there is no off-road or segregated cycle provision, these will be of little use to Tudeley Village residents. There need to be costed, funded

proposals to provide much better, largely off-road cycling routes, and for the Council to use its compulsory powers to create them.

Consideration should be given to the impact on train capacity at Tonbridge and cycle parking capacity in the new cycle hub at the railway station to ensure that Tudeley garden settlement can actually attain its goal of being a low car, exemplar development.

Although the potential for provision of a railway station on the Tudeley garden settlement site is noted in the strategy preamble and land has been set aside for this in the masterplanning we are not convinced that this is a realistic prospect due to impact on journey times and cost.

Furthermore, we are aware that the Kent Rail Strategy 2021 is considering a direct rail service linking Kent, Gatwick and Reading and seek assurances that development at Paddock Wood, East Capel and Tudeley would not prejudice this. (See paragraphs 3.7, 3.9, 5.5 (xi) and 9.10 ((see web link)

Policy STR6 (b)(1) sets out that a rapid bus/transport link will be provided from Paddock Wood to Tonbridge (via Tudeley garden settlement). Policy STR/SS3 The Strategy for Tudeley Village makes no reference to this nor does Map 32 Tudeley Village Plan.

Tudeley is not presently served by a frequent bus service and there does not appear to be any supporting evidence to show that a regular walk-on service could be provided early on for the new settlement, or that the scale of development would support a walk-on service. It is more than likely that new residents would travel by car for the whole or part of their journey whether to work and/or school or for wider retail and cultural needs. This allocation straddles the railway line which is crossed by Sherenden Road (bridge under/height restriction) and Hartlake Road (bridge over). These are both narrow country roads. The Infrastructure Delivery Plan (March 2021) identifies a new railway bridge (critical and medium term) and works to reduce the existing railway bridge at Hartlake Road (highly desirable and medium term) and new railway bridge for pedestrians and cyclists (highly desirable and long term) to be funded by the developer and delivered by the developer/Network Rail. It is unclear what the impact on the development will be if the expensive Hartlake Road scheme is not provided, including free-flowing movement within the site and community cohesion.

We also note that policy point 12 specifically includes the A228 works and the bypass around Five Oak Green as highway improvements funded by developer contributions. The four highway improvements in the Infrastructure Delivery Plan relating to the highway connection to Tonbridge, all of which are assigned a priority of critical, are not specifically included and it is unclear whether these will be provided to support travel to Tonbridge.

The IDP identifies many infrastructure projects being delivered in the medium term which is defined as 5-10 years. It is unclear if this means from 2026-2031 or 5-10 years from the completion and occupation of the first homes. This includes facilities such as bus provision, health provision, community centre and open space provision. These are facilities that both support sustainable development and help develop community.

The plan provides for a six-form entry secondary school which will serve a wider catchment than the new settlement. It is unclear where pupils will come from or how they will travel to the new school.

#### Efficient Use of Land

CPRE Kent does not consider that the proposed development makes efficient use of land as required by the NPPF. Our comments on strategic policies STR1, STR2, STR3 and STR4 make clear why we consider that achieving high density of development is of critical importance.

Paragraph 5.3 of the Strategic Sites Topic Paper (March 2021) states that average density for the 2800 dwellings at Tudeley garden settlement would be just under 30dph based on a developable area of 95ha. This density is very low. If referenced to the green belt land being released for this site (183ha) this translates to 15.3dph – clearly a wasteful approach for viable green belt, greenfield agricultural land.

While this proposed development is being referred to as a garden village, it is clear that a housing development of this scale will inexorably change the character of the site, turning it from a rural landscape to a built-up area.

Higher density housing does not need to be ugly. Some of the most desirable properties in Royal Tunbridge Wells 'village area' are terraces and other clustered dwellings – the now-valued high density housing of the past. Even in modern developments, a village atmosphere can be successfully created

with terraces, maisonettes and other three to four storey developments forming an attractive part of the development. More compact forms of development can assist in delivering a complete and connected neighbourhood where people can meet their everyday needs within a short walk or cycle.

The National Design Codes consultation (January 2021) states that density is an essential component of an effective design code. Building at 20-40dph is noted as representing development in outer suburbs; suburban development is pegged at 40-60dph and urban neighbourhoods at 50-120dph.

Further research undertaken by CPRE and Place Alliance (A housing design audit for England, 2020) (see web link) concludes that housing schemes performed more poorly with distance from the urban core and with reduced density. The additional constraints imposed by stronger pre-existing urban context, were considered to encourage a more sensitive design response. Building at low density and on green fields is not being done well in terms of design quality. The most successful schemes (as audited in the study of 142 developments) were those at 56dph – which is almost double the national average of 31dph.

#### Agricultural Land

Paragraph 170(b) of the NPPF requires planning decisions to contribute to and enhance the natural and local environment by recognising the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land. With paragraph 170b, footnote 53 stating that “where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.” The allocated land is classified as Grade 2 and 3 – which is at least in part best and most versatile land. There appears to be no evidence that the Council has sought to identify areas of poorer quality agricultural land for development.

As set out in our response to policy EN20, agricultural land is important in preserving the means to provide a reliable food source with low food miles and high animal welfare. Recent events have demonstrated the importance of maintaining home-grown food supply. The relatively small fields of the High and Low Weald, with their hedgerows that provide shelter, are particularly well suited to providing grazing for non-intensive livestock farming, as well as the fruit and vegetables of the ‘Garden of England’. The vast majority of this site has remained as undeveloped agricultural land since the mid 1880s. (Strategic Sites Masterplanning and Infrastructure Study Appendix 2, paragraph 6.7.6).

Agricultural land also has a vital role to play in absorbing carbon and preserving biodiversity, including the biodiversity in soils. Once it is built over the soil biodiversity is lost.

This agricultural land is a precious and finite resource that must not be wasted - yet another reason why any development at this site must be at a much higher density and in a more compact form than currently proposed.

#### Green belt release

It is noted that the plan provides for the release of 183ha of land from the green belt at Tudeley. Given that a large part of the borough is not green belt it is felt that the disproportionate loss of green belt in this location (which forms a larger swathe of green belt east of the A26 running from Watlingbury to Tunbridge Wells) would undermine the five purposes for green belt designation as set out in paragraph 134 of the NPPF.

The Green Belt Study Stage Three Assessment of Green Belt allocations (November 2020) confirms that development in the green belt for Tudeley garden settlement would result in high harm. The Strategic Sites Topic Paper suggests that “The masterplanning seeks to provide robustly defined boundaries to the remaining Green Belt between Tonbridge, Tudeley Village and Paddock Wood to prevent urban sprawl, neighbouring towns merging with each other and safeguarding the countryside from encroachment in the long term.” As none of the Policies Maps provide a single view of the relative locations and LBDs of the strategic sites and the existing neighbouring settlements within and outside the Borough, the risk to the green belt both from this development and in the long term is not visible.

The on-line and offline improvements to the A228 together with new Five Oak Green by-pass will cause further harm to the green belt countryside.

CPRE Kent is further concerned that the Council does not intend to designate additional land as replacement green belt.

It is noted that the preamble to this policy (paragraph 5.211) states that “the Development Strategy Topic Paper sets out the exceptional circumstances and compensatory improvements to the remaining Green Belt to justify the changes to the boundary in this location.”

While some potential compensatory improvements are set out in the Strategic Sites Topic Paper it's not clear from policy STR/SS3 what the specific compensatory improvements to environmental quality and accessibility of the remaining green belt are, in addition to the general requirements/criteria for the proposed development. What compensatory improvements are being specifically sought compared to other developments that don't result in release of green belt land?

We also question the policy assumption that measures to reduce flood risk to residential areas at Five Oak Green (policy point 10) should be regarded as compensatory improvements to the green belt. They form part of the Council's *justification* for release of this green belt land, but do not appear to deliver improved environmental quality and accessibility to the green belt.

Assurances are sought as to how compensatory improvements to environmental quality and accessibility of the remaining green belt will actually be delivered.

### Employment

The policy at 2(b) provides for main village and local centres for a range of service and employment uses of an appropriate scale to serve the new community. It is not clear if these centres would deliver the number and type of jobs required for a high proportion of residents to work locally in an area where house prices are likely to be high. There must be a strong likelihood that this will become a new dormitory town for London.

### AONB

CPRE Kent objects to the provision of a new settlement at Tudeley and the impact that this would have on the setting of the High Weald AONB. The proposed new village would be highly visible on the slopes leading down to the flat lands of the River Medway flood plain, when viewed from the AONB.

Paragraph 172 of the NPPF:

“Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within these designated areas should be limited”.

Planning Practice Guidance, 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. [CPRE Kent emphasis]

Paragraph: 041 Reference ID: 8-041-20190721.

AONBs together with National Parks have the highest status of protection in relation to landscape and scenic beauty. For National Parks “the Government recognises that the Parks are not suitable locations for unrestricted housing and does not therefore provide general housing targets for them. The expectation is that new housing will be focused on meeting affordable housing requirements, supporting local employment opportunities and key services”[1]. This principle equally applies to AONBs through paragraph 11(b)(ii) of the NPPF to ensure that the scale and extent of development proposed does not harm the purposes for which these areas were nationally designated.

### Flood Risk

Paragraph 149 on the NPPF places an onus on the Council to ensure that it takes “a proactive approach to mitigating and adapting to climate change, taking into account the long term implications for flood risk”.

Land allocated for Tudeley garden settlement adjoins land in flood zone 3b – the functional flood plan for the River Medway, and is therefore a very high risk flood area. While it is noted that policy requires that development will not exacerbate flooding elsewhere (particularly from the Alder Stream at Five



Oak Green) and should deliver flood storage/attenuation/mitigation measures, it is considered that development in such close proximity to an area at risk of flooding, and which would exacerbate flooding further afield, should not be permitted in this location.

#### Light Pollution

CPRE Kent is concerned that development of the site will increase and intensify the extent of light intrusion in this and the surrounding areas.

NPPF 180(c) requires planning policies to limit the impact of light pollution on intrinsically dark landscapes. The CPRE Dark Skies map <https://www.nightblight.cpre.org.uk/maps/> shows that Tudeley is in the darker skies category (one up from brighter) and the AONB to the south and the river plain north to Hadlow are both in the next to darkest category. The scale of the development and its associated roads will introduce light pollution into the area of dark skies contrary to the NPPF.

Dark skies should be referred to under section 5 of this policy.

#### Heritage Assets

As well as considering the impacts of development on All Saints Church regard should be given to (views from) Hadlow Tower and the impact on the heritage assessments at Lilley Farm and Bank Farm within the proposed allocation and the numerous listed buildings at the edges of the allocation. Section 7(b) should consider the impact on views of Hadlow Tower from the High Weald AONB.

#### Conclusion

The plan is therefore considered to be unsound because it is not consistent with national policy.

CPRE Kent would wish to participate at the examination hearings to explore this issue further.

[1] English national parks and the broads: UK government vision and circular 2010 (see web link)

### **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:**

CPRE Kent would wish to participate at the examination hearings to explore this issue further.

### **Question 8**

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

The current Sustainability Appraisal is based upon the “end state” of this development i.e. when all housing, facilities, services and infrastructure are in place. As the development of the “Tudeley Village” spans a long period with provision of housing and infrastructure likely to go hand-in-hand throughout this period, we suggest that SAs should be produced for the projected combined housing and infrastructure status at 5 and 10 years into the build. This would give a picture of what level of

sustainability is expected to be achieved during the build timescale and how sustainable the settlement would be if, by some mischance, no further development were to take place.

## 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_525
Response Date	28/05/21 08:22
Consultation Point	Policy STR/PW 1 The Strategy for Paddock Wood ( <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.	
STR/CA1	
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 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.

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 objects to this policy. It includes some policy provisions which relate to the strategic sites in addition to those specific to Capel Parish.

Our responses to this policy should be read in conjunction with our responses to the strategic policies (STR 1 – STR 10) and the strategic site policies (STR/SS1 and STR/SS2).

We suggest that the initial two paragraphs of the policy are retained, with the remainder of the development strategy for Capel “excluding land which forms part of the Strategic Growth sites at Tudeley Village and Land east of Capel and Paddock Wood”, as suggested by those paragraphs.

The Tudeley Village development (policy point 2), the Capel element of the Paddock Wood extension (policy point 3), compensatory improvements to the Green Belt within Capel (policy point 4), transport improvements (policy point 5) and use of developer contributions towards the expansion of Capel Primary School at Five Oak Green (policy point 6a) should be referenced in the preamble as being provided by the Strategic Sites (STR/SS1 and STR/SS3) but should not form part of the policy.

The items to remain within the policy are:

- . Set Limits to Built Development for Five Oak Green (policy point 1).
- . Seek developer contributions from residential schemes for open space, sport and recreation facilities, including improvements to the football pitches at Five Oak Green (policy point 6b).

Query whether this policy also include the standard policy provision for windfall developments, and the retention of employment space (at Brook Farm).

We note that the northern part of the site at AL/RTW17 falls within Capel parish. The preamble to that policy indicates that the area within Capel is to be retained as open space/landscape buffer to the built development and is not included in the proposed green belt release for the site and we suggest that this wording is repeated in the preamble to this policy.

Due to the distribution of development across the parish and within the parished and unparished areas that border it, we consider that a parish-wide Inset Map is required. This would provide the context for the policy, clarify the relationships in terms of scale and connectivity between Five Oak Green, Brook Farm and the proposed strategic sites while additionally improving visibility of the heritage assets and designated ecological and wildlife sites within the parish.

We support the Council's decision not to allocate the Castle Hill Garden Settlement Option (primarily within Capel Parish) that was submitted as an alternative to the Tudeley garden settlement allocation. CPRE Kent is opposed to building in the AONB or the green belt unless exceptional circumstances have been made out, which we do not believe would be the case here.

#### Question 6

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Amend policy as suggested above – to ensure policy provisions for the strategic sites are not duplicated.

Provide an Inset Map for the whole of the parish – to provide the context for this 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 further discuss the points raised above.

### 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_595
Response Date	28/05/21 14:00
Consultation Point	Policy STR/PW 1 The Strategy for Paddock Wood ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.2
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.	
STR/PW1	
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 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 comments submitted under STR/SS1 (replicated below).

CPRE Kent notes the detailed work which has gone into the Structure Report and Plan for the urban extension at Paddock Wood and east Capel together with the constructive parcelling of individual sites to form clear parcels for masterplanning. In line with the approach taken in the Strategic Sites Masterplanning and Infrastructure Study, we have included policies STR/SS2 and STR/PW 1 in our review of the STR/SS1 as policies for the Paddock Wood town centre and the wider built-up area form an integral part of the masterplanning. We have commented below on specific points within the Policy.

We do, however, remain concerned by the loss of green belt land resulting from this development and by the low density of housing on what are primarily greenfield sites around the perimeter of the Paddock Wood town.

We are also seeking assurance on how the delivery risk for this strategic site will be managed. Over one third of the homes to be delivered by this local plan are at Paddock Wood. If delivery at any of the parcels stalls, housing need will not be met as predicted in the Council's housing trajectory.

We note that the extension of the key employment area at Paddock Wood may provide opportunities for new residents to work close to home, while the existing retail and service provisions in Paddock Wood town centre will meet needs beyond those delivered by the new neighbourhood centres. CPRE strongly supports the aim of reducing private car journeys and therefore welcomes the provision of walking and cycling to Paddock Wood town centre and the Key Employment Area as well as within the sites. We also recognise that this development has the merit of being close to a railway station, enabling sustainable travel to a wide variety of destinations to be a realistic option.

We note that the preamble to this policy suggests that the new Tudeley garden settlement will contribute to the opportunity for ambitious investment into the Paddock Wood town centre. Is that development expected to make financial contribution to the Paddock Wood town centre regeneration plan or is this simply based upon the expectation of increased economic activity for Paddock Wood businesses?

We conclude that there appears to be the opportunity for organic growth of the town through the urban extension, in much the same way as local hop-growing drove previous growth. However, we are not convinced that a number of critical infrastructure issues have been fully addressed.

The Infrastructure Delivery Plan (March 2021) states "Additional waste water treatment capacity required over the Plan Period to be determined" and identifies some works and their associated costs. It is critical that there is a full understanding of what additional waste water treatment capacity is required and the cost. Unless there is clear evidence that the necessary infrastructure will be provided *before* the new dwellings are inhabited, this allocation should not be permitted. The capacity issues were well known even before the previous Local Plan consultation and Greg Clark MP for Tunbridge

Wells raised them in a parliamentary debate on 28 October 2019. It is surprising that there still seems to be some uncertainty about the way forward.

The road system in the centre of Paddock Wood needs to be improved. There needs to be additional public parking space and/or new, very frequent public transport from the surrounding villages (including East Peckham in Tonbridge & Malling and Yalding, Laddingford and Collier Street in Maidstone) - as Paddock Wood lies at the junction of three boroughs - to ensure that the residents of outlying villages who will continue to need to rely on Paddock Wood as their local service centre are not excluded by the vehicles from the additional 3,500 dwellings. We note that Policy STR/SS2 requires provision of new/replacement car parks and seek assurance that this will also provide secure cycle parking.

The Transport Connections maps indicate that inter-settlement cycle routes will align with existing roads. Given the serious dangers of cycling on rural roads if there is no off-road or segregated cycle provision, these will be of little use to Paddock Wood residents. There need to be costed, funded proposals to provide much better, largely off-road cycling routes, and for the Council to use its compulsory powers to create them.

Furthermore, we are aware that the Kent Rail Strategy 2021 is considering a direct rail service linking Kent, Gatwick and Reading and seek assurances that development at Paddock Wood, East Capel and Tudeley would not prejudice this. (See paragraphs 3.7, 3.9, 5.5 (xi) and 9.10 see web link

#### Efficient Use of Land

CPRE Kent does not consider that the proposed development makes efficient use of land as required by the NPPF. Our comments on Strategic Policies STR1, STR2, STR3 and STR4 make clear why we consider that achieving high density of development is of critical importance.

Paragraph 4.34 of the Strategic Sites Topic Paper (March 2021) states that average density for the 3,450 dwellings at Paddock Wood and East Capel would be between 35-38dph based on 91ha of residential land. We are very concerned at this low density and suggest that it needs to be increased to a density appropriate for its context as an urban extension rather than fantasising that it will remain rural even after it has been built on. A higher density would also require less land take.

Higher density housing does not need to be ugly. Some of the most desirable properties in Royal Tunbridge Wells 'village area' are terraces and other clustered dwellings – the now-valued high density housing of the past. Even in modern developments, a village atmosphere can be successfully created with terraces, maisonettes and other three to four storey developments forming an attractive part of the development. More compact forms of development can assist in delivering a complete and connected neighbourhood where people can meet their everyday needs within a short walk or cycle.

Further research undertaken by CPRE and Place Alliance (A housing design audit for England, 2020) see web link concludes that housing schemes performed more poorly with distance from the urban core and with reduced density. The additional constraints imposed by stronger pre-existing urban context, were considered to encourage a more sensitive design response. Building at low density and on green fields is not being done well in terms of design quality. The most successful schemes (as audited in the study of 142 developments) were those at 56dph – which is almost double the national average of 31dph.

The National Design Codes consultation (January 2021) states that density is an essential component of an effective design code. Building at 20-40dph is noted as representing development in outer suburbs; suburban development is pegged at 40-60dph and urban neighbourhoods at 50-120dph.

#### Agricultural Land

Paragraph 170(b) of the NPPF requires planning decisions to contribute to and enhance the natural and local environment by recognising the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land. With paragraph 170b, footnote 53 stating that “where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.” The allocation includes Grade 2 and 3 agricultural land – which is at least in part best and most versatile land. There appears to be no evidence that the Council has sought to identify areas of poorer quality agricultural land for development.

As set out in our response to policy EN20, agricultural land is important in preserving the means to provide a reliable food source with low food miles and high animal welfare. Recent events have demonstrated the importance of maintaining home-grown food supply. The relatively small fields of



the High and Low Weald, with their hedgerows that provide shelter, are particularly well suited to providing grazing for non-intensive livestock farming, as well as the fruit and vegetables of the 'Garden of England'.

Agricultural land also has a vital role to play in absorbing carbon and preserving biodiversity, including the biodiversity in soils. Once it is built over the soil biodiversity is lost.

This is a precious and finite resource that must not be wasted - yet another reason why any development at this site must be at a much higher density and in a more compact form than currently proposed.

#### Green belt release

It is noted that the policy provides for the release of 148ha of land from the green belt at Paddock Wood.

Given that a large part of the borough is not green belt it is felt that the disproportionate loss of green belt in this location (which sits at the eastern most extremity of the large swathe of green belt east of the A26 running from Watlingbury to Tunbridge Wells) would undermine the five purposes for green belt designation as set out in paragraph 134 of the NPPF.

The Green Belt Study Stage Three Assessment of Green Belt allocations (November 2020) confirms that development in the green belt at Paddock Wood would result in high harm.

CPRE Kent is firmly of the view that green field development should be the last option and that brownfield sites should be developed first. All development, whether it be on sustainably located brownfield sites, or on green fields should be built at higher than low suburban development densities, so green field land take is kept to an absolute minimum.

CPRE Kent is concerned that the Council does not intend to designate additional land as replacement green belt.

CPRE Kent considers that replacement green belt should be designated at Paddock Wood, in order to ensure that future residents have access to green spaces that will have green belt protection.

It is not clear from policy STR/SS1 what the specific compensatory improvements to environmental quality and accessibility of the remaining green belt are, in addition to the general requirements/criteria for the proposed development. What compensatory improvements are being specifically sought compared to other developments that don't result in release of green belt land? The proposed flood mitigation would, we suggest, be necessary for the proposed development in any case and hence should not count as compensatory improvements for the loss of green belt.

Assurances are sought as to how compensatory improvements to environmental quality and accessibility of the remaining green belt will actually be delivered. This should be explicitly confirmed in the wording of the policy.

#### Flood Risk

Paragraph 149 of the NPPF places an onus on the Council to ensure that it takes "a proactive approach to mitigating and adapting to climate change, taking into account the long term implications for flood risk".

A high proportion of the land in this proposed allocation lies in flood zones 2 and 3. While it is noted that the proposed policy requires that development will not exacerbate flooding elsewhere (potentially at Five Oak Green, Whetsted, Paddock Wood and further afield) and should deliver flood storage/attenuation/mitigation measures, it must be questionable whether development in an area at risk of flooding, and which could exacerbate flooding further afield, should be permitted in this location, especially in the light of impending climate change. Moreover, the policy does not require building standards and designs that will make the new dwellings and other development resilient to any flooding that may occur despite the flood storage/attenuation/mitigation measures.

#### Light Pollution

CPRE Kent is concerned that development of the site will increase and intensify the extent of light intrusion in this and the surrounding areas.

NPPF 180(c) requires planning policies to limit the impact of light pollution on intrinsically dark landscapes. The CPRE Dark Skies map <https://www.nightblight.cpre.org.uk/maps/> shows that Paddock Wood is in the darker skies category (one up from brighter) and the AONB to the south and the river

plain north to Hadlow are both in the next to darkest category. The scale of the development will introduce light pollution into the area of dark skies contrary to the NPPF.

It is also not clear whether street lighting will be required on the proposed A228 improvements around Colts Hill and/or the new Five Oak Green bypass, while inter-settlement cycle routes which use rural lanes or PROWs will require some form of lighting if they are to be more than day-time route options.

#### Conclusion

The plan is therefore considered to be unsound because it is not consistent with national policy.

CPRE Kent would wish to participate at the examination hearings to explore this issue further.

#### **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)

#### **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_527
Response Date	28/05/21 08:37
Consultation Point	Policy STR/CRS 1 The Strategy for Cranbrook and Sissinghurst parish ( <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.	
STR/CRS1	
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 policy provides for building 415-429 new homes in the parish during the plan period, the majority of which are to be built on three green field sites in the High Weald AONB, one of which has not previously been allocated for development and which, both together and separately, constitute major development in the AONB. The grounds for such development, which is only permissible in exceptional circumstances under paragraph 172 NPPF, are not made out in the Plan.

These developments (policies AI/CRS1, AL/CRS2 and AL/CRS3) would transform the rural landscape of the Crane Valley into a suburban sprawl, extending for almost a kilometre south west of the LBD in place prior to the allocation of Corn Hall and Brick Kiln Farm for development in 2016. The Crane Valley remains intact at the date of this consultation, no development having taken place on these three sites, apart from limited work on the road access to Turnden Phase 1.

These developments would harm the natural beauty of the AONB; destroy medieval or post-medieval farming landscape characteristic of the AONB; harm biodiversity; obliterate historic settlement patterns, in particular by practically eliminating the gap between Cranbrook and Hartley; harm the Cranbrook Conservation Area by compromising the rural character of its setting; and harm several other nearby heritage assets for similar reasons.

The Council has not demonstrated the need for these allocations and has not demonstrated that no alternative sites in the Borough, outside the AONB, could meet housing needs in the eastern part of the borough. Neither the SHELAA nor the other supporting documents on housing policy provide any justification for the number of new homes in the parish which are allocated by this Plan. The Development Strategy Topic Paper provides a qualitative description of the adjustments to the distribution of development in the borough, as compared with the Regulation 18 draft Local Plan, without justifying the remaining allocations in Cranbrook and Sissinghurst in quantitative terms.

We recognise that the housing allocation to Cranbrook and Sissinghurst is lower than in the Regulation 18 draft Local Plan, but the reduction now proposed is insufficient to prevent new development causing serious environmental harm to the parish, its residents and the AONB. All three sites for major development score very negatively on environmental grounds in the Sustainability Appraisal and their severe adverse impact on the AONB is made clear in Appendix 3 to the Development Strategy Topic Paper. Together, they will represent an increase of approximately one third in the number of homes in Cranbrook's LBD.

Section H of the Development Strategy Topic Paper seeks to justify the level of development within the AONB under this Plan (32 sites, of which 11 are regarded as 'major' allocated for 1,370 dwellings by reference to national planning policy and guidance). In relation to 'major developments', which include these three sites, the Council sets out a number of circumstances affecting the borough as a whole, which it says satisfy the applicable exceptional circumstances test under paragraph 172 NPPF.

In fact, the situation described at paragraph 6.156, of substantial local housing need and a high affordability ratio is pervasive throughout south east England and difficulty in accommodating the government's housing targets on unprotected land is experienced by many LPAs, a high proportion of whose areas are in AONBs or national parks. Tunbridge Wells is in the same planning bind as its neighbouring authorities and many others in the region. The government has repeatedly stated its commitment to the protection of AONBs and has put forward no proposals to dilute such protection. The Council's approach undermines the protection of the High Weald AONB and is inconsistent with national planning law and policy. The site assessments in Appendix 3 to the Development Strategy Topic Paper serve only to underline this.

The additional traffic generated by these developments, considered cumulatively, will undoubtedly increase air pollution in the recently designated AQMA at Hawkhurst Crossroads, risking harm to public health, contrary to national planning policies and relevant policies in this Plan. We accordingly object to points 1 and 2 of the policy.

We do not believe that point 2 can be consistent with point 3, since the impact of the planned new housing will inevitably not be "acceptable" at Hawkhurst Crossroads. Point 4, which refers to the effects of additional traffic through the Hawkhurst crossroads and to the Air Quality Management Area, sets thresholds that are much too high. It should apply to all development that could cause increased traffic or air pollution, since the crossroads are already well over capacity and the air quality in the AQMA is well above safe levels.

Any development, including windfall development on smaller sites, will be unacceptable if it will lead to a cumulative increase. We therefore question whether any development on the A229 at Cranbrook can in fact be sustainable, given that incremental journeys by car to or through Hawkhurst will be attributable to every new home built there.

No attempt has so far been made by the Council to assess the cumulative impact of current and proposed development at Cranbrook and Hawkhurst on congestion and air quality at Hawkhurst Crossroads. The Air Quality Assessment provided by Berkeley Homes in support of application 20/00815/FULL, attempted to measure simply the increment to then current levels of pollution that would be caused by the Turnden Phase 2 development. A radical change of approach by the Council will be necessary, if effect is to be given to Policy EN21, which provides:

"Development will not be permitted when it is considered that the health, amenity, or natural environment of the surrounding area would be subject to unacceptable air quality effects (that are incapable of being overcome by a condition or planning obligation), taking into account the cumulative effects of other proposed or existing sources of air pollution in the locality."

A consequence of these proposed developments, which the policy appears to ignore, is increased congestion on the A262 at Goudhurst, which is regularly problematic at peak times and often at other times, when large vehicles seek to pass in opposite directions in the village centre. Experience suggests that a high proportion of car journeys from homes in this location will be made in this direction, as it is the quickest route to reach Tunbridge Wells, the M25 and Greater London. Increased journey times and higher levels of air pollution in Goudhurst are the inevitable result of development on this scale at Cranbrook. These journeys would also increase traffic on Turnden Road, a narrow lane with blind bends at its narrowest points, on which drivers already need to exercise extreme caution.

Consistent with our comments on housing density elsewhere in this response, the capacity of the three sites allocated for major development should be reviewed, without increasing the proposed developed area on any site, to assess whether they represent appropriate and efficient use of land. Such a review could potentially either reduce the developed area on each site, or undermine the Council's conclusion that the new allocation, Turnden, is required.

In relation to the two sites allocated for development in Sissinghurst under Policies AL/CRS6 and AL/CRS7, we make the following points. First, it is not clear to us why, following the substantial growth of the village attributable to the site east of Common Road, which was not allocated under the existing Local Plan and for which planning permission was granted on appeal, the significant further growth comprised by these two allocations is necessary. Secondly, as these are both green field sites, it is essential that the housing density on the sites is appropriate and represents efficient use of land. Thirdly, site AL/CRS6 adjoins the AONB and any development on that site must not harm the AONB or its setting. We do not comment separately on these two policies.

The support provided in point 6 for proposals for non-residential uses within the LBD is too broad, as the LBD includes the Cranbrook and Sissinghurst Conservations Areas and parts of their setting, which must be protected from unsuitable development.

In paragraph 5.271 there is unaccountably no reference to the Cranbrook Conservation Area.

It must be questionable whether additional secondary school capacity will be required in the parish during the plan period, as contemplated by paragraph 5.278, since the Weald Academy is currently operating at a small fraction of its capacity.

## Question 6

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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 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 remove Turnden Phase 2 from the new LBD for Cranbrook.

To reduce the total number of new dwellings by at least the number to be built in Turnden Phase 2.

To delete or reduce the threshold in point 4.

To provide for consideration of the effects of increased congestion on the A262 at Goudhurst, caused by these developments.

To refer to the protection of Conservation Area in Point 6 and/or to refer to Policy EN5 in the list of relevant policies.

Include EN21 and EN22 (air quality and AQMAs) in this list of relevant policies.

## 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 argue for the amendments above and to respond to any other amendments proposed. To participate in the discussion of any additional allocation sites put forward by other parties.

## Question 8

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

It is noteworthy that two of the allocated sites AI/CRS1 and AL/CRS3 score negatively on many environmental factors, notably Air, Biodiversity, Heritage, landscape, Land Use, Noise and Water (AL/CRS2 scores neutrally on some of these criteria, but this can only be because the allocation is smaller, since the environmental impact per dwelling of this development must be practically identical to that of the other two sites). Since the principal positive score for each site is for housing, this strongly suggest that, in the sustainability appraisal the Council is giving predominant weight to housing provision and little or no weight to the protection of the AONB, contrary to the NPPF.

## 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_528
Response Date	28/05/21 08:43
Consultation Point	Policy AL/CRS 1 Land at Brick Kiln Farm, Cranbrook 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
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Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
AL/CRS1	
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 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.**

One of the stipulations in Site Allocations Local Plan 2016 Policy AL/CR 4 was that there should be a Masterplan for the development of the whole site, of which the two parts, Brick Kiln Farm and Corn Hall, were (and remain, so far as we are aware) in separate ownership. This requirement was important for a number of reasons, notably that without co-ordinated development of the two parts, it will be impossible to deliver direct pedestrian and cycle access through the site to Cranbrook Town Centre, near the supermarket, an essential element of the sustainability of these developments (and of Turnden, as proposed). The recent change of ownership of Brick Kiln Farm and consequent withdrawal of the previous developer's reserved matters application, coupled with the absence of any planning application for Corn Hall, provides an opportunity to include a requirement for a masterplan in Policies AL/CRS 1 and 2, to ensure that, at the least, this non-vehicular access route is provided.

The requirement for affordable housing should be increased from 35% to 40%, in accordance with the policies in this draft Plan.

The capacity of the area of the site proposed for development, and the size of that area, should be reviewed, as stated above in relation to Policy CRS/STR1.

We have commented on policy EN12 that it does not provide for as great a buffer for ancient woodland as the Woodland Trust recommends. The buffer provided in this allocation should at least meet the requirements of policy EN12 and preferably the Woodland Trust's preferred 50-metre buffer.

To comply with policies EN21 and 22, a comprehensive traffic survey, taking this and all other current and proposed developments along the A229 into account, should be carried out and necessary remedial measures with regard to Hawkhurst crossroads and, potentially, on the A262 at Goudhurst, should be a pre-condition of development on this site.

In view of the location of the site and its proximity to the Cranbrook Conservation Area, the development should comply with the High Weald AONB Design Guide.

The listed residential properties to the north west of the site, mentioned in paragraph 5.290, include one Grade II\* Listed Building, Goddards Green.

#### Question 6

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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.**

The amount of affordable housing to be increased to 40%.

An additional requirement that a masterplan for the development of Brick Kiln Farm and Corn Hall, agreed by the developers and acceptable to the Council, providing (at least) for a pedestrian and cycle route through both sites to the town centre, should be a pre-condition for the development of either site.

A requirement to comply with the High Weald AONB Design Guide.

Bullet 6(d) to provide for a woodland buffer of 50 metres.

A requirement to conduct a comprehensive traffic survey and implement remedial measures, as described above.

Include EN21 and EN22 (air quality and AQMAs) in this list of relevant policies

### **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 argue for the changes proposed above and to respond to any other proposed changes.

### **Question 8**

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

It is noteworthy that two of the allocated sites AL/CRS1 and AL/CRS3 score negatively on many environmental factors, notably Air, Biodiversity, Heritage, landscape, Land Use, Noise and Water (AL/CRS2 scores neutrally on some of these criteria, but this can only be because the allocation is smaller, since the environmental impact per dwelling of this development must be practically identical to that of the other two sites). Since the principal positive score for each site is for housing, this strongly suggest that, in the sustainability appraisal the Council is giving predominant weight to housing provision and little or no weight to the protection of the AONB, contrary to the NPPF.

## 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_529
Response Date	28/05/21 08:49
Consultation Point	Policy AL/CRS 2 Land south of Corn Hall, Crane Valley, Cranbrook ( <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/CRS2	
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 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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The site area is 6.78 hectares but the area on which residential units are to be built is not stated. It is therefore unclear whether 35-45 homes would be in accordance with the draft Plan's policies for housing density and efficient use of land, which (as we have commented elsewhere) should be strengthened. Efficient use of land is especially important in this case, which is a greenfield site in the AONB. Cranbrook's historic town centre is characterised by a very high housing density. A development so close to the historic town can and should reflect this settlement pattern. By doing so, the developed area of the site could be reduced, which could somewhat lessen its adverse impact on the AONB and the Cranbrook Conservation Area.

One of the stipulations in Site Allocations Local Plan 2016 Policy AL/CR 4 was that there should be a Masterplan for the development of the whole site, of which the two parts, Brick Kiln Farm and Corn Hall, were (and remain, so far as we are aware) in separate ownership. This requirement was important for a number of reasons, notably that without co-ordinated development of the two parts, it will be impossible to deliver direct pedestrian and cycle access through the site to Cranbrook Town Centre, near the supermarket, an essential element of the sustainability of these developments (and of Turnden, as proposed). The recent change of ownership of Brick Kiln Farm and consequent withdrawal of the previous developer's Reserved Matters Application, coupled with the absence of any planning application for Corn Hall, provides an opportunity to include a requirement for a masterplan in policies AL/CRS 1 and 2, to ensure that, at the least, this non-vehicular access route is provided.

In view of the location of the site and its proximity to the Cranbrook Conservation Area, the development should comply with the High Weald AONB Design Guide.

To comply with policies EN21 and 22, a comprehensive traffic survey, taking this and all other current and proposed developments along the A229 into account, should be carried out and necessary remedial measures with regard to Hawkhurst crossroads and, potentially, the A262 at Goudhurst, should be a pre-condition of development on this site.

The listed residential properties to the north west of the site, mentioned in paragraph 5.297, include one Grade II\* Listed Building, Goddards Green.

The Reserved Matters Application for Brick Kiln Farm mentioned in paragraph 5.302 has been withdrawn.

#### 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 area of the site that needs to be developed in order to accommodate 35-40 homes should be reappraised, having regard to housing densities in Cranbrook town and the need to minimise the impact of the development on the Cranbrook Conservation Area.

An additional requirement that a masterplan for the development of Brick Kiln Farm and Corn Oast, agreed by the developers and acceptable to the Council, providing (at least) for a pedestrian and cycle route through both sites to the town centre, should be a pre-condition for the development of either site.

A requirement to comply with the High Weald AONB Design Guide.

A requirement to conduct a comprehensive traffic survey and implement remedial measures, as described above.

Include EN21 and EN22 (air quality and AQMAs) in this list of relevant policies.

#### **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**

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

To argue for the changes proposed above and to respond to any other proposed changes.

## 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_530
Response Date	28/05/21 08:56
Consultation Point	Policy AL/CRS 3 Turnden Farm, Hartley Road, Cranbrook ( <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/CRS3	
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 effective
- . It is not justified
- . It is not consistent with national policy

#### Question 5

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This green field site represents major development in the AONB, in a medieval and/or post-medieval farming landscape, on which remnants of the field pattern of that time remain visible. It is in the setting of the Cranbrook Conservation Area and several other listed and unlisted heritage assets, including the remains of Turnden Farmhouse. It has not previously been allocated for development.

The grounds for such development, which is only permissible in exceptional circumstances under the NPPF, are not made out in the Plan.

This development would harm the natural beauty of the AONB; harm biodiversity; destroy medieval or post-medieval farming landscape characteristic of the AONB; obliterate historic settlement patterns, in particular by practically eliminating the gap between Cranbrook and Hartley; harm the Cranbrook Conservation Area by compromising the rural character of its setting; and harm several other nearby heritage assets for similar reasons. Some recognition of the extent of harm to the AONB which would be caused by this development is made in the description of the site in Appendix 3 to the Development Strategy Topic Paper, but its adverse impact on landscape and settlement patterns should be stated more strongly. By both practically closing the gap between Cranbrook and Hartley and subsuming the 'farmstead' development of Turnden Phase 1 in a larger housing estate, it arguably has an even greater impact on the AONB landscape than Brick Kiln Farm, whose impact is acknowledged to be 'high'.

The Council have not demonstrated the need for this allocation, in addition to the growth in housing provided by policies AL/CRS1 and AL/CRS2, and have not demonstrated that no alternative sites in the borough, outside the AONB, could meet housing needs in the eastern part of the borough. The SHELAA and other Supporting Papers on Housing and the Development Strategy Topic Paper provide no adequate justification for the number of new homes in the parish which are allocated by this Plan.

The additional traffic generated by this development will increase air pollution in the recently designated AQMA at Hawkhurst Crossroads (as was demonstrated in documents submitted with called-in planning application 20/00815/FULL for Turnden Phase 2) risking harm to public health, contrary to national planning policies and relevant policies in this Plan.

To counterbalance the serious harm which the allocation and development of this site would cause, the only material benefit would be in terms of housing, including affordable housing. No employment or community facilities would be required on the site. The natural conclusion to draw from this policy is that the Council has totally failed to give great weight to the protection of the AONB and to the conservation area and listed buildings, as required by the NPPF.

We therefore object to this policy, save to the extent that it includes Turnden Phase 1 (36 new homes) for which planning permission has already been given.

Should the policy be retained, however, we have the following observations on its terms.

The whole Turnden Farm site should be treated as one, with a single access from the A229, permeability through the site and a single development plan for the whole site. This is what we understand the wording of this Policy to require (map 38 shows two site entrances, but one may be the emergency access mentioned in the text). This will, of course, require the developer not to proceed with the existing planning permission for Turnden Phase 1, 18/02571/FULL, which cannot be implemented as originally granted following the destruction of Grade II-listed Turnden. Appropriate design features can and should be included in the development to recognise the character of the original Turnden Farmstead and the listed building destroyed by fire, while enhancing permeability and encouraging active travel through the site.

Consistent with our comments elsewhere, the capacity and developed area of the site should be reappraised.

This development, on its own, will increase traffic levels at Hawkhurst Crossroads, sufficient to harm several households, as the traffic survey submitted with called-in application 20/00815/FULL showed, causing Highways England to express objections to that development. This survey took no account of the cumulative effect of this and other current and proposed developments along the A229, contrary to policies EN21 and 22 of this draft Plan. A comprehensive traffic survey, taking all such developments into account, should be carried out and necessary remedial measures should be a pre-condition of development on this site. The effects of the development on congestion on the A262 at Goudhurst and increased traffic on Turnden Road should be considered in any such survey.

In view of the location of the site and its proximity to the Cranbrook Conservation Area and other heritage assets, the development should comply with the High Weald AONB Design Guide.

Called-in application 20/00815/FULL included plans for dealing with the spoil generated by the proposed development by spreading it over several hectares of undeveloped land in the southern part of the site, which would harm the landscape, biodiversity and the amenity of this part of the site for the public. A less harmful solution for the disposal of the spoil than this must be found.

Paragraph 5.303 incorrectly states that Hartley Road is characterised by ribbon development on both sides to the east of the site. To the east of the proposed site entrance, there are: on the south side of the road, the open fields of Brick Kiln Farm; and on the north side of the road, the fields, orchard and historic farmstead buildings of Goddards Green.

Paragraph 5.07 incorrectly states that the site area is 6.82 hectares. We believe that the area of Turnden Farm is approximately 28.6 hectares.

Planning application 20/00815 has been called in for decision by the Secretary of State and is therefore no longer pending consideration by the Council, as suggested by paragraph 5.313.

## Question 6

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Delete this policy in its entirety and, if necessary, replace it with an allocation limited to the terms of the current Turnden Phase 1 planning permission 18/02571/FULL

Should this change not be made:

Include an express requirement not to proceed with the Turnden Phase 1 permission 18/02571/FULL in order for the requirements of this policy to apply to the Turnden Farm site as a whole.



A requirement to adopt a design which respects the original farmstead character of Turnden and the heritage asset of the ruins of formerly Grade II Listed Turnden.

A requirement that spoil from the development not be spread on the undeveloped part of the site.

A requirement to comply with the High Weald AONB Design Guide.

A requirement to conduct a comprehensive traffic survey and implement remedial measures, as described above.

Include EN21 and EN22 (air quality and AQMAs) in this list of relevant policies.

#### 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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To argue for the changes proposed above and to respond to any other proposed changes.

#### Question 8

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

It is noteworthy that two of the allocated sites AL/CRS1 and AL/CRS3 score negatively on many environmental factors, notably Air, Biodiversity, Heritage, landscape, Land Use, Noise and Water (AL/CRS2 scores neutrally on some of these criteria, but this can only be because the allocation is smaller, since the environmental impact per dwelling of this development must be practically identical to that of the other two sites). Since the principal positive score for each site is for housing, this strongly suggest that, in the sustainability appraisal the Council is giving predominant weight to housing provision and little or no weight to the protection of the AONB, contrary to the NPPF.

## 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_531
Response Date	28/05/21 09:05
Consultation Point	Policy AL/CRS 4 Cranbrook School ( <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/CRS4	
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

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CPRE Kent does not object to the general principles of this policy, which includes no specific site allocations.

#### 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:

In case any amendments to the policy are proposed

## 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_536
Response Date	28/05/21 10:19
Consultation Point	Policy AL/CRS 5 Sissinghurst Castle Garden ( <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/CRS5	
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

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CPRE Kent supports this 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

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

In case any amendments to the policy are proposed

## 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_538
Response Date	28/05/21 10:24
Consultation Point	Policy AL/CRS 6 Land south of The Street, Sissinghurst ( <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/CRS6	
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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See comments made under STR/CRS1

In relation to the two sites allocated for development in Sissinghurst under Policies AL/CRS6 and AL/CRS7, we make the following points. First, it is not clear to us why, following the substantial growth of the village attributable to the site east of Common Road, which was not allocated under the existing Local Plan and for which planning permission was granted on appeal, the significant further growth comprised by these two allocations is necessary. Secondly, as these are both greenfield sites, it is essential that the housing density on the sites is appropriate and represents efficient use of land. Thirdly, site AL/CRS6 adjoins the AONB and any development on that site must not harm the AONB or its setting.

#### 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)

#### 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_539
Response Date	28/05/21 10:25
Consultation Point	Policy AL/CRS 7 Land at the corner of Frittenden Road and Common Road, Sissinghurst ( <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.	
AI/CRS7	
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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See comments made under STR/CRS1

In relation to the two sites allocated for development in Sissinghurst under Policies AL/CRS6 and AL/CRS7, we make the following points. First, it is not clear to us why, following the substantial growth of the village attributable to the site east of Common Road, which was not allocated under the existing Local Plan and for which planning permission was granted on appeal, the significant further growth comprised by these two allocations is necessary. Secondly, as these are both greenfield sites, it is essential that the housing density on the sites is appropriate and represents efficient use of land. Thirdly, site AL/CRS6 adjoins the AONB and any development on that site must not harm the AONB or its setting.

#### 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)

## 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_541
Response Date	28/05/21 10:32
Consultation Point	Policy STR/HA 1 The Strategy for Hawkhurst parish ( <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.	
STR/HA1	
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 effective
- . It is not justified

#### Question 5

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CPRE Kent objects to the Policy STR/HA1 The Strategy for Hawkhurst parish.

We welcome the significant reduction in housing numbers in PSLP Allocations when compared with previous versions of this plan and we accept that, as the whole parish is within the High Weald AONB, any growth will require some development on AONB land.

We do however continue to object to allocation HA/AL4. It does not demonstrate an efficient use of land nor does it meet the Council's stated aim of optimising density to minimise loss of green fields.

We believe it must be a precondition to the permanent loss of greenfield areas within the AONB that any housing authorised should be at an efficient density in accordance with paragraphs 137 and 138 of the NPPF, to minimise development on protected land across the Borough as a whole. HA/AL 4 represents a waste of valuable, and supposedly protected, land and will inevitably lead to the sacrifice of more greenfield land in the future. If there is a local housing need it should be met by development within the existing LBD and at a density appropriate to that location. More compact forms of development, such as small apartment blocks, would dramatically reduce the amount of land required. Please see our response to STR1 for further details.

(We note that a planning application (ref: 20/02788/FULL) that mirrors this allocation was rejected by the Council's Planning Committee on 12 May 2021 due to the impact on the AONB and traffic volumes at the crossroads in Hawkhurst.)

The strategy for Hawkhurst does not provide an effective solution to existing traffic congestion and air pollution that will be worsened by new housing developments. The Council has recently decided that an AQMA is required but the policy requirement is for development proposals to "establish an acceptable impact" upon the Hawkhurst crossroads. Surely any impact is unacceptable? The wording of this policy was markedly different in the previous consultation, requiring "clear evidence that there is sufficient capacity" at the Hawkhurst crossroads.

Additionally, the policy only requires an air quality assessment to be provided in relation to major developments generating specified volumes of traffic movements in the proposed AQMA on Cranbrook Road. Unless the *cumulative* impact of all developments is assessed, potential reductions in air quality will not be correctly identified.

CPRE Kent supports active travel however we do not believe that for the settlement of Hawkhurst the development of an active travel strategy will be effective in generating a significant modal change from car dependency. As a rural service centre, it meets the day-to-day needs of a wide rural catchment area but requires travel to other centres both within and outside the borough to meet wider needs.

Propensity to cycle may be limited by topography (with electric bikes not being an affordable option for some residents) and by distance and narrow road widths limiting inter-settlement journeys. In particular, we believe that significant traffic movements generated by commuting to work, where onward travel by train is required, will be difficult to reduce. We note that the policy no longer proposes

contributions toward a feasibility study to consider alternative modes of public transport provision to serve Hawkhurst (which was included in the Regulation 18 policy); we suggest instead that public transport improvements should form a key part of the approach for reducing congestion.

#### Question 6

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Remove allocation AL/HA4 from the plan.

Strengthen the policy provisions to allow development to be refused if the developer cannot demonstrate clear evidence of sufficient capacity at the Hawkhurst, taking into account the cumulative effect of all other proposed developments.

#### 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

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

To explore these issues further.

Additionally, we would wish to counter any representations which may be made at the hearing sessions on behalf of promoters of the sites that have not been allocated. We have a particular concern regarding the now-removed allocation for 400+ dwellings at Hawkhurst Golf Course (site 115), which we previously opposed. If this allocation were reinstated, we would question the need for other housing allocations in Hawkhurst. We note that a planning application (19/02015/HYBRID) that was submitted for this has now gone to a non-determination appeal.

## 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_542
Response Date	28/05/21 10:37
Consultation Point	Policy AL/HA 4 Land off Copthall Avenue and Highgate Hill ( <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.	
AILHA4	
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 effective
- . It is not justified

#### Question 5

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We continue to object to allocation HA/AL4. It does not demonstrate an efficient use of land nor does it meet the Council's stated aim of optimising density to minimise loss of green fields. We believe it must be a precondition to the permanent loss of greenfield areas within the AONB that any housing authorised should be at an efficient density in accordance with paragraphs 137 and 138 of the NPPF, to minimise development on protected land across the Borough as a whole. HA/AL 4 represents a waste of valuable, and supposedly protected, land and will inevitably lead to the sacrifice of more greenfield land in the future. If there is a local housing need it should be met by development within the existing LBD and at a density appropriate to that location. More compact forms of development, such as small apartment blocks, would dramatically reduce the amount of land required. Please see our response to STR1 for further details.

(We note that a planning application (ref: 20/02788/FULL) that mirrors this allocation was rejected by the Council's Planning Committee on 12 May 2021 due to the impact on the AONB and traffic volumes at the crossroads in Hawkhurst.)

The strategy for Hawkhurst does not provide an effective solution to existing traffic congestion and air pollution that will be worsened by new housing developments. The Council has recently decided that an AQMA is required but the policy requirement is for development proposals to "establish an acceptable impact" upon the Hawkhurst crossroads. Surely any impact is unacceptable? The wording of this policy was markedly different in the previous consultation, requiring "clear evidence that there is sufficient capacity" at the Hawkhurst crossroads.

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## 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 explore these issues further.

## 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_545
Response Date	28/05/21 10:43
Consultation Point	Policy PSTR/BE 1 The Strategy for Benenden parish ( <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.	
PSTR/BE1	
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:

#### Question 5

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The plan for Benenden is consistent with the Neighbourhood Development Plan prepared by the parish that is currently undergoing independent examination, and CPRE supports it.

A key element of the plan is the development at East End, just outside but within the setting of the AONB, as set out in allocation Policies AL/BE3 and AL/BE4 Land at Benenden Hospital and shown on Inset Map 18. The size of this development, whilst we do not oppose it, means that the planning and execution need to be of a high standard, and it should ensure that at least 30% of the housing delivered will be affordable on this largely brownfield site. Please see also our responses to Policies STR2, STR3, STR5, STR 6, STR 6, STR 8 and STR 10.

We do, however, believe that the policies for these two allocations should be strengthened in order to ensure comprehensive development, as set out in policy ST4.

The land is owned by the Benenden Healthcare Society Ltd, which recently put in a planning application for 6 dwellings at Cleveland's Farm, Green Lane on land it owns additional to, and adjacent to the major development (20/03267/FULL). Cleveland's Farm is partially visible at the bottom right-hand corner of Inset Map 18. Benenden Healthcare has also recently put some of its land up for sale as a "development opportunity".

CPRE supports the Parish Council's request in their response to the recent planning application that a masterplan for the area is prepared for all the land owned (or formerly owned) by Benenden Healthcare and that additional development is not added outside the masterplan. We suggest that a requirement for masterplanning, which shall include the wider area around the allocations, be included for policies AL/BE 3 and AL/BE 4.

#### 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.**

Modify the policy to require a masterplan for the Benenden Hospital site and surrounding land, including the land at Cleveland Farm, in order to ensure a fully sustainable and coherent development in this area adjoining and partly in the High Weald AONB.

#### **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 discuss further the proposed masterplanning requirement.

## 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_547
Response Date	28/05/21 10:47
Consultation Point	Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End ( <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/BE3	
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:

#### Question 5

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A key element of the plan is the development at East End, just outside but within the setting of the AONB, as set out in allocation Policies AL/BE3 and AL/BE4 Land at Benenden Hospital and shown on Inset Map 18. The size of this development, whilst we do not oppose it, means that the planning and execution need to be of a high standard, and it should ensure that at least 30% of the housing delivered will be affordable on this largely brownfield site. Please see also our responses to Policies STR2, STR3, STR5, STR 6, STR 6, STR 8 and STR 10.

We do, however, believe that the policies for these two allocations should be strengthened in order to ensure comprehensive development, as set out in policy ST4.

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CPRE supports the Parish Council's request in their response to the recent planning application that a masterplan for the area is prepared for all the land owned (or formerly owned) by Benenden Healthcare and that additional development is not added outside the masterplan. We suggest that a requirement for masterplanning, which shall include the wider area around the allocations, be included for policies AL/BE 3 and AL/BE 4.

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#### **Question 7**

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#### **Question 7a**

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To discuss further the proposed masterplanning requirement.

## 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_548
Response Date	28/05/21 10:49
Consultation Point	Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End ( <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/BE4	
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:

#### Question 5

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#### Question 7a

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To discuss further the proposed masterplanning requirement.



## 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_550
Response Date	28/05/21 10:56
Consultation Point	Policy PSTR/BI 1 The Strategy for Bidborough parish ( <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.	
PSTR/BI1	
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 consistent with national policy

#### Question 5

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CPRE Kent broadly supports policy PSTR/BI, which we consider sets clear Limits to Built Development for Bidborough village, which is within both the AONB and the green belt.

CPRE Kent is opposed to building on green field sites in the AONB unless it has been demonstrated that there are exceptional circumstances, and we therefore strongly support the Council's decision not to allocate site 346, the only site put forward for development in Bidborough. This large greenfield site is within the AONB and green belt but outside the Bidborough village Limits to Built Development set by this policy and is not well related to the existing settlement.

We welcome the designation of a number of areas of Bidborough as Local Green Spaces together with proposed changes to the LBD which will provide improved protection for recreation provision and a wildlife site.

Please also see our responses to Policies STR1, STR2, STR3, STR5, STR6, STR7, STR8 and STR9.

We note that there are no allocations for the Bidborough parish within the Local Plan but that there may be opportunities for development of appropriate windfall sites.

While supporting the policy requirement that developer contributions should be sought from residential schemes, we question policy point 3a. which proposes that such contributions be used towards provision of sport/recreation provisions at Rusthall Recreation Ground (in Speldhurst parish) as well as those in Bidborough. Due to its location, we do not believe that such provision will be effective in providing for need identified in Bidborough and will therefore not be appropriate mitigation for development in Bidborough. It is national policy as well as the policy of this plan to encourage active travel. On account of distance between the village of Bidborough and the Rusthall Recreation Ground site and lack of safe routes for active travel, there would be an increase in road traffic on narrow rural lanes, which we would find unacceptable.

We suggest that this policy point should refer only to new sports provision/facilities in Bidborough.

#### 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 point 3a: delete the phrases referring to Rusthall Recreation Ground and policy AL/SP 2, retaining only the final phrase "...new sports provision/facilities in Bidborough which will cater for a range of ages;"

#### **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:**

Because development at site 346 would be a major development on a sensitive site within the AONB and the green belt, we would wish to participate at the Examination Hearings to counter any representations which may be made at the hearing sessions on behalf of promoters of the site. In the event that none such are planned, we should not need to be heard.

## 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_552
Response Date	28/05/21 11:02
Consultation Point	Policy PSTR/BM 1 The Strategy for Brenchley and Matfield parish ( <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.	
PSTR/BM1	
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 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.**

CPRE Kent objects to the allocation of site AL/BM1 as a major site within the AONB. However, both outline and reserved matters permissions have unfortunately now been granted on this site and construction appears to have started. We therefore have to accept that this allocation has been pre-determined.

AL/BM2 is a less prominent site close to the village centre which will also provide community benefits in the form of additional parking for the village hall and a fully equipped children's play space. We recognise that the site contains some mature trees and hedgerows that should be preserved and is very close to the conservation area. However, even taking those factors into account, the proposed housing density is relatively low and 11-15 dwellings do not appear to make efficient use of this area of AONB Grade 2 agricultural land. Therefore while we accept the allocation of this site, we recommend that the housing density should be increased in order to reduce the need to sacrifice AONB greenfield land elsewhere and to provide more of the smaller dwellings that are the most needed in the parish.

Please also refer to our responses to STR1, STR2 and H2.

We strongly support the Council's decision not to allocate the two other major sites in the AONB in Matfield that had been proposed for allocation in the Reg 18 draft. We also agree with the Council that the other sites that have not been selected for allocation 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.**

Increase the number of dwellings to be provided on AL/BM2.

#### 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 whether the density can be increased on AL/BM2. Also to participate in discussions if the hearing is to consider any sites within this parish that have not been selected for allocation.

#### **Question 8**

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

We question the scores given for education, given that there is no primary school within safe active travel distance.

We agree with the Council that the sites that have not been selected for allocation are either unsuitable for development or unlikely provide sufficient dwellings to qualify for allocation.

## 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_554
Response Date	28/05/21 11:07
Consultation Point	Policy AL/BM 2 Land at 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/BM2	
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 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.**

AL/BM2 is a less prominent site close to the village centre which will also provide community benefits in the form of additional parking for the village hall and a fully equipped children's play space. It is only those social benefits for the village that can justify the allocation of this site, since AL/BM1, combined with the recent development opposite AL/BM1, will provide more than enough dwellings to fulfil the village's local housing need.

We recognise that the site contains some mature trees and hedgerows that should be preserved and that it is very close to the conservation area and the arcadian area of Matfield. However, even taking those factors into account, the proposed housing density appears to be relatively low and therefore 11-15 dwellings do not appear to make efficient use of this area of AONB Grade 2 agricultural land. Therefore, while we accept the allocation of this site, we recommend that the housing density should be increased in order to reduce the need to sacrifice AONB greenfield land elsewhere and to provide more of the smaller dwellings that are the most needed in the parish.

Please see CPRE Kent comments on density/making efficient use of land under policies STR1 and STR2 with respect to compliance with paragraph 123 of the NPPF and the need to optimise the use of land by increasing the density of development. Also H2.

#### 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.

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Increase housing numbers to ensure that development will optimise the use of this land, in accordance with paragraph 123 of the NPPF.

#### 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 this has not been adequately covered under PSTR/BM1.

#### **Question 8**

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

We question the scores given for education, given that there is no primary school within safe active travel distance.

We agree with the Council that the sites that have not been selected for allocation are either unsuitable for development or unlikely provide sufficient dwellings to qualify for allocation.

## 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_556
Response Date	28/05/21 11:12
Consultation Point	Policy PSTR/FR 1 The Strategy for Frittenden parish ( <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.	
PSTR/FR1	
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 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.**

CPRE Kent accepts that the scope for sustainable development in Frittenden parish is limited by its location, three miles from the nearest railway station, by there being regular bus services in the parish only along the A229, some way from the village itself and by the rural lane network which serves the village. All residents of the new homes provided on the allocated site will be car-dependent.

However, with regular and frequent rural bus services through the main village settlement, as advocated in CPRE's recent Report, "Every Village, Every Hour", the village could become a more sustainable location for some future development than certain other villages in the borough for which the draft Plan provides greater development.

As it is outside both the green belt and the High Weald AONB, it represents a potentially less environmentally harmful location for development than many sites allocated by the draft Plan.

Policy AL/FR1 provides for 25-30 homes on a 1.53 hectare site, which does not necessarily represent efficient use of a greenfield site, adjacent to the existing LBD.

#### 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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Include a commitment to regular bus services through the village centre.

Consideration of a higher density of housing on the allocated site.

#### 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 discuss these issues further.

## 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_550
Response Date	28/05/21 10:56
Consultation Point	Policy PSTR/BI 1 The Strategy for Bidborough parish ( <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.	
PSTR/BI1	
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 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.**

CPRE Kent broadly supports policy PSTR/BI, which we consider sets clear Limits to Built Development for Bidborough village, which is within both the AONB and the green belt.

CPRE Kent is opposed to building on green field sites in the AONB unless it has been demonstrated that there are exceptional circumstances, and we therefore strongly support the Council's decision not to allocate site 346, the only site put forward for development in Bidborough. This large greenfield site is within the AONB and green belt but outside the Bidborough village Limits to Built Development set by this policy and is not well related to the existing settlement.

We welcome the designation of a number of areas of Bidborough as Local Green Spaces together with proposed changes to the LBD which will provide improved protection for recreation provision and a wildlife site.

Please also see our responses to Policies STR1, STR2, STR3, STR5, STR6, STR7, STR8 and STR9.

We note that there are no allocations for the Bidborough parish within the Local Plan but that there may be opportunities for development of appropriate windfall sites.

While supporting the policy requirement that developer contributions should be sought from residential schemes, we question policy point 3a. which proposes that such contributions be used towards provision of sport/recreation provisions at Rusthall Recreation Ground (in Speldhurst parish) as well as those in Bidborough. Due to its location, we do not believe that such provision will be effective in providing for need identified in Bidborough and will therefore not be appropriate mitigation for development in Bidborough. It is national policy as well as the policy of this plan to encourage active travel. On account of distance between the village of Bidborough and the Rusthall Recreation Ground site and lack of safe routes for active travel, there would be an increase in road traffic on narrow rural lanes, which we would find unacceptable.

We suggest that this policy point should refer only to new sports provision/facilities in Bidborough.

#### 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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Policy point 3a: delete the phrases referring to Rusthall Recreation Ground and policy AL/SP 2, retaining only the final phrase "...new sports provision/facilities in Bidborough which will cater for a range of ages;"

#### **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:**

Because development at site 346 would be a major development on a sensitive site within the AONB and the green belt, we would wish to participate at the Examination Hearings to counter any representations which may be made at the hearing sessions on behalf of promoters of the site. In the event that none such are planned, we should not need to be heard.

## 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_561
Response Date	28/05/21 11:24
Consultation Point	Policy PSTR/GO 1 The Strategy for Goudhurst parish ( <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.	
PSTR/GO1	
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 notes the neighbourhood plan that will presumably be “made” before the draft Local Plan is submitted/approved. We agree with the Council's decisions on the sites not to be allocated.

#### 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	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_563
Response Date	28/05/21 11:51
Consultation Point	Policy PSTR/HO 1 The Strategy for Horsmonden parish ( <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.	
PSTR/HO1	
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.**

The supporting text recognises that while Horsmonden village is outside the AONB and green belt, it is within the setting of the AONB and is largely served by designated rural lanes. The sustainability appraisal notes that one of the main detractors from this settlement is the lack of local facilities and private car use dependency. Therefore, the increased vehicular traffic which will result from the provision of 240-320 new dwellings will have a seriously damaging effect on some of the historic rural lanes and further measures are needed to mitigate this.

We object to point 3 of the policy. Instead of merely requiring contributions to information boards and public art for the Hop Pickers Line, contributions should be required to enable the Hop Pickers line to become a green infrastructure corridor, which will provide an active travel route to Paddock Wood and its station, thus helping to mitigate the increased motor traffic on the historic rural lanes between Horsmonden and Paddock Wood that will result from an increase of 240-320 new dwellings.

Contributions should also be required to investigate and if appropriate fund a traffic calming solution for the narrow and historic Furnace Lane, which also has a high recreational and biodiversity value, and which will otherwise be used as part of a rat run to Paddock 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.

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Revise point 3 to require contributions (financial or in kind) to enable the Hop Pickers Line to become a green infrastructure corridor.

Add a new point requiring contributions to investigate and if appropriate fund a traffic calming solution for Furnace Lane.

### 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 the modifications proposed above

### Question 8

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

By failing to take account of the effect of the proposed new housing on the historic rural lanes, the Sustainability Appraisal underestimates the damaging effect of the proposed developments on landscape, heritage, travel and biodiversity. However, the modifications we propose would help to mitigate that damage.

We generally agree with the Council that the sites that are not proposed for allocation are not suitable.

### 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_565
Response Date	28/05/21 11:34
Consultation Point	Policy AL/HO 1 Land adjacent to Furnace Lane and Gibbet 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/HO1	
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.

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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 land already has planning permission for 49 dwellings. Therefore comment on its allocation would probably be fruitless. We would have wished to see some traffic calming measures to reduce the impact of the additional traffic this development will create on the historic Furnace Lane, and a financial contribution made to the reinstatement of the Hop Pickers Line as a green transport corridor, rather than just contributions to information boards and public art.

#### 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.

The SA underestimates the damaging effect that this development will have on heritage and landscape, because of its direct and indirect effects on the remaining historic part of Gibbet Lane and on Furnace Lane, a partly sunken historic ironway.

#### 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_567
Response Date	28/05/21 11:39
Consultation Point	Policy AL/HO 2 Land south of Brenchley Road and west of Fromandez Drive ( <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/HO2	
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

#### Question 5

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CPRE Kent generally supports this allocation, which will provide a site and parking for a new village hall, as well as new housing at a reasonably efficient density on the part of the site that is to be used for housing. The housing density also means the site will provide a good quantity of affordable housing.

However, it will be important to ensure that the buffer for the ancient woodland is wide enough. The Woodland Trust recommends a buffer of 50 metres and the western boundary of the built area should be adjusted in order to provide this.

#### Question 6

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Adjust map of allocation in order to provide a 50 metre buffer for the ancient woodland.

#### 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 ensure that the justification for providing a buffer for the ancient woodland of less than 50 metres is fully examined

#### **Question 8**

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

The biodiversity score for this site should be negative unless the proposed buffer for the ancient woodland is extended to 50 metres.

#### **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_571
Response Date	28/05/21 11:46
Consultation Point	Policy AL/HO 3 Land to the east of Horsmonden ( <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/HO3	
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 consistent with national policy

#### Question 5

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While the loss of this large and mainly green field site is regrettable, it is outside the green belt and AONB, although within the AONB's setting, and is therefore more suitable for development than some other sites that have been selected. It is, however, essential that if this site is to be sacrificed to development, it is used to its full potential.

We note that planning permission for up to 30 dwellings on the southern part of the site exists already and there is a current application for only 20 dwellings on that site. This, coupled with the provision in point 8 of the policy for the eastern area of the site to be developed at lower density, together with the proposed amenity/green spaces, children's and youth play spaces, land safeguarded for school expansion, land for community and health uses, the Restricted Byway that runs through the site and the land to be safeguarded for the Hop Pickers Line green infrastructure corridor, leads us to question whether the overall housing numbers proposed for the site will be achievable.

It is vital that on green field land which is now to become within the Limits to Built Development, sufficient densities are achieved to make really efficient use of land and thus reduce the need for further greenfield development elsewhere, especially in the AONB and green belt. We refer to our responses to Policies SRT1, STR2, STR3, STR4 and H2 on this issue.

We therefore recommend deletion of point 8 of the policy.

Point 5 and map 62 should require the provision of a public green infrastructure route (preferably of bridleway or restricted byway status) along the whole of the disused railway within this site. The proposal in map 62 for the built area to cover the south eastern part of the line within the site is unacceptable, since this is the link to the road. We refer to our responses to STR5, STR6, STR7, TP3 and above all TP5.

#### 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.**

Point 5 is far too weak, since it will neither fully preserve the route nor give any guarantee that the route will ever be made available as a green infrastructure route for public use.

Point 5 and map 62 should require the dedication of a public bridleway or restricted byway along the whole of the disused railway within this site and a financial contribution to re-establishing the route outside the site should also be required.

The proposal in map 62 for the built area to cover the south eastern part of the line within the site is unacceptable, since this is the link to the road.

Delete point 8 of the 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 ensure that the site will be developed at an efficient density, and to ensure that the section of the Hop Pickers Line that runs through the site will be preserved and dedicated for public use.

#### **Question 8**

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

Landscape, travel and biodiversity should be scored more negatively, given the likely effect of the additional motor traffic from this development on the rural lanes, unless the Hop Pickers Line is fully brought back into use as an active travel corridor.

#### **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_573
Response Date	28/05/21 11:54
Consultation Point	Policy PSTR/LA 1 The Strategy for Lamberhurst parish ( <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.	
PSTR/LA1	
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

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CPRE Kent notes the neighbourhood plan that will presumably be “made” before the draft Local Plan is submitted/approved. We agree with the Council's decisions on the sites not to be allocated.

#### 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	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
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/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 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

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- 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

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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 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	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

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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 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

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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

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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 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	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

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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	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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**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 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	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

**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 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

**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.**

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	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

**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	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.

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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

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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

## 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

## 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

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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 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	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_588
Response Date	28/05/21 13:15
Consultation Point	Policy PSTR/RU 1 The Strategy for Rusthall parish ( <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.	
PSTR/RU1	
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 policy PSTR/RU1 and the proposed housing allocation at the Lifestyle motor site on Langton Road. This is a welcome use of brownfield land which can reduce the pressure for development within the green belt.

We also support the proposed density which is in line with intensification referred to in paragraphs 2 and 3 of policy STR/RTW1.

#### 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:**

Because Sites 146 and 22 are a key part of the green belt, preventing coalescence of Rusthall and Royal Tunbridge Wells and also act as an important wildlife corridor, we should wish to participate at the Examination Hearings to counter any representations which may be made at the hearing sessions on behalf of promoters of the sites. In the event that none such are planned, we should not need to be heard.

#### Question 8

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

CPRE Kent strongly supports the decision of the Council not to entertain development on sites identified in the 2021 version of the SHELAA and in the Sustainability Appraisal as Site ref 22 Dingley Dell and Site ref 146 Spa Golf Course within the green belt.

It is there acknowledged that very great harm would arise if these sites were released from the green belt and we share that judgement.

Site 146 provides an important wildlife corridor to and from nearby Hurst Wood linking into the Rusthall Common. It maintains an attractive setting to the edge of Royal Tunbridge Wells and prevents coalescence between the settlements of Tunbridge Wells and Rusthall. Site 22 partly adjoins it and shares the same characteristics.

## 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_589
Response Date	28/05/21 13:21
Consultation Point	Policy PSTR/SA 1 The Strategy for Sandhurst parish ( <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.	
PSTR/SA1	
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.**

CPRE Kent is opposed to building on green field sites in the AONB unless exceptional circumstances have been demonstrated, which we do not believe to be the case here.

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 development on AONB land to an unnecessary extent and fails to make efficient use of land as required by the NPPF. Please see our responses to Policies STR1, STR2, STR7 and H2.

We strongly object to AL/SA1, Land on the south side of Sayville, Rye Road, and west of Marsh Quarter Lane - see our objection to that policy.

We also object to AL/SA2 which appears to be built at insufficient density. Either the proposed built area should be reduced, or, if it is proven that Sandhurst requires the full amount of housing proposed under PSTR/SA1, the density on AL/SA2 should be increased to accommodate it.

Point 3 of the policy, which refers to the effects of additional traffic through the Hawkhurst crossroads and to the Air Quality Management Area, sets thresholds that are much too high. It should apply to all development that could cause increased traffic or air pollution, since the crossroads are already well over capacity and the air quality in the AQMA is well above safe levels. Any development, including windfall development on smaller sites, will be unacceptable if it will lead to a cumulative increase.

We question whether any development at Sandhurst can in fact be sustainable, given that access to most facilities will have to be by car to or through Hawkhurst.

Please see our responses to Policies STR4, STR5, STR6, STR 7 and TP3.

#### 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 AL/SA1.

For SA2 and in the map either delete the allocation or increase the density by either reducing the area to be built on, or increasing the number of houses to be built on the site, to compensate for the deletion of AL/SA1.

Revise Point 3 so that it applies to all development that could cause increased traffic or air pollution at the Hawkhurst crossroads and AQMA, and make it clear that any cumulative increase in these will 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)?**      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.**

We question the positive scores given for education and employment, given that neither of these is likely to be available in the parish for the residents of the new housing. The score for air should also be negative, given the likely cumulative effect on the Hawkhurst AQMA.

The landscape and heritage scores for AL/SA1 underestimate the serious damage this allocation would cause.

We agree with the Council's decision not to allocate the alternative sites that were put forward in the Call for Sites.

#### **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_590
Response Date	28/05/21 13:29
Consultation Point	Policy AL/SA 1 Land on the south side of Sayville, Rye Road and west of Marsh Quarter Lane, Sandhurst ( <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/SA1	
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 policy PSTR/SA1 and our responses to the strategic policies mentioned there.

CPRE Kent has objected to planning application 21/00825/OUT - Land South Of Ringle Green Sandhurst - Outline Planning Application (Access not reserved) for up to 15 residential dwellings, which concerns the land in this allocation. The application is currently awaiting decision.

This is an early post-medieval field in the High Weald AONB, close to the conservation area. As such it is part of an irreplaceable historic landscape of national importance. It is also Grade 3 agricultural land (with Grade 3a meaning it is best and most versatile), with biodiversity value (great crested newt habitat, six species of bat, grass snakes and slow worms).

As the High Weald AONB Unit has pointed out, the proposal to take the access to this site through Marsh Quarter Lane, which would also involve creating passing bays, and the proposed car parking along the lane is likely to significantly damage the character of the area and the heritage value of this historic routeway.

The proposed development would also greatly reduce public enjoyment of the public footpath: instead of running through an open field with countryside views, it would be hemmed in between the field boundary fencing/hedge and the housing development, becoming more like an urban alleyway.

The full height street lighting recommended by Kent Police for this site would further detract from the dark skies that are a special quality of the AONB.

As is also the case with AL/SA2, the density proposed for this site is too low to make efficient use of the land. We recommend that, if this number of houses together with the number proposed for AL/SA2 is required at Sandhurst, this field should be left undeveloped and the density on AL/SA2 increased.

We question whether any development at Sandhurst can in fact be sustainable, given that access to most facilities will have to be by car to or through Hawkhurst, and given the congestion and air quality problems at Hawkhurst.

#### 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 allocation.

#### 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.

We question the positive scores given for education and employment, given that neither of these is likely to be available in the parish for the residents of the new housing. The score for air should also be negative, given the likely cumulative effect on the Hawkhurst AQMA.

The landscape and heritage scores for AL/SA1 underestimate the serious damage this allocation would cause.

#### 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_591
Response Date	28/05/21 13:33
Consultation Point	Policy AL/SA 2 Sharps Hill Farm, Queen Street ( <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/SA2	
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 policy PSTR/SA1 and our responses to the strategic policies mentioned there.

We question whether any development at Sandhurst can be sustainable, given that access to most facilities will have to be by car to or through Hawkhurst, and given the congestion and air quality problems at Hawkhurst.

If this greenfield site in the AONB is to be used, it is vital that it be used at an efficient density so as to minimise the need for other green field AONB land to be sacrificed. The density proposed on this site is too low.

#### Question 6

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Delete policy.

Alternatively, increase the density, which could either mean a smaller land take or could compensate for the deletion of AL/SA1.

#### 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.**

We question the positive scores given for education and employment, given that neither of these is likely to be available in the parish for the residents of the new housing. The score for air should also be negative, given the likely cumulative effect on the Hawkhurst AQMA.

#### **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_592
Response Date	28/05/21 13:42
Consultation Point	Policy PSTR/SP 1 The Strategy for Speldhurst parish ( <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.	
PSTR/SP1	
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 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.**

CPRE Kent 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, so we consider the plan is unsound because the proposed allocation under policy AL/SP1 is unjustified.

In relation to policy AL/SP2, we welcome the provision of additional green space and recreation facilities at Rusthall within the parish of Speldhurst. However, we do not believe the proposed allocation will be effective in providing for the need identified in Speldhurst and Bidborough. It is national policy to encourage active travel and this will not be possible in the case of Bidborough on account of distance and in both cases no safe routes for active travel will be available. Consequently, there will be an increase in road traffic on narrow rural lanes which we would find unacceptable and which is contrary to national policy.

#### 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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CPRE Kent is opposed to building in the AONB and green belt. However, if contrary to our assessment the Inspector should find that exceptional circumstances have been demonstrated, we believe the proposed allocation could be made sound by substantially increasing the prescribed density for development.

This should be a precondition to the permanent loss of AONB and green belt that any housing authorised should be at an efficient density in accordance with paragraphs 137 and 138 of the NPPF, which will minimise the loss of AONB and green belt across the borough as a whole. On a site which is stated to be "adjacent to the existing village" we believe the proposed density should be significantly increased.

In relation to proposed allocation AL/SP2, we do not see how the allocation could be made sound in relation to national policy on active travel.

#### 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:**

CPRE Kent supports the decision of the Council not to entertain development on the large number of sites identified in the 2021 version of the SHELAA and in the Sustainability Appraisal in the AONB/green belt within the parish at Speldhurst village or adjacent to Langton Green.

In particular, the sites 87/88 on land at Speldhurst Road/Leggs Lane are isolated and unsustainable within the AONB/green belt and release from the green belt would result in very high harm. Similar harm would arise at Site 123 on Speldhurst Hill, Site 338 between Ferbies and Ewehurst Lane Speldhurst and at Sites 15 and 23.

#### 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_593
Response Date	28/05/21 13:46
Consultation Point	Policy AL/SP 1 Land to the west of Langton Road and south of Ferbies ( <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/SP1	
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 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 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, so we consider the plan is unsound because the proposed allocation under policy AL/SP1 is unjustified.

#### 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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CPRE Kent is opposed to building in the AONB and green belt. However, if contrary to our assessment the Inspector should find that exceptional circumstances have been demonstrated, we believe the proposed allocation could be made sound by substantially increasing the prescribed density for development.

This should be a precondition to the permanent loss of AONB and green belt that any housing authorised should be at an efficient density in accordance with paragraphs 137 and 138 of the NPPF, which will minimise the loss of AONB and green belt across the borough as a whole. On a site which is stated to be "adjacent to the existing village" we believe the proposed density should be significantly increased.

#### 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

## 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_594
Response Date	28/05/21 13:49
Consultation Point	Policy AL/SP 2 Land at and adjacent to Rusthall Recreation Ground, Southwood 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/SP2	
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 consistent with national policy

#### Question 5

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We welcome the provision of additional green space and recreation facilities at Rusthall within the parish of Speldhurst. However, we do not believe the proposed allocation will be effective in providing for the need identified in Speldhurst and Bidborough. It is national policy to encourage active travel and this will not be possible in the case of Bidborough on account of distance and in both cases no safe routes for active travel will be available. Consequently, there will be an increase in road traffic on narrow rural lanes which we would find unacceptable and which is contrary to national policy.

#### 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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We do not see how the allocation could be made sound in relation to national policy on active travel.

#### 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	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_596
Response Date	28/05/21 14:05
Consultation Point	Policy EN 1 Sustainable Design ( <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.	
EN1	
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 . It is not justified 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.**

While we support most of this policy, we object to the following paragraphs.

1.1 In relation to the rest of this paragraph, the meaning of “unless the proposed development is improved overall” is unclear; the proviso seems unnecessary and is likely to lead to arguments and confusion.

1.3 and 1.4 New development should not always mean more of the same: these paragraphs could be a recipe for low density development, which is wasteful of land. Tapering density at the edge of settlements ultimately leads to sprawling suburbs at densities which fail to support public transport or make efficient use of land. In order to protect the countryside, development may often need to be at higher density than before. Please see our comments on STR1 and H2

6.1 and 6.2 The grammar could be improved in order to clarify the meaning.

#### Question 6

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1.1 Either delete “unless the proposed development is improved overall” or reword to “unless the proposed development constitutes an improvement overall”.

1.3 Delete “density”

1.4 After “should” insert “generally” and at the end insert “unless a higher density is required to make efficient use of land”.

6.1 Before “exposed to” insert “not”

6.2 Reword to: “That the development does not create an unacceptable loss of privacy, outlook, daylight or sunlight enjoyed by the occupiers of adjacent/nearby properties, or an overbearing impact on them.”

### 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 the density issue, which is also covered in our representations on and policies STR1 and H2.

### 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_597
Response Date	28/05/21 14:11
Consultation Point	Policy EN 2 Sustainable Design Standards ( <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.	
EN2	
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 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.

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 minimum design standards which will merely be “strongly encouraged” for residential developments are too low, especially for smaller residential and non-residential developments in the years 2022-2025.

It is not entirely clear how the two periods in Table 8 would apply to a given planning application. Does the date of application, or of grant, determine the set of standards which apply?

Assuming the policy requirements that will apply to a planning permission will be those that apply on the date when permission is granted, and as planning permissions last for 3 years, this could presumably mean that development could continue to be started for buildings to be built to these standards until the end of 2028.

Therefore, people could still be buying new properties built to these relatively undemanding standards in 2030. This is not good enough.

The climate crisis needs to be addressed and now and homes and buildings need to be designed as soon as possible to be comfortable, secure, environmentally sustainable and cheap to run.

As the minimum standards are merely to be “strongly encouraged until national policy allows otherwise”, there appears to be no good reason why higher standards should not be strongly encouraged for development of all sizes straight away. We note that HQM 5 star is not even mentioned in the policy.

While it is true that national policy has not yet been amended to allow local authorities to require higher local standards, there are strong indications from the draft revised NPPF and draft National Design Code and guidance that this will happen soon.

#### 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 Table 8 to encourage minimum HQM 4 star or BREEAM excellent for all development from 2022.

### 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 hear and counter the arguments for the delay and the lower standards.

### Question 8

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

We question the strong scores given for air, climate change, resources, waste and water, given the relative weakness of the policy.

### 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_598
Response Date	28/05/21 14:16
Consultation Point	Policy EN 3 Climate Change Mitigation and Adaptation ( <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.	
EN3	
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

#### 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.**

Mitigation of and adaptation to climate change are essential and CPRE Kent generally supports this policy. However, as climate change is already happening we believe the proposed policy against overheating is very important for all new buildings. The words “especially those for vulnerable users such as hospitals, schools and elderly care homes” weaken the policy unnecessarily.

#### 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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Under climate change adaptation point 5, delete the words “especially those for vulnerable users such as hospitals, schools and elderly care homes”.

#### 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 modifications to policy.

#### **Question 8**

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

We are puzzled as to why keeping the Core Strategy policy is held to be better for air than this new policy.

#### **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_599
Response Date	28/05/21 14:21
Consultation Point	Policy EN 4 Historic Environment ( <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.	
EN4	
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.

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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.**

CPRE Kent supports this policy and its supporting text.

However, although Historic Field Patterns are shown in the matrix of heritage themes (Figure 6) and are thus (rather obliquely, through paragraph 6.55) covered by the policy, we believe that specific mention should be made in paragraph 6.51 of the medieval and post-medieval farming landscape and its field boundaries, since the High Weald AONB is one of the best-preserved Medieval landscapes in North West Europe and is thus an important and irreplaceable heritage asset.

#### 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.

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Specific mention should be made in para 6.51 of the medieval and post-medieval farming landscape and its field boundaries.

#### 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 the medieval and post-medieval farming landscape and field patterns are properly covered in the policy and supporting text

#### **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_600
Response Date	28/05/21 14:25
Consultation Point	Policy EN 5 Heritage Assets ( <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.	
EN5	
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.

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CPRE Kent, including its Historic Buildings Committee, generally supports this policy, which help to conserve and enhance the Borough's rich legacy of heritage assets.

However, paragraph 6.62 also needs to mention specifically the medieval and post-medieval farming landscape (a non-listed heritage asset) and the remaining field boundaries from that period. The High Weald AONB is one of the best-preserved Medieval landscapes in North West Europe and the remains of that landscape are an important and irreplaceable heritage asset.

#### 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.**

Paragraph 6.62 also needs to mention specifically the medieval and post-medieval farming landscape (a non-listed heritage asset) and the remaining field boundaries from that period.

#### 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:**

CPRE Kent's Historic Buildings Committee reviews listed building consent and other planning applications throughout Kent on behalf of the Council for British Archaeology, working with planning authorities to safeguard this heritage.

We only wish to participate in hearing sessions if other parties have registered objections to this policy

#### **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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## 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_601
Response Date	28/05/21 14:28
Consultation Point	Policy EN 6 Shop Fronts ( <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.	
EN6	
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.

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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.

CPRE Kent supports this policy and its supporting text, which will help to conserve the appearance of settlements in the borough.

#### 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	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_602
Response Date	28/05/21 14:31
Consultation Point	Policy EN 7 Advertisements ( <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.	
EN7	
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.

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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.**

CPRE supports this policy, which is necessary to conserve the character of the borough's settlements and landscapes.

#### 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:

This will only be necessary if there are objections to the policy.

#### 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_603
Response Date	28/05/21 14:36
Consultation Point	Policy EN 8 Outdoor Lighting and Dark Skies ( <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.	
EN8	
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 effective

#### 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.**

While in general CPRE Kent supports this policy and its supporting text, the policy is insufficient. It should also include

- . a requirement for the times when the lighting is in use to be restricted;
- . a requirement for lighting columns and floodlights to be discreetly designed and sited, and where possible retractable, so as to minimise any damaging effect on daytime landscapes;
- . a requirement for light spillage from windows and skylights to be limited in the High Weald AONB and near sensitive habitats.

We recognise that time controls are mentioned in the supporting text but consider that they should also be mentioned in the policy.

The importance of ensuring that lighting is designed in a way that does not damage daytime landscapes should be self-evident. However, the floodlights above the tennis courts at Brenchley Memorial Hall are a clear example of lighting which damages a daytime view across the AONB countryside. This damage could have been avoided if retractable columns had been used.

Paragraph 180 of the NPPF requires planning policies and decisions to “limit the impact from light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation”. It does not restrict such limitation to outdoor lighting and nor should this policy. Light pollution from large windows and from skylights can affect dark skies and the policy should cover it. It is possible to control such light spillage either by not having large windows or skylights, or by installing automatic shutters or blinds and the policy should encourage this.

The title of the policy should omit the word “Outdoor”.

#### 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 “Outdoor” from policy title

Add the following criteria to the policy:

“7. There are controls to limit the times when the lighting will be in use to the minimum necessary;

“8. Any lighting columns or floodlights are discreetly designed and sited, and where possible retractable, so as to minimise any damaging effect on daytime landscapes.”

Add a further paragraph:

“Building design should limit light spillage from windows and skylights where it could affect the AONB’s intrinsically dark landscape or light-sensitive wildlife.”

Add a paragraph to the supporting text on the following lines:

Light pollution from large windows and from skylights can affect dark skies and wildlife. Building design should aim to avoid this within the High Weald AONB or where light-sensitive wildlife is present.

Window size in these areas should be limited and skylights avoided. Alternatively, such light spillage should be prevented by automatic shutters or blinds.

### 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 the policy will be fully effective in controlling unnecessary light pollution and in avoiding damage to daytime landscapes.

### 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_604
Response Date	28/05/21 14:41
Consultation Point	Policy EN 9 Biodiversity Net Gain ( <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.	
EN9	
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 . It is not effective 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 generally supports this policy and its supporting text, pending the SPD. The policy requirement for funding for independent review and long-term monitoring is important because without such monitoring it will not be possible to establish whether the measures to provide biodiversity net gain have been adequate or effective. We have some doubts as to whether some of the measures suggested in paragraph 6.138 amount to little more than greenwashing.

We would like to see a greater emphasis on preservation and improvement of soil biodiversity, and perhaps rather less encouragement for bird and bat boxes as these are not natural features.

#### 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.**

Include a reference to the need to conserve and enhance soil biodiversity in the supporting text.

#### 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 improvements to this policy.

#### **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_605
Response Date	28/05/21 14:46
Consultation Point	Policy EN 10 Protection of designated sites and Habitats ( <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.	
EN10	
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 effective

#### 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 generally supports this policy. While we would prefer to see a policy prohibiting any development on designated sites and habitats except for reasons of overriding national interest, the policy and its supporting paragraphs appear to provide protection for these sites within the limits set by current Government policy.

However, the policy fails to refer to wildlife corridors and stepping stones that connect sites, as required by NPPF paragraph 174a, and ecological networks (NPPF paragraph 174b). These are particularly important for preserving biodiversity in the face of climate change and of increasing development which can isolate sites.

We are surprised that paragraph 6.153 lists a consented CLNR at Brick Kiln Farm, Cranbrook, which has only outline planning permission, all matters reserved except access.

#### 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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After "hierarchical status" insert "Wildlife corridors, stepping stones and ecological networks connecting these sites will be protected and enhanced".

#### 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 our proposed amendment, along with others that may be suggested by other parties.

#### **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_606
Response Date	28/05/21 14:51
Consultation Point	Policy EN 11 Ashdown Forest Special Protection Area and Special Area of Conservation ( <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.	
EN11	
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:

#### 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 leaves substantive comment on this policy to CPRE Sussex, in whose area the Ashdown Forest lies.

CPRE Kent welcomes the Council's decision not to allocate any sites within the 7km zone and we note the provision that the zone may be subject to revision to take account of new evidence on visitor patterns or monitoring.

#### 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	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_608
Response Date	28/05/21 15:23
Consultation Point	Policy EN 12 Trees, Woodland, Hedges, and Development ( <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.	
EN12	
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 effective

#### 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.**

While CPRE Kent generally supports this policy and its supporting text, the areas listed at 1-8 should also list Arcadian areas.

CPRE Kent objects to subparagraph (b). Amenity value should not be the only consideration to be weighed against need/public benefit. Biodiversity, historic, landscape and air quality values are equally, if not more important.

We note that while this policy complies with current national policy, the Government has proposed an amendment to the NPPF which will, if implemented before this Plan is examined, necessitate amendment of the policy in order to encourage tree-lined streets.

#### 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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After, or instead of, "amenity" add "biodiversity, historic, landscape and air quality" and amend "value" to "values".

Add Arcadian areas to those listed and numbered.

Possibly add a reference to tree-lined streets, in the supporting text if not in the 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 ensure that this policy is as effective as it needs to be.

#### **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_609
Response Date	28/05/21 15:26
Consultation Point	Policy EN 13 Ancient Woodland and Veteran Trees ( <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.	
EN13	
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

#### 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 generally supports this policy.

The policy requires “adequate” buffers for ancient woodland and paragraph 6.170 says “in the absence of site surveys and detailed assessment, the Council will assume a buffer of 25 metres from the edge of the woodland, which allows for the presence of veteran trees and the fall height of mature trees.”

While 25 metres is a considerable improvement on the 15 metres minimum recommended in Natural England’s advice and which has unfortunately usually been all that has been required of recent developments in Tunbridge Wells Borough, the Woodland Trust recommends a buffer of 50 metres unless the applicant can demonstrate very clearly how a smaller buffer would suffice, and that the 50 metre buffer must not contain sustainable drainage systems which could impact on the hydrology of the ancient woodland.

The supporting text should also be expanded to reflect Natural England’s and the Woodland Trust’s recommendation for Root Protection Areas for ancient and veteran trees: “For these trees, where a more precautionary approach is warranted, RPA distances should be greater than the standard buffers stated in BS 5837:2012. The RPA should be a minimum of 15 times the diameter of the tree trunk or five metres beyond the canopy, whichever is the greater”.

#### 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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Adapt supporting text (and possibly the policy) to follow more closely the Woodland Trust’s recommendations.

#### 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 the policy will provide sufficient protection for ancient woodland and veteran trees.

#### **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_610
Response Date	28/05/21 15:28
Consultation Point	Policy EN 14 Green, Grey, and Blue Infrastructure ( <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.	
EN13	
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.

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CPRE Kent supports this policy which will improve biodiversity networks, help to combat and mitigate climate change, enhance landscapes and promote health and well-being, in accordance with the NPPF.

#### 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	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_611
Response Date	28/05/21 15:30
Consultation Point	Policy EN 15 Local Green Space ( <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.	
EN15	
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 . It is not justified 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.**

CPRE Kent supports this policy and the greenspaces designated under it. However, this should not prevent other areas from being designated under Neighbourhood Plans, if they meet the Government's criteria for this policy designation. The policy and supporting text should be altered slightly to allow for this.

#### 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.

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Amend last sentence of policy to allow for other Local Green Spaces to be designated under Neighbourhood Plans: "For a schedule of the Local Greenspace sites designated under this Plan see Appendix 2. The sites are also defined on the Policies Map. Additional sites may be designated in Neighbourhood Plans".

Amend paragraph 6.185 of the supporting text to read:

"A schedule of designated Local Greenspace sites in the Tunbridge Wells borough can be found in Appendix 2. These sites are also defined on the Policies Map. Additional sites may be designated in Neighbourhood Plans".

#### 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 Neighbourhood Plans are not prevented from designating additional sites. This is one of the important areas where local communities should have a say through Neighbourhood Planning.

#### **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_612
Response Date	28/05/21 15:33
Consultation Point	Policy EN 16 Landscape within the Built Environment ( <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.	
EN16	
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 policy and its supporting text, especially the sections on Areas of Landscape Importance, Landscape of Historic Importance, Landscaped Skylines and Wider Landscape Significance and paragraph 6.207.

#### 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 there are objections to this policy and supporting text.

#### 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_613
Response Date	28/05/21 15:35
Consultation Point	Policy EN 17 Arcadian Areas ( <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.	
EN17	
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 policy to protect these special and historic areas, as an exception to our wish to see higher density development than this Plan generally provides 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	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_614
Response Date	28/05/21 15:38
Consultation Point	Policy EN 18 Rural Landscape ( <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.	
EN18	
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 . It is not effective 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 policy, to conserve and enhance our Borough's rural landscapes. However, paragraph 2 of the policy has been slightly weakened since the Regulation 18 version, by requiring mitigation to ensure against significant harm rather than for the development not to cause significant harm. We recommend that the Regulation 18 version be restored.

#### 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.**

Reinstate Regulation 18 version of this 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 the justification for the weakening of this policy.

**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_615
Response Date	28/05/21 15:42
Consultation Point	Policy EN 19 The High Weald Area of Outstanding Natural Beauty ( <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.	
EN19	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Yes
Is sound	No

Don't know

**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 8

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

To ensure that the AONB and its setting are properly protected by the policy and its supporting text.

#### 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_617
Response Date	28/05/21 15:46
Consultation Point	Policy EN 20 Agricultural Land ( <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.	
EN20	
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 . It is not justified 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 generally supports this policy and its supporting text, particularly the reference in paragraph 6.239 to the important ecosystem services that soils provide, and their nature as a finite resource. However, the policy is too weak. Rather than requiring the loss of agricultural land to be “acceptable”, it should require it to be “essential”.

The supporting text should also refer to the importance of agricultural land in preserving the means to provide a reliable food source with low food miles and high animal welfare. Recent events have demonstrated the importance of maintaining home-grown food supply. The relatively small fields of the High and Low Weald, with their hedgerows that provide shelter, are particularly well suited to providing grazing for non-intensive livestock farming, as well as the fruit and vegetables of the ‘Garden of England’. This agricultural land is a valuable and finite resource that must not be wasted.

#### 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 policy, delete “acceptable” and insert “essential” (or “necessary”).

Revise supporting text to include a sentence on the importance of agricultural land in the Borough for local and sustainable food production.

#### 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 policy and supporting text are effective in providing agricultural land with the protection it needs.

#### **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_618
Response Date	28/05/21 15:53
Consultation Point	Policy EN 21 Air Quality ( <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.	
EN21	
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 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.

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 generally supports this policy. However, we question whether 40mg NOx is a sufficiently low limit, in view of the need to improve air quality over the period of this Plan. There ought to be a timetable for reducing the limit.

Public rights of way can also provide sustainable transport routes. Being off-road they enable users to avoid the air pollution that they would be subjected to on cycle/footways alongside roads. They can also often provide more direct routes than those alongside roads.

The supporting text should also provide more encouragement for new developments to provide heating systems that meet more ambitious NOx standards.

Paragraph 6.249 is unhappily phrased, stating that the aim of EN21 is "to improve and maintain levels of air pollutants".

#### 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.**

Provide a timetable within the policy for reducing the acceptable NOx for heating systems. Revise supporting text to provide more encouragement for new developments to provide heating systems that meet more ambitious NOx standards.

After "cycle/footways" insert "public rights of way".

Paragraph 6.249, delete "to improve and maintain" and insert "reduce".

#### 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 explore with the Council the reasons for the NOx level chosen and the possibility of reducing it.

#### **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_619
Response Date	28/05/21 15:56
Consultation Point	Policy EN 22 Air Quality Management Areas ( <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.	
EN22	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	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:**

<input type="checkbox"/>	It is not effective
<input type="checkbox"/>	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.**

CPRE Kent generally supports this policy. Poor air quality is unacceptable. The two AQMAs in the Borough need to be protected from any further deterioration in air quality and preferably air quality there should be improved.

Paragraph 6.256 should enable the cumulative effects of all developments to be addressed and the requirement for emissions mitigation should not be limited to major developments.

The policy should provide for the possibility of further AQMAs being declared, should this prove necessary, and for monitoring to establish the effectiveness of the mitigation measures.

### 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.*

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The policy should provide for the possibility of further AQMAs being declared, should this prove necessary, and for monitoring to establish the effectiveness of the mitigation measures.

In para 6.256 1st sentence delete “major”.

### 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:**

Because of the importance of reducing air pollution in the borough.

#### **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_620
Response Date	28/05/21 15:59
Consultation Point	Policy EN 24 Water Supply, Quality, and Conservation ( <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.	
EN24	
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

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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.**

CPRE Kent strongly supports this policy, which is much improved from the Regulation 18 version. This robust policy is essential in this area of water shortage, and to protect the quality of rivers, streams and groundwater.

#### 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 there are objections to this policy.

#### 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_621
Response Date	28/05/21 16:06
Consultation Point	Policy EN 25 Flood Risk ( <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.	
EN25	
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 policy which is essential to manage flood risk in the borough, especially in areas such as Five Oak Green, Hawkhurst, Paddock Wood and Royal Tunbridge Wells where there has been a history of flooding, and to address the increased flood risk from climate change and new development. We are pleased to see that as well as addressing fluvial flood risk it also robustly addresses flood risk from surface water and groundwater.

#### 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 there are objections to this policy.

#### 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_626
Response Date	28/05/21 16:09
Consultation Point	Policy EN 26 Sustainable Drainage ( <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.	
EN26	
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 policy which has been strengthened and improved since the Regulation 18 version.

#### 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)
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#### 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 there are objections to this policy and text.

#### 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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## 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_627
Response Date	28/05/21 16:13
Consultation Point	Policy EN 27 Noise ( <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.	
EN27	
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 policy and its supporting text, which will help to maintain the tranquil areas of the Borough and to prevent residents' lives from being blighted by noise.

#### 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)
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#### 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 there are objections to this policy.

#### 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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## 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_628
Response Date	28/05/21 16:14
Consultation Point	Policy EN 28 Land Contamination ( <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.	
EN28	
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 policy which has been improved since the Regulation 18 version. We are pleased to see that the Council has included our suggested amendment to protect people in the locality as well as occupiers and users of the development.

#### 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)
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#### 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 there are objections to this policy.

#### 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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## 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_629
Response Date	28/05/21 16:16
Consultation Point	Policy H 1 Housing Mix ( <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.	
H1	
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 policy, especially the influence it gives to neighbourhood plans and parish housing surveys.

#### 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)
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#### 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 there are objections to this policy.

#### 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_631
Response Date	28/05/21 16:23
Consultation Point	Policy H 2 Housing Density ( <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.	
H2	
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 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.**

Our comments on strategic policies STR/1, STR/2, STR/3 and STR/4 make clear why we consider that achieving high density of development is of critical importance.

CPRE Kent objects to this policy, which by failing to set minimum densities while mentioning the factors that could imply lower densities, is likely to lead to densities which fail to make really efficient use of land. Therefore, it will lead to the unnecessary loss of large areas of supposedly protected AONB and green belt countryside.

Moreover, the statement in Policy H4 of the Regulation 18 draft plan, that planning applications will be refused where development is found not to make efficient use of land, has been dropped from this policy as a result of objections from developers. This substantially weakens the policy's previous emphasis on efficient use of land.

We strongly disagree with the Sustainability Appraisal's assessment of this policy as being more sustainable than either the existing Core Policy 6 or relying on the NPPF alone.

The existing Core Policy requires the density of housing development to contribute towards achieving the overall regional target of 40 dwellings per hectare (now unfortunately abolished along with the regional strategy) and not generally to be below 30 dwellings per hectare.

Unfortunately, the Borough Council has often failed to insist on this.

For example, Phase 2 at Hawkenbury Farm, a 6.4ha site extending the urban area of Royal Tunbridge Wells, was originally consented for 110 dwellings, approximately 17dph, and later amended to 136 dwellings, approximately 21dph, at the applicant's request when Berkeley Homes found there was an insufficient market for some of the larger houses they had planned.

18/02165/FULL - Land To The East Of Heartenoak Road, Hawkhurst, granted permission for 28 dwellings on a 4.25ha site on the edge of Hawkhurst, an overall density of 6.5dph, or 20.7dph on the developed area of the site.

Therefore, it is essential that the new borough plan should have a really robust density policy that the Council will enforce.

The NPPF devotes an entire chapter to making efficient use of land, yet this policy is only two and a half lines long. NPPF paragraph 123(a) requires plans to set minimum density standards for city and town centres and other locations that are well served by public transport, and 123(b) says the use of minimum density standards should also be considered for other parts of the plan area, yet this Plan fails to do so.

Developers are given no real guidance as to what densities will be required to make efficient use of land, and it will hardly be surprising if they build sprawling estates which are inefficient in terms of land use and insufficiently dense to make frequent and regular public transport viable. As our comments

on individual allocations make clear, the density implied in this draft plan for many of the proposed greenfield allocation sites is inadequate.

#### 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 NPPF devotes an entire chapter to making efficient use of land, yet this policy is only two and a half lines long. NPPF paragraph 123(a) requires plans to set minimum density standards for city and town centres and other locations that are well served by public transport, and 123(b) says the use of minimum density standards should also be considered for other parts of the plan area, yet this policy fails to set any minimum density standards.

The Council should reinstate the statement (removed from the Regulation 18 version of the plan) that planning applications for developments that fail to make efficient use of land will be refused. Provide expected density ranges for urban, suburban and outer suburban areas that accord with the densities suggested for such areas in the Government's draft Design Code and apply minimum outer suburban densities also to rural and edge-of-village sites. (Also ensure that proposed allocations comply with these, see our comments on strategic policies and on various allocations).

#### 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 ensure that housing is built at high enough density to ensure that countryside is not built over unnecessarily.

#### Question 8

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

We disagree with most of the scores given for this policy in the Sustainability Appraisal. Biodiversity, Climate Change, Deprivation, Equality, Land Use, Landscape and Travel should all be scored negatively (especially Land Use and Landscape) because this policy will allow developers to make a successful case for low density housing that is unsustainable in terms of land use and travel, and that will lead to the unnecessary loss of valued countryside.

#### **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_633
Response Date	28/05/21 16:30
Consultation Point	Policy H 3 Affordable Housing ( <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.	
H3	
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 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.**

While CPRE Kent generally strongly supports this policy and its supporting text, we object to bullet point 4 of the Overall Approach in this policy, concerning the threshold for affordable housing and/or affordable housing contributions in the AONB.

Paragraph 63 of the NPPF says that in designated rural areas (i.e. in the AONB) policies may set out a lower threshold of 5 units or fewer. The Council and their Housing Supply and Trajectory paper seem to have interpreted this as meaning that only a threshold of more than 5 units in the AONB is acceptable according to the NPPF!

The Housing Supply and Trajectory paper correctly states that requiring a (borough-wide) affordable housing contribution on sites providing 1-9 units would not be in accordance with the NPPF, but paragraph 63 of the NPPF makes an exception for the AONB.

There seems, however, to be no explanation as to why the figure of 6-9, as opposed to 1-9, or indeed any figure lower than 6, has been selected as appropriate for affordable housing contributions in the AONB, given the serious shortage of affordable housing in the AONB. Nor is there any explanation as to why, for sites of 6-9 dwellings within the AONB, affordable contributions rather than actual affordable housing should be sought.

This appears to conflict with paragraph 62 of the NPPF which suggests that affordable housing should preferably be provided on-site. In a small village, the provision of just one or two affordable dwellings could make a real difference. If the number of dwellings is too small to interest a registered provider, then the affordable homes could be Starter Homes, First Homes or Discounted Market Sales housing.

The Housing Needs Survey and the Housing Supply and Trajectory papers provide clear evidence of the acute need for affordable housing in the Borough, 69% of whose land area is in the AONB. Those papers suggest that in order to meet the affordable housing need, 50% of all new housing in the borough should be affordable.

Under present legislation and Government policy, and because of viability concerns this is unfortunately not possible. However, this acute housing need does mean that in this borough every possible opportunity to provide additional affordable housing should be taken. This is particularly important in the AONB, where the desirability of living in this outstandingly beautiful landscape means that house prices tend to be considerably higher than in the main urban areas or in the lower lying areas in the north of the borough.

Under the existing Core Policy 6 which only requires affordable housing provision on sites of 10 or more dwellings, CPRE Kent has noted a tendency for windfall applications in the villages and rural area under the existing Local Plan policies to be for 8 or 9 market dwellings at relatively low density per hectare, thus avoiding the need to provide affordable housing (e.g. 20/ 00330/FULL, Tibbs Court Farm, Brenchley, for 9 dwellings plus conversion of 2 buildings to provide offices, in 1.4ha;

20/03841/FULL, Land Adjacent to Streatley, Horns Road, Hawkhurst, 9 dwellings in 2.5ha; 19/01313/OUT High Banks Nursery, Hawkhurst, 9 dwellings in 0.88ha; 18/03703/ Brick Kiln Piggeries, Chantlers Hill, Paddock Wood, 8 dwellings in 1.5ha; 21/01144/FULL, Tong Farm, Brenchley, 9 dwellings in 1.36ha).

The proposed new policy can similarly be predicted to result in a tendency for applications on windfall sites in the AONB to be for 2, 3, 4 or 5 dwellings at relatively low density. This will be wasteful of land and will lead to a larger amount of AONB countryside having to be sacrificed than is necessary. Thus it will conflict with chapter 11 and paragraph 172 of the NPPF. It will also mean that less funding is available for much-needed affordable housing in the AONB than would be the case if contributions were required for all sites of 1-9 dwellings in the AONB.

In paragraph 6.320 the word “seek” is weak and suggests the Council may not insist on the guarantees; “require” would be a better word.

## 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.*

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In the Overall Approach section of the policy, preferably revise bullet 4 to read:

Sites within the High Weald Area of Outstanding Natural Beauty delivering a net increase of five to nine dwellings will be expected to include a minimum of 20% of the gross number of residential units as on-site affordable housing provision. Where this percentage is not a whole number, it will be rounded up to the nearest whole number. Sites within the High Weald Area of Outstanding Natural Beauty delivering a net increase of one to four dwellings... (then as existing draft policy)

(Alternatively, in Bullet 4, delete “six” and insert “one”).

Also, in paragraph 6.320, delete “seek” and insert “require”.

For reasons see our comments at question 2 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)?**      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 to ensure that the policy will provide as much affordable housing as possible in the AONB as permitted by the NPPF, and to avoid unnecessary building over AONB countryside.

#### **Question 8**

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

We note that the SA is based on the policy requiring contributions on all sites of 1-9 dwellings! Clearly the policy as presently drafted should have lower scores.

#### **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_635
Response Date	28/05/21 16:34
Consultation Point	Policy H 4 Estate Regeneration ( <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.	
H3	
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 . It is not justified because:

#### Question 5

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CPRE Kent supports estate regeneration in principle. However, given the high level of need for affordable housing, there should be no justification accepted for any net loss of affordable housing.

It is to be expected that estate regeneration will provide significant improvements to the quality, design, mix and form of dwellings, and other public benefits, since otherwise estate regeneration would not be necessary or desirable. Therefore, these cannot qualify as exceptional circumstances.

At Regulation 18 we commented: “CPRE objects to this policy. In view of the identified affordability problem in the Borough, we do not consider that any net loss of affordable dwellings is acceptable. Moreover, affordable housing is generally built at higher density than market housing, so requiring full re-provision of affordable housing in such schemes will help to prevent the loss of precious countryside”. We maintain this objection.

#### Question 6

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Revise wording to: “Proposals for estate regeneration will be supported, subject to there being no net loss of affordable housing”.

NPPF paragraph 93 concerning estate regeneration does not mention or suggest approval for any loss of affordable housing, while paragraph 61 says that the needs of those who require affordable housing should be assessed and reflected in planning policies.

The studies done in preparation for this plan provide clear evidence of a high need for affordable housing and therefore this policy which could lead to a net loss of affordable housing is unsound.

Please see also our reasons at 2 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)?** . 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 ensure that there will be no net loss of affordable housing under this policy.

#### **Question 8**

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

We question the scores given for Deprivation and Equality.

#### **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_637
Response Date	28/05/21 16:45
Consultation Point	Policy H 5 Rural Exception Sites ( <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.	
H5	
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 . It is not justified because:

#### Question 5

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While CPRE Kent generally supports this policy, it should be expanded to say that a S106 agreement will be required to ensure that the affordable housing provided on a rural exception site remains as affordable housing subject to the local connection test in perpetuity. This is important because otherwise in years to come, Right to Buy or similar initiatives could deprive rural communities of their Rural Exceptions affordable housing, for which they will have sacrificed countryside.

The policy should make it clear how development of rural exception sites will be assessed in relation to green belt interests.

#### 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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Expand policy to say that a S106 agreement will be required to ensure that the housing provided on a rural exception site remains as affordable housing subject to the local connection test in perpetuity.

The policy should make it clear how development of rural exception sites will be assessed in relation to green belt interests.

#### 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 rural exceptions housing will remain affordable and subject to the local connection test in perpetuity.

### 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_638
Response Date	28/05/21 16:47
Consultation Point	Policy H 6 Housing for Older People and People with Disabilities ( <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.	
H6	
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

#### 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.**

CPRE Kent generally supports this policy in view of the clearly evidenced needs of the borough's ageing population.

However, as we said at Regulation 18, we consider that this policy is not robust enough as regards accessibility, especially in a borough with such a high proportion of older people, although the needs of families with children or young adults who need wheelchair user-adapted homes also need to be considered.

It is not sufficient for, as a minimum, only affordable housing to meet the requirements of BRM4(3), since very few existing market dwellings meet this standard yet with an ageing population an increasing proportion of residents seeking market housing will need wheelchair user dwellings.

The building of new dwellings provides the opportunity to address this unmet need and Policy D7 Accessible Housing in the recently adopted London Plan 2021 sets a good precedent:

"To provide suitable housing and genuine choice for London's diverse population, including disabled people, older people and families with young children, residential development must ensure that:

- 1) at least 10 per cent of dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(3) 'wheelchair user dwellings'
- 2) all other dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings' (this is much the same as point 2 of the policy in the Tunbridge Wells draft plan).

We also consider that in order to ensure that there is availability of wheelchair adapted dwellings in the villages, where developments tend to be for smaller numbers of houses, the trigger point should be 10 dwellings, not 20.

#### 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.**

Failure to provide for some wheelchair adapted dwellings in new market housing would entail a failure to comply with the Equality Duty.

Therefore points 3 and 4 of the policy need to be re-drafted to read:

“3. On new build housing developments of 10 or more homes, at least 10 per cent of homes should be suitable for older people in that they are bungalows or one or two bed flats/houses

“4. On new build housing developments of 10 or more homes, at least 10 per cent of dwellings must meet Building regulation requirement M4(3) “wheelchair user dwellings”

#### **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 the plan will provide a sufficient proportion of wheelchair adapted homes in the villages and the borough.

#### **Question 8**

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

The policy should score lower on Equality unless it is amended as we suggest.

#### **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_639
Response Date	28/05/21 16:50
Consultation Point	Policy H 7 Rural Workers' Dwellings ( <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.	
H7	
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 effective

#### 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 policy which protects the countryside by limiting housing development outside the limits to built development to that which is genuinely essential for rural workers.

The policy should make it clear how proposals for rural workers' dwellings will be assessed in relation to green belt interests.

#### 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 policy should make it clear how proposals for rural workers' dwellings will be assessed in relation to green belt interests.

#### 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 there are objections to this policy.

**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_640
Response Date	28/05/21 16:56
Consultation Point	Policy H 8 Self-Build and Custom Housebuilding ( <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.	
H8	
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.**

CPRE Kent objects to this policy which has been substantially altered since the Regulation 18 version.

The policy is in our view neither justified nor consistent with national policy because it requires land to be provided for self-build and custom housebuilding on three proposed major allocation sites on AONB and/or greenfield land.

CPRE Kent objects to the allocation of these sites, which would not be necessary or justified if the overall number of houses to be built in the Borough were reduced to take account of AONB and Green Belt and also if new housing on other sites was built at the higher densities that sustainable development requires (see our responses to STR1, STR2, STR3, STR4, H2 and these three sites' proposed allocations). We consider that other sites should be chosen to provide these serviced plots.

We also consider that, in order to protect greenfield sites from speculative development, schemes on non-allocated windfall developments should only be provided where the Register shows evidence of need in that parish or settlement for persons who meet the local connection test.

The policy should make it clear how proposals for self-build and custom-build dwellings will be assessed in relation to green belt interests.

We support the remainder of the policy.

#### 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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- 1 i) In first sentence, after "the Local Plan" add, "and to the Self-Build and Custom Housebuilding Register Part 1 providing evidence of need for such plots in the parish or settlement".
- 2 ii) Either
- 3 a) replace second sentence and the three bullet points in the policy with:

“In addition, on sites proposing to deliver (or capable of delivering) 100 or more residential units, the Council will require approximately five per cent (rounded up to the nearest whole number) of dwellings to be provided for self-build and custom housebuilding”

Or

- 1      b) replace the three allocation sites with allocations on sites capable of providing 100 dwellings that are outside the AONB and green belt.

The policy should make it clear how proposals for self-build and custom-build dwellings will be assessed in relation to green belt interests

## 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 the justification for the elements of the policy mentioned at question 2 above.

## Question 8

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

The Sustainability Appraisal's higher score for the chosen option (Option 4) is not adequately explained, nor in our view is it true. Given how small Tudeley's population is at present, it seems very unlikely that this is an area of higher need for self-build. No explanation is given as to why this area has a higher need for self-build plots than Paddock Wood, for example. Option 3 (the option originally chosen in the Regulation 18 version) or Option 2 would appear to us to be more sustainable and more likely to fulfil the Government's requirement for the Council to ensure that enough serviced plots will be granted permission.

## 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_641
Response Date	28/05/21 16:59
Consultation Point	Policy H 9 Gypsies and Travellers ( <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.	
H9	
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 effective

#### 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.

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The Council appears to have made a careful assessment of need and how best to meet it while protecting the rural landscape.

However, the policy should make it clear how proposals for accommodation for gypsies and travellers will be assessed in relation to green belt interests.

#### 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 policy should make it clear how proposals for accommodation for gypsies and travellers will be assessed in relation to green belt interests.

#### 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	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_642
Response Date	28/05/21 17:03
Consultation Point	Policy H 10 Replacement Dwellings outside the Limits to Built Development ( <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.	
H10	
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

#### 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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CPRE Kent generally supports this policy and its supporting text which, while allowing necessary replacements, will ensure that the borough's landscape is protected and stop some past abuses from being replicated. We would, however, wish to see a reference added, preferably in the policy as well as in the supporting text, to controlling light spillage not only from outdoor lighting but also from large windows and skylights, since these can have a substantial effect on dark skies (please see also our response to Policy EN8).

The policy should also be amended to set out how planning applications in the green belt will be assessed (please see our response to Policy STR9).

#### 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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A reference, preferably in the policy as well as in the supporting text, to controlling light spillage from both outdoor lighting and large windows and skylights.

The policy should also be amended to set out how planning applications in the green belt will be assessed.

#### 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 there are objections to this policy, or if the issues mentioned above have not already been discussed under other policies

#### **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_643
Response Date	28/05/21 17:05
Consultation Point	Policy H 11 Residential Extensions, Alterations, Outbuildings, and Annexes ( <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.	
H11	
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 effective

#### 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 generally supports this policy which strikes an appropriate balance between allowing reasonable extensions, alterations, outbuildings and annexes, and protecting the environment, landscape and local amenity. We would, however, wish to see a reference, preferably in the policy as well as in the supporting text, to controlling light spillage not only from outdoor lighting but also from large windows and skylights (please see also our response to Policy EN8).

The policy should also be amended to set out how planning applications in the green belt will be assessed (please see our response to Policy SRT9).

#### 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.

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A reference, preferably in the policy as well as in the supporting text, to controlling light spillage from both outdoor lighting and large windows and skylights.

The policy should also be amended to set out how planning applications in the green belt will be assessed.

#### 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 there are objections to this policy or if the issues mentioned above have not already been discussed under other policies.

#### **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_644
Response Date	28/05/21 17:08
Consultation Point	Policy H 12 Extensions to Residential Curtilages (domestic gardens) outside the Limits to Built Development ( <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.	
H12	
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 policy, which ensures protection of the landscape while allowing extensions to residential curtilages where they are truly 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:

Only if there are objections to this policy

#### 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_645
Response Date	28/05/21 17:13
Consultation Point	Policy ED 1 The Key Employment Areas ( <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.	
ED1	
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 . It is not justified 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.**

Please see our comments on employment at STR1.

As pointed out during the Regulation 18 consultation, the changes that are currently taking place in the retail sector are likely to lead to some sites in these areas becoming redundant (e.g. the John Lewis store at North Farm).

These sites could be made available for some residential or mixed residential/business development. This policy should enable this, not only as proposed in Royal Tunbridge Wells Town Centre, but also in the RTW North Farm/Longfield Road area and the Southborough/High Brooms area.

This would reduce the need to build over greenfield countryside sites and would provide homes which are well located in terms of transport. Building upwards at North Farm/Longfield Road and Southborough/High Brooms could also enable dwellings to be provided over some of the employment and retail uses.

We continue to object to the removal of the Limit to Built Development at Gills Green, Hawkhurst, which we consider necessary for the protection of the AONB. We also object to the safeguarding for employment and the proposed removal of the Colebrooke House site from the green belt.

#### 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.**

Add dwelling houses and residential institutions to the list of appropriate uses for the RTW North Farm/Longfield Road area and the Southborough High Brooms Area.

Provide a Limit to Built Development at Gills Green, Hawkhurst, to coincide with the defined Key Employment area's limit.

Do not safeguard the Colebrooke House site or remove it from the Green Belt. We have pointed out in our response to STR1 that the plan appears to allocate a substantial oversupply of employment

land. In these circumstances there are clearly no exceptional circumstances that justify this site's removal from the green belt.

#### 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 hear and test the Council's evidence concerning these sites.

#### Question 8

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

Land use and landscape should be scored as negative, given the amount of greenfield land to be allocated. We also question the score for travel, see our response to STR1.

#### 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_646
Response Date	28/05/21 17:15
Consultation Point	Policy ED 2 Retention of Existing Employment Sites and Buildings ( <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.	
ED2	
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 policy which will help to ensure that employment sites are retained in rural communities.

#### 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 there are objections to this policy

#### 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_647
Response Date	28/05/21 17:18
Consultation Point	Policy ED 3 Digital Communications and Fibre to the Premises (FTTP) ( <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.	
ED3	
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.

Good digital communications are essential for rural households and businesses, but rural communities often get left behind when they are rolled out. This policy will ensure that they are provided as part of new developments.

#### 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 there are objections to this policy.

#### 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_648
Response Date	28/05/21 17:21
Consultation Point	Policy ED 4 Rural Diversification ( <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.	
ED4	
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 policy, which will help to maintain the viability of agricultural businesses while ensuring that the landscape is protected.

#### 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)
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#### 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 there are objections to this policy.

#### 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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## 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_649
Response Date	28/05/21 17:23
Consultation Point	Policy ED 5 Conversion of Rural Buildings outside the Limits to Built Development ( <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.	
ED5	
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 strongly supports this policy, which will help to maintain employment uses in the countryside while protecting landscape and heritage from unsuitable development.

#### 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 there are objections to this policy

#### 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_650
Response Date	28/05/21 17:26
Consultation Point	Policy ED 6 Commercial and Private Recreational (including equestrian) Uses in the Countryside ( <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.	
ED6	
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

#### 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.**

Although the text deals with commercial and private recreational uses in the countryside, and the policy is headed Commercial and Private (our underlining), the text of the policy appears only to concern commercial uses. We assume that this is an accidental drafting error that needs to be corrected.

In other respects the policy has CPRE's full support. We are pleased to see the minor amendment that has been made to point 12 in response to our Regulation 18 comments.

#### 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 first sentence of policy, after "commercial" insert "or private". If it is felt that only commercial recreational uses should be covered in this chapter, this policy, adapted to cover both commercial and private recreational uses might be better placed instead in the Open Space Sport and Recreation chapter.

#### 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 8

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

In order to ensure that the policy also applies to private recreational facilities, in cases where these are not permitted development under the GPDO.

### **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_651
Response Date	28/05/21 17:29
Consultation Point	Policy ED 7 Retention of, and improvements to existing, and the promotion of new, tourist accommodation and attractions ( <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.	
ED7	
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 policy which will protect and enhance sustainable tourism in the borough while also protecting the landscape, highway safety and residential amenity. We are pleased to see that that point (b) now also refers to the openness of the green belt, following our suggestion at Regulation 18.

#### 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 there are objections to this policy

#### 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_652
Response Date	28/05/21 17:34
Consultation Point	Policy ED 8 Town, Rural Service and Neighbourhood Centres, and Village Settlements Hierarchy ( <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.	
ED8	
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

#### 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.**

At Regulation 18 stage CPRE Kent objected: "CPRE's opposition to "Tudeley Village" should be noted. If "Tudeley Village" is built it should be shown as a town, not a neighbourhood centre, since it will be the size of a town and should be equipped with the services that a well-designed town of that size requires".

That remains our view. It is too far from both Paddock Wood and Tonbridge town centres for active travel to them to be considered practical by most people, so the proposed failure to provide the full facilities needed by a settlement of this size, including a wide choice of places of work, is likely to result in an unsustainable dormitory community that is largely reliant on motorised transport.

See also our responses on STR1, STR2, STR4, STR5, STR6, STR/CA1 and STR/SS3.

#### 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.**

Preferably delete "Tudeley Village".

Alternatively, upgrade "Tudeley Village" to at least a Rural Service Centre and ensure that it is masterplanned with the services and facilities that are appropriate to a Rural Service Centre.

#### 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:**

Please see our comments above.

#### **Question 8**

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

We disagree with the scores given for this policy, given that it includes "Tudeley Village" as "neighbourhood centres".

#### **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_654
Response Date	28/05/21 17:37
Consultation Point	Policy ED 9 Defined Town and Rural Service Centres ( <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.	
ED9	
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:

#### 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 policy, subject to our representation at ED8 above. The policies map would need to be amended accordingly.

#### 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.**

Please see our representation at ED8 above. The policies map would need to be amended accordingly.

#### 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	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_655
Response Date	28/05/21 17:40
Consultation Point	Policy ED 10 Sequential Test and Local Impact Test ( <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.	
ED10	
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

#### 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.**

In Cranbrook, under this policy, there could be a problem with the development of sites on the edge of the existing centre, which is entirely a conservation area, the importance of whose rural setting is recognised in the conservation area appraisal (and is all, of course, in the AONB). Therefore, the possible effect on heritage also needs to be considered.

#### 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.**

After point 2 of the policy, add:

"3. The sequential test shall be applied with due regard to relevant heritage policies (EN4, 5, 6 and 7)" and renumber subsequent points.

#### 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 heritage considerations will also be taken into account.

#### **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_656
Response Date	28/05/21 17:44
Consultation Point	Policy ED 11 Primary Shopping Areas and Retail Frontages ( <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.	
ED11	
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

#### 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.**

CPRE generally supports this policy. However, we consider that as this policy concerns some areas that lie within the conservation areas (particularly at Cranbrook, Hawkhurst and Royal Tunbridge Wells), it should contain a reference to compliance with heritage policies.

#### 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.**

Add the following to point 2 of the policy:

"e. where the premises lie within a conservation area or include a listed building, it complies with relevant heritage policies (EN4, 5, 6 and 7)".

#### 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	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_657
Response Date	28/05/21 17:46
Consultation Point	Policy ED 12 Retention of Local Services and Facilities ( <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.	
ED12	
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 strongly supports this policy, which will ensure the continuing vitality of rural settlements by helping to preserve the facilities and services that residents in the rural parts of the borough rely upon.

#### 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 there are objections to this policy

#### 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_658
Response Date	28/05/21 17:49
Consultation Point	Policy TP 1 Transport Assessments/Statements, Travel Plans, and Mitigation ( <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.	
TP1	
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 policy and its supporting text, which attempt to prevent or mitigate the damaging traffic impacts that development can cause, insofar as current government policy allows such prevention or mitigation to be required.

However, there is a typographical error which could conceivably cause the policy to be misinterpreted or ineffective. In the third line of bullet point 2, "lead" should be "leading".

#### 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.

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In the third line of bullet point 2, "lead" should be "leading".

#### 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 there are objections to this policy.

#### **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_659
Response Date	28/05/21 17:54
Consultation Point	Policy TP 2 Transport Design and Accessibility ( <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.	
TP2	
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

#### 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 generally supports this policy, which is somewhat improved from the Regulation 18 version. However, the wording is still not strong enough. We repeat our requests, made at the Regulation 18 consultation, that:

- . the wording in paragraph 4 of the policy should be strengthened by deleting "sought" and inserting "required", and
- . in point 7 of the policy developers should not only be required to investigate amending external speed limits but also to fund such amendment, where amendment is necessary to enable the development to take place.

Paragraph 6.550 of the supporting text should include reference to the Department for Transport's guidance on cycle infrastructure design, Local Transport Note 1/20. A requirement to have regard to this guidance should also be added to point 3 of the policy.

Please see also our response to Policy STR/5.

#### 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.**

Paragraph 6.550 of the supporting text should include reference to the Department for Transport's guidance on cycle infrastructure design, Local Transport Note 1/20, Cycle infrastructure design (LTN 1/20) - GOV.UK ([www.gov.uk](http://www.gov.uk)). A requirement to have regard to this guidance should also be added to point 3 of the policy.

The wording in point 4 of the policy should be strengthened by deleting "sought" and inserting "required".

In point 7 of the policy developers should not only be required to investigate amending external speed limits but also to fund such amendment, where amendment is necessary to enable the development to take place.

#### 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 the policy and supporting text are as effective as they need to be, concerning active travel and changes to speed limits.

#### 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_660
Response Date	28/05/21 17:58
Consultation Point	Policy TP 3 Parking Standards ( <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.	
TP3	
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

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

### Question 5

*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.*

Given the parking problems that are known to exist at present in Hawkhurst we question whether within the Limits to Built Development at Hawkhurst there will be sufficiently good public transport or cycle routes, and/or sufficient public parking spaces for it to be within Zone B rather than Zone C.

**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.**

Alter the requirement for maximum standards for non-residential parking.

Delete Hawkhurst LBD from Zone B.

#### **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:**

Because insufficient information is given to justify the policy for non-residential parking.

#### **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_661
Response Date	28/05/21 18:02
Consultation Point	Policy TP 4 Public Car Parks ( <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.	
TP4	
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

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As our responses to policies STR5 and STR6 make clear, rather than accepting that use of the private car will inevitably continue to dominate, especially in villages and rural communities, a better way forward would be to provide much better facilities for active travel and to provide much more sustainable transport.

CPRE has set out proposals for a comprehensive bus network for rural England in its report 'Every village, every hour' (March 2021) and is campaigning for our towns and villages to have a reliable, frequent and cheap bus service.

<https://www.cpre.org.uk/resources/every-village-every-hour-2021-buses-report-full-report/>. This would save some of the vast amount of land that currently has to be used to provide parking spaces. However, we recognise that until such services and facilities are provided, this policy protecting the existing public car parks will probably remain necessary.

It is our view that some of the car parks in the urban area (though not the car park on Tunbridge Wells Common, which must remain open and undeveloped) could usefully be built over or partially repurposed to provide residential accommodation on the upper storeys while maintaining sufficient public parking spaces below. We are pleased to see that bullet point 1 in this policy provides for this, but we would also wish to see greater efforts made by the Council to do this as part of this Plan, especially on its own car parks in RTW. This would help to provide more sustainably located dwellings and would save greenfield countryside from being developed unnecessarily.

We consider that the Council should review its car park provision, particularly in RTW, to see whether more housing could be accommodated there.

Please see also our responses to policies SRT1, STR2, STR3, STR4, STR5 and STR6.

#### Question 6

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While this policy can probably remain unmodified, the Council should also reassess the potential of car parks (especially those owned by the Council) to provide residential accommodation to replace some of the proposed greenfield development.

#### 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)

#### 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_662
Response Date	28/05/21 18:08
Consultation Point	Policy TP 5 Safeguarding Railway Land ( <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.	
TP5	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	No
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

**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 is generally very supportive of this policy. We consider that the eventual reopening of the Tunbridge Wells Central to Eridge railway line would bring major benefits for the borough as well as enhancing sustainable transport provision. So too would its alternative use as a green infrastructure corridor. Therefore, we fully support the policy to safeguard the land for these purposes.

We also support the policy to safeguard the former Paddock Wood to Hawkhurst (Hop Pickers) Line for use as a green infrastructure corridor. With the major expansion of development that is planned, in particular at Paddock Wood and Horsmonden, this route could provide a very important means of promoting active travel and reducing commuting by car, with considerable environmental benefits for the rural lanes that will otherwise be ruined by increased traffic from the developments.

We note, however, that whereas the Council says at paragraph 6.575 that it will use its Compulsory Purchase Order powers if necessary to deliver strategic road links, paragraph 6.574 says that where sections of the former Hop Pickers Line route are no longer available for walking and cycling, suitable alternatives and new links may need to be found, and these will be provided through negotiation with individual landowners as necessary.

It fails to say what will happen if individual landowners refuse, but the clear implication is that if individual landowners refuse, the scheme will not progress. This clearly shows that the Council is not yet giving real priority to active and sustainable travel, but instead it is still prioritising travel by car. The Council has statutory powers to create footpaths, bridleways and restricted byways compulsorily under Section 26 of the Highways Act 1980 and it must be prepared to use them if necessary in this case. We therefore consider paragraph 6.574 unsound.

We refer also to our responses to strategic policies STR5 and STR6.

We also note that although the policy refers to the lines as defined on the policies map, and although sections are shown on some inset maps, there seem to be no policies maps which show the lines clearly in their entirety, nor were there in the Regulation 18 version. This may make the policy unsound and perhaps not legally compliant.

#### 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 paragraph 6.574, after “individual landowners” delete “as necessary” and insert “or by using its powers of compulsory creation if necessary”.

Provide policy maps which clearly show the routes in their entirety.

#### **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 argue the case for use of compulsory powers if necessary to create a green infrastructure corridor along the Hop Pickers Line.

#### **Question 8**

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

The positive scores shown for the policy are unlikely to materialise unless the policy is altered as we suggest, because unless the Council is prepared to use its compulsory powers there will be no real incentive for landowners to agree and hence there is little chance of these green infrastructure corridors becoming a reality.

#### **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_663
Response Date	28/05/21 18:12
Consultation Point	Policy TP 6 Safeguarding Roads ( <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.	
TP6	
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 . It is not justified 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.**

Please see our responses to policies STR5 and STR6.

We also repeat the objection we made at Regulation 18:

While it may appear reasonable to safeguard the proposed routes for the A21 Kippings Cross to Lamberhurst Improvement and the A228 Colts Hill Bypass, CPRE Kent has real reservations about these projects, both of which will involve loss of and substantial damage to important AONB countryside, with serious effects on biodiversity. We remain to be convinced that either of these projects is justified. The A228 Colts Hill Bypass (including the part of it which is proposed to be built under this Plan) would be much less likely to be necessary if the substantial new settlements on Green Belt land at East Capel and "Tudeley Village" are not proceeded with (see our comments on the Vision, Strategic Objectives and Strategic Policies).

We acknowledge that there are difficulties with the narrow section of the A228 on Colt's Hill and with the staggered crossroads with Alders Road/Crittenden Road, but these should be capable of resolution with a largely online scheme, which would be far less environmentally damaging. Land should instead be safeguarded for a largely online scheme.

There appears to be no confirmation in the supporting documents that Highways England still intends to construct an upgrade of the A21 from Kippings Cross to Lamberhurst. The case for this proposed safeguarding should be carefully reviewed at examination.

The policy incorrectly refers to the Highways Agency; it is now named Highways England.

The policy says that the two roads, as defined on the policies map, are safeguarded, but there is no policies map accompanying the Pre-Submission Local Plan which shows either of these routes in its entirety and/or in sufficient detail for it to be clear what the actual routes to be safeguarded are.

#### 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.**

Delete the policy and plan instead for a largely online upgrading of the A228.

Failing that, provide clear and detailed maps that will be referred to in the policy, showing the routes.

Amend Highways Agency to Highways England in the 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 take part in discussions concerning the need for this policy.

#### **Question 8**

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

It is difficult to understand how the scores are arrived at. The largely neutral scores for both options presumably reflect the fact that there is no likelihood at present of the schemes going ahead, since construction of the new roads would have seriously damaging effects on land use, biodiversity, landscape, heritage (damage to historic landscapes). So why is travel scored differently?

We also question the score given for climate change, since constructing these new roads would clearly be damaging to climate change, through the carbon released in the course of construction and through soil disturbance.

#### **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_664
Response Date	28/05/21 18:18
Consultation Point	Policy OSSR 1 Retention of Open Space ( <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.	
OSSR1	
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 . It is not justified 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.**

CPRE Kent generally supports this policy. However, we suggest that the words “unless allocated for another purpose/use/development in this Local Plan” should be deleted, since if an area is allocated in this plan for another purpose that will prevent its continued use as OSSR1 land.

Also, there is a mapping inaccuracy on the policies map for Brenchley and Paddock Wood, which show the former golf course at Brenchley that closed in 2009, as OSSR1. There is no public or membership access to this land, apart from the public footpaths across it that long predated the former golf club. The land and buildings of the golf club are now in the ownership of various private owners, fences divide the land and most of the land was returned to agricultural use many years ago.

This incorrect mapping gives a very misleading impression of the quantity of existing recreational land available to serve these parishes, and hence it could lead to a failure to provide new recreational land where it is in fact needed to serve new 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.

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Delete “unless allocated for another purpose/use/development in this Local Plan”.

Correct policies maps for Brenchley (inset map 20) and Paddock Wood (4) to remove the old golf course. This is essential as the mapping gives a very misleading impression of the amount of existing recreational land available in these parishes, and hence it could lead to a failure to provide new recreational land where it is in fact needed to serve new development.

#### 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 ensure that the policy and mapping are improved

#### **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_666
Response Date	28/05/21 18:22
Consultation Point	Policy OSSR 2 The Provision of Publicly Accessible Open Space and Recreation ( <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.	
OSSR2	
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

#### 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.**

We repeat our objection made at Regulation 18 stage:

*"While the proposed standards for allotments, parks and recreation grounds, and play spaces may be suitable for large and urban developments, they are inadequate for villages and the rural area, where (under the proposed policy) residents of new developments of up to 49 dwellings may have no access to such facilities within safe and easy walking distance. For development in the villages to be sustainable, a contribution (preferably provision of land or else a financial contribution to the provision of these facilities within the village) needs to be required for all developments of more than 10 dwellings, unless they are for specialist housing for elderly people".*

Urban developments will normally (a) be denser, so residents will have less far to walk, and (b) have footways alongside all roads and good public transport, which enable people safely to reach recreational facilities some distance away, but this will not usually be the case for rural developments.

Therefore, lower thresholds are needed for this policy in rural areas and villages. We agree with the Brenchley War Memorial Recreation Ground Charity that the Fields in Trust guidelines should be used in preference to those proposed in this policy, especially in villages and the rural areas.

We agree with the comments made at Regulation 18 stage by Kent County Council's Public Rights of Way and Access Service and by the RTW Town Forum concerning the need for there to be sustainable transport connections enabling active travel to sport and recreation facilities and we echo the concerns expressed by others about the lack of public transport connections for the new sports hub planned at Hawkenbury.

The policy should make it clear how proposed development for outdoor sport and recreation will be assessed in relation to green belt interests.

In order to ensure the maximum legal protection for new publicly accessible open spaces this policy, or at least the supporting text, should include support for their dedication by the landowner or developer as village greens.

#### 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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Alter policy to reflect the Fields in Trust guidelines.

Insert a policy for the facilities serving the new development to be safely accessible from the new development by active travel.

The policy should make it clear how development for outdoor sport and recreation will be assessed in relation to green belt interests.

Add a policy or some supporting text seeking the dedication of the new publicly accessible open spaces as village greens.

### **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 obtain satisfactory amendments to the policy, in concert with the other organisations mentioned above.

### **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	Sheila Craft [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Sheila Craft [REDACTED]
Comment ID	PSLP_1153
Response Date	04/06/21 00:52
Consultation Point	Strategic Sites: Tudeley Village and Paddock Wood, including land at east Capel ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.4
Question 1	
Respondent's Name and/or Organisation	Mrs Sheila Craft
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.	
Strategic Sites: Tudeley Village and Paddock Wood, including land at east Capel	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
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 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.**

STR/SS1, page 145, point 3 states that 40% of the housing will be affordable and phased in line with policy H3. Existing developments (Mascall's Farm site) have not supplied 40% affordable housing therefore we have lost faith with TWBC planning department to enforce it's own statutory requirements. Furthermore, local residents on the TWBC housing waiting list have surpassed by residents from boroughs out of the area.

SSTR/SS1, page 146, point 13, Ensure a drainage strategy is in place in consultation with the local planning Authority, Kent County Council and Southern Water as the drainage authority prior to the grant of planning permission for ANY substantial development on the site "unless Exceptional Circumstances arise". The comment should be erased as this wording constitutes a get out clause to the authority for not improving drainage prior to development. TWBC has tried to sell this local plan on the proviso that it will ensure all infrastructure is provided for major projects such as drainage are agreed prior to commencement of development. We already know that TWBC did not involve Southern Water prior to granting planning permission to the current developments of at least 1000 houses in Paddock Wood and there have been problems connecting to the foul water sewerage system. How can we have confidence if the wording of the local plan is biased in favor of the developers. Southern water were not consulted so they could allocate monies in their capitol programme. Infrastructure planning would need to be robust as developers always try to get retrospective planning for additional houses above what has already been planned. Can the council guarantee that developers will not get retrospective planning as at the council extraordinary meeting the head of planning said that they would by having a local plan, have control and prevent overdevelopment.? Will the plan ensure there is not high density development?

SSTR/SS1, Investment in Town Centre, para 5.195, it says "it is anticipated around 30 residential dwellings can be delivered through re-development of town centre sites" With the ongoing developments and plans for another 4000 houses, why was permission granted for residential properties with the loss of commercial space in the town centre? I understand the local Paddock Wood Town Council and the Borough Council, both objected but were over ruled. Is this something we should be concerned about when this plan goes before the government inspector?

Para 5.196 we note that the pandemic has been mentioned in support of more people working from home. Not all people can work from home and the addition of 5000 more dwellings will negate any gains regarding the commutable population.

SSTR/SS2 Transport.

The idea that there would be an additional station between Paddock Wood and Tonbridge has been declined by Network Rail. Capacity cannot be increased as you can't add any more rolling stock to the trains as the platforms aren't long enough. The idea that people will walk and cycle is fanciful and the closure of the railway bridge to all but pedestrians, cyclists and buses ( not sure about taxi's and emergency vehicles) will effectively cut one side of Paddock Wood from the other. This flies in the face of the oft use phrase "sustainability as it will increase pollution and congestion in other areas of the town, with particular safety concerns around the cross roads at the Maidstone and Badsell Road junction close to Mascalls School.STR6

Car parking, what is meant by the term rationalization of car parking? We cannot think of any sites within the town centre a multi-stores car park can be placed. The Borough council does not own the station car park and the East and West car parks are too narrow for safe access. These two car parks belong to Paddock Wood Town Council park and we would like to retain our free car parking to support our local businesses which would definitely tick the box for sustainability.

How tall would the multi-stores car park be, would it too industrial for the town centre, where would the entrance and exit be? Previous planning permission has been declined for much smaller scale vehicular access onto Commercial Road. There has already been loss of parking spaces due to the much objected to Churchill development which doesn't have enough parking spaces for the number of dwellings and visitors who most likely will arrive by car.

#### The Strategy for Paddock Wood- Overview

Para 5.239, Flood Risk. I have lived in Paddock Wood for 35 Years. Only in the last 5 years have we noticed an increase in surface water flooding. Some of this is due to poor infrastructure, poor planning without consulting other stakeholders regarding the drainage of foul water and surface water and moreover global warming increasing the amount of precipitation. In addition, to Paddock Wood being on a flood plain, it is also on impervious clay so drainage is slow. We can if the government inspector requests, supply photographic evidence of flooding in the town. My concern is the more surface area covered in concrete we have, the less area there is for water to be absorbed leading to displacement of water to existing residents, as the developers will ensure their properties are raised. See Infrastructure delivery Plan, Live Draft December 2020, Tunbridge Wells local plan, para 3.141 states "raised platforms of at least one meter are required for around 11 hectares of development on the Western side of Paddock Wood, to ensure flood waters remain outside of residential areas and to ensure betterment of Paddock Wood. How does this improve betterment for existing residents who aren't raised up more than a meter adjacent to the proposed development.

The Kent County Council Paddock Wood Flood Alleviation Study (Jackson Hyder 30/04/2015), has been superseded by another study commissioned by TWBC which plays down the flood risk in favour with the local plan. The Environment Agency report was also less favorable

How will TWBC ensure agencies responsible for mitigation of flooding fulfil their statutory duty as currently, residents are passed between agencies such as The Upper and Lower Medway Internal Drainage Board, The Environment Agency and Town and Borough Councils when they have been flooded?

#### Policy AL/PW1 Pre-submission Plan

point 6- Any proposal to be accompanied by detailed ecological studies.

We never see copies of the ecological studies, and we do not believe they independent of the developers as witnessed at the Church farm development. The ecologist employed, had a path strimmed for her, which would obviously scare any wildlife away and then she proceeded to crouch down for a couple of minutes to see if there was anything to see. This is surely not compliant with a thorough and unbiased assessment of the local ecology.

We do not see any evidence as to how wildlife and fauna is re-located or protected or re-introduced. Evidence of displacement of foxes has been noted by residents with more seen in gardens and deer running down the roads, bats flying into windows, destruction of mature oak trees without permission or need to fell, nesting birds threatened and the Police Wildlife officer being involved as it contravened the Wildlife and Countryside Act (photographic evidence can be provided) TWBC did send anyone hence the Police being involved. We do not have confidence TWBC are capable of protecting the environment as they cannot hold developers to account with any sanctions or do not have the will to peruse contraventions of planning regulations.

#### Paddock Wood Inset Map 4

Concern that Whetstead Woods EN13 is shown on the parcel of land to the West of Paddock Wood. This is ancient Woodland so should be preserved. It is well used by the public as a leisure area and appreciated as an asset to the area. It is important for wellbeing and sustainability of the natural environment with the added benefit of limiting flooding. We know there are birds of prey in these woods and possibly are protected species.

#### Point 9

Failure of TWBC to ensure overground electricity pylons were grounded prior to the development at Mascalls Farm as outlined in phase one of development. This was also discussed with Gregg Clark, our local MP who said he would be looking into it as he stated "infrastructure before development" at his surgery via a zoom meeting. Again, this points to a lack of enforcement and undermines public confidence in the councils ability to manage developers and project manage.

point 10

What does a contribution 'may' be sought towards the associated infrastructure for the planned strategic growth? The word 'may' immediately gives developers a get out clause for not contributing. This needs re-wording.

Transport connections- Map 33

Colts Hill bypass- phase one of this scheme exits at a notorious accident black spot at the stagger crossroads at Crittenden Road and Alders Lane. Traffic congestion is already bad due to these roads being ratruns. The second half of the Colts Hill A228 bypass is dependent on the KCC having the funds to complete. As the KCC didn't have the funds to improve the junction at Badsell Road and Maidstone Road in Paddock Wood, what is the likelihood of this road improvement being completed?

A lot of assumptions around infrastructure projects are made without concrete proof funding will be available.

Objection letter from neighbouring Tonbridge and Malling Borough Council regarding the impact on road infrastructure and impact of additional traffic to Tonbridge, pressure on commute on trains.. TWBC has failed to co-operate with neighbouring councils and dismisses any objections from Paddock Wood Town Council or the local residents regarding the scale of the planned developments on Greenbelt land which also goes against national government policy.

assets.publishing.service.gov.uk, Planning and flood risk para 155 says,

"Inappropriate development at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary, in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere'.

I cannot understand why TWBC has decided to place more than 60% of the local plan in a flood risk area. Tunbridge Wells or other elevated settlements would be much more suitable locations.

## Question 6

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Re-engage with all residents and neighbouring boroughs and listen. Compromise as plan is too ambitious and the council is not legally obliged to build this many houses what ever they tell us.

Evidence required that local housing need is as high as the proposed numbers as we don't believe it is as houses are being sold on current developments to London boroughs. Houses have even featured on you tube aimed at Chinese buyers.( Berkeley Homes)

## 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.**

Health Care Provision and education.

Having worked in the NHS for over 40 years, I know at first hand there are shortages of clinicians, nursing and allied health professionals.

Although a new Health Centre is an admiral proposal, recruitment of staff will be an issue. The Royal College of General Practitioners (RCGP) paper 'Fit for the Future-A vision for General Practice discusses NHS challenges. In England there are 4.5 GP's for every 10,000 patients. Government overseas recruitment for an additional 2000 GP's resulted in only 140 additional.

Another concern is there is no mention of affordable housing for key workers. How will we staff new schools and Health centers as it's too expensive to buy here. For example, the prices of the Berkeley Homes start at £252,000-275,00 for a one bedroom flat. ( They're probably the ones situated under/ near the pylons) 2 bed houses £335k- 345k and upwards to an eye watering £820k for a 5 bed house. So, a one bed flat is almost 10 x the salary of a newly qualified teacher or nurse.

#### 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\_83

### Comment

Consultee	Councillor Nancy Warne [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Cranbrook & Sissinghurst NDP Steering Group
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Cranbrook & Sissinghurst NDP Steering Group (Councillor Nancy Warne - [REDACTED])
Comment ID	PSLP_1571
Response Date	04/06/21 16:00
Consultation Point	Section 1: Introduction ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.5
Files	<a href="#">PSLP_1571-1623(not inclusive)_CRS NDP Steering Group Representation.pdf</a>
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group

#### Question 3a

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

Section 1: Introduction

*[TWBC: for further comments by Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group, please see Comment Numbers PSLP\_1574-1580, PSLP\_1582-1586, PSLP\_1588, PSLP\_1590, PSLP\_1592-1623]*

#### 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.**

Cranbrook & Sissinghurst Neighbourhood Development Plan

Response to Tunbridge Wells Borough Council Pre-Submission Draft Local Plan – 4th June 2021

Section 1: Introduction

**Neighbourhood Development Plans (NDPs)**

No mention is made of those NDPs in development.

*[TWBC: for full representation, please see supporting documents]*

**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)?**

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

**If you would like to attach a file in support of your comments, please upload it here.** [PSLP\\_1571-1623\(not inclusive\)\\_CRS NDP Steering Group Representation.pdf](#)

## Supporting Information File Ref No: SI\_83

### Comment

Consultee	Councillor Nancy Warne [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Cranbrook & Sissinghurst NDP Steering Group
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Cranbrook & Sissinghurst NDP Steering Group (Councillor Nancy Warne - [REDACTED])
Comment ID	PSLP_1572
Response Date	04/06/21 16:00
Consultation Point	Vision and Strategic Objectives 1 Vision ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.4
Files	<a href="#">PSLP_1571-1623(not inclusive)_CRS NDP Steering Group Representation.pdf</a>
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group

#### Question 3a

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

Vision and Strategic Objectives 1 Vision

*[TWBC: for further comments by Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group, please see Comment Numbers PSLP\_1574-1580, PSLP\_1582-1586, PSLP\_1588, PSLP\_1590, PSLP\_1592-1623]*

#### Question 4a

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#### **Question 5**

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Cranbrook & Sissinghurst Neighbourhood Development Plan

Response to Tunbridge Wells Borough Council Pre-Submission Draft Local Plan – 4th June 2021

#### **Section 3: Vision and Objectives**

**The PSLP is mis-informed on its housing numbers requirement and the ability to plan for fewer homes in areas with multiple high-level constraints (including AONB, Green Belt and Floodplains), such as the borough of Tunbridge Wells. This has, therefore, produced a flawed strategy, and one which would fail to protect the countryside, which is recognized as a priority for central government, as stated by the MHCLG on 25.5.21:**

*“To compare housing delivery in different parts of the country based on Local Housing Need formula is to misunderstand the nature and purpose of these numbers. That's not how they work – the numbers mentioned are a starting point for local councils to help them understand how much housing is needed in their area and are not legally binding...”*

*“...Protecting the Green Belt is a priority and our national planning policy reinforces regenerating previously developed land, known as brownfield sites, and prioritising urban areas. The uplift in local housing needed within our biggest cities and urban centres in England will direct homes to where they are better served by infrastructure, and therefore protect our countryside...”*

*“...The Local Housing Need is simply a measure of need and we recognise that not everywhere will be able to meet their housing need in full – for example, where available land is constrained due to the Green Belt and an area therefore has to plan for fewer new homes.” (MHCLG Comms 25.5.21 (see web link))*

#### **Vision and Strategic Objectives 1**

Vision (page 30-31)

- 3.9 States that growth should be sensitive and in line with ‘role’, highlighting setting of AONB. However, allocations later in the plan are for major developments, and in this sensitive AONB area, thus one contradicts the other.

States Local ambitions are:

- *“For other settlements, to retain their essential local character, with high quality sustainable development that reflects their environmental context, infrastructure, and site circumstances, having due regard to local needs;*

- *For the countryside, to retain its landscape, biodiversity, and historic character for its own sake, as well as a setting for settlements, whilst supporting sympathetic rural enterprise.”*

**None of these ambitions have been achieved in either the Strategy for Cranbrook & Sissinghurst nor the Place Shaping Policies for Cranbrook & Sissinghurst.**

Proposed major developments would be built on the landscape that is supposedly cherished. These developments push far beyond the edge of towns into the AONB landscape, and are not within easy walking distance of the town centre. They are not sustainable as proposed and completely destroy the essential local character.

It is suggested that access to suitable, especially affordable, housing is key, including to local young people and older households, and will develop the borough's economic strengths and range of accessible job opportunities. How is this achieved through policy?

There appear to be no policy requirements to prioritise the needs of young people in housing policies.

For Cranbrook and Sissinghurst there are no new employment sites identified nor opportunities created.

**Most visions and objectives here seem worthy and something that residents could support. But they are in conflict with or insufficiently supported by policies and allocations elsewhere in the plan.**

*[TWBC: for full representation, please see supporting documents]*

## Question 7

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**If you would like to attach a file in support of your comments, please upload it here.** [PSLP 1571-1623\(not inclusive\) CRS NDP Steering Group Representation.pdf](#)

## Supporting Information File Ref No: SI\_83

### Comment

Consultee	Councillor Nancy Warne [REDACTED]
Email Address	[REDACTED]
[REDACTED] Organisation	Cranbrook & Sissinghurst NDP Steering Group
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Cranbrook & Sissinghurst NDP Steering Group (Councillor Nancy Warne - [REDACTED])
Comment ID	PSLP_1573
Response Date	04/06/21 16:00
Consultation Point	Policy STR 1 The Development Strategy ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.3
Files	<a href="#">PSLP_1571-1623(not inclusive) CRS NDP Steering Group Representation.pdf</a>
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group
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 STR 1 The Development Strategy

[TWBC: for further comments by Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group, please see Comment Numbers PSLP\_1574-1580, PSLP\_1582-1586, PSLP\_1588, PSLP\_1590, PSLP\_1592-1623]

#### Question 4a

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#### Question 5

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Cranbrook & Sissinghurst Neighbourhood Development Plan

Response to Tunbridge Wells Borough Council Pre-Submission Draft Local Plan – 4th June 2021

#### Section 4: The Development Strategy and Strategic Policies

##### Policy STR 1: The Development Strategy

Point 8 states that the plan limits ‘development within the High Weald Area of Outstanding Natural Beauty to that which can be accommodated whilst still conserving its key characteristics, this being mostly small-scale, only promoting larger proposals where exceptional circumstances are demonstrated.’

Surely the point of an AONB is to give it maximum protection from development and that the whole AONB is worthy of this protection? Just because land in the AONB was “made available” does not mean it is suitable. Central government recognises this, so why doesn’t TWBC? We don’t believe that major developments within the AONB in Cranbrook and Sissinghurst parish are justified or necessary; the community had identified small-scale alternatives. There are no exceptional circumstances to warrant major development in the AONB.

Point 9 states that the plan; ‘Normally limits development in the countryside (being defined as that outside the Limits to Built Development) to that which accords with specific policies of this Plan and/or that for which a rural location is fully demonstrated to be necessary.’

Similar objection here to point 8 – it is unjustifiable to build large dormitory estates on protected countryside, as the government has stated.

[TWBC: for full representation, please see supporting documents]

#### Question 7

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# Supporting Information File Ref No: SI\_83

## Comment

Consultee	Councillor Nancy Warne [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Cranbrook & Sissinghurst NDP Steering Group
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Cranbrook & Sissinghurst NDP Steering Group (Councillor Nancy Warne - [REDACTED])
Comment ID	PSLP_1574
Response Date	04/06/21 16:00
Consultation Point	Policy STR 2 Place Shaping and Design ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.3
Files	<a href="#">PSLP_1571-1623(not inclusive)_CRS NDP Steering Group Representation.pdf</a>
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group
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 STR 2 Place Shaping and Design



*[TWBC: for further comments by Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group, please see Comment Numbers PSLP\_1574-1580, PSLP\_1582-1586, PSLP\_1588, PSLP\_1590, PSLP\_1592-1623]*

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Cranbrook & Sissinghurst Neighbourhood Development Plan

Response to Tunbridge Wells Borough Council Pre-Submission Draft Local Plan – 4th June 2021

#### **Section 4: The Development Strategy and Strategic Policies**

##### **Policy STR 2: Place Shaping and Design**

No mention of the Neighbourhood Plan Design Guides or High Weald AONB Design Guide or Colour Guide. Otherwise, some worthy points here, but completely contradicted by the locations of developments, types and mix of housing put there and disregard for local voices and knowledge.

*[TWBC: for full representation, please see supporting documents]*

#### Question 7

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## Supporting Information File Ref No: SI\_83

### Comment

Consultee	Councillor Nancy Warne [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Cranbrook & Sissinghurst NDP Steering Group
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Cranbrook & Sissinghurst NDP Steering Group (Councillor Nancy Warne - [REDACTED])
Comment ID	PSLP_1575
Response Date	04/06/21 16:00
Consultation Point	Policy STR 5 Infrastructure and Connectivity ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.3
Files	<a href="#">PSLP_1571-1623(not inclusive)_CRS NDP Steering Group Representation.pdf</a>
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group
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 STR 5 Infrastructure and Connectivity

*[TWBC: for further comments by Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group, please see Comment Numbers PSLP\_1574-1580, PSLP\_1582-1586, PSLP\_1588, PSLP\_1590, PSLP\_1592-1623]*

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Cranbrook & Sissinghurst Neighbourhood Development Plan

Response to Tunbridge Wells Borough Council Pre-Submission Draft Local Plan – 4th June 2021

#### **Section 4: The Development Strategy and Strategic Policies**

##### **Policy STR 5: Infrastructure and Connectivity**

Would benefit from a better understanding and articulation of Social Infrastructure, both tangible and intangible, its value and the contribution it makes to social, environmental and economic sustainability.

*[TWBC: for full representation, please see supporting documents]*

#### Question 7

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## Comment

Consultee	Councillor Nancy Warne [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Cranbrook & Sissinghurst NDP Steering Group
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Cranbrook & Sissinghurst NDP Steering Group (Councillor Nancy Warne - [REDACTED])
Comment ID	PSLP_1576
Response Date	04/06/21 16:00
Consultation Point	Policy STR 7 Climate Change ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.3
Files	<a href="#">PSLP_1571-1623(not inclusive)_CRS NDP Steering Group_Representation.pdf</a>
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group
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 STR 7 Climate Change

*[TWBC: for further comments by Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group, please see Comment Numbers PSLP\_1574-1580, PSLP\_1582-1586, PSLP\_1588, PSLP\_1590, PSLP\_1592-1623]*

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Response to Tunbridge Wells Borough Council Pre-Submission Draft Local Plan – 4th June 2021

#### **Section 4: The Development Strategy and Strategic Policies**

##### **Policy STR 7: Climate Change**

All good ambitions, but doesn't go far enough.

Failure to think at an ecological systems level. No mention of the importance of the river systems and the need to protect uplands to maximise their performance function in water catchment and infiltration, thereby reducing the risk of water wastage and flooding downstream.

Shoddy and minimum build quality by developers needs to be stopped.

All new developments should be required to build to net carbon zero as an absolute minimum.

*[TWBC: for full representation, please see supporting documents]*

#### Question 7

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## Supporting Information File Ref No: SI\_83

### Comment

Consultee	Councillor Nancy Warne [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Cranbrook & Sissinghurst NDP Steering Group
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Cranbrook & Sissinghurst NDP Steering Group (Councillor Nancy Warne - [REDACTED])
Comment ID	PSLP_1577
Response Date	04/06/21 16:00
Consultation Point	Policy STR 8 Conserving and Enhancing the Natural, Built, and Historic Environment ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.3
Files	<a href="#">PSLP_1571-1623(not inclusive)_CRS NDP Steering Group Representation.pdf</a>
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group
Question 3	
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Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	Policy STR 8 Conserving and Enhancing the Natural, Built, and Historic Environment

*[TWBC: for further comments by Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group, please see Comment Numbers PSLP\_1574-1580, PSLP\_1582-1586, PSLP\_1588, PSLP\_1590, PSLP\_1592-1623]*

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Response to Tunbridge Wells Borough Council Pre-Submission Draft Local Plan – 4th June 2021

#### **Section 4: The Development Strategy and Strategic Policies**

#### **Policy STR 8: Conserving and Enhancing the Natural, Built and Historic Environment**

Point 4. Who judges what is 'exceptional'? Building anywhere on the AONB isn't justified by housing numbers dictated by an algorithm, and especially when other sites that could have delivered multiple small developments with less impact to the town and AONB have been ignored.

*[TWBC: for full representation, please see supporting documents]*

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## Supporting Information File Ref No: SI\_83

### Comment

Consultee	Councillor Nancy Warne [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Cranbrook & Sissinghurst NDP Steering Group
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Cranbrook & Sissinghurst NDP Steering Group (Councillor Nancy Warne - [REDACTED])
Comment ID	PSLP_1578
Response Date	04/06/21 16:00
Consultation Point	Policy STR 10 Neighbourhood Plans ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.3
Files	<a href="#">PSLP_1571-1623(not inclusive)_CRS NDP Steering Group Representation.pdf</a>
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group
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 STR 10 Neighbourhood Plans



[TWBC: for further comments by Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group, please see Comment Numbers PSLP\_1574-1580, PSLP\_1582-1586, PSLP\_1588, PSLP\_1590, PSLP\_1592-1623]

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Cranbrook & Sissinghurst Neighbourhood Development Plan

Response to Tunbridge Wells Borough Council Pre-Submission Draft Local Plan – 4th June 2021

#### Section 4: The Development Strategy and Strategic Policies

##### Policy STR10 Neighbourhood Plans

The Council completely failed to meet the requirements of this policy with respect to the Cranbrook & Sissinghurst Neighbourhood Development Plan (see response to Policy AL/CRS3 below).

[TWBC: for full representation, please see supporting documents]

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Not Stated

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## Supporting Information File Ref No: SI\_83

### Comment

Consultee	Councillor Nancy Warne [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Cranbrook & Sissinghurst NDP Steering Group
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Cranbrook & Sissinghurst NDP Steering Group (Councillor Nancy Warne - [REDACTED])
Comment ID	PSLP_1579
Response Date	04/06/21 16:00
Consultation Point	Cranbrook and Sissinghurst ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.3
Files	<a href="#">PSLP_1571-1623(not inclusive)_CRS NDP Steering Group Representation.pdf</a>
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group
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.	Paragraph No(s) 5.271 and 5.273

[TWBC: for further comments by Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group, please see Comment Numbers PSLP\_1574-1580, PSLP\_1582-1586, PSLP\_1588, PSLP\_1590, PSLP\_1592-1623]

#### Question 4a

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Cranbrook & Sissinghurst Neighbourhood Development Plan

Response to Tunbridge Wells Borough Council Pre-Submission Draft Local Plan – 4th June 2021

#### Section 5: Place Shaping Policies

##### Cranbrook and Sissinghurst

##### Overview

5.271 This section has a glaring omission in that the Cranbrook Conservation Area is not mentioned. It also fails to mention Cranbrook's historic and heritage significance. Suggest the response from the Cranbrook Conservation Area Appraisal Committee is referred to for suggested strengthening of the policy supporting text here.

5.273 See below for specific objections. It is worth noting, that the three allocated sites for Cranbrook run together. This would give Cranbrook an additional 400plus houses in one large lump on the edge of town, with no masterplan for the three major developments right in the heart of the AONB, on land that has altered little since Anglo Saxon times, in the Crane Valley. What are the exceptional circumstances? Why isn't the AONB worth protecting in this area?

This runs contrary to central government's advice (above).

[TWBC: for full representation, please see supporting documents]

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## Supporting Information File Ref No: SI\_83

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Email Address	[REDACTED]
Company / Organisation	Cranbrook & Sissinghurst NDP Steering Group
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Cranbrook & Sissinghurst NDP Steering Group (Councillor Nancy Warne - [REDACTED])
Comment ID	PSLP_1580
Response Date	04/06/21 16:00
Consultation Point	Policy STR/CRS 1 The Strategy for Cranbrook and Sissinghurst parish ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.3
Files	<a href="#">PSLP_1571-1623(not inclusive)_CRS NDP Steering Group Representation.pdf</a>
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group
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 STR/CRS 1 The Strategy for Cranbrook and Sissinghurst parish

*[TWBC: for further comments by Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group, please see Comment Numbers PSLP\_1574-1580, PSLP\_1582-1586, PSLP\_1588, PSLP\_1590, PSLP\_1592-1623]*

#### 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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Cranbrook & Sissinghurst Neighbourhood Development Plan

Response to Tunbridge Wells Borough Council Pre-Submission Draft Local Plan – 4th June 2021

#### **Policy STR/CRS1**

#### **The Strategy for Cranbrook and Sissinghurst parish – OBJECT**

**- Object to the development strategy which has ignored the evidence gathered from the community over the past 5 years during the Neighbourhood Plan process.**

*[TWBC: for full representation, please see supporting documents]*

#### Question 7

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For office use only

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## Supporting Information File Ref No: SI\_83

### Comment

Consultee	Councillor Nancy Warne [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Cranbrook & Sissinghurst NDP Steering Group
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Cranbrook & Sissinghurst NDP Steering Group (Councillor Nancy Warne - [REDACTED])
Comment ID	PSLP_1582
Response Date	04/06/21 16:00
Consultation Point	Policy AL/CRS 3 Turnden Farm, Hartley Road, Cranbrook ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.4
Files	<a href="#">PSLP_1571-1623(not inclusive)_CRS NDP Steering Group Representation.pdf</a>
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group
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/CRS 3 Turnden Farm, Hartley Road, Cranbrook

*[TWBC: for further comments by Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group, please see Comment Numbers PSLP\_1574-1580, PSLP\_1582-1586, PSLP\_1588, PSLP\_1590, PSLP\_1592-1623]*

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Cranbrook & Sissinghurst Neighbourhood Development Plan

Response to Tunbridge Wells Borough Council Pre-Submission Draft Local Plan – 4th June 2021

#### **- Object to the Site Allocation AL/CRS3 Turnden.**

##### **With qualifications:**

**Support** “5. Maintain and enhance linkages to Public Rights of Way or the local strategic cycle network, to include contributions towards the Bedgebury to Sissinghurst cycle path route”.

**Support** “6. Seek to retain land and buildings currently used for non-residential uses within the centres of Cranbrook and Sissinghurst for employment-generating and community uses...”

**But qualify**, “...and support proposal for such uses in suitable locations within the Limits to Built Development” with “and previously developed land outside the LBD”.

**Support** “7. Retain an appropriate mix of uses within the town centre...and support proposals which would contribute to the vitality and viability of the centre”.

**Qualify** 9. “Seek developer contributions....”. Other necessary Social Infrastructure as identified in the Cranbrook and Sissinghurst Neighbourhood Development Plan.

(to replace “other necessary mitigation measures which are directly related to the development and fairly and reasonably related in scale and kind, including those potentially identified in the Cranbrook & Sissinghurst Neighbourhood Plan”).

#### **Policy AL/CR3 Turnden Farm – OBJECT**

Neighbourhood planning came into being under the Localism Act 2011 as a means to enable those with an intimate knowledge and understanding of their people and place to have a greater say in the determination of how best to deliver new development in a way that the majority of the local community are happy with.

Since 2016, the Cranbrook and Sissinghurst Neighbourhood Plan (C&S NDP) Steering group have been engaged in this positive planning. A committed group of parish councillors and community volunteers have sought out the views of the local community and, from these shaping a set of planning policies for the parish.

Throughout the years of public engagement events and in the Regulation 14 Public Consultation (October-December 2020) the community have been consistently clear about what was most important to them – our natural environment, our historic landscape and our built heritage. They have also been



clear in the main constraints to development – the traffic in our narrow streets, along our main roads and around our schools, and the potential for flooding of the Crane Brook in the centre of town.

Most clear of all, the community requested that we ensure that our housing target be met by small scale developments which minimised harm to those things they care about.

The C&S NDP Steering Group have been supported by funds from the parish precept, together with grant funding and technical support from the government.

AECOM undertook a Site Assessment (July 2017), a Housing Needs Assessment (July 2018) and a Strategic Environmental Assessment (July 2019 draft) on the sites selected by the C&S NDP Steering Group to propose for possible development. AECOM also provided facilitation between the C&S NDP Steering Group and Tunbridge Wells Borough Council (TWBC) Planning Department early in 2019.

The AECOM Site Assessment report (undertaken in December 2016 and published in July 2017) identified that development at the Turnden site would have:

- High Level of Environmental Impact
- High Probability of Loss of Ecological Value
- High Sensitivity to Landscape and Visual Impact
- High Heritage Impact
- The site has visual amenity as countryside as seen from the footpath crossing it.
- Only a limited part of the site should be considered to avoid a development of the scale and nature which would be large enough to significantly change the size and character of the settlement of Cranbrook.
- Due to the risk of perceived or actual coalescence between Cranbrook and Hartley, only a small proportion of the site should be developed based around the existing footprint of the farm buildings in the centre of the site, which would further need to be sensitive in terms of respecting the setting of the Grade II listed Turnden Farmhouse, with an indicative range of 30-50 dwellings.
- The site is very poorly located in terms of walking distance to facilities and services and will as a result be mainly car-based.
- The site would be more sustainable and suitable for residential-led mixed use development, including community facilities and employment space, rather than residential alone (AECOM 2017)

In addition, it should be pointed out that Turnden Farm lies outside the Limits of Built Development for Cranbrook, which has only just been redefined in 2021 (TWBC Topic Paper “Limits to Built Development” February 2021) to accommodate the 220 new homes allocated at Brick Kiln Farm and Corn Hall.

Early in 2017, members of the newly-formed local community land trust, Crane Valley Land Trust (CVLT), met with planning and housing officers and members of TWBC at Turnden Farm. At this time, the farm had been on the market for over a year and no serious interest had been reported by the agents.

The CVLT developed a vision and masterplan for Turnden Farm which was informed by the wishes of the community through the evidence gathered during C&S NDP engagement events: to deliver small scale developments which were appropriate for the sensitivity within the AONB and which protected the wider Crane Valley setting. This masterplan was in compliance with AECOM site assessment. This masterplan would have provided considerable community benefit through the retention of the farmland for community use, the provision of 50% truly affordable high-quality homes for local people and which allowed for a mix of uses through the creation of employment and community space. This masterplan

also respected the historic farmstead settlement pattern by confining development to the footprint of the existing farm buildings and thereby avoided coalescence of Cranbrook and Hartley, and urban sprawl to the south of Cranbrook which would fundamentally alter the character of the settlements of both Cranbrook and Hartley. It is worth noting that at this point the TWBC Landscape and Biodiversity Officer also expressed concern about possible coalescence and loss of historic settlement character should this site be developed on a large scale.

Central to the community vision was the protection and enhancement of the meadowland through the creation of a substantial riparian buffer. Not only could this have made a valuable contribution to

address the 97% loss of wildflower meadow in the UK since 1930s, but also had the potential to establish habitat suitable for the reintroduction of the iconic Crane bird, for which the town owes its name.

The CVLT were encouraged by the TWBC Planning Policy Officer to submit the whole of Turnden Farm in the TWBC Local Plan “Call for Sites”, in order for TWBC to formally assess the site under the Local Plan process.

During 2017 the CVLT found local investment partners to help deliver the vision, and by the Autumn they were set to purchase Turnden Farm.

However, this community masterplan was unable to be delivered because at the last minute Turnden was sold instead to Berkeley Homes at the end of that year.

In November 2018 Berkeley Homes were granted planning permission for the refurbishment of Turnden Farmhouse and a further 36 homes based on the footprint of the farmstead.

The C&S NDP Steering Group were made aware of further plans for a much larger “Phase 2” of a further approximately 160 dwellings development in July 2018, when a meeting between two of their members, TWBC Planning Officers and representatives of Berkeley Homes was held at the Town Hall. The C&S NDP Steering Group members explained that further large-scale development would be unsuitable, for the reasons identified in the evidence gathered through C&S NDP community engagements and the AECOM Site Assessment. These proposals were in addition to the 240 dwellings in the sites already allocated at Brick Kiln Farm and Corn Hall between Cranbrook and Turnden Farm. Taking into account these sites, Phases 1 and 2 at Turnden this would mean a total of over 400 homes in the AONB in the Crane Valley. This is the exact opposite of what the community has told the C&S NDP Steering Group it wishes to see for development in the parish.

The C&S NDP Steering Group had expressed a wish to undertake the site allocations as part of the Neighbourhood Plan, in order to deliver the required development in a manner desired by the local community. Throughout 2018 the C&S NDP Steering Group tried to collaborate with the TWBC Planning Policy Department in order to agree on possible site allocations for the parish.

By the end of the year, however, TWBC Planning Policy, despite repeated requests, failed to provide the C&S NDP Steering Group with a Memorandum of Understanding or Statement of Common Ground in order to establish the relationship between allocations in the Local Plan and the Neighbourhood Development Plan. At this stage TWBC provided no support to assist the C&S NDP Steering Group to undertake the assessment and allocation of sites for housing.

In December 2018, the C&S Parish Council agreed for the C&S NDP Steering Group to undertake the site allocations for the parish. Despite this agreement TWBC offered no training to undertake this and requests from the C&S NDP Steering Group for information and sharing of evidence from TWBC in order to assist in this process were also denied.

The C&S NDP Steering Group approached AECOM for help and were awarded a package of Technical Facilitation for negotiation between the group and TWBC Planning Department.

The C&S NDP Steering Group undertook site assessment on 54 sites during January and February 2019. Following the site assessment methodology used the AECOM original Site Assessment framework, which was adapted to local circumstances in response to the evidence gathered during the many public engagement sessions held through the preceding two years. These were mediated by workshop sessions with more members of the C&S Parish Council and other members of the community.

The outcome of this process was that the C&S NDP Steering Group found enough site options for housing allocations to meet the requirements of the Housing Needs Assessment as identified in a further AECOM report. The Turnden site was assessed as one of the least suitable sites – coming 52nd out of the 54 sites.

AECOM undertook a Strategic Environmental Assessment (draft July 2019) which demonstrates that more sustainable alternative sites were available. These included smaller sites, some of which are much better related to the settlement centres of Cranbrook & Sissinghurst, sites on previously developed land and sites in the parish which fall outside the AONB.

Despite a number of subsequent sessions between TWBC Planning Department Officers and members of the C&S NDP Steering Group, in which agreement was sought on the sites to be proposed for allocation, one site remained unresolved – Turnden.

Throughout 2018 and 2019 the TWBC Acting Head of Planning made it clear to the C&S NDP Steering Group that the community would have to come up with strong justification as to why Turnden Phase 1 & 2 should not be allocated in the Local Plan. This demonstrates a predetermination of the site's allocation, and an unwillingness to support the community's vision to protect the Crane Valley from further large-scale development and to meet housing requirements through smaller scale developments as identified by the community.

The C&S NDP Steering Group were told that if they pursued their allocations, Turnden would be allocated on top, vastly increasing the housing allocations for the parish. The Group realised that the neighbourhood plan would be unable to deliver what the community had asked for, and so the Parish Council were forced to resolve to not include site allocations within the Cranbrook and Sissinghurst Neighbourhood Development Plan.

This has been absolutely devastating for all involved who have committed years of time and effort into what we thought was genuinely promised under the Localism Act.

The Chairman of the C&S NDP Steering Group wrote to the local MP, Helen Grant on 4.10.19, who called for a meeting on the evidence presented to her. Following the meeting Helen agreed to make contact with the Secretary of State for the MHCLG in order to express her concern.

From the evidence the C&S NDP Steering Group gathered throughout the many public engagement events, it was clear that the preferred option was to protect the AONB landscape from major developments, to deliver smaller-scale sites and to protect the Crane Valley. This led to the drafting of Policy LN7.7 "Local Protection & Enhancement of the Crane Valley" in the Regulation 14 Pre-Submission Consultation of the draft Cranbrook & Sissinghurst Neighbourhood Development Plan which ran in the Autumn of 2020. This policy was supported by 94% of community respondents, which included some very strong supportive comments such as "Excellent", "Definitely agree" and "Congratulations on recognising the importance of this area".

When the planning application (20/00815/FULL) for Turnden Phase 2 came before the TWBC Planning Committee the decision to grant permission was made without committee members visiting the site. Further, a crucial piece of evidence for the site's allocation in the Pre-Submission Local Plan was unavailable to committee members to scrutinise: the Landscape and Visual Impact Assessment (LVIA) prepared by Hankison Duckett Associates.

In this document it states that the Tunbridge Wells Borough Council's Character Assessment of "Valued features and qualities" include "the wedge of landscape provided by the Crane Brook which permeates into the town centre with the surrounding landscape is of particular value for the contribution to recreation and views", but then goes on to contradict this assessment by stating the "the site is separated from the wider AONB landscape by a combination of landform, woodland and existing settlement". The result was to completely downplay the visual impact of this major development proposal.

Had committee members visited the site they would be able to experience the views from the footpath which traverses Turnden Farm, and from which they would have seen not only St.Dunstan's Church, but also far distant views to the Greensand Ridge many miles away to the North. This is not "separated from the wider landscape" as Hankison Duckett Associates claim, but an integral part of the valued features and qualities so beloved of both the local community and tourists who visit the area. It is also contrary to the evidence of TWBC's own Character Assessment, as previously described.

The footpath to the East of the site at Mount Ephraim is also a well-used pedestrian and cycleway connecting Cranbrook to Swattenden Lane; it is set high on a ridge and affords views both further East across the AONB landscape and West towards the Crane Valley in which Turnden Farm sits. Major development as proposed at Turnden will have a significant negative impact on the landscape. It is this landscape and these views which are so vital not only for their environmental value but also their economic value to Cranbrook as a tourist destination and their social value for the enjoyment and well-being of the community.

A site visit would also have allowed the committee members a greater appreciation of how far away this site is from the facilities and services of the town centre, and how unlikely it is for future inhabitants to travel anywhere other than by car, as to do so would be to negotiate the busy A229. This is an unpleasant and off-putting experience. Proposed off-road pedestrian and cycle routes into Cranbrook

cannot be delivered as claimed by this scheme, as the most direct route is not yet built, but runs across land at Corn Hall Farm for which no planning permission to enable such a connection has yet been secured.

Failure to properly scrutinise the significant harm of the proposals at Turnden led to planning permission being granted by TWBC Planning Committee on 27.1.21. The application has now been called in to the Secretary of State, Robert Jenrick, at the request of Natural England. A public inquiry will take place in September.

The source of the Crane Brook is only a few hundred yards to the South of the site, and as such, this site is part of the uplands of the wider River Medway system. In this time of the climate emergency, it is imperative that our uplands and river systems are protected and allowed to perform their essential functions. The Crane Brook is a tributary of Hammer Stream, the River Beult and River Medway which converge in Yalding and flow on to Tonbridge. Both Yalding and Tonbridge have suffered from significant flooding of the River Medway in recent years.

Geological maps reveal that our ancestors knew the wisdom of avoiding building in the Crane Valley. The underlying bedrock here is of Wadhurst Clay Formation – Mudstone. The surrounding built up areas of Cranbrook lie over Tunbridge Wells Sandstone Formation – Sandstone and Siltstone. The clues to suitability for building are in the names: mud is not suitable, stone is suitable. A further clue is found in where historic development has taken place and where it has not. Should this upland valley be covered in major development, there will be disruption to the essential function of both the upland and river system through excess run-off, loaded with polluting particulates, which threaten to damage settlements downstream, from Cranbrook through to Tonbridge and beyond to the Kent Coast.

The Hankison Duckett Associates LVIA report which significantly underplayed the landscape impact of this allocation led to the removal from the TWBC Pre-Submission Local Plan (PSLP) of all major developments on the AONB, except Turnden (and the previous allocation of Brick Kiln Farm and Corn Hall). This assessment was widely different from that undertaken by AECOM in 2017, as previously mentioned, who assessed the visual impact as “high sensitivity”.

TWBC Planning Department had the opportunity to remove the allocation of Turnden in the PSLP and to ask the C&S NDP Steering Group to replace this allocation with the reasonable alternatives identified by the NDP which fulfilled the housing requirements for the parish, complied with the wishes of the community to protect the AONB landscape, to ensure environmental, social and economic sustainability in the parish, and as clearly stated in the NPPF Paragraph 172 would meet the need in some other way:

*“The scale and extent of development within these designated areas should be limited. 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”.... “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;*

- 1 b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*
- 2 c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”*

The TWBC Local Planning Authority have denied all the evidence from those who have worked with the community for more than five years and who know their people and place best.

We respectfully request that the Examiner give the community's evidence much greater consideration and weight than either the TWBC LPA or members have afforded us.

*[TWBC: for full representation, please see supporting documents]*

## Question 7

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**If you would like to attach a file in support of your comments, please upload it here.** [PSLP 1571-1623\(not inclusive\) CRS NDP Steering Group Representation.pdf](#)

## Supporting Information File Ref No: SI\_83

### Comment

Consultee	Councillor Nancy Warne [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Cranbrook & Sissinghurst NDP Steering Group
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Cranbrook & Sissinghurst NDP Steering Group [REDACTED]
Comment ID	PSLP_1583
Response Date	04/06/21 16:00
Consultation Point	Policy EN 1 Sustainable Design ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.3
Files	<a href="#">PSLP_1571-1623(not inclusive) CRS NDP Steering Group Representation.pdf</a>
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group
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 EN 1 Sustainable Design

[TWBC: for further comments by Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group, please see Comment Numbers PSLP\_1574-1580, PSLP\_1582-1586, PSLP\_1588, PSLP\_1590, PSLP\_1592-1623]

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Cranbrook & Sissinghurst Neighbourhood Development Plan

Response to Tunbridge Wells Borough Council Pre-Submission Draft Local Plan – 4th June 2021

#### Section 6 Development Management Policies

##### Policy EN1 Sustainable Design

Support with qualifications:

- 1 i) 3. Add – and must utilise opportunities to help meet 8,
- 2 ii) 5.3 Biodiversity and geodiversity “Proposals should identify and not undermine the value of ecosystem services that the site provides” conflicts with Policies AL/CRS1, AL/CRS2 and AL/CRS3 in respect of the ecosystem services provided by the Crane Valley upland river system function.
- iii) 8. Design & Construction Guidance – add **Neighbourhood Plan Design Guides**

[TWBC: for full representation, please see supporting documents]

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Consultee	Councillor Nancy Warne [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Cranbrook & Sissinghurst NDP Steering Group
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Cranbrook & Sissinghurst NDP Steering Group [REDACTED]
Comment ID	PSLP_1584
Response Date	04/06/21 16:00
Consultation Point	Policy EN 2 Sustainable Design Standards ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.3
Files	<a href="#">PSLP_1571-1623(not inclusive)_CRS NDP Steering Group_Representation.pdf</a>
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group
Question 3	
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Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	Policy EN 2 Sustainable Design Standards



*[TWBC: for further comments by Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group, please see Comment Numbers PSLP\_1574-1580, PSLP\_1582-1586, PSLP\_1588, PSLP\_1590, PSLP\_1592-1623]*

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Cranbrook & Sissinghurst Neighbourhood Development Plan

Response to Tunbridge Wells Borough Council Pre-Submission Draft Local Plan – 4th June 2021

#### **Policy EN2 Sustainable Building Standards**

Object – residential building standards not high enough. If houses are to be built in the High Weald AONB they must be of exceptional quality and standard to avoid harm to their AONB setting, and indeed aim to enhance their setting.

*[TWBC: for full representation, please see supporting documents]*

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Email Address	[REDACTED]
Company / Organisation	Cranbrook & Sissinghurst NDP Steering Group
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Cranbrook & Sissinghurst NDP Steering Group [REDACTED]
Comment ID	PSLP_1585
Response Date	04/06/21 16:00
Consultation Point	Policy EN 3 Climate Change Mitigation and Adaptation ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.4
Files	<a href="#">PSLP_1571-1623(not inclusive)_CRS NDP Steering Group Representation.pdf</a>
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group
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*[TWBC: for further comments by Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group, please see Comment Numbers PSLP\_1574-1580, PSLP\_1582-1586, PSLP\_1588, PSLP\_1590, PSLP\_1592-1623]*

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Cranbrook & Sissinghurst Neighbourhood Development Plan

Response to Tunbridge Wells Borough Council Pre-Submission Draft Local Plan – 4th June 2021

#### **Policy EN3 Climate Change Mitigation and Adaptation**

Support with qualifications: –

- 1 i) In “Climate change adaptation” Reduction in flood risk – conflicts with Policies AL/CRS1, AL/CRS2 and AL/CRS3.
- 2 ii) Same standards to be sought for extensions as well as new developments.

*[TWBC: for full representation, please see supporting documents]*

#### Question 7

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## Supporting Information File Ref No: SI\_83

### Comment

Consultee	Councillor Nancy Warne [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Cranbrook & Sissinghurst NDP Steering Group
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Cranbrook & Sissinghurst NDP Steering Group [REDACTED]
Comment ID	PSLP_1586
Response Date	04/06/21 16:00
Consultation Point	Policy EN 4 Historic Environment ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.3
Files	<a href="#">PSLP_1571-1623(not inclusive)_CRS NDP Steering Group_Representation.pdf</a>
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group
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 EN 4 Historic Environment

[TWBC: for further comments by Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group, please see Comment Numbers PSLP\_1574-1580, PSLP\_1582-1586, PSLP\_1588, PSLP\_1590, PSLP\_1592-1623]

#### 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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Cranbrook & Sissinghurst Neighbourhood Development Plan

Response to Tunbridge Wells Borough Council Pre-Submission Draft Local Plan – 4th June 2021

#### EN4 Historic Environment

Support with qualification: Remove “where possible” as it undermines the criteria 1-4 listed below in the policy.

[TWBC: for full representation, please see supporting documents]

#### Question 7

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## Supporting Information File Ref No: SI\_83

### Comment

Consultee	Councillor Nancy Warne [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Cranbrook & Sissinghurst NDP Steering Group
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Cranbrook & Sissinghurst NDP Steering Group (Councillor Nancy Warne - [REDACTED])
Comment ID	PSLP_1588
Response Date	04/06/21 16:00
Consultation Point	Policy EN 5 Heritage Assets ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.3
Files	<a href="#">PSLP_1571-1623(not inclusive)_CRS NDP Steering Group Representation.pdf</a>
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group
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 EN 5 Heritage Assets

[TWBC: for further comments by Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group, please see Comment Numbers PSLP\_1574-1580, PSLP\_1582-1586, PSLP\_1588, PSLP\_1590, PSLP\_1592-1623]

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Cranbrook & Sissinghurst Neighbourhood Development Plan

Response to Tunbridge Wells Borough Council Pre-Submission Draft Local Plan – 4th June 2021

#### EN5 Heritage Assets

Support with qualification: Add to assessment criteria – 2. “The prominence and significance of its location and setting”. This would strengthen Policy ED9 in respect of heritage assets located in defined settlement centres.

[TWBC: for full representation, please see supporting documents]

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### Comment

Consultee	Councillor Nancy Warne [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Cranbrook & Sissinghurst NDP Steering Group
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Cranbrook & Sissinghurst NDP Steering Group (Councillor Nancy Warne - [REDACTED])
Comment ID	PSLP_1590
Response Date	04/06/21 16:00
Consultation Point	Policy EN 6 Shop Fronts ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.3
Files	<a href="#">PSLP_1571-1623(not inclusive)_CRS NDP Steering Group_Representation.pdf</a>
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group
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 EN 6 Shop Fronts



[TWBC: for further comments by Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group, please see Comment Numbers PSLP\_1574-1580, PSLP\_1582-1586, PSLP\_1588, PSLP\_1590, PSLP\_1592-1623]

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Cranbrook & Sissinghurst Neighbourhood Development Plan

Response to Tunbridge Wells Borough Council Pre-Submission Draft Local Plan – 4th June 2021

#### EN6 Shop Fronts

Support with qualification: Need to mention Cranbrook Conservation Area Appraisal, and any future Management Plan, as the document to refer to for shop front standards in Cranbrook Conservation Area, as locally-specific requirements on illumination and signage need to be addressed by proposals.

[TWBC: for full representation, please see supporting documents]

#### Question 7

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## Supporting Information File Ref No: SI\_83

### Comment

Consultee	Councillor Nancy Warne [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Cranbrook & Sissinghurst NDP Steering Group
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Cranbrook & Sissinghurst NDP Steering Group (Councillor Nancy Warne - [REDACTED])
Comment ID	PSLP_1592
Response Date	04/06/21 16:00
Consultation Point	Policy EN 7 Advertisements ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.3
Files	<a href="#">PSLP_1571-1623(not inclusive)_CRS NDP Steering Group Representation.pdf</a>
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group
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 EN 7 Advertisements

[TWBC: for further comments by Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group, please see Comment Numbers PSLP\_1574-1580, PSLP\_1582-1586, PSLP\_1588, PSLP\_1590, PSLP\_1592-1623]

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Cranbrook & Sissinghurst Neighbourhood Development Plan

Response to Tunbridge Wells Borough Council Pre-Submission Draft Local Plan – 4th June 2021

#### EN6 Shop Fronts

Support with qualification: Need to mention Cranbrook Conservation Area Appraisal, and any future Management Plan, as the document to refer to for shop front standards in Cranbrook Conservation Area, as locally-specific requirements on illumination and signage need to be addressed by proposals.

#### EN7 Advertisements

Support with qualification: As in EN6

[TWBC: for full representation, please see supporting documents]

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## Supporting Information File Ref No: SI\_83

### Comment

Consultee	Councillor Nancy Warne [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Cranbrook & Sissinghurst NDP Steering Group
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Cranbrook & Sissinghurst NDP Steering Group (Councillor Nancy Warne - [REDACTED])
Comment ID	PSLP_1593
Response Date	04/06/21 16:00
Consultation Point	Policy EN 8 Outdoor Lighting and Dark Skies ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.3
Files	<a href="#">PSLP_1571-1623(not inclusive)_CRS NDP Steering Group Representation.pdf</a>
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group
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 EN 8 Outdoor Lighting and Dark Skies

[TWBC: for further comments by Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group, please see Comment Numbers PSLP\_1574-1580, PSLP\_1582-1586, PSLP\_1588, PSLP\_1590, PSLP\_1592-1623]

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Response to Tunbridge Wells Borough Council Pre-Submission Draft Local Plan – 4th June 2021

#### EN8 Lighting

Object – standards not high enough.

The PSLP uses Institute of Lighting Professionals Guidance Note GN01 standard for Rural Areas. (E2)

The AONB actually has a higher level of protection under that guidance. Bordering areas must comply with the more rigorous standard.

[TWBC: for full representation, please see supporting documents]

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## Supporting Information File Ref No: SI\_83

### Comment

Consultee	Councillor Nancy Warne [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Cranbrook & Sissinghurst NDP Steering Group
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Cranbrook & Sissinghurst NDP Steering Group (Councillor Nancy Warne - [REDACTED])
Comment ID	PSLP_1594
Response Date	04/06/21 16:00
Consultation Point	Policy EN 9 Biodiversity Net Gain ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.3
Files	<a href="#">PSLP_1571-1623(not inclusive)_CRS NDP Steering Group Representation.pdf</a>
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group
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 EN 9 Biodiversity Net Gain

*[TWBC: for further comments by Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group, please see Comment Numbers PSLP\_1574-1580, PSLP\_1582-1586, PSLP\_1588, PSLP\_1590, PSLP\_1592-1623]*

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Response to Tunbridge Wells Borough Council Pre-Submission Draft Local Plan – 4th June 2021

#### **Policy EN9 Biodiversity Net Gain**

Neutral – question the efficacy of the Defra Biodiversity Metric to fully capture the biodiversity present in any given site, for instance the measure of biodiversity present in the soil.

*[TWBC: for full representation, please see supporting documents]*

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### Comment

Consultee	Councillor Nancy Warne [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Cranbrook & Sissinghurst NDP Steering Group
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Cranbrook & Sissinghurst NDP Steering Group (Councillor Nancy Warne - [REDACTED])
Comment ID	PSLP_1595
Response Date	04/06/21 16:00
Consultation Point	Policy EN 10 Protection of designated sites and Habitats ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.3
Files	<a href="#">PSLP_1571-1623(not inclusive)_CRS NDP Steering Group Representation.pdf</a>
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group
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 EN 10 Protection of designated sites and Habitats



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Response to Tunbridge Wells Borough Council Pre-Submission Draft Local Plan – 4th June 2021

#### **Policy EN10 Protection of designated sites and Habitats**

Object to “Exceptions” – there is no justification for exceptions to the protection of these sites.

[TWBC: for full representation, please see supporting documents]

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### Comment

Consultee	Councillor Nancy Warne [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Cranbrook & Sissinghurst NDP Steering Group
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Cranbrook & Sissinghurst NDP Steering Group (Councillor Nancy Warne - [REDACTED])
Comment ID	PSLP_1596
Response Date	04/06/21 16:00
Consultation Point	Policy EN 12 Trees, Woodland, Hedges, and Development ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.3
Files	<a href="#">PSLP_1571-1623(not inclusive)_CRS NDP Steering Group Representation.pdf</a>
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group
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 EN 12 Trees, Woodland, Hedges, and Development

*[TWBC: for further comments by Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group, please see Comment Numbers PSLP\_1574-1580, PSLP\_1582-1586, PSLP\_1588, PSLP\_1590, PSLP\_1592-1623]*

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Response to Tunbridge Wells Borough Council Pre-Submission Draft Local Plan – 4th June 2021

**Policy EN12 Trees, Woodland, Hedges and Development**

Support

*[TWBC: for full representation, please see supporting documents]*

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### Comment

Consultee	Councillor Nancy Warne [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Cranbrook & Sissinghurst NDP Steering Group
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Cranbrook & Sissinghurst NDP Steering Group (Councillor Nancy Warne - [REDACTED])
Comment ID	PSLP_1597
Response Date	04/06/21 16:00
Consultation Point	Policy EN 13 Ancient Woodland and Veteran Trees ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.3
Files	<a href="#">PSLP_1571-1623(not inclusive)_CRS NDP Steering Group Representation.pdf</a>
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group
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 EN 13 Ancient Woodland and Veteran Trees

[TWBC: for further comments by Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group, please see Comment Numbers PSLP\_1574-1580, PSLP\_1582-1586, PSLP\_1588, PSLP\_1590, PSLP\_1592-1623]

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Response to Tunbridge Wells Borough Council Pre-Submission Draft Local Plan – 4th June 2021

#### **Policy EN13 Ancient Woodland and Veteran Trees**

Support with qualification – need to specify what is meant by “appropriate and adequate mitigation” (4), “adequate buffers”(5) and “adequate evidence” (6).

[TWBC: for full representation, please see supporting documents]

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## Supporting Information File Ref No: SI\_83

### Comment

Consultee	Councillor Nancy Warne [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Cranbrook & Sissinghurst NDP Steering Group
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Cranbrook & Sissinghurst NDP Steering Group (Councillor Nancy Warne - [REDACTED])
Comment ID	PSLP_1598
Response Date	04/06/21 16:00
Consultation Point	Policy EN 14 Green, Grey, and Blue Infrastructure ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.3
Files	<a href="#">PSLP_1571-1623(not inclusive)_CRS NDP Steering Group Representation.pdf</a>
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group
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 EN 14 Green, Grey, and Blue Infrastructure

[TWBC: for further comments by Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group, please see Comment Numbers PSLP\_1574-1580, PSLP\_1582-1586, PSLP\_1588, PSLP\_1590, PSLP\_1592-1623]

#### 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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Cranbrook & Sissinghurst Neighbourhood Development Plan

Response to Tunbridge Wells Borough Council Pre-Submission Draft Local Plan – 4th June 2021

#### **Policy EN14 Green, Grey and Blue Infrastructure**

Support with qualification:

- This policy conflicts with Policies AL/CRS1, AL/CRS2 and Policy AL/CRS3, particularly with regard to protection and management of the Crane Brook and Valley (6.River basin management plan).

[TWBC: for full representation, please see supporting documents]

#### 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)?**

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## Supporting Information File Ref No: SI\_83

### Comment

Consultee	Councillor Nancy Warne [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Cranbrook & Sissinghurst NDP Steering Group
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Cranbrook & Sissinghurst NDP Steering Group (Councillor Nancy Warne - [REDACTED])
Comment ID	PSLP_1599
Response Date	04/06/21 16:00
Consultation Point	Policy EN 15 Local Green Space ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.3
Files	<u><a href="#">PSLP_1571-1623(not inclusive)_CRS NDP Steering Group Representation.pdf</a></u>
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group
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 EN 15 Local Green Space



*[TWBC: for further comments by Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group, please see Comment Numbers PSLP\_1574-1580, PSLP\_1582-1586, PSLP\_1588, PSLP\_1590, PSLP\_1592-1623]*

#### 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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Cranbrook & Sissinghurst Neighbourhood Development Plan

Response to Tunbridge Wells Borough Council Pre-Submission Draft Local Plan – 4th June 2021

#### **Policy EN15 Local Green Space**

Support with qualification – no mention is made of the role of Neighbourhood Plans who are preparing their own Local Green Space designations, as encouraged to do so by the LPA.

*[TWBC: for full representation, please see supporting documents]*

#### Question 7

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## Supporting Information File Ref No: SI\_83

### Comment

Consultee	Councillor Nancy Warne [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Cranbrook & Sissinghurst NDP Steering Group
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Cranbrook & Sissinghurst NDP Steering Group (Councillor Nancy Warne - [REDACTED])
Comment ID	PSLP_1600
Response Date	04/06/21 16:00
Consultation Point	Policy EN 18 Rural Landscape ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.3
Files	<a href="#">PSLP_1571-1623(not inclusive)_CRS NDP Steering Group Representation.pdf</a>
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group
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 EN 18 Rural Landscape

*[TWBC: for further comments by Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group, please see Comment Numbers PSLP\_1574-1580, PSLP\_1582-1586, PSLP\_1588, PSLP\_1590, PSLP\_1592-1623]*

#### 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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Cranbrook & Sissinghurst Neighbourhood Development Plan

Response to Tunbridge Wells Borough Council Pre-Submission Draft Local Plan – 4th June 2021

#### **Policy EN18 Rural Landscape**

Support – but it conflicts with Policies AL/CRS1, AL/CRS2 and AL/CRS3.

*[TWBC: for full representation, please see supporting documents]*

#### Question 7

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## Supporting Information File Ref No: SI\_83

### Comment

Consultee	Councillor Nancy Warne [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Cranbrook & Sissinghurst NDP Steering Group
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Cranbrook & Sissinghurst NDP Steering Group (Councillor Nancy Warne - [REDACTED])
Comment ID	PSLP_1601
Response Date	04/06/21 16:00
Consultation Point	Policy EN 19 The High Weald Area of Outstanding Natural Beauty ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.3
Files	<u><a href="#">PSLP_1571-1623(not inclusive) CRS NDP Steering Group Representation.pdf</a></u>
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group
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 EN 19 The High Weald Area of Outstanding Natural Beauty

*[TWBC: for further comments by Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group, please see Comment Numbers PSLP\_1574-1580, PSLP\_1582-1586, PSLP\_1588, PSLP\_1590, PSLP\_1592-1623]*

#### Question 4a

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

#### Question 5

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Cranbrook & Sissinghurst Neighbourhood Development Plan

Response to Tunbridge Wells Borough Council Pre-Submission Draft Local Plan – 4th June 2021

#### **Policy EN19 The High Weald Area of Outstanding Natural Beauty**

Support – but it conflicts with Policies AL/CRS1, AL/CRS2 and AL/CRS3, especially in regard to “1. Be sensitive to the topography and landscape features of the location”, “4. Retain and support the distinctiveness of individual settlements and their key characteristics”, “5. Help restore the natural functioning of watercourses” and “6. Improve the management of associated agricultural land, woodland and heaths”.

*[TWBC: for full representation, please see supporting documents]*

#### Question 7

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## Supporting Information File Ref No: SI\_83

### Comment

Consultee	Councillor Nancy Warne [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Cranbrook & Sissinghurst NDP Steering Group
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Cranbrook & Sissinghurst NDP Steering Group (Councillor Nancy Warne - [REDACTED])
Comment ID	PSLP_1602
Response Date	04/06/21 16:00
Consultation Point	Policy EN 20 Agricultural Land ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.3
Files	<a href="#">PSLP_1571-1623(not inclusive)_CRS NDP Steering Group Representation.pdf</a>
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group
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 EN 20 Agricultural Land

*[TWBC: for further comments by Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group, please see Comment Numbers PSLP\_1574-1580, PSLP\_1582-1586, PSLP\_1588, PSLP\_1590, PSLP\_1592-1623]*

#### 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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Cranbrook & Sissinghurst Neighbourhood Development Plan

Response to Tunbridge Wells Borough Council Pre-Submission Draft Local Plan – 4th June 2021

#### **Policy EN20 Agricultural Land**

Support with qualification – that this is not used an excuse to target all other agricultural land for development.

*[TWBC: for full representation, please see supporting documents]*

#### Question 7

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## Supporting Information File Ref No: SI\_83

### Comment

Consultee	Councillor Nancy Warne [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Cranbrook & Sissinghurst NDP Steering Group
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Cranbrook & Sissinghurst NDP Steering Group (Councillor Nancy Warne - [REDACTED])
Comment ID	PSLP_1603
Response Date	04/06/21 16:00
Consultation Point	Policy EN 21 Air Quality ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.3
Files	<a href="#">PSLP_1571-1623(not inclusive)_CRS NDP Steering Group Representation.pdf</a>
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group
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 EN 21 Air Quality



[TWBC: for further comments by Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group, please see Comment Numbers PSLP\_1574-1580, PSLP\_1582-1586, PSLP\_1588, PSLP\_1590, PSLP\_1592-1623]

#### Question 4a

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

#### Question 5

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Cranbrook & Sissinghurst Neighbourhood Development Plan

Response to Tunbridge Wells Borough Council Pre-Submission Draft Local Plan – 4th June 2021

**Policy EN21 Air Quality**

Support

[TWBC: for full representation, please see supporting documents]

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## Supporting Information File Ref No: SI\_83

### Comment

<b>Consultee</b>	Councillor Nancy Warne [REDACTED]
<b>Email Address</b>	[REDACTED]
<b>Company / Organisation</b>	Cranbrook & Sissinghurst NDP Steering Group
<b>Address</b>	- - -
<b>Event Name</b>	Pre-Submission Local Plan
<b>Comment by</b>	Cranbrook & Sissinghurst NDP Steering Group (Councillor Nancy Warne - [REDACTED])
<b>Comment ID</b>	PSLP_1604
<b>Response Date</b>	04/06/21 16:00
<b>Consultation Point</b>	Policy EN 24 Water Supply, Quality, and Conservation ( <a href="#">View</a> )
<b>Status</b>	Processed
<b>Submission Type</b>	Email
<b>Version</b>	0.3
<b>Files</b>	<a href="#">PSLP_1571-1623(not inclusive)_CRS NDP 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>	Cranbrook & Sissinghurst Neighbourhood Development 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 EN 24 Water Supply, Quality, and Conservation

*[TWBC: for further comments by Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group, please see Comment Numbers PSLP\_1574-1580, PSLP\_1582-1586, PSLP\_1588, PSLP\_1590, PSLP\_1592-1623]*

#### Question 4a

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

#### Question 5

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Cranbrook & Sissinghurst Neighbourhood Development Plan

Response to Tunbridge Wells Borough Council Pre-Submission Draft Local Plan – 4th June 2021

#### **Policy EN24 Water Supply, Quality and Conservation**

Support with qualification – Policy AL/CRS3 conflicts with 2c the quality of ground water resources or potential ground water resources, and/or d. river flows or the potential yield of ground water resources.

*[TWBC: for full representation, please see supporting documents]*

#### Question 7

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## Supporting Information File Ref No: SI\_83

### Comment

Consultee	Councillor Nancy Warne [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Cranbrook & Sissinghurst NDP Steering Group
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Cranbrook & Sissinghurst NDP Steering Group (Councillor Nancy Warne - [REDACTED])
Comment ID	PSLP_1605
Response Date	04/06/21 16:00
Consultation Point	Policy EN 25 Flood Risk ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.3
Files	<a href="#">PSLP_1571-1623(not inclusive)_CRS NDP Steering Group Representation.pdf</a>
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group
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 EN 25 Flood Risk

*[TWBC: for further comments by Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group, please see Comment Numbers PSLP\_1574-1580, PSLP\_1582-1586, PSLP\_1588, PSLP\_1590, PSLP\_1592-1623]*

#### Question 4a

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

#### Question 5

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Cranbrook & Sissinghurst Neighbourhood Development Plan

Response to Tunbridge Wells Borough Council Pre-Submission Draft Local Plan – 4th June 2021

#### **Policy EN25 Flood Risk**

Conflicts with Policies AL/CRS1, AL/CRS2 and AL/CRS3.

*[TWBC: for full representation, please see supporting documents]*

#### Question 7

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## Supporting Information File Ref No: SI\_83

### Comment

Consultee	Councillor Nancy Warne [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Cranbrook & Sissinghurst NDP Steering Group
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Cranbrook & Sissinghurst NDP Steering Group (Councillor Nancy Warne - [REDACTED])
Comment ID	PSLP_1606
Response Date	04/06/21 16:00
Consultation Point	Policy H 1 Housing Mix ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.3
Files	<a href="#">PSLP_1571-1623(not inclusive)_CRS NDP Steering Group Representation.pdf</a>
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group
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 H 1 Housing Mix

*[TWBC: for further comments by Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group, please see Comment Numbers PSLP\_1574-1580, PSLP\_1582-1586, PSLP\_1588, PSLP\_1590, PSLP\_1592-1623]*

#### Question 4a

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

#### Question 5

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Cranbrook & Sissinghurst Neighbourhood Development Plan

Response to Tunbridge Wells Borough Council Pre-Submission Draft Local Plan – 4th June 2021

#### **Delivery of Housing**

#### **Policy H1 Housing Mix**

Support – pleased to see mention of Neighbourhood Plans.

*[TWBC: for full representation, please see supporting documents]*

#### Question 7

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## Supporting Information File Ref No: SI\_83

### Comment

Consultee	Councillor Nancy Warne [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Cranbrook & Sissinghurst NDP Steering Group
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Cranbrook & Sissinghurst NDP Steering Group (Councillor Nancy Warne - [REDACTED])
Comment ID	PSLP_1607
Response Date	04/06/21 16:00
Consultation Point	Policy H 2 Housing Density ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.4
Files	<a href="#">PSLP_1571-1623(not inclusive)_CRS NDP Steering Group Representation.pdf</a>
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group
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 H 2 Housing Density



*[TWBC: for further comments by Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group, please see Comment Numbers PSLP\_1574-1580, PSLP\_1582-1586, PSLP\_1588, PSLP\_1590, PSLP\_1592-1623]*

#### 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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Cranbrook & Sissinghurst Neighbourhood Development Plan

Response to Tunbridge Wells Borough Council Pre-Submission Draft Local Plan – 4th June 2021

#### **Policy H2 Housing Density**

The principle of making efficient use of land is set out in the NPPF, but this policy gives very little guidance as to what that means on the ground apart from very generic and loose wording of “having full regard to the context of the site”. If that is the case, then there is clearly a missed opportunity here to make reference to more detailed contextual policies as may be found in Neighbourhood Plans, as referenced in Policy H1.

This would enable much clearer guidance to be given to applicants and decision-makers.

*[TWBC: for full representation, please see supporting documents]*

#### Question 7

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Not Stated

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[PSLP\\_1571-1623\(not inclusive\)\\_CRS NDP Steering Group\\_Representation.pdf](#)

## Supporting Information File Ref No: SI\_83

### Comment

Consultee	Councillor Nancy Warne [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Cranbrook & Sissinghurst NDP Steering Group
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Cranbrook & Sissinghurst NDP Steering Group (Councillor Nancy Warne - [REDACTED])
Comment ID	PSLP_1608
Response Date	04/06/21 16:00
Consultation Point	Policy H 3 Affordable Housing ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.3
Files	<a href="#">PSLP_1571-1623(not inclusive)_CRS NDP Steering Group Representation.pdf</a>
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group
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 H 3 Affordable Housing

*[TWBC: for further comments by Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group, please see Comment Numbers PSLP\_1574-1580, PSLP\_1582-1586, PSLP\_1588, PSLP\_1590, PSLP\_1592-1623]*

#### Question 4a

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

#### Question 5

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Cranbrook & Sissinghurst Neighbourhood Development Plan

Response to Tunbridge Wells Borough Council Pre-Submission Draft Local Plan – 4th June 2021

#### **Policy H3 Affordable Housing**

Again, reference to evidence gathered through the Neighbourhood Plan process and the local policies to deliver the identified need should be made in the policy.

*[TWBC: for full representation, please see supporting documents]*

#### Question 7

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## Supporting Information File Ref No: SI\_83

### Comment

Consultee	Councillor Nancy Warne [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Cranbrook & Sissinghurst NDP Steering Group
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Cranbrook & Sissinghurst NDP Steering Group (Councillor Nancy Warne - [REDACTED])
Comment ID	PSLP_1609
Response Date	04/06/21 16:00
Consultation Point	Policy H 5 Rural Exception Sites ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.3
Files	<a href="#">PSLP_1571-1623(not inclusive)_CRS NDP Steering Group Representation.pdf</a>
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group
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 H 5 Rural Exception Sites

[TWBC: for further comments by Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group, please see Comment Numbers PSLP\_1574-1580, PSLP\_1582-1586, PSLP\_1588, PSLP\_1590, PSLP\_1592-1623]

#### Question 4a

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Cranbrook & Sissinghurst Neighbourhood Development Plan

Response to Tunbridge Wells Borough Council Pre-Submission Draft Local Plan – 4th June 2021

#### Policy H5 Rural Exception Sites

Support

[TWBC: for full representation, please see supporting documents]

#### Question 7

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## Supporting Information File Ref No: SI\_83

### Comment

Consultee	Councillor Nancy Warne [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Cranbrook & Sissinghurst NDP Steering Group
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Cranbrook & Sissinghurst NDP Steering Group (Councillor Nancy Warne - [REDACTED])
Comment ID	PSLP_1610
Response Date	04/06/21 16:00
Consultation Point	Policy H 6 Housing for Older People and People with Disabilities ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.3
Files	<a href="#">PSLP_1571-1623(not inclusive)_CRS NDP Steering Group Representation.pdf</a>
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group
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 H 6 Housing for Older People and People with Disabilities

[TWBC: for further comments by Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group, please see Comment Numbers PSLP\_1574-1580, PSLP\_1582-1586, PSLP\_1588, PSLP\_1590, PSLP\_1592-1623]

#### Question 4a

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#### Question 5

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Cranbrook & Sissinghurst Neighbourhood Development Plan

Response to Tunbridge Wells Borough Council Pre-Submission Draft Local Plan – 4th June 2021

#### **Policy H6 Housing for Older People and People with Disabilities**

Support with qualification: neighbourhood plans may have evidence to support alternative provision (e.g. intergenerational housing provision) for these demographics.

[TWBC: for full representation, please see supporting documents]

#### Question 7

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## Supporting Information File Ref No: SI\_83

### Comment

Consultee	Councillor Nancy Warne [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Cranbrook & Sissinghurst NDP Steering Group
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Cranbrook & Sissinghurst NDP Steering Group (Councillor Nancy Warne - [REDACTED])
Comment ID	PSLP_1611
Response Date	04/06/21 16:00
Consultation Point	Policy H 7 Rural Workers' Dwellings ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.3
Files	<a href="#">PSLP_1571-1623(not inclusive)_CRS NDP Steering Group Representation.pdf</a>
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group
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 H 7 Rural Workers' Dwellings



[TWBC: for further comments by Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group, please see Comment Numbers PSLP\_1574-1580, PSLP\_1582-1586, PSLP\_1588, PSLP\_1590, PSLP\_1592-1623]

#### Question 4a

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Cranbrook & Sissinghurst Neighbourhood Development Plan

Response to Tunbridge Wells Borough Council Pre-Submission Draft Local Plan – 4th June 2021

**Policy H7 Rural Workers' Dwellings**

Support

[TWBC: for full representation, please see supporting documents]

#### Question 7

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## Supporting Information File Ref No: SI\_83

### Comment

Consultee	Councillor Nancy Warne [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Cranbrook & Sissinghurst NDP Steering Group
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Cranbrook & Sissinghurst NDP Steering Group (Councillor Nancy Warne - [REDACTED])
Comment ID	PSLP_1612
Response Date	04/06/21 16:00
Consultation Point	Policy H 8 Self-Build and Custom Housebuilding ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.3
Files	<a href="#">PSLP_1571-1623(not inclusive)_CRS NDP Steering Group Representation.pdf</a>
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group
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 H 8 Self-Build and Custom Housebuilding

*[TWBC: for further comments by Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group, please see Comment Numbers PSLP\_1574-1580, PSLP\_1582-1586, PSLP\_1588, PSLP\_1590, PSLP\_1592-1623]*

#### Question 4a

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Cranbrook & Sissinghurst Neighbourhood Development Plan

Response to Tunbridge Wells Borough Council Pre-Submission Draft Local Plan – 4th June 2021

#### **Policy H8 Self-Build and Custom Housebuilding**

Support with qualification:

- Self-Build schemes could be brought forward by community/resident-led groups, such as community land trust and co-housing groups, not just the Council. These should then not be subject to the requirement to be advertised and marketed through the Council's register.

*[TWBC: for full representation, please see supporting documents]*

#### Question 7

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## Supporting Information File Ref No: SI\_83

### Comment

Consultee	Councillor Nancy Warne [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Cranbrook & Sissinghurst NDP Steering Group
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Cranbrook & Sissinghurst NDP Steering Group (Councillor Nancy Warne - [REDACTED])
Comment ID	PSLP_1613
Response Date	04/06/21 16:00
Consultation Point	Policy H 9 Gypsies and Travellers ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.3
Files	<a href="#">PSLP_1571-1623(not inclusive)_CRS NDP Steering Group Representation.pdf</a>
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group
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 H 9 Gypsies and Travellers

*[TWBC: for further comments by Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group, please see Comment Numbers PSLP\_1574-1580, PSLP\_1582-1586, PSLP\_1588, PSLP\_1590, PSLP\_1592-1623]*

#### Question 4a

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Cranbrook & Sissinghurst Neighbourhood Development Plan

Response to Tunbridge Wells Borough Council Pre-Submission Draft Local Plan – 4th June 2021

#### **Policy H9 Gypsies and Travellers**

1 & 3 Hartleylands, Cranbrook: Object – These sites are unsuitable for further intensification due to their isolated location in the AONB and poor access track. This access is a farm track which is also a Public Right of Way (footpath and bridleway). To make it suitable for further vehicular traffic would destroy the character of the track, urbanise the rural location and cause conflict with its use as a footpath and farm access.

A planning application for further intensification of 3 Hartleylands was refused at appeal in 2020.

Further, the Council is failing to adequately enforce these policy mitigation requirements at the moment, so would need to identify where additional resources can be found to ensure this.

*[TWBC: for full representation, please see supporting documents]*

#### Question 7

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## Supporting Information File Ref No: SI\_83

### Comment

Consultee	Councillor Nancy Warne [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Cranbrook & Sissinghurst NDP Steering Group
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Cranbrook & Sissinghurst NDP Steering Group (Councillor Nancy Warne - [REDACTED])
Comment ID	PSLP_1614
Response Date	04/06/21 16:00
Consultation Point	Policy ED 1 The Key Employment Areas ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.3
Files	<a href="#">PSLP_1571-1623(not inclusive)_CRS NDP Steering Group Representation.pdf</a>
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group
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 ED 1 The Key Employment Areas

[TWBC: for further comments by Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group, please see Comment Numbers PSLP\_1574-1580, PSLP\_1582-1586, PSLP\_1588, PSLP\_1590, PSLP\_1592-1623]

#### Question 4a

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Cranbrook & Sissinghurst Neighbourhood Development Plan

Response to Tunbridge Wells Borough Council Pre-Submission Draft Local Plan – 4th June 2021

#### Economic Development

##### Policy ED1 The Key Employment Areas

Object – failure to address evidence from Cranbrook on need for creation of more employment sites. Failure to mention potential role of Neighbourhood Plans to identify opportunities for employment creation.

Policy ED2 Retention of Existing Employment Sites and Buildings

Support with qualification:

- “d(ii) all other non-residential, employment-generating uses” -ADD “including opportunities for the provision of Social Infrastructure”.

[TWBC: for full representation, please see supporting documents]

#### Question 7

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## Supporting Information File Ref No: SI\_83

### Comment

Consultee	Councillor Nancy Warne [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Cranbrook & Sissinghurst NDP Steering Group
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Cranbrook & Sissinghurst NDP Steering Group (Councillor Nancy Warne - [REDACTED])
Comment ID	PSLP_1615
Response Date	04/06/21 16:00
Consultation Point	Policy ED 4 Rural Diversification ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.3
Files	<a href="#">PSLP_1571-1623(not inclusive)_CRS NDP Steering Group Representation.pdf</a>
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group
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 ED 4 Rural Diversification



*[TWBC: for further comments by Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group, please see Comment Numbers PSLP\_1574-1580, PSLP\_1582-1586, PSLP\_1588, PSLP\_1590, PSLP\_1592-1623]*

#### Question 4a

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Cranbrook & Sissinghurst Neighbourhood Development Plan

Response to Tunbridge Wells Borough Council Pre-Submission Draft Local Plan – 4th June 2021

#### **Policy ED4 Rural Diversification**

Support with qualification – again need to mention Neighbourhood Plans of those rural parishes.

*[TWBC: for full representation, please see supporting documents]*

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# Supporting Information File Ref No: SI\_83

## Comment

Consultee	Councillor Nancy Warne [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Cranbrook & Sissinghurst NDP Steering Group
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Cranbrook & Sissinghurst NDP Steering Group (Councillor Nancy Warne - [REDACTED])
Comment ID	PSLP_1616
Response Date	04/06/21 16:00
Consultation Point	Policy ED 5 Conversion of Rural Buildings outside the Limits to Built Development ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.3
Files	<a href="#">PSLP_1571-1623(not inclusive)_CRS NDP Steering Group Representation.pdf</a>
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group
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 ED 5 Conversion of Rural Buildings outside the Limits to Built Development

*[TWBC: for further comments by Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group, please see Comment Numbers PSLP\_1574-1580, PSLP\_1582-1586, PSLP\_1588, PSLP\_1590, PSLP\_1592-1623]*

#### 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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Cranbrook & Sissinghurst Neighbourhood Development Plan

Response to Tunbridge Wells Borough Council Pre-Submission Draft Local Plan – 4th June 2021

#### **Policy ED5 Conversion of Rural Buildings outside the LBD**

Support with qualification – again need to mention Neighbourhood Plans of those rural parishes.

*[TWBC: for full representation, please see supporting documents]*

#### Question 7

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## Supporting Information File Ref No: SI\_83

### Comment

Consultee	Councillor Nancy Warne [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Cranbrook & Sissinghurst NDP Steering Group
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Cranbrook & Sissinghurst NDP Steering Group (Councillor Nancy Warne - [REDACTED])
Comment ID	PSLP_1617
Response Date	04/06/21 16:00
Consultation Point	Policy ED 6 Commercial and Private Recreational (including equestrian) Uses in the Countryside ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.3
Files	<a href="#">PSLP_1571-1623(not inclusive)_CRS NDP Steering Group_Representation.pdf</a>
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group
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 ED 6 Commercial and Private Recreational (including equestrian) Uses in the Countryside

*[TWBC: for further comments by Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group, please see Comment Numbers PSLP\_1574-1580, PSLP\_1582-1586, PSLP\_1588, PSLP\_1590, PSLP\_1592-1623]*

#### 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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Cranbrook & Sissinghurst Neighbourhood Development Plan

Response to Tunbridge Wells Borough Council Pre-Submission Draft Local Plan – 4th June 2021

**Policy ED6 Commercial and Private Recreational Uses (including equestrian) in the Countryside**

Support with qualification – again need to mention Neighbourhood Plans of those rural parishes.

*[TWBC: for full representation, please see supporting documents]*

#### Question 7

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## Supporting Information File Ref No: SI\_83

### Comment

Consultee	Councillor Nancy Warne [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Cranbrook & Sissinghurst NDP Steering Group
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Cranbrook & Sissinghurst NDP Steering Group (Councillor Nancy Warne - [REDACTED])
Comment ID	PSLP_1618
Response Date	04/06/21 16:00
Consultation Point	Policy ED 7 Retention of, and improvements to existing, and the promotion of new, tourist accommodation and attractions ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.3
Files	<a href="#">PSLP_1571-1623(not inclusive)_CRS NDP Steering Group Representation.pdf</a>
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group
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 ED 7 Retention of, and improvements to existing, and the promotion of new, tourist accommodation and attractions

*[TWBC: for further comments by Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group, please see Comment Numbers PSLP\_1574-1580, PSLP\_1582-1586, PSLP\_1588, PSLP\_1590, PSLP\_1592-1623]*

#### Question 4a

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

#### Question 5

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Cranbrook & Sissinghurst Neighbourhood Development Plan

Response to Tunbridge Wells Borough Council Pre-Submission Draft Local Plan – 4th June 2021

**Policy ED7 Retention of, and improvements to existing, and the promotion of new, tourist accommodation and attractions**

Conflicts with Policy AL/CRS3

*[TWBC: for full representation, please see supporting documents]*

#### Question 7

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## Supporting Information File Ref No: SI\_83

### Comment

Consultee	Councillor Nancy Warne [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Cranbrook & Sissinghurst NDP Steering Group
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Cranbrook & Sissinghurst NDP Steering Group (Councillor Nancy Warne - [REDACTED])
Comment ID	PSLP_1619
Response Date	04/06/21 16:00
Consultation Point	Policy ED 8 Town, Rural Service and Neighbourhood Centres, and Village Settlements Hierarchy ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.3
Files	<a href="#">PSLP_1571-1623(not inclusive)_CRS NDP Steering Group Representation.pdf</a>
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group
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 ED 8 Town, Rural Service and Neighbourhood Centres, and Village Settlements Hierarchy



[TWBC: for further comments by Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group, please see Comment Numbers PSLP\_1574-1580, PSLP\_1582-1586, PSLP\_1588, PSLP\_1590, PSLP\_1592-1623]

#### Question 4a

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

#### Question 5

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Response to Tunbridge Wells Borough Council Pre-Submission Draft Local Plan – 4th June 2021

**Policy ED8 Town, Rural Service and Neighbourhood Centres, and Village Settlements Hierarchy**

Object to policy supporting text:

- 6.516 that states “a large supermarket serves as an anchor to the centre”.
- The anchor to the centre of Cranbrook is the meeting point of Stone Street and High Street at the location of the Old Market Cross together with the Grade 1 listed St.Dunstan’s Church and the Grade II\* listed Vestry Hall complex.
- Also “Cranbrook is an attractive “historic”, rather than “traditional”, market town would read better.
- There is very little service provision “stretching up the Hill” – one chapel and two school boarding houses.
- 6.518 Need to add “community uses”.
- 6.521 ‘Prior approval’ for conversion from Class E(c) to residential use is in conflict with ED2.

[TWBC: for full representation, please see supporting documents]

#### Question 7

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[PSLP 1571-1623\(not inclusive\) CRS NDP Steering Group Representation.pdf](#)

## Supporting Information File Ref No: SI\_83

### Comment

Consultee	Councillor Nancy Warne [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Cranbrook & Sissinghurst NDP Steering Group
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Cranbrook & Sissinghurst NDP Steering Group (Councillor Nancy Warne - [REDACTED])
Comment ID	PSLP_1620
Response Date	04/06/21 16:00
Consultation Point	Policy ED 9 Defined Town and Rural Service Centres ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.3
Files	<a href="#">PSLP_1571-1623(not inclusive)_CRS NDP Steering Group Representation.pdf</a>
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group
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 ED 9 Defined Town and Rural Service Centres

[TWBC: for further comments by Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group, please see Comment Numbers PSLP\_1574-1580, PSLP\_1582-1586, PSLP\_1588, PSLP\_1590, PSLP\_1592-1623]

#### 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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Cranbrook & Sissinghurst Neighbourhood Development Plan

Response to Tunbridge Wells Borough Council Pre-Submission Draft Local Plan – 4th June 2021

#### Policy ED9 Defined Town and Rural Service Centres

Support with qualification:

- Remove “retail” from last sentence – Policy ED8 sets out settlement hierarchy, not retail hierarchy. The primary function of settlement centres should not be defined by its retail function alone, but a mix of retail, civic and community buildings, leisure & hospitality, services (post office, banks etc), first- and second-floor residential and offices, as well as public realm spaces. All of these functions act to draw in footfall and ensure vitality of town and village centres, i.e. the “defined town and rural service centres”.

[TWBC: for full representation, please see supporting documents]

#### Question 7

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## Supporting Information File Ref No: SI\_83

### Comment

Consultee	Councillor Nancy Warne [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Cranbrook & Sissinghurst NDP Steering Group
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Cranbrook & Sissinghurst NDP Steering Group (Councillor Nancy Warne - [REDACTED])
Comment ID	PSLP_1621
Response Date	04/06/21 16:00
Consultation Point	Policy ED 11 Primary Shopping Areas and Retail Frontages ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.3
Files	<a href="#">PSLP_1571-1623(not inclusive)_CRS NDP Steering Group Representation.pdf</a>
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group
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 ED 11 Primary Shopping Areas and Retail Frontages

*[TWBC: for further comments by Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group, please see Comment Numbers PSLP\_1574-1580, PSLP\_1582-1586, PSLP\_1588, PSLP\_1590, PSLP\_1592-1623]*

#### 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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Cranbrook & Sissinghurst Neighbourhood Development Plan

Response to Tunbridge Wells Borough Council Pre-Submission Draft Local Plan – 4th June 2021

#### **Policy ED11 Primary Shopping Areas and Retail Frontages**

Support with qualification:

- Add 1 (b) iv Other Social Infrastructure uses including venues for community group activities.

*[TWBC: for full representation, please see supporting documents]*

#### Question 7

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## Supporting Information File Ref No: SI\_83

### Comment

Consultee	Councillor Nancy Warne [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Cranbrook & Sissinghurst NDP Steering Group
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Cranbrook & Sissinghurst NDP Steering Group (Councillor Nancy Warne - [REDACTED])
Comment ID	PSLP_1622
Response Date	04/06/21 16:00
Consultation Point	Policy OSSR 1 Retention of Open Space ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.3
Files	<a href="#">PSLP_1571-1623(not inclusive)_CRS NDP Steering Group Representation.pdf</a>
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group
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 OSSR 1 Retention of Open Space

[TWBC: for further comments by Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group, please see Comment Numbers PSLP\_1574-1580, PSLP\_1582-1586, PSLP\_1588, PSLP\_1590, PSLP\_1592-1623]

#### Question 4a

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#### Question 5

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Cranbrook & Sissinghurst Neighbourhood Development Plan

Response to Tunbridge Wells Borough Council Pre-Submission Draft Local Plan – 4th June 2021

**Policy OSSR1 Retention of Open Space**

Support

[TWBC: for full representation, please see supporting documents]

#### Question 7

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## Supporting Information File Ref No: SI\_83

### Comment

Consultee	Councillor Nancy Warne [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Cranbrook & Sissinghurst NDP Steering Group
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Cranbrook & Sissinghurst NDP Steering Group (Councillor Nancy Warne - [REDACTED])
Comment ID	PSLP_1623
Response Date	04/06/21 16:00
Consultation Point	Policy OSSR 2 The Provision of Publicly Accessible Open Space and Recreation ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.3
Files	<a href="#">PSLP_1571-1623(not inclusive)_CRS NDP Steering Group Representation.pdf</a>
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group
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 OSSR 2 The Provision of Publicly Accessible Open Space and Recreation

*[TWBC: for further comments by Cranbrook & Sissinghurst Neighbourhood Development Plan Steering Group, please see Comment Numbers PSLP\_1574-1580, PSLP\_1582-1586, PSLP\_1588, PSLP\_1590, PSLP\_1592-1623]*

#### Question 4a

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#### Question 5

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**Policy OSSR2 The Provision of Publicly Accessible Open Space**

Support

*[TWBC: for full representation, please see supporting documents]*

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## Comment

Consultee	Mrs Hilary Hosford [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Cranbrook Conservation Area Advisory Committee
Address	[REDACTED] [REDACTED] Headcorn [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Cranbrook Conservation Area Advisory Committee [REDACTED]
Comment ID	PSLP_744
Response Date	31/05/21 11:35
Consultation Point	Section 2: Setting the Scene ( <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	Cranbrook Conservation Area Advisory 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.

Section 2: Setting the Scene

Question 4

Do you consider that the Local Plan:

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

#### Question 5

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##### Introduction

Whilst the main thrust of the Cranbrook Conservation Area Advisory Committee's comments relate to the conservation and heritage of Cranbrook and Sissinghurst, there are some wider issues which are also of concern. In this response we will use the Headings used in the Local Plan document with page or paragraph numbers for extra clarity.

##### Section 2 :Setting the scene (P 20-28)

Why are the housing projections for TWBC so high? Using the Councils own forecasts of population growth (Table 1, p 24) the population is set to rise by just over 6000 in the 12 year period from 2020 -38. Yet the housing needs are assessed at 12,200 new homes over the planperiod (para 2.8)- that represents over 2 additional houses for each new resident based on local housing need ! . Clearly, we understand the government agenda to build more houses but why so many and in the already overcrowded SE? Why is TWBC not challenging this data?

The impact of Brexit, with a much poorer economic outlook and reduced immigration is likely to have a major impact on housing need. In addition, government policies intended to 'rebalance the North' and other deprived parts of the country must surely mean that greater investment, jobs and new houses will be needed in other parts of the country. The pandemic has also led to a movement away from larger cities to rural areas, as people use the opportunity for more home based working (supported by likely changes in rail fare structures). Given the comparatively expensive housing stock in Tunbridge Wells district, as set out in this section, this is unlikely to put more pressure on this area and could in fact result in a decreased demand as people choose to relocate to cheaper areas, further from London. This Local Plan needs to reflect this changing reality. It is unclear whether it has.

As well as the considerable additional land which will be needed for the projected new housing, there are other important negative impacts, such as loss of countryside, additional transport congestion, pollution and more greenhouse gases. All this goes against other worthy aims about reducing emissions, protecting the countryside etc etc. Concerns are expressed in the Local plan about the Hawkhurst crossroads - the whole A 229 and the roundabout north of Cranbrook will be massively affected by the proposed housing developments.

#### Question 7

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**Question 7a**

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--	---

## Comment

<b>Consultee</b>	Mrs Hilary Hosford [REDACTED]
<b>Email Address</b>	[REDACTED]
<b>Company / Organisation</b>	Cranbrook Conservation Area Advisory Committee
<b>Address</b>	[REDACTED] [REDACTED] Headcorn [REDACTED]
<b>Event Name</b>	Pre-Submission Local Plan
<b>Comment by</b>	Cranbrook Conservation Area Advisory Committee (Mrs Hilary Hosford [REDACTED])
<b>Comment ID</b>	PSLP_750
<b>Response Date</b>	31/05/21 11:35
<b>Consultation Point</b>	Section 3: Vision and Objectives ( <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** HB

### Question 1

**Respondent's Name and/or Organisation** Cranbrook Conservation Area Advisory 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.**

Section 3: Vision and Objectives

### Question 4

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

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

#### Question 5

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**Introduction** Whilst the main thrust of the Cranbrook Conservation Area Advisory Committee's comments relate to the conservation and heritage of Cranbrook and Sissinghurst, there are some wider issues which are also of concern. In this response we will use the Headings used in the Local Plan document with page or paragraph numbers for extra clarity.

#### **Section 3: Vision and Objectives (P29-32)**

Overall this whole chapter feels dated - not looking at the new realities such as we identify above under Setting the Scene. If this is to be an effective document for 12 years it needs to think more creatively.

3.9 We broadly support this para and its recognition of the High Weald AONB landscape, the conservation areas and historic core. However, the AONB around Cranbrook and Sissinghurst should provide a considerable constraint on development and this needs greater recognition in the Local Plan in respect of any future new housing.

Also what about using redundant floorspace above retail in town centres to meet some of the housing targets; this could be positive in delivering small units for young people, where there is often most demand rather than the 4/5 bedroom houses beloved of developers currently .

#### Question 7

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## Comment

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Email Address	[REDACTED]
Company / Organisation	Cranbrook Conservation Area Advisory Committee
Address	[REDACTED] [REDACTED] Headcorn [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Cranbrook Conservation Area Advisory Committee (Mrs Hilary Hosford [REDACTED])
Comment ID	PSLP_754
Response Date	31/05/21 11:35
Consultation Point	Policy STR 2 Place Shaping and Design ( <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 Cranbrook Conservation Area Advisory 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 STR 2 Place Shaping and Design

### Question 4

Do you consider that the Local Plan:

Is sound

Don't know

Complies with the Duty to Cooperate

Don't know

#### Question 4a

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

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##### Place Shaping and Design (P 45 -46)

We support Policy STR 2. In the case of Sissinghurst and Cranbrook we would expect the emerging Neighbourhood Plan to be a key participant in ensuring high quality and original design in and around Cranbrook, Wilsley and Sissinghurst. Also the High Weald Design guide is a useful reference for this part of the borough.

#### Question 7

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Email Address	[REDACTED]
Company / Organisation	Cranbrook Conservation Area Advisory Committee
Address	[REDACTED] [REDACTED] Headcorn [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Cranbrook Conservation Area Advisory Committee [REDACTED]
Comment ID	PSLP_764
Response Date	31/05/21 11:35
Consultation Point	Policy STR 8 Conserving and Enhancing the Natural, Built, and Historic Environment ( <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	Cranbrook Conservation Area Advisory 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 STR 8 Conserving and Enhancing the Natural, Built, and Historic Environment	
Question 4	
Do you consider that the Local Plan:	

Is sound

Don't know

Complies with the Duty to Cooperate

Don't know

#### Question 4a

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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

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##### Conserving and Enhancing the Natural, Built and Historic Environment (P64-66)

We support the general principles set out in Policy STR 8.

#### Question 7

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## Comment

Consultee	Mrs Hilary Hosford [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Cranbrook Conservation Area Advisory Committee
Address	[REDACTED] [REDACTED] Headcorn [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Cranbrook Conservation Area Advisory Committee [REDACTED]
Comment ID	PSLP_769
Response Date	31/05/21 11:35
Consultation Point	Cranbrook and Sissinghurst ( <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 Cranbrook Conservation Area Advisory Committee

### Question 3a

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

Section 5: Cranbrook and Sissinghurst

### Question 4

Do you consider that the Local Plan:

Is sound Don't know

Complies with the Duty to Cooperate Don't know

### Question 4a

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##### Cranbrook and Sissinghurst (P 178-197 )

Para 5.271. This paragraph mentions both Wilsley and Sissinghurst Conservation Areas but fails to mention or describe Cranbrook CA which covers most of central Cranbrook. It also fails to mention Cranbrook's historic and heritage significance . This para should be strengthened along the following lines : The Cranbrook Conservation Area runs from the Vestry Hall, below the church, southwards along the High street and east along Stone Street, covering the historic core of the town, with its many fine and varied buildings . In addition, there are a wealth of listed buildings (over 300), many lying outside the Conservation Areas in the surrounding countryside, a testament to the former prosperity of the area . A number of notable architects built houses in the area in the late nineteenth century, such as Norman Shaw and his associate, William Neve when there was a thriving artistic community.

Para 5.276 We agree with the statement of the limited capacity for large scale growth in this area.

Paras 5.278-280 Although some improvement of community provision may be useful, it is important to use the resources that already exist in the town. There are many meeting halls, churches and other facilities scattered throughout the town and in the sports complex off Angley Road. There are concerns about the potential impact on heritage buildings in the town. For instance, the Vestry Hall is a key historic building at the corner of Stone Street and the High Street, used by a varied range of community groups. It would be very damaging to the town if this building, which relies on the revenue from community groups lost its income to a new facility. Similarly the Providence Chapel, a Grade 1 listed building centrally situated off Stone Street, could provide some unique community space, if/when restored. Any plan for new community provision needs to be fit for purpose, to look very carefully at what exists already and work to fill the gaps .

In this respect we support bullet 6 of STR/CRS 1 to retain land for community uses in central Cranbrook and Sissinghurst. We further suggest that bullet 9(e) be amended to say should be provided at a Cranbrook Community Hub or other community buildings in central Cranbrook.

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## Comment

Consultee	Mrs Hilary Hosford [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Cranbrook Conservation Area Advisory Committee
Address	[REDACTED] [REDACTED] Headcorn [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Cranbrook Conservation Area Advisory Committee [REDACTED]
Comment ID	PSLP_774
Response Date	31/05/21 11:35
Consultation Point	Policy STR/CRS 1 The Strategy for Cranbrook and Sissinghurst parish ( <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	Cranbrook Conservation Area Advisory 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 STR/CRS 1 The Strategy for Cranbrook and Sissinghurst parish
Question 4	
Do you consider that the Local Plan:	

Is sound

Don't know

Complies with the Duty to Cooperate

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##### POLICY STR/CRS 1

We support the concept of setting limits for built development for Cranbrook and Sissinghurst in para 1 of this policy. Although the scale of new housing (415-429) will be hard to absorb into both Cranbrook and Sissinghurst there needs to be some assurance that that will be all, during the lifetime of this Local Plan. That means that when sites are put forward for housing development by opportunistic landowners around both settlements, often on the AONB, the are clearly and firmly rejected. In heritage terms the surrounding countryside of the AONB is a vital green context for both settlements. A considerable amount of AONB land will be lost in the Brick Kiln development and the potential sites at Corn Hall and Turnden .

The need to protect and enhance the Conservation Areas needs to be more clearly set out in a separate bullet point. The suggestion is for a new bullet between bullets 6 and 7.

#### Question 7

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## Comment

Consultee	Mrs Hilary Hosford [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Cranbrook Conservation Area Advisory Committee
Address	[REDACTED] [REDACTED] Headcorn [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Cranbrook Conservation Area Advisory Committee [REDACTED]
Comment ID	PSLP_788
Response Date	31/05/21 11:35
Consultation Point	Policy AL/CRS 1 Land at Brick Kiln Farm, Cranbrook 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	Cranbrook Conservation Area Advisory 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/CRS 1 Land at Brick Kiln Farm, Cranbrook Road	
Question 4	
Do you consider that the Local Plan:	

Is sound

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Complies with the Duty to Cooperate

Don't know

#### Question 4a

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##### POLICY AL/CRS 1

Land at Brick Kiln Farm - 180 dwellings approved. No further comment except to ensure that all requirements as set out in AL/CRS 1 are adhered to.

#### Question 7

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Email Address	[REDACTED]
Company / Organisation	Cranbrook Conservation Area Advisory Committee
Address	[REDACTED] [REDACTED] Headcorn [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Cranbrook Conservation Area Advisory Committee [REDACTED]
Comment ID	PSLP_790
Response Date	31/05/21 11:35
Consultation Point	Policy AL/CRS 2 Land south of Corn Hall, Crane Valley, Cranbrook ( <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	Cranbrook Conservation Area Advisory 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/CRS 2 Land south of Corn Hall, Crane Valley, Cranbrook
Question 4	
Do you consider that the Local Plan:	



Is sound

Don't know

Complies with the Duty to Cooperate

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##### POLICY AL/CRS 2

Land south of Corn Hall, Crane Valley -allocated for 35-45 dwellings. This site adjoins Brick Kiln and in terms of accessing Cranbrook facilities makes sense. It could be preferable to focus the housing on part of the site and provide green space adjacent to the Conservation Area. All the safeguards set out in this policy will need to be adhered to and the community, Neighbourhood Plan etc involved in place shaping and design.

#### Question 7

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## Comment

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Email Address	[REDACTED]
Company / Organisation	Cranbrook Conservation Area Advisory Committee
Address	[REDACTED] [REDACTED] Headcorn [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Cranbrook Conservation Area Advisory Committee [REDACTED]
Comment ID	PSLP_794
Response Date	31/05/21 11:35
Consultation Point	Policy AL/CRS 3 Turnden Farm, Hartley Road, Cranbrook ( <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	Cranbrook Conservation Area Advisory 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/CRS 3 Turnden Farm, Hartley Road, Cranbrook

Question 4

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Is sound

Don't know

Complies with the Duty to Cooperate

Don't know

#### Question 4a

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##### POLICY AL/CRS 3

Land at Turnden Farm, Hartley Road - allocated for 200-204 dwellings. This site presents the greatest problems being some way to the south of Cranbrook. This means that people are unlikely to walk or cycle into Cranbrook and therefore this will add to congestion and pollution through additional car use. It also elongates the settlement of Cranbrook far to the south, to the extent that it almost coalesces with the hamlet of Hartley, which is a further negative factor. Like the other sites at Cranbrook of Brick Kiln and Corn Hall it is also sited on AONB land which represents an important loss of green space.

#### Question 7

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

## Comment

Consultee	Mrs Hilary Hosford [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Cranbrook Conservation Area Advisory Committee
Address	[REDACTED] [REDACTED] Headcorn [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Cranbrook Conservation Area Advisory Committee [REDACTED]
Comment ID	PSLP_797
Response Date	31/05/21 11:35
Consultation Point	Policy AL/CRS 6 Land south of The Street, Sissinghurst ( <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	Cranbrook Conservation Area Advisory 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/CRS 6 Land south of The Street, Sissinghurst
Question 4	
Do you consider that the Local Plan:	

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

#### Question 5

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##### POLICY AL/CRS 6

Land to the south of the Street, Sissinghurst - allocated for a mixed use scheme including 20 dwellings. This is potentially controversial. The site adjoins the Conservation Area and is close to the village centre. The number of dwellings may need to be reduced to accommodate parking, not only for the housing but also St Georges Institute (village hall) and the tennis club. Local support is for low rise, non intrusive housing, possibly for the elderly given its central village location. This would impact less on nearby listed buildings and the Conservation Area.

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Consultee	Mrs Hilary Hosford [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Cranbrook Conservation Area Advisory Committee
Address	[REDACTED] [REDACTED] Headcorn [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Cranbrook Conservation Area Advisory Committee [REDACTED]
Comment ID	PSLP_799
Response Date	31/05/21 11:35
Consultation Point	Policy AL/CRS 7 Land at the corner of Frittenden Road and Common Road, Sissinghurst ( <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	Cranbrook Conservation Area Advisory 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/CRS 7 Land at the corner of Frittenden Road and Common Road, Sissinghurst

**Question 4**

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

Is sound

Don't know

Complies with the Duty to Cooperate

Don't know

#### Question 4a

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

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##### POLICY AL/CRS 7

Land at the corner of Frittenden Road and Common Road , Sissinghurst - allocated for 18 dwellings. Provided that this site is not needed for school expansion and allowing for improved pedestrian access along Common Road (which can be very busy/dangerous with car traffic) this is acceptable, though it is always regrettable to lose grazing land though not AONB. An imaginative and informed approach to design of any housing will be needed, in consultation with the local community, Neighbourhood Plan and with reference to documents such as the High Weald Design guide.

#### Question 7

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## Comment

Consultee	Mrs Hilary Hosford [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Cranbrook Conservation Area Advisory Committee
Address	[REDACTED] [REDACTED] Headcorn [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Cranbrook Conservation Area Advisory Committee [REDACTED]
Comment ID	PSLP_804
Response Date	31/05/21 11:35
Consultation Point	Policy EN 4 Historic Environment ( <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	Cranbrook Conservation Area Advisory 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 EN 4 Historic Environment	
Question 4	
Do you consider that the Local Plan:	

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:

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

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##### **ENV 4 Historic environment (P 338)**

Broadly support this policy but should respect setting and context of nearby historic buildings and Conservation areas.

#### Question 7

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## Comment

Consultee	Mrs Hilary Hosford [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Cranbrook Conservation Area Advisory Committee
Address	[REDACTED] [REDACTED] Headcorn [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Cranbrook Conservation Area Advisory Committee [REDACTED]
Comment ID	PSLP_806
Response Date	31/05/21 11:35
Consultation Point	Policy EN 6 Shop Fronts ( <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	Cranbrook Conservation Area Advisory 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 EN 6 Shop Fronts	
Question 4	
Do you consider that the Local Plan:	

Is sound

Don't know

Complies with the Duty to Cooperate

Don't know

#### Question 4a

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##### ENV 6 Shopfronts

Under illumination , bullet 5, in Conservation Areas (CA) such as Cranbrook and Sissinghurst where illuminated signboards have NOT been permitted to date, this should be supported by TWBC planning decisions.

#### Question 6

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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.**

Suggest further bullet specifying traditional materials eg timber and brick in CAs such as Cranbrook.

#### Question 7

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Email Address	[REDACTED]
Company / Organisation	Cranbrook Conservation Area Advisory Committee
Address	[REDACTED] [REDACTED] Headcorn [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Cranbrook Conservation Area Advisory Committee [REDACTED]
Comment ID	PSLP_808
Response Date	31/05/21 11:35
Consultation Point	Policy EN 7 Advertisements ( <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	Cranbrook Conservation Area Advisory 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 EN 7 Advertisements

**Question 4**

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

Is sound

Don't know

Complies with the Duty to Cooperate

Don't know

#### Question 4a

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##### ENV 7 Advertisements

Same applies not to allow illuminated adverts in historic town and village centres

#### Question 7

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Email Address	[REDACTED]
Company / Organisation	Cranbrook Conservation Area Advisory Committee
Address	[REDACTED] [REDACTED] Headcorn [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Cranbrook Conservation Area Advisory Committee [REDACTED]
Comment ID	PSLP_811
Response Date	31/05/21 11:35
Consultation Point	Policy EN 8 Outdoor Lighting and Dark Skies ( <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	Cranbrook Conservation Area Advisory 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 EN 8 Outdoor Lighting and Dark Skies

Question 4

Do you consider that the Local Plan:

Is sound

Don't know

Complies with the Duty to Cooperate

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##### ENV 8 Outdoor lighting and dark skies

Support wholeheartedly and hope reflected in planning decisions.

#### Question 7

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Consultee	Mrs Hilary Hosford [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Cranbrook Conservation Area Advisory Committee
Address	[REDACTED] Water Lane Headcorn [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Cranbrook Conservation Area Advisory Committee [REDACTED]
Comment ID	PSLP_812
Response Date	31/05/21 11:35
Consultation Point	Policy ED 10 Sequential Test and Local Impact Test ( <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	Cranbrook Conservation Area Advisory 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 ED 10 Sequential Test and Local Impact Test	
Question 4	
Do you consider that the Local Plan:	



Is sound

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Complies with the Duty to Cooperate

Don't know

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##### ED 10/11

Industrial premises are NOT suitable outside towns/villages where there is AONB or historic settlements whereas general economic activity is welcomed, particularly on brownfield sites.

#### Question 7

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Email Address	[REDACTED]
Company / Organisation	Cranbrook Conservation Area Advisory Committee
Address	[REDACTED] [REDACTED] Headcorn [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Cranbrook Conservation Area Advisory Committee [REDACTED]
Comment ID	PSLP_814
Response Date	31/05/21 11:35
Consultation Point	Policy ED 11 Primary Shopping Areas and Retail Frontages ( <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	Cranbrook Conservation Area Advisory 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 ED 11 Primary Shopping Areas and Retail Frontages	
Question 4	
Do you consider that the Local Plan:	

Is sound

Don't know

Complies with the Duty to Cooperate

Don't know

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

## Supporting Information File Ref No: SI\_106a-h

### Comment

Agent	Mrs Louise Caney [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Kember Loudon Williams
Address	[REDACTED] [REDACTED] Tunbridge Wells [REDACTED]
Consultee	Cranbrook School [REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Cranbrook School [REDACTED]
Comment ID	PSLP_1817
Response Date	04/06/21 13:02
Consultation Point	Policy STR 1 The Development Strategy ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.8
Files	<a href="#">PSLP 1814-1817 K LW for Cranbrook School SI-7 Rammell Field Summary Sheet.pdf</a> <a href="#">PSLP 1814-1817 K LW for Cranbrook School SI-8 Rammell Landscape Report Redacted.pdf</a> <a href="#">PSLP 1814-1817 K LW for Cranbrook School SI-1 Cover Letter Redacted.pdf</a> <a href="#">PSLP 1814-1817 K LW for Cranbrook School SI-6 Jaegers Landscape Report Redacted.pdf</a> <a href="#">PSLP 1814-1817 K LW for Cranbrook School SI-4 Cranbrook School Masterplan.pdf</a> <a href="#">PSLP 1814-1817 K LW for Cranbrook School SI-3 Draft Community Use Agreement.pdf</a> <a href="#">PSLP 1814-1817 K LW for Cranbrook School SI-5 Jaegers Field Summary Sheet.pdf</a> <a href="#">PSLP 1814-1817 K LW for Cranbrook School SI-2 Coloured Masterplan.pdf</a>

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Question 1

Respondent's Name and/or Organisation Cranbrook School

Question 2

Agent's Name and Organisation (if applicable) Kember Loudon Williams

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 STR 1 The Development Strategy

[TWBC: for further comments by Cranbrook School, please see Comment Numbers PSLP\_1814-1817]

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 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.

Objection to Policy STR1. The Plan is not legally compliant because insufficient consideration has been given towards the meeting of housing needs in adjoining authority areas. As such it has resulted in a Plan which is unsound and does not properly comply with the duty to cooperate. In addition, the reliance on large strategic sites is going to result in the trajectory not being able to deliver sufficient

housing early in the Plan period and so additional smaller sites are necessary to ensure delivery and so make the Plan effective.

As a result of the lack of housing allocations (see below) the Plan cannot be said to be effective or consistent with National Policy.

The housing need for the authority in the draft Local Plan is premised upon the standard method for the 15 year period which requires 678 dwellings per year, or 12,200 dwellings over the period. At the time of drafting this Plan the development plan situation in some neighbouring Districts/Boroughs may have been unclear. However we now know that following the failure of its high court challenge, Sevenoaks District Council is now required to begin the preparation of their Local Plan again. There is also sufficient uncertainty with Tonbridge and Malling's Local Plan this Plan seems likely to follow in the footsteps of the Sevenoaks Plan. Similarly, Wealden District Council has fallen short of providing its required housing need and is some way off producing a new Local Plan. Since the NPPF expects any unmet housing needs within the adjoining Districts to be addressed by neighbouring authorities, it would be unreasonable for Tunbridge Wells not to accept that some additional housing must be found to alleviate the pressure for new homes within neighbouring areas, within the same market housing area. Not to do so would be contrary to NPPF policy and in our view this suggests that additional sites must be identified and the overall housing target for Tunbridge Wells to be increased.

In the circumstances, it is considered that additional housing allocations are required to be identified within the Tunbridge Wells Local Plan area and these should go beyond the 1,000 dwelling buffer. Tunbridge Wells Borough Council cannot legitimately argue against this strategy having removed housing allocations from the Regulation 18 draft Local Plan that were perfectly acceptable. We refer the Local Plan Inspector to Policy AL/CRS3 of the Regulation 18 Draft Local Plan relating to Jaegers Field, and attached representations made by our client, which seek to 'reinstate' and expand this housing allocation in Cranbrook.

In relation to delivery of new homes, we are of the view that additional medium sized housing sites (under 70 units) are also required to ensure a sustainable delivery from early in the Plan period. The Council is relying on a number of very large strategic sites (Policy STR/SS1 and Policy STR/SS3). Together these total around 6,390 dwellings although it is acknowledged that delivery will spill beyond the Local Plan period. Such reliance upon strategic sites will inevitably take a long time to deliver the required housing and when they do start delivery, the housing market will only be able to sustain a certain volume of new homes per annum – otherwise the market is flooded in specific localities and homes take longer to sell. Consequently, additional medium and smaller housing sites should be allocated in different locations. Since NPPF seeks to boost the supply of housing and there is nothing in the guidance preventing local authorities from providing more housing land than meets the standard methodology, it is entirely appropriate for additional sites to be identified.

Identifying additional sites should not be considered harmful where they are sustainable and the additional quantum will help meet a need early in the Plan period. If over provision occurs, it will simply enable the Council to offset this against future calculated housing needs – this is delivery in front of the curve. Figure 9 of the draft Local Plan (page 477 of the draft Local Plan) sets out the Council's planned housing trajectory. However, the completions rate identified in Table 1 of the Housing Supply and Trajectory Topic Paper for Draft Local Plan (Reg 18) (September 2019, see extract below) explains that in a 3 year period (2016-19) 1552 dwellings were built or 517 per annum – much lower than the annual trajectory predictions of the draft Local Plan. Whilst it is accepted that more allocations may help improve this figure, in our view the historic trends do not suggest delivery will be as positive as the Council imagines.

Table 1: Housing Need 2016-2036 (as at 01 April 2019)

1

**Housing need using the Standard Method (2014 household projections)**

13,560

2

**Completions April 2016 to March 2019**

1,552



3

**Extant planning permissions at 1 April 2019**

3,127

4

**Outstanding site allocations**

588

5

**Windfall allowance**

700

50 per year for 14 years (2022-2036)

6

**Minimum additional allocations (row 1 minus rows 2, 3, 4 and 5)**

7,593

*[TWBC: for further information supporting this representation, please see supporting documents]*

*[TWBC: the below text is from the Cover Letter attached to this representation]*

**Pre-Submission Local Plan - Regulation 19 Consultation**

We write on behalf of the Trustees and Governors of Cranbrook School in response to the request for feedback on the Reg.19 Pre-Submission Local Plan and in relation to previous representations made on the Reg 18 version. We have the following comments on those areas of the Plan that are of interest to Cranbrook School and to those sections of the report that impact land owned by the School. We would be grateful if you could take these into consideration as part of the consultation process.

**Borough Wide Strategy**

This letter should be read in conjunction with the enclosed Regulation 19 response forms which discuss the strategic position with regard to soundness, issues arising from duty to co-operate and particularly with regard to housing delivery.

The Council is relying heavily on a small number of larger strategic sites totalling some 6,390 dwellings which is a high proportion in relation to the borough wide housing figures. Our concern is that over reliance upon strategic sites will inevitably take a long time to deliver the required housing and when they do start delivery, the housing market will only be able to sustain a certain volume of new homes per annum. We would therefore question the removal of housing allocations from the regulation 18 Plan that were perfectly acceptable before.

We propose that the Council looks again at the overall suggested housing figures to take account of the broader planning situation, to reduce over reliance on large sites. To help with delivery in the early part of the plan period, in our view, the Council should look to re-balance the proportion of smaller and medium sized sites being put forward – including sites where further information has come forward which provides clarity on deliverability, and/or sites which have been removed from the regulation 18 version of the Plan without strong reasoning.

**Strategic Growth & Cranbrook**

Turning to the local situation, our concerns expressed above on the overall strategy can be successfully transposed to the settlement of Cranbrook.

We support the acknowledgement in 4.46 that Cranbrook, as a service centre, “warrants its consideration as a focus for growth”. Table 4 lists the Parish of Cranbrook and Sissinghurst as being suitable for further housing development of up to 467 units, 429 of which are in Cranbrook. This was dramatically

reduced from the Reg 18 figures (previously stated as 803 units for Cranbrook alone) and we question whether this level of reduction is warranted when the current growth relies on only three allocations (two of which are over 150 units) – all in the same area to the west of Cranbrook. These are substantial incursions into the surrounding landscape of the Crane Valley well away from the established built form of the town and within the AONB.

With regards progress on the two main proposed allocations in Cranbrook: the reserved matters application at Land at Brick Kiln Lane (TW/20/00814/RM) has been withdrawn, and Land at Turnden Farm (TW/20/03816) is the subject of an inquiry after being called in by the Secretary of State, due to the size of the development in the AONB. Furthermore, the conclusions of Part 6.6 of Tunbridge Wells - Landscape and Visual Impact Assessment of Proposed Allocated Sites within the High Weald AONB (CRS4 – relating to land at Turnden Farm), recommends a phased approach to development, with the proposed woodland planted/established to the south west of the site needing to be planted/established before the development of the north/east part of the site. This phasing will add a delay to the delivery of development at this site. The relevant section of the LVIA forming part of the Council's evidence base states *"The development could be assimilated into the landscape through the mitigation outlined within Figure C14, which would establish additional woodland cover and grassland enhancing the route of the footpath within the site footpath and creating new recreational opportunities."* This highlights that the development of the extent of the site, as proposed (accounting for 1/3rd of the total site area), is contingent upon the delivery of woodland as a key component of mitigation against unacceptable impacts upon the AONB. Furthermore, the need for such extensive areas of mitigation in order to make the proposals acceptable highlights the relatively inefficient use of land in comparison with more modestly sized sites that are already interwoven with the fabric of the town.

As such, we question the focus on these sites as a more strategic allocation, creating a significant edge of settlement extension to Cranbrook rather than balancing and moderating the supply, reducing the extent of rural incursion, and by including several small to medium sized sites that would be better related to the wider town.

Given the uncertainty on timely delivery and the inherently more complex issues associated with larger sites, adding further medium sized sites and/or reducing the quantum of larger housing sites, would assist with supporting timely delivery of housing and providing a more balanced housing trajectory (the smaller and medium sized sites helping to 'kick-start' build out rates earlier in the plan period, with the larger scale sites coming on in the middle to end of the Plan period).

Given that Cranbrook School has extensive land holdings scattered throughout the town – it is considered that some of the land parcels towards the periphery of the School's estate offer excellent opportunities to provide such sites which are readily deliverable, are in genuinely sustainable locations and can be achieved with limited wider landscape effects.

The specific sites will be discussed in more detail below and within the attached documentation – however in overall terms we would suggest an increase in housing provision of at least 113 housing units within Cranbrook, which would go some way to counteracting the reduction by upwards of 300 units within the latest draft Plan compared with the regulation 18 version.

### **Cranbrook School**

We welcome and support the specific reference to Cranbrook School within Section 5 of the document and the recognition of the position and role of the school within the local community. In support of this:

- . Cranbrook School was founded in 1518 and is one of the oldest schools in Kent. It has occupied a site in the centre of Cranbrook throughout this time.
- . The School is a co-educational state secondary school taking students between year 7 and year 13. The School has a current role of just under 900 day and boarding students. The approximately 650 day students live within a defined Catchment Area, currently up to 8.2 miles from the school. One of very few state boarding schools there are in addition some 250 boarding students primarily from elsewhere in the UK and with a limited number from overseas.
- . Cranbrook School provides a high standard of teaching, as demonstrated through OFSTED Outstanding assessments, GCSE, and A Level results.
- . It provides excellent sporting facilities which are available not only to the School students and staff but also to the local community (such as Cranbrook Rugby Club, Cranbrook Badminton Club, Cranbrook Squash Club, Cranbrook Juniors Football Club and Karate Club).
- . The School is the largest employer within the Town with some 80+ members of staff and their families living locally.

- . The School is actively involved with the local community, through theatre events, concerts, and a range of other activities facilitated through access to school facilities.
  - . The School encourages new families to the local community which in turn increases local spend and local support.
  - . The School supports the vitality and viability of the town centre through local spending by staff, School children and their families.
  - . The School assists in the creation of more investment and public funding to Cranbrook.
  - . The School contributes towards the maintenance of the historic setting of Cranbrook and maintenance of its listed buildings and other heritage assets; and
  - . It helps to maintain the overall profile of the town as an attractive place to live, work and visit.
- Notwithstanding these benefits, the School has increasing funding pressures in addition to maintaining and protecting important heritage assets for future generations to enjoy and continue the School's historic legacy. Added to this are significant running and maintenance costs associated with a School campus that includes many individual buildings and land parcels that have been added at different times.

Many sites within the School's estate are dispersed and disconnected from the main school site which means they are poorly placed from the point of view of pupil safeguarding and efficiency of use. Three key land parcels are especially disconnected – Jaegers Field, Big Side, and Rammell Field, as shown below, with Jaegers Field being the most remote from the main campus. If the School is to flourish in the future, it will need to invest in and significantly improve its facilities to meet future demand and curricular needs. At the same time, it will need to coalesce its facilities onto its more core site(s).

*[TWBC: for map, please see the Cover Letter attached as a supporting document]*

Many of the facilities have been built using the school's own resources and extensive fund-raising from existing parents and former students. It is therefore essential to the future well being of the School that it is allowed to dispose of some underutilised and distant land holdings, representing a small proportion of its overall estate, to raise the funds required to continue to enhance the core facilities. The School has in the order of triple the amount of outdoor space and pitches it would need under relevant educational standards.

It is therefore of significant importance to the School and in turn the educational and economic wellbeing of the Parish, that any policies adopted through the Local Plan processes allow sufficient flexibility for the School to be able to realise its future objectives, and do not place unduly restrictive burdens upon the School which would likely restrict the financial and functional ability of the school to maintain and grow.

## **Section 5 – Cranbrook and Sissinghurst – Cranbrook School**

Whilst we welcome the general comments regarding Cranbrook and Sissinghurst we are disappointed that sites in the ownership of Cranbrook School specifically Jaegers Field, which was referenced in the previous plan, is no longer identified in terms of growth potential by way of a specific site allocation. We do, however, recognise that proposed policy AL/CRS 4 does allow for consideration of alternative land uses in principle. We explore the inclusion of Jaegers and Rammell later in more detail.

Turning to the specific paragraphs relating to Cranbrook School, starting at Paragraph 5.314, we greatly appreciate the support referenced in Para 5.316 and recognition of our ambition to improve facilities and the statement that “specific policy support is warranted”. As stated in the accompanying forms, we recommend a small but very important modification to draft policy AL/CRS 4 to the wording of the second paragraph, to read as follows:

“Proposals for more substantive proposals, including new buildings *and/or* different uses of land, both within the main site and on ancillary landholdings...” (italics indicate changes)

This change is necessary in order to enable the schools medium to longer term vision as it has set out in the masterplan attached to these representations.

The School has developed a high-level Masterplan document setting out plans for the development of the School estate and this will be updated to ensure that it meets the criteria set out in 5.322, upon adoption of the Local Plan. We agree that developments of significance should not be piecemeal but form part of a wider development plan to ensure that facilities continue to meet the growing demands and changes in educational requirements. This document is attached for information, and other detailed work being undertaken and referred to below, will fully address sports, open space and other provision.

The commitments contained within the Plan to ensure normal planning considerations are reflected, recognizing the heritage assets within the school are fully supported.

The Local Plan does however need to better recognize three important factors fundamental to the ability of the school to continue to thrive for the benefit of the local community. Firstly, the facilities must continue to adapt to meet the changing needs and demands of the curriculum. Secondly that in the continued absence of government funding for capital projects the School will need to look to its own assets to fund future developments. Thirdly that the dispersed nature of the current school site is no longer acceptable from a student safeguarding perspective and the School must therefore coalesce into its core site. This will inevitably require investment in the core site and the disposal of the more remote areas to fund this.

Whilst we fully recognize the value of the school's assets to the local community, who enjoy substantial access and use of them, this cannot be a complete barrier to realization of some assets, in particular land, to finance future development of the school facilities, which will of course also enhance wider community experience.

We enclose a copy of our Masterplan for information and consideration, as required by draft policy AL/CRS4. Within the document, the focus of residential led development is centered primarily on Jaegers Field in the short term, in conjunction with a review of sports facilities at Big Side to offset the loss of playing facilities at Jaegers. This review includes a technical assessment of Big Side to ensure it is of at least equivalent standard to Jaeger's Field (with recommendations regarding any works needed to achieve this), and with the formalisation of the community use of facilities at Big Side within a Community Use Agreement. The technical assessment is underway, but the written report is, at the time of writing, awaited, however we have a draft Community Use Agreement that reflects discussions to date with Sport England, which is attached to this letter.

*[TWBC: for attachments, please see supporting documents]*

### **Jaegers Field**

The School still fully supports the promotion of Jaegers Field as a suitable and achievable housing site and requests re-instatement as a proposed housing allocation. It abuts the limits to built development for Cranbrook, close to local services and facilities, and the site is set between existing residential development and opposite the Weald Academy. It is considered that a sensitive development can be achieved within the parameters of the site which respects the recognized matters of importance, particularly landscape, highways and ecology. Notwithstanding the field is surplus to requirements for School use, the loss of the playing field will be accounted for at nearby Big Side, along with formality of community use of the facilities. There are no material changes which would alter the SHELAA conclusions or Reg 18 draft part allocation of the site – and indeed, significant further technical work has now been progressed by the School which provides greater certainty on the deliverability of the site and the limited impacts upon the surrounding landscape. Alongside further landscape assessment work, other professionals have been engaged to review the highways and ecological aspects. Alongside this, specialist consultants have worked with the school and its retained planning consultants in order to engage in discussions with Sport England regarding the proposals and the linked community use agreement at Big Side, and a positive 'in principle' pre-application outcome has been achieved with them.

As a result, as part of the updated strategy as reflected in the enclosed draft Masterplan, we consider the whole site can be released for housing (with associated woodland and ecological buffer areas and open space). In line with our comments above, this would provide a valuable contribution to bolster housing supply from medium sized sites in the early years of the plan period, especially given the uncertainty of timing and delivery of the remaining Cranbrook sites. For these reasons we would urge Tunbridge Wells to consider reallocating this site in its entirety for residential use. We have attached a technical sheet with further details of the site for consideration. In addition, we have included an indicative layout for residential development on the site, as well as an initial Landscape Report.

*[TWBC: for attachments, please see supporting documents]*

### **Rammell Field**

We recognise the opportunity to offer a positive and long-term solution for Rammell field, which has been underused and is surplus to the Schools future requirements. Notwithstanding the perceived community and visual value of the site, the field is privately owned and gated and our vision is to

provide a more efficient use of the land to the benefit of the whole community. The future remodeling of the site would be based on the following aspects being incorporated into any proposed layout:

- . Provision of a new, publicly accessible open space, focused on the front portion of the site
- . The open space would be sensitively landscaped to include a memorial garden to those fallen in the world wars and other conflicts; and
- . Provision of an element of sensitively designed affordable and low-cost market housing to the rear of the site, including for those in local housing need.

We attach a technical summary sheet which provides further details of the site along with an initial Landscape Report undertaken by a Chartered Landscape Architect, which we hope will be useful to your considerations. Of particular note is the concept plan within the landscape report, which has informed the suggested policy approach to be taken.

*[TWBC: for attachments, please see supporting documents]*

### **Green Space**

We reference the policy on Green Space set out in Section 6 and the designated sites referenced in Appendix 2, two of which listed under Cranbrook, Rammell Field and Big Side Playing Field are owned by the School.

Both these sites are playing fields with no public right of access other than for agreed use by certain local sports clubs. We do not accept that either location meets the criteria for Local Green Space (LGS) set out in Para 6.183 and subsequent paragraphs. In the absence of public access, we do not see how they greatly benefit mental health and wellbeing of the community. Furthermore, we do not agree that these two spaces meet the criteria detailed in 6.184.

Notwithstanding these comments, whilst neither space is in our view justified to be included as Local Green Space, we do recognise that as part of the current strategy, Big Side is to be subject to a Community Use Agreement complementing the School's use of the field. Therefore, whilst we would prefer the LGS designation to be removed, we feel more strongly with regard to Rammell Field given that it is surplus to the school's future requirements, and therefore that a bespoke policy relating to Rammell would be a more appropriate approach – this is discussed below.

Earlier in this document we have referenced the dispersed nature of the current School site as being no longer acceptable for the safety of students or staff. Rammell Field falls into this category with both its remoteness from the main school's site being of increasing concern. In responding to the Neighbourhood Plan we have put forward a proposal for this site which focuses on enabling public benefits through allowing a variety of potential uses, including provision of a significant public space within the Conservation Area, and affordable housing focusing primarily on smaller dwellings to meet local needs – please see attached documents for more details.

*[TWBC: for attachments, please see supporting documents]*

Without doubt the designation of both sites as Green Spaces has the potential to seriously impact the future development and success of the school and restricts its ability to provide a safe environment for students and staff. As such we would recommend the removal of both Rammell Field and Big Side from draft policy EN15.

Furthermore, we would recommend a new policy for Rammell to be included within the Plan, focused on harnessing a unique opportunity to deliver a significant package of community benefits. This new policy would acknowledge the importance of Rammell Field but taking a more positive approach to change with overall wider benefits in mind – as opposed to a more restrictive type of policy which might stifle innovation. Our suggested draft policy is below and could cross reference to a site plan similar to that attached within Figure 12 of the hla Landscape Report (attached).

*[TWBC: for attachments, please see supporting documents]*

#### ***Rammell Field - Community Benefit***

*The future use(s) of the site shall be focused upon achievable community benefits arising from these uses, with a view to a balanced provision being sought - which would potentially include:*

- *New public open space - focused in particular on the preserving and enhancing the setting of the Conservation Area*

- Proposed high quality landscaping to enhance the site boundaries and transitional areas between different spaces and uses
- A memorial garden or other feature designed with community input
- Biodiversity enhancements
- An element of high quality housing reflecting the best of the local vernacular focused principally on responding to genuinely local needs including for those unable to compete in the local open housing market, and including key workers for example in education and healthcare. Any built development should respect and enhance the distinct historic landscape character, and design should be compliant with the High Weald AONB Design Guide and Parish Council's Eco Design guide for new buildings.
- It is expected that a detailed Landscape Masterplan would be incorporated within any proposals submitted for future mixed use of the site

### **Conclusions**

Cranbrook School is undoubtedly a valuable asset to the town and local community, educationally, economically, and culturally, and will continue to strive to retain and further enhance its excellent reputation by continuing to improve its existing educational, sporting, and boarding facilities.

If the school is to flourish in the future, it will need to invest in and significantly improve its facilities to meet future demand and curricular needs. At the same time, it will need to coalesce its facilities onto its more central site(s). Therefore, any policies adopted either through this Plan should be flexible enough to enable the school to update facilities and maintain its standards into the future without being burdened by significant additional restrictions that would jeopardise these needs.

Furthermore, productive use of a modest portion of surplus land for a range of purposes, including housing, would help redress some of the shortcomings identified within the Regulation 19 Plan and would re-balance the overarching strategy from what is in our view, overreliance on a small number of large strategic sites.

We hope that the above comments are valuable in feeding into the planning process. We would very much welcome the opportunity to discuss these representations further with officers of the Council.

### **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.**

Modify STR1 to increase housing numbers to meet the unmet needs adjoining authorities. Alter the Policy to identify a need for additional smaller and medium sized sites (under 70 units in size).

### **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 be present to test/witness the Council's strategy regarding housing numbers, the trajectory and the delivery of sites.

### 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\_106a-h

## Comment

Agent	Mrs Louise Caney [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Kember Loudon Williams
Address	[REDACTED] [REDACTED] Tunbridge Wells [REDACTED]
Consultee	Cranbrook School [REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Cranbrook School [REDACTED]
Comment ID	PSLP_1814
Response Date	04/06/21 13:02
Consultation Point	Policy STR/CRS 1 The Strategy for Cranbrook and Sissinghurst parish ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.7
Files	<a href="#">PSLP_1814-1817_KLW_for_Cranbrook_School_SI-6_Jaegers_Landscape_Report_Redacted.pdf</a> <a href="#">PSLP_1814-1817_KLW_for_Cranbrook_School_SI-3_Draft_Community_Use_Agreement.pdf</a> <a href="#">PSLP_1814-1817_KLW_for_Cranbrook_School_SI-1_Cover_Letter_Redacted.pdf</a> <a href="#">PSLP_1814-1817_KLW_for_Cranbrook_School_SI-7_Rammell_Field_Summary_Sheet.pdf</a> <a href="#">PSLP_1814-1817_KLW_for_Cranbrook_School_SI-8_Rammell_Landscape_Report_Redacted.pdf</a> <a href="#">PSLP_1814-1817_KLW_for_Cranbrook_School_SI-2_Coloured_Masterplan.pdf</a> <a href="#">PSLP_1814-1817_KLW_for_Cranbrook_School_SI-5_Jaegers_Field_Summary_Sheet.pdf</a> <a href="#">PSLP_1814-1817_KLW_for_Cranbrook_School_SI-4_Cranbrook_School_Masterplan.pdf</a>



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Question 1

Respondent's Name and/or Organisation Cranbrook School

Question 2

Agent's Name and Organisation (if applicable) Kember Loudon Williams

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 STR/CRS 1 The Strategy for Cranbrook and Sissinghurst parish

Policies Map (Inset Map No(s)) 10

[TWBC: for further comments by Cranbrook School, please see Comment Numbers PSLP\_1814-1817]

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 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.

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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.**

Objection to draft policy STR/CRS1 for Cranbrook and Sissinghurst.

The Plan is not legally compliant because insufficient consideration has been given towards the meeting of housing needs in adjoining authority areas and delivering sufficient small and medium sites to ensure the housing trajectory can be delivered. As such it has resulted in a Plan which is unsound and does not properly comply with the duty to cooperate.

The overarching deficiencies have filtered down to the local level, as reflected in STR/CRS1, whereby a significantly reduced overall housing provision is proposed compared with the Reg.18 LP document. This places significant emphasis on several large scale sites that extend westwards including along the Crane Valley, well away from the established form of the settlement and into the wider AONB, whilst not overlooking opportunities that exist on suitable and available sites within the established settlement of Cranbrook – such as Jaegers Field.

As a result of the lack of housing allocations the Plan cannot be said to be effective or consistent with National Policy.

*[TWBC: for further information supporting this representation, please see supporting documents]*

*[TWBC: the below text is from the Cover Letter attached to this representation]*

### **Pre-Submission Local Plan - Regulation 19 Consultation**

We write on behalf of the Trustees and Governors of Cranbrook School in response to the request for feedback on the Reg.19 Pre-Submission Local Plan and in relation to previous representations made on the Reg 18 version. We have the following comments on those areas of the Plan that are of interest to Cranbrook School and to those sections of the report that impact land owned by the School. We would be grateful if you could take these into consideration as part of the consultation process.

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This letter should be read in conjunction with the enclosed Regulation 19 response forms which discuss the strategic position with regard to soundness, issues arising from duty to co-operate and particularly with regard to housing delivery.

The Council is relying heavily on a small number of larger strategic sites totalling some 6,390 dwellings which is a high proportion in relation to the borough wide housing figures. Our concern is that over reliance upon strategic sites will inevitably take a long time to deliver the required housing and when they do start delivery, the housing market will only be able to sustain a certain volume of new homes per annum. We would therefore question the removal of housing allocations from the regulation 18 Plan that were perfectly acceptable before.

We propose that the Council looks again at the overall suggested housing figures to take account of the broader planning situation, to reduce over reliance on large sites. To help with delivery in the early part of the plan period, in our view, the Council should look to re-balance the proportion of smaller and medium sized sites being put forward – including sites where further information has come forward which provides clarity on deliverability, and/or sites which have been removed from the regulation 18 version of the Plan without strong reasoning.

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Turning to the local situation, our concerns expressed above on the overall strategy can be successfully transposed to the settlement of Cranbrook.

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proposed woodland planted/established to the south west of the site needing to be planted/established before the development of the north/east part of the site. This phasing will add a delay to the delivery of development at this site. The relevant section of the LVIA forming part of the Council's evidence base states *"The development could be assimilated into the landscape through the mitigation outlined within Figure C14, which would establish additional woodland cover and grassland enhancing the route of the footpath within the site footpath and creating new recreational opportunities."* This highlights that the development of the extent of the site, as proposed (accounting for 1/3rd of the total site area), is contingent upon the delivery of woodland as a key component of mitigation against unacceptable impacts upon the AONB. Furthermore, the need for such extensive areas of mitigation in order to make the proposals acceptable highlights the relatively inefficient use of land in comparison with more modestly sized sites that are already interwoven with the fabric of the town.

As such, we question the focus on these sites as a more strategic allocation, creating a significant edge of settlement extension to Cranbrook rather than balancing and moderating the supply, reducing the extent of rural incursion, and by including several small to medium sized sites that would be better related to the wider town.

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The specific sites will be discussed in more detail below and within the attached documentation – however in overall terms we would suggest an increase in housing provision of at least 113 housing units within Cranbrook, which would go some way to counteracting the reduction by upwards of 300 units within the latest draft Plan compared with the regulation 18 version.

### **Cranbrook School**

We welcome and support the specific reference to Cranbrook School within Section 5 of the document and the recognition of the position and role of the school within the local community. In support of this:

- . Cranbrook School was founded in 1518 and is one of the oldest schools in Kent. It has occupied a site in the centre of Cranbrook throughout this time.
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- . Cranbrook School provides a high standard of teaching, as demonstrated through OFSTED Outstanding assessments, GCSE, and A Level results.
- . It provides excellent sporting facilities which are available not only to the School students and staff but also to the local community (such as Cranbrook Rugby Club, Cranbrook Badminton Club, Cranbrook Squash Club, Cranbrook Juniors Football Club and Karate Club).
- . The School is the largest employer within the Town with some 80+ members of staff and their families living locally.
- . The School is actively involved with the local community, through theatre events, concerts, and a range of other activities facilitated through access to school facilities.
- . The School encourages new families to the local community which in turn increases local spend and local support.
- . The School supports the vitality and viability of the town centre through local spending by staff, School children and their families.
- . The School assists in the creation of more investment and public funding to Cranbrook.
- . The School contributes towards the maintenance of the historic setting of Cranbrook and maintenance of its listed buildings and other heritage assets; and
- . It helps to maintain the overall profile of the town as an attractive place to live, work and visit.

Notwithstanding these benefits, the School has increasing funding pressures in addition to maintaining and protecting important heritage assets for future generations to enjoy and continue the School's historic legacy. Added to this are significant running and maintenance costs associated with a School campus that includes many individual buildings and land parcels that have been added at different times.

Many sites within the School's estate are dispersed and disconnected from the main school site which means they are poorly placed from the point of view of pupil safeguarding and efficiency of use. Three key land parcels are especially disconnected – Jaegers Field, Big Side, and Rammell Field, as shown below, with Jaegers Field being the most remote from the main campus. If the School is to flourish in the future, it will need to invest in and significantly improve its facilities to meet future demand and curricular needs. At the same time, it will need to coalesce its facilities onto its more core site(s).

*[TWBC: for map, please see the Cover Letter attached as a supporting document]*

Many of the facilities have been built using the school's own resources and extensive fund-raising from existing parents and former students. It is therefore essential to the future well being of the School that it is allowed to dispose of some underutilised and distant land holdings, representing a small proportion of its overall estate, to raise the funds required to continue to enhance the core facilities. The School has in the order of triple the amount of outdoor space and pitches it would need under relevant educational standards.

It is therefore of significant importance to the School and in turn the educational and economic wellbeing of the Parish, that any policies adopted through the Local Plan processes allow sufficient flexibility for the School to be able to realise its future objectives, and do not place unduly restrictive burdens upon the School which would likely restrict the financial and functional ability of the school to maintain and grow.

### **Section 5 – Cranbrook and Sissinghurst – Cranbrook School**

Whilst we welcome the general comments regarding Cranbrook and Sissinghurst we are disappointed that sites in the ownership of Cranbrook School specifically Jaegers Field, which was referenced in the previous plan, is no longer identified in terms of growth potential by way of a specific site allocation. We do, however, recognise that proposed policy AL/CRS 4 does allow for consideration of alternative land uses in principle. We explore the inclusion of Jaegers and Rammell later in more detail.

Turning to the specific paragraphs relating to Cranbrook School, starting at Paragraph 5.314, we greatly appreciate the support referenced in Para 5.316 and recognition of our ambition to improve facilities and the statement that “specific policy support is warranted”. As stated in the accompanying forms, we recommend a small but very important modification to draft policy AL/CRS 4 to the wording of the second paragraph, to read as follows:

“Proposals for more substantive proposals, including new buildings *and/or* different uses of land, both within the main site and on ancillary landholdings...” (italics indicate changes)

This change is necessary in order to enable the schools medium to longer term vision as it has set out in the masterplan attached to these representations.

The School has developed a high-level Masterplan document setting out plans for the development of the School estate and this will be updated to ensure that it meets the criteria set out in 5.322, upon adoption of the Local Plan. We agree that developments of significance should not be piecemeal but form part of a wider development plan to ensure that facilities continue to meet the growing demands and changes in educational requirements. This document is attached for information, and other detailed work being undertaken and referred to below, will fully address sports, open space and other provision. The commitments contained within the Plan to ensure normal planning considerations are reflected, recognizing the heritage assets within the school are fully supported.

The Local Plan does however need to better recognize three important factors fundamental to the ability of the school to continue to thrive for the benefit of the local community. Firstly, the facilities must continue to adapt to meet the changing needs and demands of the curriculum. Secondly that in the continued absence of government funding for capital projects the School will need to look to its own assets to fund future developments. Thirdly that the dispersed nature of the current school site is no longer acceptable from a student safeguarding perspective and the School must therefore coalesce into its core site. This will inevitably require investment in the core site and the disposal of the more remote areas to fund this.

Whilst we fully recognize the value of the school's assets to the local community, who enjoy substantial access and use of them, this cannot be a complete barrier to realization of some assets, in particular land, to finance future development of the school facilities, which will of course also enhance wider community experience.

We enclose a copy of our Masterplan for information and consideration, as required by draft policy AL/CRS4. Within the document, the focus of residential led development is centered primarily on Jaegers Field in the short term, in conjunction with a review of sports facilities at Big Side to offset the loss of playing facilities at Jaegers. This review includes a technical assessment of Big Side to ensure it is of at least equivalent standard to Jaeger's Field (with recommendations regarding any works needed to achieve this), and with the formalisation of the community use of facilities at Big Side within a Community Use Agreement. The technical assessment is underway, but the written report is, at the time of writing, awaited, however we have a draft Community Use Agreement that reflects discussions to date with Sport England, which is attached to this letter.

*[TWBC: for attachments, please see supporting documents]*

### **Jaegers Field**

The School still fully supports the promotion of Jaegers Field as a suitable and achievable housing site and requests re-instatement as a proposed housing allocation. It abuts the limits to built development for Cranbrook, close to local services and facilities, and the site is set between existing residential development and opposite the Weald Academy. It is considered that a sensitive development can be achieved within the parameters of the site which respects the recognized matters of importance, particularly landscape, highways and ecology. Notwithstanding the field is surplus to requirements for School use, the loss of the playing field will be accounted for at nearby Big Side, along with formality of community use of the facilities. There are no material changes which would alter the SHELAA conclusions or Reg 18 draft part allocation of the site – and indeed, significant further technical work has now been progressed by the School which provides greater certainty on the deliverability of the site and the limited impacts upon the surrounding landscape. Alongside further landscape assessment work, other professionals have been engaged to review the highways and ecological aspects. Alongside this, specialist consultants have worked with the school and its retained planning consultants in order to engage in discussions with Sport England regarding the proposals and the linked community use agreement at Big Side, and a positive 'in principle' pre-application outcome has been achieved with them.

As a result, as part of the updated strategy as reflected in the enclosed draft Masterplan, we consider the whole site can be released for housing (with associated woodland and ecological buffer areas and open space). In line with our comments above, this would provide a valuable contribution to bolster housing supply from medium sized sites in the early years of the plan period, especially given the uncertainty of timing and delivery of the remaining Cranbrook sites. For these reasons we would urge Tunbridge Wells to consider reallocating this site in its entirety for residential use. We have attached a technical sheet with further details of the site for consideration. In addition, we have included an indicative layout for residential development on the site, as well as an initial Landscape Report.

*[TWBC: for attachments, please see supporting documents]*

### **Rammell Field**

We recognise the opportunity to offer a positive and long-term solution for Rammell field, which has been underused and is surplus to the Schools future requirements. Notwithstanding the perceived community and visual value of the site, the field is privately owned and gated and our vision is to provide a more efficient use of the land to the benefit of the whole community. The future remodeling of the site would be based on the following aspects being incorporated into any proposed layout:

- . Provision of a new, publicly accessible open space, focused on the front portion of the site
- . The open space would be sensitively landscaped to include a memorial garden to those fallen in the world wars and other conflicts; and
- . Provision of an element of sensitively designed affordable and low-cost market housing to the rear of the site, including for those in local housing need.

We attach a technical summary sheet which provides further details of the site along with an initial Landscape Report undertaken by a Chartered Landscape Architect, which we hope will be useful to your considerations. Of particular note is the concept plan within the landscape report, which has informed the suggested policy approach to be taken.

*[TWBC: for attachments, please see supporting documents]*

### **Green Space**

We reference the policy on Green Space set out in Section 6 and the designated sites referenced in Appendix 2, two of which listed under Cranbrook, Rammell Field and Big Side Playing Field are owned by the School.

Both these sites are playing fields with no public right of access other than for agreed use by certain local sports clubs. We do not accept that either location meets the criteria for Local Green Space (LGS) set out in Para 6.183 and subsequent paragraphs. In the absence of public access, we do not see how they greatly benefit mental health and wellbeing of the community. Furthermore, we do not agree that these two spaces meet the criteria detailed in 6.184.

Notwithstanding these comments, whilst neither space is in our view justified to be included as Local Green Space, we do recognise that as part of the current strategy, Big Side is to be subject to a Community Use Agreement complementing the School's use of the field. Therefore, whilst we would prefer the LGS designation to be removed, we feel more strongly with regard to Rammell Field given that it is surplus to the school's future requirements, and therefore that a bespoke policy relating to Rammell would be a more appropriate approach – this is discussed below.

Earlier in this document we have referenced the dispersed nature of the current School site as being no longer acceptable for the safety of students or staff. Rammell Field falls into this category with both its remoteness from the main school's site being of increasing concern. In responding to the Neighbourhood Plan we have put forward a proposal for this site which focuses on enabling public benefits through allowing a variety of potential uses, including provision of a significant public space within the Conservation Area, and affordable housing focusing primarily on smaller dwellings to meet local needs – please see attached documents for more details.

*[TWBC: for attachments, please see supporting documents]*

Without doubt the designation of both sites as Green Spaces has the potential to seriously impact the future development and success of the school and restricts its ability to provide a safe environment for students and staff. As such we would recommend the removal of both Rammell Field and Big Side from draft policy EN15.

Furthermore, we would recommend a new policy for Rammell to be included within the Plan, focused on harnessing a unique opportunity to deliver a significant package of community benefits. This new policy would acknowledge the importance of Rammell Field but taking a more positive approach to change with overall wider benefits in mind – as opposed to a more restrictive type of policy which might stifle innovation. Our suggested draft policy is below and could cross reference to a site plan similar to that attached within Figure 12 of the hla Landscape Report (attached).

*[TWBC: for attachments, please see supporting documents]*

#### ***Rammell Field - Community Benefit***

*The future use(s) of the site shall be focused upon achievable community benefits arising from these uses, with a view to a balanced provision being sought - which would potentially include:*

- New public open space - focused in particular on the preserving and enhancing the setting of the Conservation Area*
- Proposed high quality landscaping to enhance the site boundaries and transitional areas between different spaces and uses*
- A memorial garden or other feature designed with community input*
- Biodiversity enhancements*
- An element of high quality housing reflecting the best of the local vernacular focused principally on responding to genuinely local needs including for those unable to compete in the local open housing market, and including key workers for example in education and healthcare. Any built development should respect and enhance the distinct historic landscape character, and design should be compliant with the High Weald AONB Design Guide and Parish Council's Eco Design guide for new buildings.*
- It is expected that a detailed Landscape Masterplan would be incorporated within any proposals submitted for future mixed use of the site*

## **Conclusions**

Cranbrook School is undoubtedly a valuable asset to the town and local community, educationally, economically, and culturally, and will continue to strive to retain and further enhance its excellent reputation by continuing to improve its existing educational, sporting, and boarding facilities.

If the school is to flourish in the future, it will need to invest in and significantly improve its facilities to meet future demand and curricular needs. At the same time, it will need to coalesce its facilities onto its more central site(s). Therefore, any policies adopted either through this Plan should be flexible enough to enable the school to update facilities and maintain its standards into the future without being burdened by significant additional restrictions that would jeopardise these needs.

Furthermore, productive use of a modest portion of surplus land for a range of purposes, including housing, would help redress some of the shortcomings identified within the Regulation 19 Plan and would re-balance the overarching strategy from what is in our view, overreliance on a small number of large strategic sites.

We hope that the above comments are valuable in feeding into the planning process. We would very much welcome the opportunity to discuss these representations further with officers of the Council.

## **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.**

Modify STR/CRS1 and inset map 10, to include the site previously identified as AL/CRS3 of the Regulation 18 Plan as a housing allocation but extend the housing allocation to cover the entire site for approximately 63 dwellings – with inclusion of appropriate woodland and hedgerow buffers around the perimeter, together with open space. In addition, modify the policy to include a new allocation for Rammell Field to allow a mixed open/community use and land for affordable/local needs, and low cost housing for up to 50 dwellings. Proposed change to lift the housing requirement for Cranbrook by a further 113 new dwellings (approximate).

See associated letter and accompanying documents for more details.

## **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:**

Should housing numbers increase, Cranbrook School reserves the right to promote alternative sites for inclusion within Cranbrook's housing numbers.

#### **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\_106a-h

### Comment

Agent	Mrs Louise Caney [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Kember Loudon Williams
Address	[REDACTED] [REDACTED] Tunbridge Wells [REDACTED]
Consultee	Cranbrook School [REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Cranbrook School [REDACTED]
Comment ID	PSLP_1815
Response Date	04/06/21 13:02
Consultation Point	Policy AL/CRS 4 Cranbrook School ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.6
Files	<a href="#">PSLP_1814-1817_KLW_for_Cranbrook_School_SI-6_Jaegers_Landscape_Report_Redacted.pdf</a> <a href="#">PSLP_1814-1817_KLW_for_Cranbrook_School_SI-1_Cover_Letter_Redacted.pdf</a> <a href="#">PSLP_1814-1817_KLW_for_Cranbrook_School_SI-8_Rammell_Landscape_Report_Redacted.pdf</a> <a href="#">PSLP_1814-1817_KLW_for_Cranbrook_School_SI-5_Jaegers_Field_Summary_Sheet.pdf</a> <a href="#">PSLP_1814-1817_KLW_for_Cranbrook_School_SI-3_Draft_Community_Use_Agreement.pdf</a> <a href="#">PSLP_1814-1817_KLW_for_Cranbrook_School_SI-2_Coloured_Masterplan.pdf</a> <a href="#">PSLP_1814-1817_KLW_for_Cranbrook_School_SI-7_Rammell_Field_Summary_Sheet.pdf</a> <a href="#">PSLP_1814-1817_KLW_for_Cranbrook_School_SI-4_Cranbrook_School_Masterplan.pdf</a>

Data inputter to enter their initials here HB

Question 1

Respondent's Name and/or Organisation Cranbrook School

Question 2

Agent's Name and Organisation (if applicable) Kember Loudon Williams

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/CRS 4 Cranbrook School

[TWBC: for further comments by Cranbrook School, please see Comment Numbers PSLP\_1814-1817]

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 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.

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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 Plan is not legally compliant because insufficient consideration has been given towards the meeting of housing needs in adjoining authority areas and delivering sufficient small and medium sites to ensure the housing trajectory can be delivered. As such it has resulted in a Plan which is unsound and does not properly comply with the duty to cooperate.

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As a result of the lack of housing allocations the Plan cannot be said to be effective or consistent with National Policy.

Whilst we support the objectives within policy AL/CRS4 we have concerns with the policy wording being inflexible and propose a minor change as set out below. Whilst this is a small change, it is important and necessary in order to enable the schools medium to longer term vision, as set out in the masterplan attached to these representations. This will involve a number of land use changes along with new buildings in various locations which will result in wide ranging benefits not only in terms of the School's future and investment in its facilities, but also in terms of wider community benefits.

*[TWBC: for further information supporting this representation, please see supporting documents]*

*[TWBC: the below text is from the Cover Letter attached to this representation]*

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. It helps to maintain the overall profile of the town as an attractive place to live, work and visit. Notwithstanding these benefits, the School has increasing funding pressures in addition to maintaining and protecting important heritage assets for future generations to enjoy and continue the School's historic legacy. Added to this are significant running and maintenance costs associated with a School campus that includes many individual buildings and land parcels that have been added at different times.

Many sites within the School's estate are dispersed and disconnected from the main school site which means they are poorly placed from the point of view of pupil safeguarding and efficiency of use. Three key land parcels are especially disconnected – Jaegers Field, Big Side, and Rammell Field, as shown below, with Jaegers Field being the most remote from the main campus. If the School is to flourish in the future, it will need to invest in and significantly improve its facilities to meet future demand and curricular needs. At the same time, it will need to coalesce its facilities onto its more core site(s).

*[TWBC: for map, please see the Cover Letter attached as a supporting document]*

Many of the facilities have been built using the school's own resources and extensive fund-raising from existing parents and former students. It is therefore essential to the future well being of the School that it is allowed to dispose of some underutilised and distant land holdings, representing a small proportion of its overall estate, to raise the funds required to continue to enhance the core facilities. The School has in the order of triple the amount of outdoor space and pitches it would need under relevant educational standards.

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## **Section 5 – Cranbrook and Sissinghurst – Cranbrook School**

Whilst we welcome the general comments regarding Cranbrook and Sissinghurst we are disappointed that sites in the ownership of Cranbrook School specifically Jaegers Field, which was referenced in the previous plan, is no longer identified in terms of growth potential by way of a specific site allocation. We do, however, recognise that proposed policy AL/CRS 4 does allow for consideration of alternative land uses in principle. We explore the inclusion of Jaegers and Rammell later in more detail.

Turning to the specific paragraphs relating to Cranbrook School, starting at Paragraph 5.314, we greatly appreciate the support referenced in Para 5.316 and recognition of our ambition to improve facilities and the statement that “specific policy support is warranted”. As stated in the accompanying forms, we recommend a small but very important modification to draft policy AL/CRS 4 to the wording of the second paragraph, to read as follows:

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into its core site. This will inevitably require investment in the core site and the disposal of the more remote areas to fund this.

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*[TWBC: for attachments, please see supporting documents]*

### **Jaegers Field**

The School still fully supports the promotion of Jaegers Field as a suitable and achievable housing site and requests re-instatement as a proposed housing allocation. It abuts the limits to built development for Cranbrook, close to local services and facilities, and the site is set between existing residential development and opposite the Weald Academy. It is considered that a sensitive development can be achieved within the parameters of the site which respects the recognized matters of importance, particularly landscape, highways and ecology. Notwithstanding the field is surplus to requirements for School use, the loss of the playing field will be accounted for at nearby Big Side, along with formality of community use of the facilities. There are no material changes which would alter the SHELAA conclusions or Reg 18 draft part allocation of the site – and indeed, significant further technical work has now been progressed by the School which provides greater certainty on the deliverability of the site and the limited impacts upon the surrounding landscape. Alongside further landscape assessment work, other professionals have been engaged to review the highways and ecological aspects. Alongside this, specialist consultants have worked with the school and its retained planning consultants in order to engage in discussions with Sport England regarding the proposals and the linked community use agreement at Big Side, and a positive 'in principle' pre-application outcome has been achieved with them.

As a result, as part of the updated strategy as reflected in the enclosed draft Masterplan, we consider the whole site can be released for housing (with associated woodland and ecological buffer areas and open space). In line with our comments above, this would provide a valuable contribution to bolster housing supply from medium sized sites in the early years of the plan period, especially given the uncertainty of timing and delivery of the remaining Cranbrook sites. For these reasons we would urge Tunbridge Wells to consider reallocating this site in its entirety for residential use. We have attached a technical sheet with further details of the site for consideration. In addition, we have included an indicative layout for residential development on the site, as well as an initial Landscape Report.

*[TWBC: for attachments, please see supporting documents]*

### **Rammell Field**

We recognise the opportunity to offer a positive and long-term solution for Rammell field, which has been underused and is surplus to the Schools future requirements. Notwithstanding the perceived community and visual value of the site, the field is privately owned and gated and our vision is to provide a more efficient use of the land to the benefit of the whole community. The future remodeling of the site would be based on the following aspects being incorporated into any proposed layout:

- . Provision of a new, publicly accessible open space, focused on the front portion of the site
- . The open space would be sensitively landscaped to include a memorial garden to those fallen in the world wars and other conflicts; and
- . Provision of an element of sensitively designed affordable and low-cost market housing to the rear of the site, including for those in local housing need.

We attach a technical summary sheet which provides further details of the site along with an initial Landscape Report undertaken by a Chartered Landscape Architect, which we hope will be useful to

your considerations. Of particular note is the concept plan within the landscape report, which has informed the suggested policy approach to be taken.

*[TWBC: for attachments, please see supporting documents]*

### **Green Space**

We reference the policy on Green Space set out in Section 6 and the designated sites referenced in Appendix 2, two of which listed under Cranbrook, Rammell Field and Big Side Playing Field are owned by the School.

Both these sites are playing fields with no public right of access other than for agreed use by certain local sports clubs. We do not accept that either location meets the criteria for Local Green Space (LGS) set out in Para 6.183 and subsequent paragraphs. In the absence of public access, we do not see how they greatly benefit mental health and wellbeing of the community. Furthermore, we do not agree that these two spaces meet the criteria detailed in 6.184.

Notwithstanding these comments, whilst neither space is in our view justified to be included as Local Green Space, we do recognise that as part of the current strategy, Big Side is to be subject to a Community Use Agreement complementing the School's use of the field. Therefore, whilst we would prefer the LGS designation to be removed, we feel more strongly with regard to Rammell Field given that it is surplus to the school's future requirements, and therefore that a bespoke policy relating to Rammell would be a more appropriate approach – this is discussed below.

Earlier in this document we have referenced the dispersed nature of the current School site as being no longer acceptable for the safety of students or staff. Rammell Field falls into this category with both its remoteness from the main school's site being of increasing concern. In responding to the Neighbourhood Plan we have put forward a proposal for this site which focuses on enabling public benefits through allowing a variety of potential uses, including provision of a significant public space within the Conservation Area, and affordable housing focusing primarily on smaller dwellings to meet local needs – please see attached documents for more details.

*[TWBC: for attachments, please see supporting documents]*

Without doubt the designation of both sites as Green Spaces has the potential to seriously impact the future development and success of the school and restricts its ability to provide a safe environment for students and staff. As such we would recommend the removal of both Rammell Field and Big Side from draft policy EN15.

Furthermore, we would recommend a new policy for Rammell to be included within the Plan, focused on harnessing a unique opportunity to deliver a significant package of community benefits. This new policy would acknowledge the importance of Rammell Field but taking a more positive approach to change with overall wider benefits in mind – as opposed to a more restrictive type of policy which might stifle innovation. Our suggested draft policy is below and could cross reference to a site plan similar to that attached within Figure 12 of the hla Landscape Report (attached).

*[TWBC: for attachments, please see supporting documents]*

#### ***Rammell Field - Community Benefit***

*The future use(s) of the site shall be focused upon achievable community benefits arising from these uses, with a view to a balanced provision being sought - which would potentially include:*

- New public open space - focused in particular on the preserving and enhancing the setting of the Conservation Area*
- Proposed high quality landscaping to enhance the site boundaries and transitional areas between different spaces and uses*
- A memorial garden or other feature designed with community input*
- Biodiversity enhancements*
- An element of high quality housing reflecting the best of the local vernacular focused principally on responding to genuinely local needs including for those unable to compete in the local open housing market, and including key workers for example in education and healthcare. Any built development should respect and enhance the distinct historic landscape character, and design should be compliant with the High Weald AONB Design Guide and Parish Council's Eco Design guide for new buildings.*



- It is expected that a detailed Landscape Masterplan would be incorporated within any proposals submitted for future mixed use of the site

### **Conclusions**

Cranbrook School is undoubtedly a valuable asset to the town and local community, educationally, economically, and culturally, and will continue to strive to retain and further enhance its excellent reputation by continuing to improve its existing educational, sporting, and boarding facilities.

If the school is to flourish in the future, it will need to invest in and significantly improve its facilities to meet future demand and curricular needs. At the same time, it will need to coalesce its facilities onto its more central site(s). Therefore, any policies adopted either through this Plan should be flexible enough to enable the school to update facilities and maintain its standards into the future without being burdened by significant additional restrictions that would jeopardise these needs.

Furthermore, productive use of a modest portion of surplus land for a range of purposes, including housing, would help redress some of the shortcomings identified within the Regulation 19 Plan and would re-balance the overarching strategy from what is in our view, overreliance on a small number of large strategic sites.

We hope that the above comments are valuable in feeding into the planning process. We would very much welcome the opportunity to discuss these representations further with officers of the Council.

### **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.**

Modify second paragraph of policy wording to AL/CRS 4 as follows:

“...Proposals for more substantive proposals, including new buildings *and/or* different uses of land, both within the main site and on ancillary landholdings...” (italics indicates changes)

### **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 be present to clarify any area of the representations that may be 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

# Supporting Information File Ref No: SI\_106a-h

## Comment

Agent	Mrs Louise Caney [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Kember Loudon Williams
Address	[REDACTED] [REDACTED] Tunbridge Wells [REDACTED]
Consultee	Cranbrook School [REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Cranbrook School [REDACTED]
Comment ID	PSLP_1816
Response Date	04/06/21 13:02
Consultation Point	Policy EN 15 Local Green Space ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.6
Files	<a href="#">PSLP 1814-1817 K LW for Cranbrook School SI-1 Cover Letter Redacted.pdf</a> <a href="#">PSLP 1814-1817 K LW for Cranbrook School SI-5 Jaegers Field Summary Sheet.pdf</a> <a href="#">PSLP 1814-1817 K LW for Cranbrook School SI-3 Draft Community Use Agreement.pdf</a> <a href="#">PSLP 1814-1817 K LW for Cranbrook School SI-6 Jaegers Landscape Report Redacted.pdf</a> <a href="#">PSLP 1814-1817 K LW for Cranbrook School SI-8 Rammell Landscape Report Redacted.pdf</a> <a href="#">PSLP 1814-1817 K LW for Cranbrook School SI-7 Rammell Field Summary Sheet.pdf</a> <a href="#">PSLP 1814-1817 K LW for Cranbrook School SI-2 Coloured Masterplan.pdf</a> <a href="#">PSLP 1814-1817 K LW for Cranbrook School SI-4 Cranbrook School Masterplan.pdf</a>

Data inputter to enter their initials here HB

Question 1

Respondent's Name and/or Organisation Cranbrook School

Question 2

Agent's Name and Organisation (if applicable) Kember Loudon Williams

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 EN 15 Local Green Space

Paragraph No(s) 6.184

[TWBC: for further comments by Cranbrook School, please see Comment Numbers PSLP\_1814-1817]

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 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.

The Plan is not legally compliant because insufficient consideration has been given towards the meeting of housing needs in adjoining authority areas and delivering sufficient small and medium sites to ensure

the housing trajectory can be delivered. As such it has resulted in a Plan which is unsound and does not properly comply with the duty to cooperate.

The overarching deficiencies have filtered down to the local level, as reflected in STR/CRS1, whereby a significantly reduced overall housing provision is proposed compared with the Reg. 18 LP document. This places significant emphasis on several large scale sites that extend westwards including along the Crane Valley, well away from the established form of the settlement and into the wider AONB, whilst not overlooking opportunities that exist on suitable and available sites within the established settlement of Cranbrook – such as Jaegers Field.

As a result of the lack of housing allocations the Plan cannot be said to be effective or consistent with National Policy.

Whilst we support the objectives of policy EN15 we **object** to the inclusion of both Rammell Field and Big Side, given neither of the sites are publicly accessible, or meet the criteria set out in 6.184 (as explained thoroughly in the attached supporting letter from Cranbrook School).

*[TWBC: for further information supporting this representation, please see supporting documents]*

*[TWBC: the below text is from the Cover Letter attached to this representation]*

### **Pre-Submission Local Plan - Regulation 19 Consultation**

We write on behalf of the Trustees and Governors of Cranbrook School in response to the request for feedback on the Reg.19 Pre-Submission Local Plan and in relation to previous representations made on the Reg 18 version. We have the following comments on those areas of the Plan that are of interest to Cranbrook School and to those sections of the report that impact land owned by the School. We would be grateful if you could take these into consideration as part of the consultation process.

#### **Borough Wide Strategy**

This letter should be read in conjunction with the enclosed Regulation 19 response forms which discuss the strategic position with regard to soundness, issues arising from duty to co-operate and particularly with regard to housing delivery.

The Council is relying heavily on a small number of larger strategic sites totalling some 6,390 dwellings which is a high proportion in relation to the borough wide housing figures. Our concern is that over reliance upon strategic sites will inevitably take a long time to deliver the required housing and when they do start delivery, the housing market will only be able to sustain a certain volume of new homes per annum. We would therefore question the removal of housing allocations from the regulation 18 Plan that were perfectly acceptable before.

We propose that the Council looks again at the overall suggested housing figures to take account of the broader planning situation, to reduce over reliance on large sites. To help with delivery in the early part of the plan period, in our view, the Council should look to re-balance the proportion of smaller and medium sized sites being put forward – including sites where further information has come forward which provides clarity on deliverability, and/or sites which have been removed from the regulation 18 version of the Plan without strong reasoning.

#### **Strategic Growth & Cranbrook**

Turning to the local situation, our concerns expressed above on the overall strategy can be successfully transposed to the settlement of Cranbrook.

We support the acknowledgement in 4.46 that Cranbrook, as a service centre, “warrants its consideration as a focus for growth”. Table 4 lists the Parish of Cranbrook and Sissinghurst as being suitable for further housing development of up to 467 units, 429 of which are in Cranbrook. This was dramatically reduced from the Reg 18 figures (previously stated as 803 units for Cranbrook alone) and we question whether this level of reduction is warranted when the current growth relies on only three allocations (two of which are over 150 units) – all in the same area to the west of Cranbrook. These are substantial incursions into the surrounding landscape of the Crane Valley well away from the established built form of the town and within the AONB.

With regards progress on the two main proposed allocations in Cranbrook: the reserved matters application at Land at Brick Kiln Lane (TW/20/00814/RM) has been withdrawn, and Land at Turnden Farm (TW/20/03816) is the subject of an inquiry after being called in by the Secretary of State, due to the size of the development in the AONB. Furthermore, the conclusions of Part 6.6 of Tunbridge Wells

- Landscape and Visual Impact Assessment of Proposed Allocated Sites within the High Weald AONB (CRS4 – relating to land at Turnden Farm), recommends a phased approach to development, with the proposed woodland planted/established to the south west of the site needing to be planted/established before the development of the north/east part of the site. This phasing will add a delay to the delivery of development at this site. The relevant section of the LVIA forming part of the Council's evidence base states *"The development could be assimilated into the landscape through the mitigation outlined within Figure C14, which would establish additional woodland cover and grassland enhancing the route of the footpath within the site footprint and creating new recreational opportunities."* This highlights that the development of the extent of the site, as proposed (accounting for 1/3rd of the total site area), is contingent upon the delivery of woodland as a key component of mitigation against unacceptable impacts upon the AONB. Furthermore, the need for such extensive areas of mitigation in order to make the proposals acceptable highlights the relatively inefficient use of land in comparison with more modestly sized sites that are already interwoven with the fabric of the town.

As such, we question the focus on these sites as a more strategic allocation, creating a significant edge of settlement extension to Cranbrook rather than balancing and moderating the supply, reducing the extent of rural incursion, and by including several small to medium sized sites that would be better related to the wider town.

Given the uncertainty on timely delivery and the inherently more complex issues associated with larger sites, adding further medium sized sites and/or reducing the quantum of larger housing sites, would assist with supporting timely delivery of housing and providing a more balanced housing trajectory (the smaller and medium sized sites helping to 'kick-start' build out rates earlier in the plan period, with the larger scale sites coming on in the middle to end of the Plan period).

Given that Cranbrook School has extensive land holdings scattered throughout the town – it is considered that some of the land parcels towards the periphery of the School's estate offer excellent opportunities to provide such sites which are readily deliverable, are in genuinely sustainable locations and can be achieved with limited wider landscape effects.

The specific sites will be discussed in more detail below and within the attached documentation – however in overall terms we would suggest an increase in housing provision of at least 113 housing units within Cranbrook, which would go some way to counteracting the reduction by upwards of 300 units within the latest draft Plan compared with the regulation 18 version.

### **Cranbrook School**

We welcome and support the specific reference to Cranbrook School within Section 5 of the document and the recognition of the position and role of the school within the local community. In support of this:

- . Cranbrook School was founded in 1518 and is one of the oldest schools in Kent. It has occupied a site in the centre of Cranbrook throughout this time.
- . The School is a co-educational state secondary school taking students between year 7 and year 13. The School has a current role of just under 900 day and boarding students. The approximately 650 day students live within a defined Catchment Area, currently up to 8.2 miles from the school. One of very few state boarding schools there are in addition some 250 boarding students primarily from elsewhere in the UK and with a limited number from overseas.
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*[TWBC: for attachments, please see supporting documents]*

### **Jaegers Field**

The School still fully supports the promotion of Jaegers Field as a suitable and achievable housing site and requests re-instatement as a proposed housing allocation. It abuts the limits to built development for Cranbrook, close to local services and facilities, and the site is set between existing residential development and opposite the Weald Academy. It is considered that a sensitive development can be achieved within the parameters of the site which respects the recognized matters of importance, particularly landscape, highways and ecology. Notwithstanding the field is surplus to requirements for School use, the loss of the playing field will be accounted for at nearby Big Side, along with formality of community use of the facilities. There are no material changes which would alter the SHELAA conclusions or Reg 18 draft part allocation of the site – and indeed, significant further technical work has now been progressed by the School which provides greater certainty on the deliverability of the site and the limited impacts upon the surrounding landscape. Alongside further landscape assessment work, other professionals have been engaged to review the highways and ecological aspects. Alongside this, specialist consultants have worked with the school and its retained planning consultants in order to engage in discussions with Sport England regarding the proposals and the linked community use agreement at Big Side, and a positive 'in principle' pre-application outcome has been achieved with them.

As a result, as part of the updated strategy as reflected in the enclosed draft Masterplan, we consider the whole site can be released for housing (with associated woodland and ecological buffer areas and open space). In line with our comments above, this would provide a valuable contribution to bolster housing supply from medium sized sites in the early years of the plan period, especially given the uncertainty of timing and delivery of the remaining Cranbrook sites. For these reasons we would urge Tunbridge Wells to consider reallocating this site in its entirety for residential use. We have attached a technical sheet with further details of the site for consideration. In addition, we have included an indicative layout for residential development on the site, as well as an initial Landscape Report.

*[TWBC: for attachments, please see supporting documents]*

### **Rammell Field**

We recognise the opportunity to offer a positive and long-term solution for Rammell field, which has been underused and is surplus to the Schools future requirements. Notwithstanding the perceived community and visual value of the site, the field is privately owned and gated and our vision is to provide a more efficient use of the land to the benefit of the whole community. The future remodeling of the site would be based on the following aspects being incorporated into any proposed layout:

- . Provision of a new, publicly accessible open space, focused on the front portion of the site
- . The open space would be sensitively landscaped to include a memorial garden to those fallen in the world wars and other conflicts; and
- . Provision of an element of sensitively designed affordable and low-cost market housing to the rear of the site, including for those in local housing need.

We attach a technical summary sheet which provides further details of the site along with an initial Landscape Report undertaken by a Chartered Landscape Architect, which we hope will be useful to

your considerations. Of particular note is the concept plan within the landscape report, which has informed the suggested policy approach to be taken.

*[TWBC: for attachments, please see supporting documents]*

### **Green Space**

We reference the policy on Green Space set out in Section 6 and the designated sites referenced in Appendix 2, two of which listed under Cranbrook, Rammell Field and Big Side Playing Field are owned by the School.

Both these sites are playing fields with no public right of access other than for agreed use by certain local sports clubs. We do not accept that either location meets the criteria for Local Green Space (LGS) set out in Para 6.183 and subsequent paragraphs. In the absence of public access, we do not see how they greatly benefit mental health and wellbeing of the community. Furthermore, we do not agree that these two spaces meet the criteria detailed in 6.184.

Notwithstanding these comments, whilst neither space is in our view justified to be included as Local Green Space, we do recognise that as part of the current strategy, Big Side is to be subject to a Community Use Agreement complementing the School's use of the field. Therefore, whilst we would prefer the LGS designation to be removed, we feel more strongly with regard to Rammell Field given that it is surplus to the school's future requirements, and therefore that a bespoke policy relating to Rammell would be a more appropriate approach – this is discussed below.

Earlier in this document we have referenced the dispersed nature of the current School site as being no longer acceptable for the safety of students or staff. Rammell Field falls into this category with both its remoteness from the main school's site being of increasing concern. In responding to the Neighbourhood Plan we have put forward a proposal for this site which focuses on enabling public benefits through allowing a variety of potential uses, including provision of a significant public space within the Conservation Area, and affordable housing focusing primarily on smaller dwellings to meet local needs – please see attached documents for more details.

*[TWBC: for attachments, please see supporting documents]*

Without doubt the designation of both sites as Green Spaces has the potential to seriously impact the future development and success of the school and restricts its ability to provide a safe environment for students and staff. As such we would recommend the removal of both Rammell Field and Big Side from draft policy EN15.

Furthermore, we would recommend a new policy for Rammell to be included within the Plan, focused on harnessing a unique opportunity to deliver a significant package of community benefits. This new policy would acknowledge the importance of Rammell Field but taking a more positive approach to change with overall wider benefits in mind – as opposed to a more restrictive type of policy which might stifle innovation. Our suggested draft policy is below and could cross reference to a site plan similar to that attached within Figure 12 of the hla Landscape Report (attached).

*[TWBC: for attachments, please see supporting documents]*

#### ***Rammell Field - Community Benefit***

*The future use(s) of the site shall be focused upon achievable community benefits arising from these uses, with a view to a balanced provision being sought - which would potentially include:*

- New public open space - focused in particular on the preserving and enhancing the setting of the Conservation Area*
- Proposed high quality landscaping to enhance the site boundaries and transitional areas between different spaces and uses*
- A memorial garden or other feature designed with community input*
- Biodiversity enhancements*
- An element of high quality housing reflecting the best of the local vernacular focused principally on responding to genuinely local needs including for those unable to compete in the local open housing market, and including key workers for example in education and healthcare. Any built development should respect and enhance the distinct historic landscape character, and design should be compliant with the High Weald AONB Design Guide and Parish Council's Eco Design guide for new buildings.*



*- It is expected that a detailed Landscape Masterplan would be incorporated within any proposals submitted for future mixed use of the site*

### **Conclusions**

Cranbrook School is undoubtedly a valuable asset to the town and local community, educationally, economically, and culturally, and will continue to strive to retain and further enhance its excellent reputation by continuing to improve its existing educational, sporting, and boarding facilities.

If the school is to flourish in the future, it will need to invest in and significantly improve its facilities to meet future demand and curricular needs. At the same time, it will need to coalesce its facilities onto its more central site(s). Therefore, any policies adopted either through this Plan should be flexible enough to enable the school to update facilities and maintain its standards into the future without being burdened by significant additional restrictions that would jeopardise these needs.

Furthermore, productive use of a modest portion of surplus land for a range of purposes, including housing, would help redress some of the shortcomings identified within the Regulation 19 Plan and would re-balance the overarching strategy from what is in our view, overreliance on a small number of large strategic sites.

We hope that the above comments are valuable in feeding into the planning process. We would very much welcome the opportunity to discuss these representations further with officers of the Council.

### **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.**

Remove reference to both Rammell Field and Big Side for the reasons set out in associated representations from Cranbrook School (and previous Reg 18 representations) and propose a separate policy for Rammell Field, as below:

#### *Rammell Field - Community Benefit*

*The future use(s) of the site shall be focused upon achievable community benefits arising from these uses, with a view to a balanced provision being sought - which would potentially include:*

- New public open space - focused in particular on the preserving and enhancing the setting of the Conservation Area*
- Proposed high quality landscaping to enhance the site boundaries and transitional areas between different spaces and uses*
- A memorial garden or other feature designed with community input*
- Biodiversity enhancements*
- An element of high quality housing reflecting the best of the local vernacular focused principally on responding to genuinely local needs including for those unable to compete in the local open housing market, and including key workers for example in education and healthcare. Any built development should respect and enhance the distinct historic landscape character, and design should be compliant with the High Weald AONB Design Guide and Parish Council's Eco Design guide for new buildings.*
- It is expected that a detailed Landscape Masterplan would be incorporated within any proposals submitted for future mixed use of the 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:**

To be present to clarify any area of the representations that may be 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	Matthew Crane ( [REDACTED] )
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Matthew Crane ( [REDACTED] )
Comment ID	PSLP_1364
Response Date	04/06/21 16:45
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Respondent's Name and/or Organisation	Matthew Crane
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 STR/SS 1 Strategy for Paddock Wood, including land at east Capel	
Policy STR/SS 3 Strategy for Tudeley village	
Question 4	
<b>Do you consider that the Local Plan:</b>	
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 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.**

I am local resident living in Golden Green for the last 3 years. I grew up in Tunbridge Wells where my parents have lived for the last 32 years so I understand the local community. My wife and I moved to Golden Green from London to get back to living in the countryside as it is a fantasitc place to bring up 3 young boys who want nothing more than wide open spaces and to really emerse themselves in the nature and local countryside.

I have a number of key concerns with the current plans -

- There is absolutely no consideration in the plans of adequate infrastructure with regards to traffic. With all my children attending local schools - Summerhill and Bishop Chavesse we are already confronted with significant traffic issues in getting them to school. With the proposal to close Hartlake Road this is only going to get worse and makes absolutely no sense.

- The traffic going through Tonbridge is already an issue. This can easily be seen on any weekday on Tonbridge high street and at the weekday. As a daily commuter to Tonbridge station the current infrastructure in the surrounding area is already insufficient. The current plans whilst drawn up by Tunbridge Wells borough council will ultimately end up with the large proportion of these residents using Tonbridge facilities. To say that this is not the case is clearly not linked to what all current residents say. The plans do not go far enough in tackling these issues.

- I am very concerned with the plans of building on the floodplains. With a house that already lives in proximity to the Medway and to see the annual impact of the flooding on the surrounding area I genuinely don't believe the current plans have actually thought through the issue of flood risk. The plans are putting the local cummunity into danger and therefore i cannot see how they can be considered as safe.

- Whilst i accept that more housing is required in the local area and know one day my own children will need access to affordable housing, TWBC don't appear to have looked at other brownfield sites that could provide the same solution. TWBC has 20 Wards but TWBC want to put more than 50% of all of their new housing in just one ward - Capel. This will inhibit development elsewhere and creates a disproportionate burden on this local community.

- As we drive down Hartlake road every morning my children comment on how stunning the countryside is and how much they love living in this area. This plan is going to destroy an area of outstanding rural beauty, will create the destruction of 600 acreas of greenbelt, will force the local community into dealing with 15 years of heavy construction and create even more air pollution. Put simply this plan might be creating housing but it is destroying the environment and community for a whole generation.

If this plan is approved in its current form the government and the local council will be letting down the next generation and destroying an amazing local community. It is simply no fit for purpose.

#### 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:**

I wish to participate as I am more than happy to provide a voice to the representation provided above.

## Comment

Consultee	Matthew Crane [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Matthew Crane [REDACTED]
Comment ID	PSLP_1810
Response Date	04/06/21 16:45
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.3
Question 1	

Respondent's Name and/or Organisation	Matthew Crane
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### Question 3

To which part of the Local Plan does this representation relate?	Policy
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### Question 3a

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

Policy STR/SS 1 Strategy for Paddock Wood, including land at east Capel

Policy STR/SS 3 Strategy for Tudeley village

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

#### 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.**

I am local resident living in Golden Green for the last 3 years. I grew up in Tunbridge Wells where my parents have lived for the last 32 years so I understand the local community. My wife and I moved to Golden Green from London to get back to living in the countryside as it is a fantastic place to bring up 3 young boys who want nothing more than wide open spaces and to really immerse themselves in the nature and local countryside.

I have a number of key concerns with the current plans -

- There is absolutely no consideration in the plans of adequate infrastructure with regards to traffic. With all my children attending local schools - Summerhill and Bishop Chavasse we are already confronted with significant traffic issues in getting them to school. With the proposal to close Hartlake Road this is only going to get worse and makes absolutely no sense.

- The traffic going through Tonbridge is already an issue. This can easily be seen on any weekday on Tonbridge high street and at the weekend. As a daily commuter to Tonbridge station the current infrastructure in the surrounding area is already insufficient. The current plans whilst drawn up by Tunbridge Wells borough council will ultimately end up with the large proportion of these residents using Tonbridge facilities. To say that this is not the case is clearly not linked to what all current residents say. The plans do not go far enough in tackling these issues.

- I am very concerned with the plans of building on the floodplains. With a house that already lives in proximity to the Medway and to see the annual impact of the flooding on the surrounding area I genuinely don't believe the current plans have actually thought through the issue of flood risk. The plans are putting the local community into danger and therefore I cannot see how they can be considered as safe.

- Whilst I accept that more housing is required in the local area and know one day my own children will need access to affordable housing, TWBC don't appear to have looked at other brownfield sites that could provide the same solution. TWBC has 20 Wards but TWBC want to put more than 50% of all of their new housing in just one ward - Capel. This will inhibit development elsewhere and creates a disproportionate burden on this local community.

- As we drive down Hartlake road every morning my children comment on how stunning the countryside is and how much they love living in this area. This plan is going to destroy an area of outstanding rural beauty, will create the destruction of 600 acres of greenbelt, will force the local community into dealing with 15 years of heavy construction and create even more air pollution. Put simply this plan might be creating housing but it is destroying the environment and community for a whole generation.

If this plan is approved in its current form the government and the local council will be letting down the next generation and destroying an amazing local community. It is simply no fit for purpose.

#### 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:**

I wish to participate as I am more than happy to provide a voice to the representation provided above.



## Comment

Consultee	Susan Cranmer [REDACTED]
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Susan Cranmer [REDACTED]
Comment ID	PSLP_1437
Response Date	03/06/21 19:42
Consultation Point	Policy STR/SS 2 The Strategy for Paddock Wood Town Centre ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Susan Cranmer
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 STR/SS 2 The Strategy for Paddock Wood Town Centre

**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 am writing to object to the closure of Hartlake Road Tudeley.

I use this road on a regular basis four to five times a week. Despite me using Hartlake Road I was also a Tudeley resident for most of my life. I can confirm that the road was busier during the lockdown when more people were parking their cars by the Hartlake Bridge and using the river for recreation or walking but since the lifting of lockdown the road is back to its normal flow of vehicles.

If this road is closed that will mean a round trip to get to Tudeley via Hadlow Road, the industrial estate and Tudeley Lane which is congested and time consuming due to the traffic stop start, especially during peak times. I would say this would put 30 - 40 minutes extra time on my journey, which would be over an hour round trip.

The Poacher Pub will lose customers and the surrounding restaurants in the Tudeley area.

Hartlake Road is not used as a 'rat run' but genuinely used by people that need to make a journey into or through Tudeley or back into the Golden Green area.

By closing Hartlake Road there is not another route that you can use to get from a to b. You have to completely change your journey which increase air pollution, makes other roads much more busier, time consuming and costly.

Hartlake Road should not be closed and to even consider it is outrageous. It serves no purpose but to push traffic onto the busier road of Hadlow Road and clogging up Tonbridge even more or having cars driving through East Peckham which is a narrower road, more congested and with more residents, many of whose houses sit literally on the side of the road.

Whereas Hartlake Road residents houses are all sited further back from the road and they do not feel the impact as much of cars passing their door.

I strongly oppose to the closure of Hartlake 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)?**

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\_144

## Comment

Agent	Mrs Jane Piper ( )
Email Address	
Company / Organisation	Barton Willmore
Address	26 Kings Hill West Malling ME19 4AE
Consultee	( )
Company / Organisation	Crest Nicholson
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Crest Nicholson ( )
Comment ID	PSLP_2077
Response Date	04/06/21 15:53
Consultation Point	Section 3: Vision and Objectives ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.4
Files	<a href="#">PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-1 Representation &amp; Appendix 1 Site Plan</a> <a href="#">PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-2 Appendix 2 Flood Risk &amp; Drainage Overview</a> <a href="#">PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-3 Appendix 3 Landscape &amp; Visual Assessment</a> <a href="#">PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-14 Review of Sustainability Appraisal</a> <a href="#">PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-6 Appendix 3 Fig.1 Site Context Plan</a> <a href="#">PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-10 Appendix 3 Fig. 5 Visual Appraisal Plan</a> <a href="#">PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-4 Appendix 3A.1</a> <a href="#">PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-13 Appendix 3 Site Context Photos</a>

[PSLP\\_2064, 2066-2074, 2077\\_Barton Willmore for Crest Nicholson\\_SI-8\\_Appendix 3\\_Fig.3 Landscape Character Plan](#)

[PSLP\\_2064, 2066-2074, 2077\\_Barton Willmore for Crest Nicholson\\_SI-12\\_Appendix 3\\_Site Appraisal Photos](#)

[PSLP\\_2064, 2066-2074, 2077\\_Barton Willmore for Crest Nicholson\\_SI-11\\_Appendix 3\\_Fig. 6 Opportunities & Constraints Plan](#)

[PSLP\\_2064, 2066-2074, 2077\\_Barton Willmore for Crest Nicholson\\_SI-9\\_Appendix 3\\_Fig. 4 Site Appraisal Plan](#)

[PSLP\\_2064, 2066-2074, 2077\\_Barton Willmore for Crest Nicholson\\_SI-5\\_Appendix 3A.2](#)

[PSLP\\_2064, 2066-2074, 2077\\_Barton Willmore for Crest Nicholson\\_SI-7\\_Appendix 3\\_Fig. 2 Topography Plan](#)

Data inputter to enter their initials here HB

#### Question 1

Respondent's Name and/or Organisation Crest Nicholson

#### Question 2

Agent's Name and Organisation (if applicable) Barton Willmore

#### 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.

Paragraph No(s) 3.1-3.16

[TWBC: For further comments by Crest Nicholson, please see Comment Numbers PSLP\_2064, PSLP\_2066-2074, and PSLP\_2077]

#### 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: the following paragraphs are relevant extracts from the representation. For the full representation and appendices, please see supporting documents]*

### **3.0 TWBC LOCAL PLAN/VISION AND OBJECTIVES**

#### **“Support.”**

3.1 Crest commends TWBC for the amendments made to the Reg 18 version of the Plan to formulate this Reg 19 Plan, particularly in respect to the policies regarding development at Paddock Wood, as it significantly improves the ability to understand the Plan and policies. That said, however, the Local Plan is still very long, as are many of the policies, and could be further simplified and edited to make it easier to read, navigate and comprehend.

#### **i) Vision and Objectives**

3.7 Section 3 of the TWBC Reg 19 Local Plan provides a high level “vision” of what the Borough will look like come 2036, and beyond. This is set out in two “Vision and Objectives” (Nos 1 & 2).

3.8 Crest supports these Visions and Objectives, and considers they provide a robust framework upon which more detailed policies are subsequently prepared in the later section of the Local Plan.

2 <https://tunbridgewells.gov.uk/planning/planning-policy/local-plan/evidence>

### **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.**

3.2 The Plan should be read as a whole; therefore, it should be as concise as possible with a minimal amount of repetition. This will also remove any discrepancies between slight deviations in wording of different policies.

3.3 Where policies refer to other policies, it is suggested that this is moved to supporting text like the Council has done in paragraphs 6.311 and 6.312 Housing Density. This occurs in many policies, but a particularly poor example is Policy EN21. A more consistent and appropriate approach like that taken in paragraphs 6.311 and 6.312 would inform the reader of the relevant policies to be taken account of, but without it being repeated within individual policies.

3.4 No Policies Map has been published, which makes considering the Local Plan as a whole difficult, as well as when trying to comprehend references made to the Policies Map.

3.5 The Evidence Base<sup>2</sup> is extensive and relatively robust, albeit we consider that greater clarity could be provided in certain areas, particularly in respect of “transport infrastructure” and “secondary education provision”.

3.6 In preparing these representations, we have reviewed the relevant documents comprising the Council’s Evidence Base and draw reference throughout our respective technical responses.

### **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**

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Crest is promoting land at North West Paddock Wood, part of the strategic development site STR/SS1 and a significant part of the Council's housing delivery. As such, it is important that Crest is represented in all the relevant EiP hearing sessions.

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**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\_144

## Comment

Agent	Mrs Jane Piper ( [REDACTED] )
Email Address	[REDACTED]
Company / Organisation	Barton Willmore
Address	26 Kings Hill West Malling ME19 4AE
Consultee	( [REDACTED] )
Company / Organisation	Crest Nicholson
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Crest Nicholson ( [REDACTED] )
Comment ID	PSLP_2064
Response Date	04/06/21 15:53
Consultation Point	Policy STR 1 The Development Strategy ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.8
Files	<a href="#">PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-6 Appendix 3 Fig.1 Site Context Plan</a> <a href="#">PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-7 Appendix 3 Fig. 2 Topography Plan</a> <a href="#">PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-9 Appendix 3 Fig. 4 Site Appraisal Plan</a> <a href="#">PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-8 Appendix 3 Fig.3 Landscape Character Plan</a> <a href="#">PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-5 Appendix 3A.2</a> <a href="#">PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-13 Appendix 3 Site Context Photos</a> <a href="#">PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-4 Appendix 3A.1</a> <a href="#">PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-3 Appendix 3 Landscape &amp; Visual Assessment</a>

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**Question 1**

**Respondent's Name and/or Organisation** Crest Nicholson

**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 STR 1 The Development Strategy

*[TWBC: For further comments by Crest Nicholson, please see Comment Numbers PSLP\_2064, PSLP\_2066-2074, and PSLP\_2077]*

**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

**Question 5**



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*[TWBC: the following paragraphs are relevant extracts from the representation. For the full representation and appendices, please see supporting documents]*

#### **4.0 STRATEGIC POLICIES**

##### **Policy STR1: The Development Strategy**

###### **“Not positively prepared”**

4.1 These representations are submitted on behalf of Crest Nicholson (Crest). Crest is promoting land at North West Paddock Wood.

4.2 Crest supports overall principles, but considers the policy to be unsound, as the policy wording could be more positively prepared.

4.3 Crest supports TWBC in seeking to meet its own strategic housing requirement for the Plan period, as a minimum, particularly given the significant environmental constraints of the Borough (including the High Weald AONB and Green Belt which together cover 75% of the Borough's area). It is thereby positively planning for its residents and the Borough's economic needs for this Plan period. This is welcomed and supported.

4.4 TWBC's "Development Strategy Topic Paper" (TWBC, February 2021) along with the Sustainability Appraisal provides a comprehensive overview as to the basis and justification for the spatial development strategy that has evolved and is now being pursued in the Plan. This work helps in reinforcing the soundness of this policy and the Plan as a whole.

4.5 It is clear, from the work undertaken by TWBC when considering sites for substantial and sustainable strategic growth location outside the AONB and Green Belt, that the option of developing around parts of Paddock Wood is a good sustainable option.

4.6 The tests for major development in the AONB are high and it has been demonstrated that the requisite housing and employment needs cannot be met elsewhere in the Borough (or outside, under the Duty to Cooperate). As such, the Council then considered further development in the Green Belt around Paddock Wood and Tudeley particularly in the context of paragraph 72 of the NPPF which recognises that,

*“The supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities.”*

4.7 As paragraph 6.82 of the Development Strategy Topic Paper (February 2021) sets out,

*“In summary, the opportunities presented by existing and planned infrastructure investment, as well as economic potential and the scope for net environmental gains, as set out in consideration (a) of paragraph 72 are all very relevant to both locations:*

*a) Both locations relate to the A228, where improvements are planned, while it is also likely that further transport investment would support growth in both areas.*

*b) Paddock Wood is an established employment centre with growth potential, while Tudeley would be well located in relation to both it and Tonbridge, a few miles to the west.*

*c) Green Belt impacts in both cases need careful scrutiny, not least as Tudeley would be wholly within the Green Belt and could impact on the setting of the High Weald AONB, while the growth of Paddock*

*Wood could also encroach into the Green Belt and, potentially, impact on the setting of the AONB to the south.*

*d) Flood risk is a further issue, as it is recognised that land to the west of Paddock Wood, in Capel parish, has flooding constraints which would need to be properly considered."*

4.8 Five options for further growth around Paddock Wood were considered and assessed. Crest supports the choice of the option that involves development all around the town, including removing a small amount of land from the Green Belt, as it is agreed that this provides sustainable development as it provides general accessibility and therefore support to the town's facilities, facilitates business growth, and can provide flood mitigation. Crest has appointed Ardent Consulting Engineers to review the flood risk and surface water drainage associated with land north west of Paddock Wood. The Flood Risk and Surface Water Drainage Overview (Ardent Consulting Engineers, May 2021) is attached at Appendix 2, and supports the allocation.

4.9 The Development Strategy in paragraph 4 of Policy STR1 states that the Local Plan "Includes an allowance for potential delays or non-delivery of sites". To be more positively prepared, it is suggested that paragraph 4 is amended to read,

*"The strategic sites will be comprehensively planned through coproduced Masterplans and Development Framework Supplementary Planning Documents that will allow individual planning applications to come forward in order to facilitate the timely delivery of development and minimise potential delays or non-delivery;"*

### **Housing Trajectory**

#### **"Not positively prepared"**

4.11 The housing allocation policies need to provide sufficient flexibility to minimise delays in delivery over the Plan period, particularly in the earlier years, to ensure the Council has a rolling five year housing land supply and that the housing need and trajectory is met in full within the Plan period.

4.12 As one of the developers of the Paddock Wood allocation STR/SS1, Crest recognises the benefits of strategic site allocations and is keen to ensure development is planned for comprehensively. Crest believes this will be achieved via the policy mechanisms put forward by the Council – the Masterplan and the Development Framework SPDs, especially if coproduced (see representations to Policies STR2, STR4 and EN1 and STR/SS1). A more flexible approach is required in the local plan, however, to recognise there are a number of different developers (housing and employment) with land interests within the allocation who will be submitting separate planning applications. By allowing individual planning applications to come forward, the Council will be better placed to fulfil its housing trajectory. This is particularly important given TWBC does not currently have a five year land supply and may struggle to have a rolling five year housing land supply going forward in the early years of the Plan.

4.13 Strategic sites do take longer to plan for and start delivering new homes, so it is important that the Local Plan:

- . Recognises that development will be brought forward in a variety of planning applications by different developers and not unduly restrict or delay development coming forward that is in general conformity with a co-produced Strategic Site Masterplan and Development Framework (see representation to Policies STR1 and STR/SS1)
- . Sets out clearly and concisely what is required of each allocation, and parcel therein (See representation to Policy STR/SS1)
- . Evidences and clearly sets out what is fair and reasonable infrastructure required to be provided and by which development parcel, subject to viability (see representation to Policies STR5 and STR/SS1)
- . Minimises repetition and confusion (see representations to Policies STR2, STR4 and EN1).

### **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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#### **Suggested Modification**

4.10 4.10 To be more positively prepared, it is suggested that paragraph 4 of Policy STR1 should be modified as follows:

*"The strategic sites will be comprehensively planned through coproduced Masterplans and Development Framework Supplementary Planning Documents that will allow individual planning applications to come forward in order to facilitate the timely delivery of development and minimise potential delays or non-delivery;"*

#### **Question 7**

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#### **Future Notifications**

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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 STR 2 Place Shaping and Design

*[TWBC: this comment has also been inputted against Policy STR 4, please see Comment Number PSLP\_2067. For further comments by Crest Nicholson, please see Comment Numbers PSLP\_2064, PSLP\_2066-2074, and 2077]*

Question 4

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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 justified

Question 5

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**Policy STR2: Place Shaping and Design**

**Policy STR4: Ensuring Comprehensive Development**

**“Not positively prepared” or “justified”**

4.14 Crest commends TWBC for the amendments made to the Reg 18 version of the Plan to formulate this Reg 19 Plan, particularly in respect to the policies regarding development at Paddock Wood, as it significantly improves the ability to understand the Plan and policies. That said, however, the Local Plan is still long, as are many of the policies, and could be further simplified and edited to make it easier to read, navigate and comprehend.

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4.17 As an example, the second sentence of the first paragraph of **Policy STR2** states,

*“...the Council will expect applicants to engage in early and effective discussions with the community and other relevant stakeholders.”*

4.18 **Policy STR 4** Ensuring Comprehensive Development states at paragraph 5,

*“The Council strongly encourages, and will have regard to, the level of engagement of relevant stakeholders, including the local community, town or parish councils, service providers, environmental organisations, and other interested parties, in the preparation of masterplans or similar framework documents”.*

4.19 Paragraph 9 of **Policy EN1** Sustainable Development states,

*“New development should be informed by effective engagement between applicants, local communities, neighbours of sites, local planning authorities, infrastructure providers, and other interested parties throughout the planning process. Applications that demonstrate early, proactive, and effective engagement, and that the views expressed in that engagement have been properly considered, will be looked on more favourably than those that cannot”.*

4.20 These three statements fundamentally say the same thing but in slightly different ways. There are also other repetitions and overlaps in these policies and in others.

4.21 In this regard, Policies STR2, STR4 and EN1 should be reviewed, and merged if necessary, resulting in a single overarching comprehensive policy that looks like Policy EN1.

4.22 It is further suggested that a general review of the Plan is undertaken to minimise repetition, simplify it further and make it consistent throughout. This will significantly reduce its size and make it easier to read, comprehend and utilise for Development Management purposes.

4.23 As shown above, the Council is keen to encourage developers to engage well as they progress the allocations to applications. Crest acknowledges and accepts engagement as good planning practice and as a fundamental tenet of garden settlement principles. However, this element of good planning practice has to start early and be undertaken throughout the planning process, including plan-making. This way, successful new communities are planned and delivered.

4.24 Any policy addressing the issue of engagement should, therefore, also apply to the Council itself for consistency, transparency and to provide certainty and to ensure deliverability. For example, to date, the Council has not engaged in 'early and effective discussions' with the developers of the Paddock Wood strategic urban expansion in the preparation of the masterplan/framework document. Consultation is not the same as engagement. These documents should be co-produced with the developers, alongside engagement with the other relevant stakeholders. By doing this a more practical approach could be taken, whereby for example, landownership is taken into account to provide certainty and to ensure deliverability.

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### Suggested Modification

4.25 **Policies STR2, STR4 and EN1** should be reviewed, and merged if necessary, resulting in a single overarching comprehensive policy that looks like **Policy EN1**.

4.26 Any policy Modification addressing the issue of engagement should also apply to the Council itself for consistency, transparency and to provide certainty and to ensure deliverability.

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Policy STR 4 Ensuring Comprehensive Development

*[TWBC: this comment has also been inputted against Policy STR 2, please see Comment Number PSLP\_2066. For further comments by Crest Nicholson, please see Comment Numbers PSLP\_2064, PSLP\_2066-2074, and PSLP\_2077]*

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### Suggested Modification

4.25 **Policies STR2, STR4 and EN1** should be reviewed, and merged if necessary, resulting in a single overarching comprehensive policy that looks like **Policy EN1**.

4.26 Any policy Modification addressing the issue of engagement should also apply to the Council itself for consistency, transparency and to provide certainty and to ensure deliverability.

4.27 It is further suggested that a general review of the Plan is undertaken to minimise repetition, simplify it further and make it consistent throughout. This will significantly reduce its size and make it easier to read, comprehend and utilise for Development Management purposes.

## 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:**

Crest is promoting land at North West Paddock Wood, part of the strategic development site STR/SS1 and a significant part of the Council's housing delivery. As such, it is important that Crest is represented in all the relevant EIP hearing sessions.

## 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\_144

## Comment

Agent	Mrs Jane Piper ( [REDACTED] )
Email Address	[REDACTED]
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Consultee	( [REDACTED] )
Company / Organisation	Crest Nicholson
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Event Name	Pre-Submission Local Plan
Comment by	Crest Nicholson ( [REDACTED] )
Comment ID	PSLP_2068
Response Date	04/06/21 15:53
Consultation Point	Policy STR 5 Infrastructure and Connectivity ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.4
Files	<a href="#">PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-5 Appendix 3A.2</a> <a href="#">PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-4 Appendix 3A.1</a> <a href="#">PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-9 Appendix 3 Fig. 4 Site Appraisal Plan</a> <a href="#">PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-12 Appendix 3 Site Appraisal Photos</a> <a href="#">PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-13 Appendix 3 Site Context Photos</a> <a href="#">PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-11 Appendix 3 Fig. 6 Opportunities &amp; Constraints Plan</a> <a href="#">PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-8 Appendix 3 Fig. 3 Landscape Character Plan</a> <a href="#">PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-14 Review of Sustainability Appraisal</a>

PSLP\_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-10 Appendix 3 Fig. 5 Visual Appraisal Plan

PSLP\_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-1 Representation & Appendix 1 Site Plan

PSLP\_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-3 Appendix 3 Landscape & Visual Assessment

PSLP\_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-2 Appendix 2 Flood Risk & Drainage Overview

PSLP\_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-7 Appendix 3 Fig. 2 Topography Plan

PSLP\_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-6 Appendix 3 Fig.1 Site Context Plan

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HB

Question 1

Respondent's Name and/or Organisation

Crest Nicholson

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 STR 5 Infrastructure and Connectivity

*[TWBC: For further comments by Crest Nicholson, please see Comment Numbers PSLP\_2064, PSLP\_2066-2074, and PSLP\_2077]*

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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*[TWBC: the following paragraphs are relevant extracts from the representation. For the full representation and appendices, please see supporting documents]*

#### **Policy STR5: Infrastructure and Connectivity**

##### **“Not justified”**

4.28 Crest supports the overall principles of this policy, but considers the policy to be unsound, as the policy wording needs to be justified.

4.29 In order to simplify and minimise repetition, the supporting text of Policy STR5 should set out which authority is responsible for securing which infrastructure contribution. For example, it should state that Kent County Council is responsible for securing contributions for towards primary and secondary education, highways and transportation, adult social care, sustainable urban drainage, strategic waste services, libraries, adult education and youth and community facilities, and then what TWBC will seek to secure, subject to viability. The supporting text should also set out the relevant policies that need to be considered and complied with. Policy STR5 could then be heavily edited to minimise repetition and make the Plan easier to read, navigate and comprehend.

4.30 The Plan should be read as a whole; therefore, it should be as concise as possible with a minimal amount of repetition. This will also remove any discrepancies between slight deviations in wording of different policies.

4.31 Paragraph 6 of Policy STR5 states,

*“For the identified strategic sites where the provision of a range of significant infrastructure projects are required to mitigate the impact of development to particular areas, the delivery of this will be agreed through a masterplanning process; ”*

4.32 There are numerous other references to the provision of infrastructure in the Plan, but these references are not consistent. For example, Policy EN3 Climate Change Mitigation and Adaption (paragraph at the top of page 335) deals with the issue of viability stating,

*“There may be exceptional circumstances where compliance with this policy would make the development not viable. In each case these circumstances would need to be fully demonstrated to warrant a departure from compliance with this policy”*

4.33 Similar to the representations made to Policies STR2 and STR4, these references need to be reviewed to minimise repetition and make it consistent throughout.

4.34 If required to be repeated within different contexts, however, any reference to the provision of infrastructure that is as a result of development needs to be consistent and should be subject to viability and fairly and reasonably related in scale and kind to the development. As such, a similar paragraph to that in Policy EN3 should be added at the end of Policy STR5 with the addition that any infrastructure should be fairly and reasonably related in scale and kind to the development.

4.35 Paragraph 34 of the NPPF on ‘Development contributions’ makes it clear that:

*“Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure). Such policies should not undermine the deliverability of the plan.”*

4.36 The Council's position on CIL/future Infrastructure Levy needs to be set out in the Local Plan to make it clear what developers will be expected to pay within the local plan period, to give certainty and



to set out how the Council will avoid 'double-dipping'. This is particularly important for the strategic sites. The messaging in the Council's evidence is not particularly consistent or clear. For example, The LDS (February 2021) states:

*"No decision has been made on this matter, with the focus being on taking the Local Plan through to its next stage...CIL would not replace S106 contributions entirely, but these would need to be related to the specific circumstances of the development site. The Council would be responsible for setting the charge, collecting the levy, and distributing a proportion to other organisations that provide community infrastructure, such as Kent County Council and town and parish councils or other appropriate bodies.*

*If a decision is made not to adopt, and in the intervening period, funding for infrastructure will continue to be secured through the use of Section 106 Agreements."*

4.37 But in regard to the strategic sites, paragraph 2.4.19 of the Stage 2 Viability Assessment Report (February 2021) states,

*"In the case of the specific approach taken to the Paddock Wood and Tudeley appraisals, no CIL / planning obligations contingency / tariff charge has been assumed as specific cost allowances (current stage estimates as per the DLA master planning work) for infrastructure and s.106 works / contributions costs are included in the development appraisal modelling."*

4.38 The Local Plan must make it clear that if the Council decides to introduce CIL within the Plan period, it will not be applied to the strategic sites/they will be zero-rated. If alternative methods of infrastructure delivery are introduced in the Planning Reform Bill and TWBC implements any new method, this zero-rated approach must be protected and reflected within the new methodology to ensure deliverability of development.

4.39 In regard to the paragraph entitled 'Health', developer funding for new healthcare facilities can be requested where they are evidenced as being required to support population growth arising from new developments. TWBC therefore needs to evidence the need. As such, the paragraph entitled 'Health' should refer to the evidence of need and be modified to read, "Subject to evidence of need, ensure that essential healthcare infrastructure is provided as part of new development..."

4.40 The paragraph entitled 'Water' of Policy STR5 does not contain policy but is merely a statement that the water authorities have been consulted, water will be provided, and close liaison is required regarding flood, but as the paragraph says, this is covered by Policies EN25 and EN26. As a result, this paragraph should be deleted from Policy STR5 and inserted as supporting text, if considered necessary.

4.41 The paragraph entitled 'Utilities and digital infrastructure utilities' should recognise that provision of digital infrastructure and other utilities is subject to utility providers providing the requisite infrastructure up to the site boundary; hence, that paragraph should read,

*"Ensure that the provision of digital infrastructure and other utilities is supported, including that provided strategically, and for developers **and providers** to ensure that infrastructure is provided..."*

## 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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### Suggested Modification

4.42 Paragraph 6 of Policy STR5 should be modified to read,

*“For the identified strategic sites where the provision of a range **of fairly and reasonably related** significant infrastructure projects are required to mitigate the impact of development to particular areas, the delivery of this will be agreed through a masterplanning process;”*

4.43 At the end of modified STR5,

*“**There may be exceptional circumstances where compliance with this policy would make the development not viable. In each case these circumstances would need to be fully demonstrated to warrant a departure from compliance with this policy.**”*

4.44 The Local Plan should include a statement in regard to the Council's position on CIL. It must make it clear that if the Council decides to introduce CIL within the Plan period, it will not be applied to the strategic sites/they will be zero-rated. If alternative methods of infrastructure delivery are introduced in the Planning Reform Bill and TWBC implements any new method, this zero-rated approach must be protected and reflected within the new methodology to ensure deliverability of development.

4.45 The paragraph entitled 'Health' should refer to the evidence of need and be modified to read, *“**Subject to evidence of need**, ensure that essential healthcare infrastructure is provided as part of new development ...”*

4.46 The paragraph entitled 'Water' should be deleted from Policy STR5 and inserted as supporting text, if considered necessary.

4.47 The paragraph entitled 'Utilities and digital infrastructure utilities' should recognise that provision of digital infrastructure and other utilities is subject to utility providers providing the requisite infrastructure up to the site boundary; hence, that paragraph should read,

*“Ensure that the provision of digital infrastructure and other utilities is supported, including that provided strategically, and for developers **and providers** to ensure that infrastructure is provided...”*

## Question 7

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## Question 7a

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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\_144

## Comment

Agent	Mrs Jane Piper ( [REDACTED] )
Email Address	[REDACTED]
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Address	26 Kings Hill West Malling ME19 4AE
Consultee	( [REDACTED] )
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Event Name	Pre-Submission Local Plan
Comment by	Crest Nicholson ( [REDACTED] )
Comment ID	PSLP_2069
Response Date	04/06/21 15:53
Consultation Point	Policy STR 6 Transport and Parking ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.4
Files	<a href="#">PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-6 Appendix 3 Fig.1 Site Context Plan</a> <a href="#">PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-1 Representation &amp; Appendix 1 Site Plan</a> <a href="#">PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-3 Appendix 3 Landscape &amp; Visual Assessment</a> <a href="#">PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-2 Appendix 2 Flood Risk &amp; Drainage Overview</a> <a href="#">PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-7 Appendix 3 Fig.2 Topography Plan</a> <a href="#">PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-14 Review of Sustainability Appraisal</a>

[PSLP\\_2064, 2066-2074, 2077\\_Barton Willmore for Crest Nicholson\\_SI-5\\_Appendix 3A.2](#)  
[PSLP\\_2064, 2066-2074, 2077\\_Barton Willmore for Crest Nicholson\\_SI-12\\_Appendix 3\\_Site Appraisal Photos](#)  
[PSLP\\_2064, 2066-2074, 2077\\_Barton Willmore for Crest Nicholson\\_SI-4\\_Appendix 3A.1](#)  
[PSLP\\_2064, 2066-2074, 2077\\_Barton Willmore for Crest Nicholson\\_SI-9\\_Appendix 3\\_Fig. 4\\_Site Appraisal Plan](#)  
[PSLP\\_2064, 2066-2074, 2077\\_Barton Willmore for Crest Nicholson\\_SI-13\\_Appendix 3\\_Site Context Photos](#)  
[PSLP\\_2064, 2066-2074, 2077\\_Barton Willmore for Crest Nicholson\\_SI-10\\_Appendix 3\\_Fig. 5\\_Visual Appraisal Plan](#)  
[PSLP\\_2064, 2066-2074, 2077\\_Barton Willmore for Crest Nicholson\\_SI-8\\_Appendix 3\\_Fig. 3\\_Landscape Character Plan](#)  
[PSLP\\_2064, 2066-2074, 2077\\_Barton Willmore for Crest Nicholson\\_SI-11\\_Appendix 3\\_Fig. 6\\_Opportunities & Constraints Plan](#)

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HB

**Question 1**

**Respondent's Name and/or Organisation**

Crest Nicholson

**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 STR 6 Transport and Parking

*[TWBC: For further comments by Crest Nicholson, please see Comment Numbers PSLP\_2064, PSLP\_2066-2074, and PSLP\_2077]*

**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** . It is not justified because:

#### Question 5

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*[TWBC: the following paragraphs are relevant extracts from the representation. For the full representation and appendices, please see supporting documents]*

#### **Policy STR6: Transport and Parking**

##### **“Not justified”**

4.48 Crest supports the overall principles of this policy, but considers the policy to be unsound, as the policy wording needs to be justified.

4.49 Paragraph 2 of Policy STR6 states,

*“The development and delivery of the strategic sites (Paddock Wood and east Capel, and Tudeley Village) proposed in this Local Plan will have integrated active travel as a fundamental element to their layout and design, so that settlements are easy to navigate on foot or by bike, both in new development and through existing areas of settlements to access their centres and services;”*

4.50 It is unclear, at this stage, when the masterplan has not been considered in detail whether active travel routes/links to routes through existing areas of settlements is possible, practical, or appropriate. As such, paragraph 2 should be modified to add, “where possible, practical and appropriate ” at end of paragraph.

##### **a) Active Travel**

4.51 Policy STR 6 (a) (2) requires the strategic sites at Paddock Wood and east Capel to adopt active travel as fundamental element to their layout and design, so that settlements are easy to navigate on foot or by bicycle. Within the NW Paddock Wood development, this will be taken forward through more detailed masterplanning to ensure that the internal routes meet the necessary desire lines, prioritising the needs of pedestrians, cyclists, and public transport services. This is in line with Policy STR 2 - Place Shaping and Design and Policy TP 2 - Transport Design and Accessibility.

4.52 One of the improvements being sought by TWBC is an enhancement to north-south connectivity. At present, in addition to the B2160 Maidstone Road, such active travel movements are facilitated by a footbridge along Footpath WT253, while Footpath WT175 currently crosses the railway line at grade. Conversely, there is no existing pedestrian infrastructure on the A228.

4.53 Indeed, Para 5.169 of the Pre-Submission Local Plan states that:

*“The railway line cuts through the land in Capel, forming a significant point of severance. An unprotected pedestrian level crossing is present to the east of Whetsted Wood, connecting a Public Right of Way.”*

4.54 As a result, Appendix 4 - Access and Movement Report (December 2020) shows a requirements for two new crossings of the railway line to the west of the town centre. These are listed in Table 6.8 as Item (8) which is close to existing Footpath WT175 crossing and Item (9) which indicates a new pedestrian/cycle crossing alongside the existing A228 Maidstone Road vehicular bridge.

4.55 While improved crossing points are supported in principle, Para 4.50 of Strategic Sites Masterplanning and Infrastructure Study (March 2021) signalled some potential uncertainty around delivery, when it stated that:

*“The use of a pedestrian footbridge over the railway would be a safer option but would need to be agreed between Network Rail and adjacent landowners”.*

4.56 As such, while the focus of Policy STR 6 (b) (2) focuses on engagement with Network Rail in relation to improvements to railway stations, the same high-level commitment should be more explicitly included in respect of facilities across National Rail infrastructure when considering active travel.

4.57 The strategic nature of such connections was highlighted in the Local Cycling and Walking Infrastructure Plan (LCWIP): Phase 2 Evidence Base for Pre-Submission Local Plan (March 2021) where it was stated that:

*“The extent of routes to the north were limited by the lack of crossing points across the railway line which is an overarching issue for the town and further enhancing connectivity with the north of Paddock Wood” (Page 41).*

4.58 The Local Plan, therefore, should set out the requirements for these crossings as being a strategic requirements of Paddock Wood town as a whole, rather than associated with particular development(s) as this would secure appropriate stakeholder participation at the planning application stage. As such, paragraph STR6 a) 2 should be modified to read, ***“This will require the Council working with National Rail to cross the rail line to facilitate an enhancement to north-south connectivity ;”***

#### **b) Public Transport**

4.59 Policy STR 6 seeks to maximise the use of public transport (rail, bus, car club, car share, and taxi), as an alternative mode to the private car. The vision is to establish new bus and rail links with nearby settlements as well as ensuring that the layout of strategic sites provides for attractive bus services with convenient access to the highway network.

4.60 Para 5.173 of the Pre-submission Local Plan states that *“all sites are within walking or cycling distance of Paddock Wood railway station ”*. In this respect, it is noted that Policy STR 6 (b) (2) states that the council is committed to:

*“Working with Network Rail and the train operating company to provide station infrastructure improvements where necessary, and working strategically to retain and improve the rail network by increasing the attractiveness of travelling by rail, including to multiple destinations;”*

4.61 This type of engagement is welcomed and will enable strategic development to make the most of the relatively high rail mode share of 12% that was reported in Para 5.4.29. of the Transport Assessment Report (September 2019).

4.62 The proximity of the proposed NW development to Paddock Wood railway station, combined with the accessibility improvement and promotion of active modes, will therefore go a long way to maximising walking and cycling as part of multi-modal journeys, thereby minimising the need for additional car parking at the station.

#### **c) Highway Network**

4.63 Policy STR 6 (c) – Highway Network proposes a number of strategic highway schemes in support of the Pre-submission Local Plan, including:

- i. Part off-line, part on-line improvements to the A228;
- ii. The provision of a highway link bypassing Five Oak Green;
- iii. Measures along the A228/A264, including junction capacity improvements at Woodsgate Corner and a roundabout at the Pembury Road/Halls Hole Road/Blackhurst Lane.

4.64 It is also understood that routes for major off-line road improvements, such as the A228 Colts Hill bypass are to be ‘safeguarded’ in accordance with Policy TP 6: Safeguarding Roads. In this respect, the approach complies with the NPPF (2019) Policy 104 (c) which requires Local Plans to *“identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development ”*. The key aspect of this will be the strength of the evidence base supporting the schemes.

#### Highway Modelling

4.65 The Transport Modelling Report (March 2021) outlines a number of scenarios which have been modelled. These are as follows:

RC: Reference Case without Local Plan

LPS: Local Plan Scenario – with committed infrastructure schemes

LPSHM: Local Plan Scenario with Highway Mitigation only – same assumption as Local Plan

Scenario but with additional network improvements applied to mitigate wider Local Plan impacts; and  
LPSMS: Local Plan Scenario with Highway Mitigation and Sustainable Transport – same assumption as Local Plan Scenario but with network mitigation and sustainable transport demand management applied to mitigate wider Local Plan impacts.

4.66 The above presents a sequence of assessment, whereby the effect of the Local Plan is first assessed against a baseline position (RC and LPS) before progressing with the assessment of mitigation (LPSHM, LPSMS).

4.67 Crest Nicholson seeks some clarification as to why the Colts Hill improvements have been included as a committed scheme in the LPS scenario, according to Table 9-1 '2038 LPS Network Assumptions'. Its inclusion is also then carried forward in the other modelling scenarios under consideration (i.e. LPSHM, LPSMS).

4.68 The LPSMS scenario is described as being based on evidence gathered in support of the Government's Sustainable Travel Towns (STT) demonstration project. The purpose of this scenario is to show how significant modal shift is possible through the implementation of sustainable transport measures, reducing the highway trips generated by the Local Plan sites.

4.69 It may be arguable therefore that the sustainable transport measures under the LPSMS scenarios should have been applied first, prior to determining the rationale for major infrastructure intervention. This would have better reflected the sequencing advocated in the NPPF (2019) by establishing the 'residual' impacts of traffic after the effects had been taken of sustainable transport measures.

4.70 It is also not clear what Colts Hill improvements were tested in the Transport Modelling Report (March 2021) to determine if this refers to the original scheme by KCC or one of the alternatives, outlined below.

#### A228 Colts Hill Improvements

4.71 The proposed A228 Colts Hill route improvement is a package of infrastructure which has been considered for a number of years. The original plan by KCC was to provide a bypass to Colts Hill, passing under Alder Road and progressing in a cutting south to re-join the existing A228 north at Lower Green.

4.72 A funding bid was submitted to the Major Roads Network (MRN) programme in 2019 to deliver the larger Colts Hill Bypass scheme. The estimated cost of the KCC off-line scheme was £46 million.

4.73 Given the strategic nature of the scheme, Crest Nicholson agrees that the necessary funding avenues should continue to be explored by the council as a means of comprehensively dealing with the priorities it has identified, particularly where the rationale for the scheme will deliver greater benefits that would be required specifically by the individual developments in mitigating their own impacts.

4.74 Indeed, Para 6.16 of the Tunbridge Wells Strategic Sites Masterplanning and Infrastructure Study (February 2021) suggests that:

*"The Transport Assessment underpinning the Regulation 18 Draft Local Plan assesses the need for improvements at Colts Hill to be attributable to pre-existing safety concerns, as well as a wider set of changes to the transport network in this part of Kent, including the proposed Lower Thames Crossing."*

4.75 Para 6.8.7 of the Tunbridge Wells Local Plan: Paddock Wood and East Capel & Tudeley Village Access and Movement Report (December 2020) confirms the same in respect of the strategic nature of the scheme, stating that:

*"The KCC scheme mentioned, isn't considered necessary to mitigate the impacts of the development in accordance with the NPPF and the CIL regulations".*

4.76 However, it is understood that a reduced scheme has been put forward by TWBC, comprising a mixture of on-line and off-line improvements. This alternative scheme is said to support the strategic developments at Paddock Wood and east Capel as well as Tudeley Village.

4.77 The Tunbridge Wells Strategic Sites Masterplanning and Infrastructure Study (February 2021), the Colts Hill Improvements are categorised as 'E' (a shared off-site scheme) under Scenario 1 and 'D' (off-site scheme intended to serve a single allocation) under Scenario 2.

4.78 It is acknowledged that Para 7.9.4 of Tunbridge Wells Local Plan: Paddock Wood and East Capel & Tudeley Village Access and Movement Report states:

*"A228 Colts Hill route improvements – The A228 Colts Hill improvements are beneficial for both Paddock Wood and east Capel and Tudeley Village".*

4.79 However, the term 'beneficial' does not necessarily justify causality. And, as a result, Crest Nicholson would seek further clarification for the inclusion within STR 6 (c) of the A228 Colts Hill Improvement Scheme. Even in its alternative form, more evidence would be required to establish the strength of any linkages that exist between this infrastructure and the strategic developments at NW Paddock Wood.

4.80 In this respect, it is noted that the recommendations of the Paddock Wood and East Capel & Tudeley Village Access and Movement Report (December 2020) are as follows:

*"Should TWBC wish to proceed with promotion of Paddock Wood and east Capel and Tudeley Village for allocation, it is strongly recommended that a more detailed evaluation of the transport impacts is conducted."*

4.81 Without robust evidence of linkages, there is a risk of undermining the effectiveness of the policy if the A228 Colts Hill improvements are not justified or the evidence base on which this policy was worded was not effective in its preparation.

4.82 This would allow the council to comply with Policy STR 5 (1) which requires that infrastructure should only be required to support growth in the Local Plan "... where development creates a requirement for new or improved infrastructure beyond existing provision".

4.83 The expectation is that, through the Local Plan process, a means apportioning the costs of this intervention should be set out, in order to recognise the proportionate impact of developments towards the delivery of this infrastructure, either in its full or alternative / reduced format.

4.84 In this respect, reference is made to Para 7.5 of Strategic Sites Masterplanning and Infrastructure Study (February 2021), which states that,

*"... it will be necessary to adopt reasonable and appropriate mechanisms which can be included in S106 Agreements. This may include approaches to equalisation and financial contributions arising from the monetisation of infrastructure items."*

#### Five Oaks Green Bypass

4.85 The rationale for the Five Oaks Green Bypass is described Para 6.33 of the Strategic Sites Masterplanning and Infrastructure Study (February 2021) as being related to constraints in the following location:

*"In the centre of the village for traffic flows and the growth at Tudeley Village (and to a more limited extent that at Paddock Wood and east Capel) [which] would increase traffic along the B2160 through the village."*

4.86 The above suggests that the impact of the Tudeley Village development trigger the requirement for this infrastructure. The paragraph continues:

*"The Transport Assessment (SWECO) underpinning the Regulation 18 Draft Local Plan pinpoints the need for a bypass of the village to alleviate issues caused by strategic development at Tudeley Village." (Para 6.33).*

4.87 Conversely, the increases in traffic along the B2160 resulting from the developments identified for Paddock Wood and east Capel would not be significant. Therefore, the conclusion supports the identification of the 'Link by passing Five Oak Green+R'bout with A228' as Category D (i.e. an off-site scheme required by a single allocation) in Table 11, associated with development at Tudeley Village.

4.88 Further paragraph 5.190 of the Reg 19 Local Plan states, *"The Five Oak Green bypass is largely required to alleviate issues caused by strategic development at Tudeley Village and the viability assessment shows that this can be delivered wholly by the Tudeley Village Garden Settlement."* As



such, the Local Plan should make it clear that the Five Oaks Green Bypass relates only to Tudeley Village and not new development at Paddock Wood.

### Car Parking

4.89 Policy STR 6 commits the council to work with partners on an integrated approach to parking, transport, and land use planning, in line with Policy TP 3 – Parking Standards.

4.90 The Pre-submission Local Plan states in Para 6.563 that:

*“With all vehicle parking standards in both residential and non-residential proposals, it is important to allow for flexibility in their application in order to allow for site-specific issues to be taken into account”.*

4.91 Crest Nicholson agrees that an appropriate balance needs to be achieved by allowing car ownership aspirations to be met, while balancing this with the need to reduce daily car use through the promotion of alternative modes of transport.

4.92 With regard to setting residential car parking standards, the indication is that TWBC would move from using ‘maximum’ to ‘minimum’ standards. The supporting Residential Parking Standards Topic Paper (February 2021) states in Para 6.10 that:

*“These proposed minimum standards differ from the maximum parking standards previously adopted by Tunbridge Wells Borough Council in accordance with Kent County Council’s SPG4 (2006) document as per TP5 of the 2006 Local Plan, which many have considered to provide less than a suitable level of parking provision .”*

4.93 This is consistent with NPPF (2019) Para 105 and 106 which outlines the parameters that should be taken into account in setting parking standards, reflective of local conditions and in a proportionate manner.

4.94 Crest Nicholson also supports the suggestion made in Para 6.18 that the master-planned areas of Paddock Wood and east Capel “... will be developed through a masterplanning exercise (with the parking standards to be determined as part of an SPD) ”.

4.95 It is considered that this would provide the necessary flexibility to reflect the design of the proposed development in way that supports sustainability.

4.96 It is also noted that cycle parking for both residential and non-residential development would follow the minimum standards set out by Kent County Council.

### 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 Modifications

4.97 Paragraph 2 of Policy STR6 should be modified to add, “where possible, practical and appropriate” at end of paragraph.

4.98 Paragraph STR6 a) 2 should be modified by adding the following to the end of the paragraph, **“This will require the Council working with National Rail to cross the rail line to facilitate an enhancement to north-south connectivity;”**

4.99 The Council needs to evidence and further clarify the inclusion within STR 6 (c) of the A228 Colts Hill Improvement Scheme. Even in its alternative form, more evidence would be required to establish

the strength of any linkages that exist between this infrastructure and the strategic developments at NW Paddock Wood.

4.100 Further, a means apportioning the costs of this intervention should be set out in the Local Plan in order to recognise the proportionate impact of developments towards the delivery of this infrastructure, either in its full or alternative / reduced format. This representation is also relevant also to Policy STR/SS1.

4.101 The Local Plan should make it clear that the Five Oaks Green Bypass relates only to Tudeley Village. This representation is particularly relevant also to Policy STR/SS1.

#### 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:**

Crest is promoting land at North West Paddock Wood, part of the strategic development site STR/SS1 and a significant part of the Council's housing delivery. As such, it is important that Crest is represented in all the relevant EiP hearing sessions.

#### 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\_144

## Comment

Agent	Mrs Jane Piper ( [REDACTED] )
Email Address	[REDACTED]
Company / Organisation	Barton Willmore
Address	26 Kings Hill West Malling ME19 4AE
Consultee	( [REDACTED] )
Company / Organisation	Crest Nicholson
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Crest Nicholson ( [REDACTED] )
Comment ID	PSLP_2070
Response Date	04/06/21 15:53
Consultation Point	Policy STR 9 Green Belt ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.4
Files	<a href="#">PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-12 Appendix 3 Site Appraisal Photos</a> <a href="#">PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-10 Appendix 3 Fig.5 Visual Appraisal Plan</a> <a href="#">PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-2 Appendix 2 Flood Risk &amp; Drainage Overview</a> <a href="#">PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-13 Appendix 3 Site Context Photos</a> <a href="#">PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-11 Appendix 3 Fig.6 Opportunities &amp; Constraints Plan</a> <a href="#">PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-6 Appendix 3 Fig.1 Site Context Plan</a> <a href="#">PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-3 Appendix 3 Landscape &amp; Visual Assessment</a>

[PSLP\\_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-8 Appendix 3 Fig. 3 Landscape Character Plan](#)  
[PSLP\\_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-14 Review of Sustainability Appraisal](#)  
[PSLP\\_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-7 Appendix 3 Fig. 2 Topography Plan](#)  
[PSLP\\_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-4 Appendix 3A.1](#)  
[PSLP\\_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-1 Representation & Appendix 1 Site Plan](#)  
[PSLP\\_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-9 Appendix 3 Fig. 4 Site Appraisal Plan](#)  
[PSLP\\_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-5 Appendix 3A.2](#)

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#### Question 1

Respondent's Name and/or Organisation Crest Nicholson

#### 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 STR 9 Green Belt

*[TWBC: For further comments by Crest Nicholson, please see Comment Numbers PSLP\_2064, PSLP\_2066-2074, and PSLP\_2077]*

#### 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: the following paragraphs are relevant extracts from the representation. For the full representation and appendices, please see supporting documents]*

#### **Policy STR9: Green Belt**

##### **“Support”**

4.102 We support TWBC’s approach as set out in its Green Belt Assessment (LUC, 2016, 2017 & 2020) and Development Strategy Topic Paper (TWBC, February 2021). In addition to these two documents, and to support these representations by Crest, Crest has also commissioned a supplementary LVIA and Green Belt Review (BW Landscape, May 2021) in respect of land to the north and west of Paddock Wood. A copy of this is attached at Appendix 3.

4.103 We consider that Policy STR4 is “consistent” with National policy; it states clearly that proposals will be considered against the relevant policy in the NPPF. We note that in accordance with the NPPF (para 137) the Development Strategy Topic Paper makes clear that the strategy for the distribution of development has sought to make optimal use of suitable brownfield sites and underutilised sites, particularly within the Limits to Built Development of settlements, before considering the release of Green Belt land. We therefore consider this policy to be **justified** and **positively prepared**, in that it is based on a proportionate, relevant, and up-to-date evidence base comprising the Stage 1, Stage 2 and stage 3 Green Belt Studies (2016,2017 & 2020) and the Development Strategy Topic Paper (TWBC, 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**

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

Crest is promoting land at North West Paddock Wood, part of the strategic development site STR/SS1 and a significant part of the Council’s housing delivery. As such, it is important that Crest is represented in all the relevant EIP hearing sessions.

#### **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\_144

## Comment

Agent	Mrs Jane Piper ( [REDACTED] )
Email Address	[REDACTED]
Company / Organisation	Barton Willmore
Address	26 Kings Hill West Malling ME19 4AE
Consultee	( [REDACTED] )
Company / Organisation	Crest Nicholson
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Crest Nicholson ( [REDACTED] )
Comment ID	PSLP_2071
Response Date	04/06/21 15:53
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.9
Files	<a href="#">PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-7 Appendix 3 Fig.2 Topography Plan</a> <a href="#">PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-5 Appendix 3A.2</a> <a href="#">PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-14 Review of Sustainability Appraisal</a> <a href="#">PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-3 Appendix 3 Landscape &amp; Visual Assessment</a> <a href="#">PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-9 Appendix 3 Fig. 4 Site Appraisal Plan</a> <a href="#">PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-6 Appendix 3 Fig.1 Site Context Plan</a>

[PSLP\\_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-10 Appendix 3 Fig. 5 Visual Appraisal Plan](#)  
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[PSLP\\_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-12 Appendix 3 Site Appraisal Photos](#)  
[PSLP\\_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-4 Appendix 3A.1](#)  
[PSLP\\_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-11 Appendix 3 Fig. 6 Opportunities & Constraints Plan](#)  
[PSLP\\_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-8 Appendix 3 Fig. 3 Landscape Character Plan](#)

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HB

Question 1

Respondent's Name and/or Organisation

Crest Nicholson

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 STR/SS 1 The Strategy for Paddock Wood, including land at east Capel

*[TWBC: For further comments by Crest Nicholson, please see Comment Numbers PSLP\_2064, PSLP\_2066-2074, and PSLP\_2077]*

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:**

<input type="checkbox"/>	It is not effective
<input type="checkbox"/>	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.**

[TWBC: the following paragraphs are relevant extracts from the representation. For the full representation and appendices, please see supporting documents]

## 1.0 INTRODUCTION

1.1 These representations have been prepared on behalf of Crest Nicholson (Crest). Crest is promoting land at North West Paddock Wood. It will hereafter be referred to as “The Site” (see the Site Plan RG-M-09B at Appendix 1).

1.2 The land forms part of a much wider allocation (Policy STR/SS1), which provides for circa 3,490-3,590 new dwellings across Paddock Wood.

1.3 These representations primarily focus on the Allocation insofar as it relates to Paddock Wood as a whole, but more specifically land to the north and west of Paddock Wood and demonstrates that the allocation is largely “sound” and “deliverable”, when having regard to the National Planning Policy Framework (NPPF) and Planning Practice Guidance. However, we provide comments in seeking to ensure the policies are more fully “justified” and “effective” in NPPF terms.

1.4 In support of these representations a series of technical studies have been produced and whilst not included presently, they have informed the content and nature of Crest's representations. Our representations have therefore been prepared with the help and support of the following technical consultants:

- |                        |                               |
|------------------------|-------------------------------|
| . Flood Risk/Drainage  | Ardent Consulting Engineers   |
| . Highways             | RPS (Transport & Engineering) |
| . Ecology/Biodiversity | Aspect Ecology                |
| . Landscape            | Barton Willmore/Landscape     |
| . Masterplanning       | Barton Willmore/Design        |
| . EIA Review           | Barton Willmore/EIA           |

1.4 Alongside these representations, and in accordance with TWBC request on its submission forms, we have set out in a separate submission our response to the consultation on the Sustainability Appraisal which accompanied the Local Plan.

1.5 The representations are set out as follows:

- . Section 2.0 – National Policy
- . Section 3.0 – TWBC Local Plan/Vision & Objectives
- . Section 4.0 – Strategic Policies
- . Section 5.0 – Development Management Policies

## 2.0 NATIONAL POLICY

2.1 This section provides an overview of the NPPF with particular regard to plan-making. Other policies in the NPPF will also be referred to later in these representations.

### i) National Planning Policy Framework

2.2 The revised National Planning Policy Framework (NPPF) was published in February 2019. The NPPF requires that Local Plans be considered against the “soundness tests” set out in Para 35, namely that they are:



a) **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;

b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;

c) **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

d) **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework.

2.3 These representations will consider the Reg 19 pre-submission Local Plan against the tests of soundness set out above. The next section details the “Duty to Co-operate” in this regard.

## ii) Planning Policy Guidance

2.4 We have also had regard to the various provisions of the Government’s Planning Practice Guidance (PPG), in particular “Guidance on plan-making” 1 and sections:

- . Maintaining Effective Cooperation [Para: 009 Ref ID: 61-009-20190315] onwards;
- . Evidence Base [Para: 034 Ref ID: 61-034-20190315] onwards.

1 <https://www.gov.uk/guidance/plan-making>

## **Policy STR/SS1: The Strategy for Paddock Wood, including land east of Capel**

### **“Not justified or effective”**

4.104 Whilst Crest supports the overall principles of this policy, it considers the Policy to be **unsound**, as the policy wording needs to be “justified” and more “effective”.

4.105 Crest commends TWBC for the amendments made to the Reg 18 version of the Plan to formulate this Reg 19 Plan, particularly in respect to the policies regarding development at Paddock Wood, as it significantly improves the ability to understand the Plan and policies. That said however, the Local Plan is still overly long, as are many of the policies, and could be further simplified and edited to make it easier to read, navigate and comprehend.

4.106 The Plan should be read as a whole; therefore, it should be as concise as possible with a minimal amount of repetition. This will also remove any discrepancies between slight deviations in wording of different policies.

4.107 Policy STR/SS1 is still unnecessarily long, overly complex, repetitive, and most importantly does not provide certainty as to which part of the allocated development will be contributing to what element of infrastructure.

4.108 We set out below representations on individual parts of the policy and supporting text, but we have suggested the **whole policy should be re-drafted** in the Suggested Modifications below to make the policy “sound”, “justified”, “effective” and make it clear which “parcel” (and therefore “developer”) is expected to be providing which elements of the infrastructure.

4.109 Paragraph 5.191 of the Local Plan presently states:

*“The assignment of contributions will be further refined through the Supplementary Planning Documents to be prepared for each Strategic Site. The delivery of this infrastructure should be through ongoing discussions with relevant stakeholders.*

4.110 In order to ensure delivery, ongoing discussions should also include developers; therefore, “*and the developers*” should be added to the end of paragraph 5.191.

4.111 To give developers certainty, greater clarification should be provided in the local plan to explain:

- . the type of infrastructure required
- . how it will be funded
- . which development pays for what
- . what the Council’s intentions are for CIL
- . if CIL is pursued, how it will work with S106 contributions; and

. how 'double-dipping' will be avoided.

4.112 Paragraph 5.193 states,

*"It is important that the overall vision is clearly established to help develop the growth around Paddock Wood and east Capel strategically and holistically. To this end, the Council has facilitated the production of a Structure Plan for the whole settlement, which will be published as a Supplementary Planning Document (SPD). Beneath this, three Framework Masterplan SPDs, with input from land promoters, local communities, and infrastructure and key service providers, will be prepared. These SPDs will provide a framework to how the policy requirements of this Local Plan can be incorporated into the new settlement in order for it to attain the garden settlement objectives in relation to the development, and how these will relate to the neighbourhood development plans being produced by Paddock Wood Town Council and Capel Parish Council. The SPDs will need to be adopted before any planning permissions for substantial new development at that part of Paddock Wood and east Capel are granted unless exceptional circumstances arise. Planning applications will generally need to accord with the broad objectives and principles set out in the SPDs. The different parcels to which the SPDs relate is shown at Map 27."*

4.113 Crest has several concerns about this paragraph. Crest acknowledges and accepts engagement as good planning practice and as a fundamental tenet of Garden Settlement principles. However, this element of good planning practice has to start early and be undertaken throughout the planning process, including plan-making. This way, successful new communities are planned and delivered.

4.114 Any policy addressing the issue of engagement should, therefore, also apply to the Council itself for consistency, transparency and to provide certainty and to ensure deliverability. For example, to date, the Council has not engaged fully in 'early and effective discussions' with the developers of the Paddock Wood strategic urban expansion in the preparation of the masterplan/framework document. Consultation is not the same as engagement. These documents should be **co-produced** with the developers, alongside engagement with the other relevant stakeholders. By doing this a more practical approach could be taken, whereby for example, landownership is taken into account to provide certainty and to ensure deliverability.

4.115 Moreover, Crest is concerned that waiting for the SPDs to be adopted may cause unnecessary delays in delivery, particularly given the suggested timetables in the LDS and the amount of work required to be undertaken concurrently. The LDS sets out the following amount of work and timelines:

#### **Local Plan (from LDS, Feb 2021)**

- . Submission to SoS; July 2021
- . Exam: Nov 2021
- . Insp's Report: April 2022
- . Adoption: June 2022

#### **Paddock Wood Structure Plan SPD**

- . Draft prepared Jan 2022 (may be adjusted following receipt of Insp's report in April 2022)
- . Consultation: June/July -August 2022
- . Adoption: October 2022

#### **Paddock Wood Framework Masterplan(s) SPD(s)**

- 1 Town Centre
- 2 North western parcel
- 3 Northern parcel
- 4 South eastern parcel

\* These may be produced as a series of individual SPDs, two SPDS (one for the Town Centre and for the remaining parcels), or as a single SPD. This will be confirmed in due course.

- . Engagement with public and stakeholders: 2021 (including at times engagement undertaken by developers, or undertaken by developers and the Council simultaneously)
- . Draft prepared : January 2022, with time to be adjusted if necessary following receipt of the Inspector's report on Local Plan (April 2022)
- . Consultation: June/July – August 2022
- . Adoption: October 2022

4.116 How will the Council resource the preparation for and the Local Plan Examination itself whilst also producing these documents? How will this fit in and be co-ordinated with the Neighbourhood Plans? How will it all fit in with the other major SPDs planned for at the same time:

- . Tunbridge Wells Town Centre Area Plan
- . Tudeley Village Structure Plan
- . Local Cycling and Walking
- . Biodiversity Net Gain
- . Historic Environment

4.117 And how will this process ensure delivery and a five-year housing land supply?

4.118 For ease, we have set out Crest's representations to Policy STR/SS1 in the table below so that each representation can be seen in the context of the relevant part of the policy:

### **Policy STR/SS 1**

#### **Suggested Comment – in Brief**

Significant growth around Paddock Wood and east Capel is proposed to deliver approximately 3,490-3,590 houses, as defined on the Policies Map.

The development strategy for Paddock Wood and east Capel is to:

1. With Policies STR/PW 1 (the Strategy for Paddock Wood (parish) and STR/CA 1 (the Strategy for Capel parish), set provisional Limits to Built Development for Paddock Wood and east Capel on the Policies Map (Inset Map 4) as a framework for the provision of an extended settlement over the plan period and beyond. This is facilitated through the release of Green Belt land;
2. Provide for the expansion of Paddock Wood and east Capel, which will deliver the following, on the broad locations as identified at Map 28:
  - a. approximately 3,490-3,590 dwellings;
  - b. three neighbourhood centres providing around 2,000sqm commercial floorspace (Class E) in total: one in each of the key development parcels as outlined on Map 27. The broad locations of the neighbourhood centres will be defined through the Framework Masterplans, and should be located to maximise accessibility by foot from the new dwellings to serve local shopping needs;
  - c. two two-form entry primary schools: one in the western parcel (edged in blue on Map 27) to the north of the railway line, and the second in the eastern parcel (edged in yellow on Map 27). The primary school site in the western parcel should be safeguarded to enable expansion to three form entry;
  - d. a new sports and leisure hub, which could incorporate an indoor 25m swimming pool and indoor and outdoor sports facilities. Around 10 hectares of land should be safeguarded within the western parcel (edged in blue on Map 27), to the south of the railway line and to the east of the A228 for this purpose;
  - e. provision of a health centre: there is potential for this to be co-located with the sports and leisure hub;
  - f. three-pitch gypsy/traveller site (to include one mobile home and one touring caravan per pitch). It is expected that this provision will be on the western parcel (to the north of the railway line) and eastern parcel (as shown on Map 27);

g. significant new land for a mix of employment uses on sites to the north and south of Lucks Lane, and to the east of Transfesa Road. These are Key Employment Areas and regard should be had to Policy ED 1. The new employment areas should include walkable links from the new neighbourhoods;

h. a town-wide system of paths and cycle routes, linking out of the town to nearby villages and leisure routes, such as the Hop Pickers Trail;

i. a new north-south pedestrian and cycle link over the railway line (within the western parcel), linking neighbourhoods and public facilities;

j. a Paddock Wood 'Wetland Park' to the north of the western parcel (land edged in blue on Map 27), to deliver flood water attenuation and new wetland habitat, and allowing for informal recreation via a network of footpaths and boardwalks;

k. a community hub;

3. Provide a mix of housing types, size, and tenure to be provided to ensure a balanced, inclusive, and accessible community, the exact mix to be agreed with the Local Planning Authority at the planning application stage. Forty percent affordable housing should be provided on-site and phased through the development in line with Policy H3;

4. Provision to be made for accommodation to deliver mixed communities, including provision for those with different accommodation needs, including those of older people. At least one sheltered and one extra care housing scheme shall be provided within the strategic site;

5. Be developed to a high standard of design and layout. Particular attention to be paid to layout, scale, height, design, and massing to ensure that the development is of a high quality design responding to local character.

Planning applications for development should be assessed by a Design Review Panel, at least once at pre-application stage and once following submission of a planning application;

6. Ensure the development embeds the garden settlement principles. Planning applications need to demonstrate consideration of the associated key qualities as outlined in the supporting text;

7. Secure the phased delivery of highway and transport infrastructure, including on and off-line improvements to the A228 around Colts Hill and the provision of a new highway which bypasses Five Oak Green, as shown on Maps 29 and 33;

8. Provide new and improved bus connections to directly link the planned new residential areas with Paddock Wood town centre and the employment areas to the north of the railway line. The use of bus gates should be considered;

9. Provide walking and cycling linkages within the site, together with links to Paddock Wood town centre, employment areas, and surrounding countryside. Development in the eastern parcel, shown as land edged in yellow on Map 27, should make use of, and enhance, the Hop Pickers Trail;

10. For development on land to the west, edged in blue on Map 27, to provide compensatory improvements to the Green Belt;

11. Consider the potential for mineral deposits on the land edged in blue and yellow on Map 27, and any viably workable minerals should be extracted prior to development commencing on the site;

12. Incorporate zero and low carbon energy production, in line with the requirements of Policy EN 3, during early design stages to provide an exemplar scheme with climate change mitigation and adaptation measures and sustainable development principles fundamental to the design, construction, and operation stages;

13. Ensure a drainage strategy is in place, in consultation with the Local Planning Authority, Kent County Council as the Drainage Authority, and Southern Water prior to the grant of planning permission for any substantial development on the site, unless exceptional circumstances arise. This should demonstrate that there is adequate capacity in the foul sewage network, and that development will not exacerbate flooding elsewhere. The drainage strategy should be implemented through the development to deliver the levels of storage, attenuation, and mitigation measures to reduce the incidence of flooding to adjacent residential areas in Paddock Wood;

14. Provide a scheme for the management and funding for green spaces and green infrastructure for each parcel of land as outlined on Map 27, for both amenity and biodiversity for the lifetime of the development;

15. Secure developer contributions towards the strategic growth of this area and Tudeley Village, either in kind (normally land) and/or financial, as set out in the Strategic Sites Masterplanning and Infrastructure Study (February 2021) (or a version of this document as amended), to include:

a. highway improvements and mitigation measures, including:

i. on and off-line works to the A228;

ii. new bypass around Five Oak Green;

b. provision, improvements, and enhancement to bus and cycle routes, and cycle corridors;

c. primary and secondary education provision;

d. health and medical provision; utility provision and upgrades;

e. flood defences and mitigation measures;

f. improvements and enhancement to sports and recreation provision, including children's and youth play space;

g. other necessary mitigation measures which are directly related to the development and fairly and reasonably related in scale and kind.

The development will be delivered through the production of four Framework Masterplan Supplementary Planning Documents (SPD). This will relate to an overall Structure Plan for the planned growth, and three further SPDs in relation to the following parcels of land, as shown on Map 27:

1. Western parcel (edged in blue);

2. Northern parcel (edged in red);

3. Eastern parcel (edged in yellow).

These Framework Masterplans will guide developers and the Local Planning Authority in respect of the garden settlement principles to create a new community at Paddock Wood and east Capel. The SPDs will set out guidance to show how the above policy requirements, together with other policies within this Local Plan, should be delivered on the site. It will provide guidance on design, phasing, and site access to ensure comprehensive development and strong assimilation with the existing settlement at Paddock Wood.

Proposals for the piecemeal development of individual sites within the parcels identified will not be supported (it is noted, and accepted, that the western parcel is likely to be delivered as two schemes). The delivery of this infrastructure should be through ongoing discussions with relevant stakeholders. This includes, but is not limited to, Kent County Council, adjacent local planning authorities (Tonbridge & Malling and Maidstone Borough Councils) and other statutory consultees.

It is highly likely the delivery of the development will require land equalisation agreements. The Council will, if necessary, use its Compulsory Purchase Order powers to ensure the delivery of the appropriate masterplanned approach.

The policy also allocates “*significant new land for mix use employment*”. Given the significance of this allocation to the Council's development strategy, Policy STR/SS1 should set out the quantum of employment to be delivered from the 14 hectares identified in Policy STR1. This will then enable appropriate calculations to be applied for infrastructure requirements etc.

For consistency in terminology this should say Limits to Built Development will be set through the Structure Plan (not development strategy)

2b. Policy needs to be more future-focussed, flexible and resilient so as to reflect the way people will use neighbourhood centres in the future, and not based on a specific quantum. Centres should be planned around people interacting. Centres should be focussed on the co-location of uses such as education, leisure, and recreation (formal and informal), employment, cultural, health, community, retail, social (informal and formal) open spaces and transport interchanges. They should not be fixed by boundaries so that they become stagnant or even obsolete, but fluid and flexible to allow for a variety of uses and the centre for events, “pop-ups” or meanwhile uses.

2c. This should also be subject to evidence from the Education Authority at the appropriate time.

2d. It should be recognised that the financial contributions for the proposed population will not yield the need for a swimming pool in and of itself; hence additional funding mechanisms will need to be investigated.

Paragraph 4.13 of Indoor/Built Sports Facility Needs Assessment (June 2018) states 10.62sqm of swimming pool per 1,000 people. 3490-3590 dwellings x 2.37 persons per h/h = 8271-8508 people/1000 X 10.62sqm = 87.84 - 90.35sqm of swimming pool. 187sqm is equivalent to 25m x 4 lane pool; therefore, total PW development would only (at most) provide for circa half a pool.

2e. or co-located with neighbourhood centre, as it may be easier to walk to/more central.

2f. We seriously question the present “need” for such provision, let alone as part of this proposed development.

We also strongly object to the suggested location for such provision, upon which Crest had received no prior liaison or consultation – it simply appearing in the Reg 19 LP.

2g. The policy should specify the quantum of employment land.

2h “...*where possible, practical and appropriate*” should be added to the end of this paragraph as it is unclear, at this stage, when the masterplan has not been considered in detail whether active travel routes/links to routes through existing areas of settlements is possible, practical, or appropriate.

2i – amend to “*subject to agreement with Network Rail, the Council will bring forward an improved pedestrian and cycle crossing over the railway line linking neighbourhoods and public facilities in this parcel.*”

2k. part of/collocated with Neighbourhood centre.

3 Add to end of para, “...subject to viability” or in accordance with Policy H3.

4 The general location should be determined through the Masterplan process and in liaison with the Parcel promoters.

7 The A228 improvements need to be evidenced. The Five Oak Green by-pass only relates to Tudeley. See reps to Policy STR6 in regard to both, and para 5.190 of the Local Plan on the latter.

9. "...*where possible, practical, and appropriate*" should be added to the end of this paragraph as it is unclear, at this stage, when the masterplan has not been considered in detail whether active travel routes/links to routes through existing areas of settlements is possible, practical, or appropriate.

10. This should be deleted as other requirements of the policy, for example to provide access and outdoor sport and recreation; to retain and enhance landscapes, visual amenity, and biodiversity provide Green Belt compensation as defined in the PPG on Green Belt (002 Reference ID: 64-002-20190722)

11. For clarity add "...through a Minerals Assessment Report".

12. Delete text after EN3, as superfluous



15. To date there has been no engagement or joint working with the developers of the Paddock Wood strategic urban expansion in the preparation of the masterplan/framework document. This document should be co-produced with the developers to provide certainty and to ensure deliverability, as well as engagement with the other relevant stakeholders.

Delete “and Tudeley Village” from 1st sentence of Para 15 as Policy STR/SS1 does not relate to Tudeley Village and it would fail CIL Regs 122 tests of being:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

Relationship with CIL needs to be set out in the Local Plan to reflect the Council's position as set out in the LDS (February 2021) and to make it clear what developers will be expected to pay to give certainty and to set out how the Council will avoid 'double-dipping'. Strategic sites should be zero-rated.

In order to provide certainty to the developers, the Local Plan and SPD needs to ensure clarity about who is delivering what, otherwise there may be significant disagreement and conflict in the future resulting in delays to delivery.

The Local Plan policy should recognise and allow for the allocation to be brought forward by different developers and in different phases and applications to deliver the housing required in a timely way within the Local Plan.

This is welcomed but must be co-produced with the developers.

This should be deleted and moved to supporting text as not “policy” and therefore superfluous.

This paragraph should be deleted and replaced with text that recognises and allows for the allocation to be brought forward by different developers and in different phases and applications. The production of the Structure Plan and SPD should provide both the Council and the developers certainty.

In turn, the Structure Plan should set the broad land uses provided in each location and an associated infrastructure delivery plan will set out what will be delivered and by whom in accordance with that masterplan (i.e.. the “shopping list”)

The issue of land equalisation is not a planning policy matter and should be deleted.

A more effective delivery method would be consistent and transparent liaison with each of the promoters.

## 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 Modifications**

4.119 In order to ensure delivery, ongoing discussions should also include developers; therefore, **“and the developers”** should be added to the end of paragraph 5.191.

4.120 **Additions to supporting text** (text moved from policy to better explain how STR/SS1 fits in overall):

*“Strategy for Paddock Wood and east Capel is set out in the following policies:*

*STR/SS1*

*STR/PW1(the Strategy for Paddock Wood (parish) and STR/CA 1 (the Strategy for Capel parish)*

*“The expansion to Paddock Wood town in STR/SS1 will be comprehensively planned through a co-produced Masterplan for the whole development along with three Development Framework Supplementary Planning Documents (SPDs) for each of the three locations, as defined on Map 27:*

- 1 Western parcel (edged in blue);*
- 2 Northern parcel (edged in red);*
- 3 Eastern parcel (edged in yellow)*

*“The Masterplan and Development Framework SPDs will guide developers and the Local Planning Authority in respect of the garden settlement principles to create a new community at Paddock Wood town. The Development Framework SPDs will set out guidance to show how the policy requirements, together with other policies within this Local Plan, should be delivered on the site. It will provide guidance on design, phasing, and site access to ensure comprehensive development and strong assimilation with the existing settlement at Paddock Wood.”*

4.121 The term ‘Structure Plan’ has a distinct meaning in planning parlance, and in this context could be confusing. The suggested revised policy below, changes the phrases ‘Structure Plan’ to ‘Masterplan’, and ‘Framework Masterplans’ to ‘Development Framework’ documents/SPD to reflect more common planning phraseology for these stages of work.

### **4.122 Revised Policy STR/SS 1: The Strategy for Paddock Wood, including land at east Capel**

The development strategy for Paddock Wood and east Capel is to provide for the expansion of Paddock Wood town (including some land within east Capel parish) to deliver approximately 3,490-3,590 houses and XX hectares of employment in the broad locations shown on Map 28 and on the Policies Map.

The expansion will be comprehensively planned through a co-produced Masterplan for the whole development along with three Development Framework Supplementary Planning Documents for each of the following locations, as defined on Map 27:

- 1 Western parcel (edged in blue);
- 2 Northern parcel (edged in red);
- 3 Eastern parcel (edged in yellow).

It is acknowledged that there are several developers that have land interests within this allocation and the Council is cognisant of ensuring delivery is not hindered unduly. As such, it will consider positively individual applications that are in line with this policy and in general conformity with the Masterplan and Development Framework documents.

The delivery of this development should be through ongoing discussions with relevant stakeholders. This includes, but is not limited to, Kent County Council, adjacent local planning authorities (Tonbridge & Malling and Maidstone Borough Councils) and other statutory consultees.

This development allocation is important to the Council’s spatial development strategy for this local plan period. If necessary, the Council will use its Compulsory Purchase Order powers to ensure the delivery of the appropriate masterplanned approach.

### **A. Development Principles**

- 1 With Policies STR/PW 1 (the strategy for Paddock Wood parish) and STR/CA 1 (the strategy for Capel parish), the Masterplan will set the Limits to Built Development as a framework for the

provision of an extended settlement over the plan period. This is facilitated through the release of Green Belt land to the north west.

2 The new development will:

- i. Reflect and embed the garden settlement principles, as set out in the supporting text;
- ii. Be developed to a high standard of design and layout. Particular attention to be paid to layout, scale, height, design, and massing to ensure that the development is of a high quality design responding to local character. Planning applications for development should be assessed by a Design Review Panel, at least once at pre application stage and once following submission of a planning application;
- iii. Provide a mix of housing types, size, and tenure to ensure a balanced, inclusive, and accessible community, the exact mix to be agreed with the Local Planning Authority at the planning application stage. 40% affordable housing should be provided on-site, subject to viability, and phased through the development in line with Policy H3;
- iv. Provide housing for those with different accommodation needs, including those of older people. At least one sheltered and one extra care housing scheme shall be provided within the allocation. The general location will be determined through the Masterplan;
- v. Provide a town-wide system of paths and cycle routes, linking out of the town to nearby villages and leisure routes, such as the Hop Pickers Trail, where possible, practical, and appropriate;
- vi. Incorporate zero and low carbon energy production, in line with the requirements of Policy EN 3;
- vii. Ensure a drainage strategy is in place, in consultation with the Local Planning Authority, Kent County Council as the Drainage Authority, and Southern Water prior to the grant of planning permission for any substantial development on the site, unless exceptional circumstances arise. This should demonstrate that there is adequate capacity in the foul sewage network, and that development will not exacerbate flooding elsewhere. The drainage strategy should be implemented through the development to deliver the levels of storage, attenuation, and mitigation measures to reduce the incidence of flooding to adjacent residential areas in Paddock Wood;
- viii. Provide new and improved bus connections to directly link the planned new residential areas with Paddock Wood town centre and the employment areas to the north of the railway line. The use of bus gates should be considered;
- ix. Where appropriate, consider any potential on-site mineral resources through the submission of a Minerals Resource Assessment to the Minerals Planning Authority.

## **B. Financial Contributions**

1. Subject to viability, contributions (in kind and/or financial) will be sought from all development parcels within this policy, that are fairly and reasonably related in scale and kind, to secure the phased delivery of highway and transport infrastructure, as set out in the Strategic Sites Masterplanning and Infrastructure Study (February 2021) (or a version of this document as amended), including:
  - a. highway improvements and mitigation measures
  - b. provision, improvements, and enhancement to bus and cycle routes, and cycle corridors;
  - c. primary and secondary education provision;
  - d. health and medical provision;
  - e. utility provision and upgrades;
  - f. flood defences and mitigation measures;
  - g. improvements and enhancement to sports and recreation provision, including children's and youth play space;
  - h. other necessary mitigation measures which are directly related to the development and fairly and reasonably related in scale and kind.
2. Developers will also be required to provide a scheme for the management and funding for green spaces and green infrastructure for each parcel of land for both amenity and biodiversity for the lifetime of the development.

## **C. The Western Parcel**

- 1 In addition to the above, the Western Parcel (edged blue on Map 27) should provide:
- i. A neighbourhood centre of an appropriate scale for the new community that does not compete with the town centre to include Class E uses (retail, commercial, business and services)<sup>1</sup>;
  - ii. a community hub to serve the new community <sup>1</sup>;
  - iii. A site for a health centre to serve the new community <sup>1</sup>;
  - iv. A site for a two-form entry primary school to the north of the railway line, with additional land safeguarded to enable expansion to three form entry, if proven necessary<sup>1</sup>;
  - v. A site of around 10 hectares to the south of the railway line and to the east of the A228 for a new sports and leisure hub;
  - vi. a Paddock Wood 'Wetland Park' to the north, to deliver flood water attenuation and new wetland habitat, and allowing for informal recreation via a network of footpaths and boardwalks;
  - vii. subject to agreement with Network Rail, the Council will bring forward an improved pedestrian and cycle crossing over the railway line linking neighbourhoods and public facilities in this parcel.

#### **D. The Eastern Parcel**

*Crest defers to the LPA and the Parcel promoter(s) – as to any revised wording for this Parcel.*

#### **E. The Northern Parcel**

- 1 In addition to 1. above, the Northern Parcel (edged red on Map 27) will provide:
- i. XX hectares of new land for a mix of employment uses on sites to the north and south of Lucks Lane, and to the east of Transfesa Road. These are Key Employment Areas and regard should be had to Policy ED1;
  - ii. The new employment areas should include walkable links from the new neighbourhoods.

#### **Notes:**

- 1 Where possible, these uses should be co-located to maximise community interaction and be easily accessible by walking, cycling or public transport to reflect the garden settlement principles.
- NB: In making the above suggestions for the “Western Parcel”, we are mindful that this “parcel” includes land promoted by both Crest Nicholson and Dandara. The above suggestions are the suggested rewording of Crest Nicholson alone, and Dandara will be making its own representations.**

### **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:**

Crest is promoting land at North West Paddock Wood, part of the strategic development site STR/SS1 and a significant part of the Council's housing delivery. As such, it is important that Crest is represented in all the relevant EiP hearing sessions.

### **Question 8**

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

Review of the Sustainability Appraisal supporting the Tunbridge Wells Borough Pre-Submission Local Plan

## 1.0 Introduction

1.1 This report presents a review of the Sustainability Appraisal (SA) process supporting the Tunbridge Wells Borough Council (TWBC) Pre-Submission Local Plan, which is at Regulation 19 stage<sup>1</sup>. The Local Plan sets out the proposed planning policies and will guide development in TWBC up to 2038. The review has focused on the SA (which incorporates Strategic Environmental Assessment (SEA)) of the TWBC Pre-Submission Local Plan (herein referred to as the 2021 Reg 19 SA Report), prepared in February 2021<sup>2</sup>. Whilst the review has focused on the latest SA material, reference has been made to earlier reports including the 2016 SA Scoping Report<sup>3</sup>, the 2019 SA Issues and Options Report<sup>4</sup> and the 2019 Regulation 18 SA Report<sup>5</sup>, where necessary to give a view on the adequacy of the whole iterative SA process. The 2021 Reg 19 SA Report is the final report of the SA process that supports the Regulation 19 Pre-Submission Local Plan and is a critical part of the evidence base for the Examination.

1.2 Barton Willmore undertook a review of the SA Report that supported the Regulation 18 consultation Draft Local Plan<sup>6</sup> in November 2019 and submitted comments to TWBC during this consultation. No major deficiencies were identified but recommendations were made for areas that would benefit from improvement to support the Local Plan and increase the chance of it being found sound at Examination. Our response in terms of whether we agree that these comments have been addressed and incorporated into the 2021 Reg 19 SA Report, or whether further clarification is required, is outlined in the later sections of this report. The full SA review is included at Appendix 1 and focuses on the areas that were identified as needing more explanation and detail at the Regulation 18 stage. It uses a 'traffic light' scoring system to identify areas that would benefit from improvement (amber) and those elements of the SA process that are considered to comply fully with the requirements (green). No areas of major deficiency were identified in the SA (red).

1.3 In addition, this report includes an appraisal of 'Land West of Paddock Wood'. Land West of Paddock Wood is appraised within the 2021 Reg 19 SA Report as part of allocation STR/SS 1. The site-specific appraisal is included in Section 3 and has been undertaken by Barton Willmore utilising the same matrix methodology and nineteen SA Objectives used to consider the alternative site options within the SA process for inclusion within the Local Plan. The matrix assessment with a colour coded key is a method often used for the assessment of site options in SAs, to make the comparison of the positive and negative sustainability aspects of a site clear and consistent. The appraisal provides commentary on the score that we consider should be awarded for each objective indicator question.

## 2.0 Review of SA

### Purpose of Review

2.1 A review of the SA documents has been undertaken against the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 (the "SEA Regulations") and Section 19 of the Planning and Compulsory Purchase Act 2004 (the "Act"), which sets out requirements for SA. SA is a complex and legalistic process and should be undertaken iteratively, alongside the preparation of the Plan.

2.2 A Local Plan must be prepared in accordance with Section 39 of the Act "with the objective of contributing to the achievement of sustainable development". It should therefore be informed by the SA process, which itself must comply with the SEA Regulations.

2.3 Barton Willmore undertook a review of the SA at the Regulation 18 consultation stage in November 2019. The full review of the SA process which includes the 2021 Reg 19 SA Report is presented at Appendix 1. This review has sought to focus on the areas we felt needed more explanation and detail at the Regulation 18 stage and identify whether these comments have been addressed in the 2021 Reg 19 SA Report and if there are any areas of the SA that would benefit from further focus or clarity in order to ensure that the Plan is determined as sound at Examination. As above, whilst the review has focused on the 2021 Reg 19 SA report, reference has been made to earlier reports where necessary to give a view on the adequacy of the whole iterative SA process.

### Review Summary

2.2 No areas of major deficiency were identified in the SA.

2.3 Table 1 below presents the comments that were made by Barton Willmore on the SA during the Regulation 18 consultation and discusses whether we agree that our comments have been addressed or not within the 2021 Reg 19 SA Report. This is reflected by the compliance review at Appendix 1. Table 1. Comments during Regulation 18 and Incorporation into the 2021 Reg 19 SA Report

[TWBC: for table, please see 'Review of Sustainability Appraisal', attached as a supporting document]

#### Areas of the Regulation 18 SA Identified as Requiring Additional Consideration

Existing environment (Habitats Regulations Assessment (HRA)) – the SA could better outline the conclusions of the Habitats Regulations Assessment (HRA) work undertaken for site alternatives and define how these have been assessed in combination with other sites or environmental effects. As the HRA had not been carried out in detail at the issues and options stage, the SA states that the precautionary principle was used when assigning scores to the biodiversity objective. However, there is no explanation of the use of the precautionary principle in the 2019 SA Issues and Options Report. There is also no reference provided for the 'Appropriate Assessment' mentioned in the SA. Given the need for assessments to be coordinated, it would be more transparent to include more information within the SA Report on the HRA undertaken for the Local Plan.

Environmental protection objectives -the SA framework does not refer to limits or standards including e.g. National Air Quality Objectives, Water Framework Directive, Condition of SSSIs, Carbon Emissions Targets. Inclusion of these objectives would make the framework more aligned with relevant local issues.

Likely significant effects on the environment (cumulative effects) - the approach to the assessment of cumulative effects is well outlined within the SA, however the short, medium and long-term effects, permanent and temporary effects are considered 'where possible' when determining the scores given in the impact matrix and these factors could be outlined better. In addition, cumulative effects are not well assessed at the issues and options stage and it is not clear how the 'Potential cumulative effects that must be considered by the Sustainability Appraisal' in Table 5 of the 2016 SA Scoping Report are brought forward and how they are relevant to the assessment of cumulative effects in the subsequent SA documentation.

Reasonable Alternatives - The narrative about the alternative sites seems reasonable although Appendices E-T and the summary within the main 2019 SA Report would benefit from an explanation of how mitigation and design has been taken into account to ensure a level playing field.

#### Incorporation into the 2021 Reg 19 SA Report

Section 3 of the 2021 Reg 19 SA Report outlines the conclusions of the HRA and that the Local Plan will not have a significant adverse effect upon the Ashdown Forest (both a Special Area of Conservation (SAC) and Special Protection Area (SPA)) (either alone or in combination with other plans) and states that the findings of the HRA have been considered in the preparation of the SA.

There is no method or weighting outlined with respect to the HRA when assigning scores to the biodiversity objective for the site alternatives. There is no evidence that cumulative effects have been assessed in relation to European sites, which would have been the case for in-combination effects in the HRA, for legal compliance. However, it is clear that the HRA and SA are better linked at the Regulation 19 Stage and that the findings have been used to influence scoring for biodiversity objective. Section 4 of the 2021 Reg 19 SA Report provides an overview of the international, national, regional and local environmental protection guidance and legislation for each environmental topic relevant to the preparation of the Local Plan and to the SA, as updated since the 2016 SA Scoping Report as necessary. Appendix A sets out an analysis of the baseline indicators which includes limits or standards and the implications for the new Local Plan.

Appendix D of the 2021 Reg 19 SA Report presents the Cumulative Impact Assessment Methodology which explains that within each table showing the SA scores for the allocated sites in each parish, a row has been included showing the likely cumulative effect of the individual sites against each SA Objective. The section explains how the cumulative score has been determined for each. The findings of this process were then used to perform an overall SA assessment for the borough i.e. a cumulative assessment of the SAs for all parishes and settlements. It would be helpful if the SA included a definition of secondary, cumulative, synergistic (particularly the difference between cumulative and synergistic), short, medium and long-term permanent and temporary effects, as these are not well defined.

It is less clear how cumulative impacts have been assessed in terms of the strategic policies and the development management policies. It would be helpful if the 2021 Reg 19 SA Report clarified this.

The assessment could be made stronger by considering how each of the policies and the SA Objectives might interact with one another. The cumulative effects that arise when the total significant effects of the Local Plan are assessed alongside known existing underlying trends and other plan and programmes could also be better outlined, as well as any measures included within the Local Plan to reduce these effects.

Appendix C of the 2021 Reg 19 SA Report better outlines the approach to mitigation that has been used.

The approach to the identification of reasonable alternatives (including the site selection process) is

better outlined within the 2021 Reg 19 SA Report and demonstrates that a full range of options have been included, with references given to the evidence base supporting alternatives.

A table outlining the reasons for site selection and rejection throughout the Local Plan / SA process, perhaps in an appendix, would be helpful and would increase the transparency of the site selection process. The SA should outline any initial high-level appraisal that may have been undertaken of the sites, for example at the initial first stage assessment based on designations and/or subjective assessment and explain whether the considered list of alternatives was initially reviewed by the SA team to ensure that the relevant high level, key factors from the SA were being considered. If any site visits and desk-based research were undertaken using existing information this should also be outlined. It would be helpful to outline whether any sites submitted to the Council were excluded and not taken forward and the reasoning behind this, including whether this was for sustainability reasons or not. Section 10 in the 2019 SA Report concludes with a complete SA combining of all elements of the Draft Local Plan. It would be helpful if the 2021 Reg 19 SA Report provided something similar for the Pre-Submission Local Plan. A thorough conclusion section would also provide more easily identifiable conclusions, identifying the preferred alternatives/sites and the reasons they are preferred over other alternatives, including how environmental/sustainability considerations informed this selection.

[TWBC: the above text is from Table 1. Comments during Regulation 18 and Incorporation into the 2021 Reg 19 SA Report]

2.4 The review has shown that improvements have been made to the SA report since the Reg 18 version. There are still, some areas that would benefit from additional consideration and/or explanation, however the SA is not considered deficient and provides a comprehensive discussion around the likely effects of policy and site options as evidence supporting the Local Plan as a reasonable strategy.

2.5 Appendix A of the 2019 SA Report includes some limitations of predicting effects, however these could be better considered and outlined in the main report, including for example assumptions made about secondary data and the accuracy of publicly available information. This still stands at the 2021 Reg 19 SA Report stage, however, Section 8.1.5 of the 2021 Reg 19 SA Report outlines the assumptions used in carrying out the sustainability assessment of reasonable alternatives, which is helpful.

### 3.0 Site Appraisal

#### Performance of Land West of Paddock Wood

3.1 A review has been undertaken of the Paddock Wood proposed allocation, in particular the relative scoring of the STR/SS 1 (PW extension) which is presented in Table 52: 'SA scores for allocated sites in Paddock Wood Parish' in the Regulation 19 SA.

3.2 Table 2 considers the fairness of the appraisal of the allocation at Paddock Wood and suggests the score that each option should be given for each objective, based on the colour coded matrix methodology used in the 2021 Reg 19 SA Report. Land West of Paddock Wood performed well overall against the nineteen SA Objectives in the site appraisal (Table 2 below). The site was awarded a positive (+ or ++) score in 13 out of the 19 SA Objectives and neutral (0) score was awarded for 5 of the SA Objectives, for which no impacts or negligible impacts are anticipated. One negative (-) score was awarded.

[TWBC: for table, please see 'Review of Sustainability Appraisal', attached as a supporting document]

3.3 Paddock Wood is served well by public transport links, including a dedicated train station and numerous bus services. There are many easily accessible amenities such as healthcare, schools, shops, leisure and sports facilities, green spaces and employment opportunities. The proximity of the sites to local facilities would lead to lower car trips, lower emissions and better air quality, as well as providing benefits for the health and wellbeing of the community and climate change.

3.4 We consider that Paddock Wood is a sustainable location for selection out of the presented site options, particularly considering that the SA Objective criteria for air quality relates to reducing pollution, due to the site's location in proximity to Paddock Wood train station, local employment, schools and facilities. Some other options are located a significant distance from sustainable public transport options meaning that developments in these locations would likely rely heavily on car use and would not provide a betterment for air quality. Paddock Wood would provide the best option when considered against the sustainability objectives, due to its location and positive impacts on air quality, climate change, facilities, health and biodiversity.

#### Summary of Site Appraisal

3.5 The site appraisal is based on our knowledge of the site's opportunities and the Promoter's commitment to delivery. This review concludes that the site should be allocated within the Local Plan based upon its performance against the SA Objectives.

### 4.0 Conclusion

4.1 The conclusion reached within this report, based on the SA review in Appendix 1, is that whilst the

SA process so far does not have major deficiencies, there are a number of areas that would benefit from further focus before Examination so that the process is as robust as possible.

4.2 The proposed draft allocation at Paddock Wood has been included for allocation within the Local Plan based on its sustainability merits. We consider that STR/SS 1 (PW extension) is a sustainable option for allocation and could arguably score more positively against the sustainability framework objectives than suggested in the 2021 Reg 19 SA Report.

[TWBC: for appendices, please see 'Review of Sustainability Appraisal', attached as a supporting document]

### **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:**

<input type="checkbox"/>	Yes, I wish to be notified of future stages of the Local Plan
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## Supporting Information File Ref No: SI\_144

### Comment

Agent	Mrs Jane Piper ( [REDACTED] )
Email Address	[REDACTED]
Company / Organisation	Barton Willmore
Address	26 Kings Hill West Malling ME19 4AE
Consultee	( [REDACTED] )
Company / Organisation	Crest Nicholson
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Crest Nicholson ( [REDACTED] )
Comment ID	PSLP_2072
Response Date	04/06/21 15:53
Consultation Point	Policy STR/PW 1 The Strategy for Paddock Wood ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.4
Files	<p><a href="#">PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-10 Appendix 3 Fig.5 Visual Appraisal Plan</a></p> <p><a href="#">PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-11 Appendix 3 Fig.6 Opportunities &amp; Constraints Plan</a></p> <p><a href="#">PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-4 Appendix 3A.1</a></p> <p><a href="#">PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-2 Appendix 2 Flood Risk &amp; Drainage Overview</a></p> <p><a href="#">PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-9 Appendix 3 Fig.4 Site Appraisal Plan</a></p> <p><a href="#">PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-3 Appendix 3 Landscape &amp; Visual Assessment</a></p> <p><a href="#">PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-6 Appendix 3 Fig.1 Site Context Plan</a></p> <p><a href="#">PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-1 Representation &amp; Appendix 1 Site Plan</a></p>

[PSLP\\_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-5 Appendix 3A.2](#)  
[PSLP\\_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-7 Appendix 3 Fig. 2 Topography Plan](#)  
[PSLP\\_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-12 Appendix 3 Site Appraisal Photos](#)  
[PSLP\\_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-8 Appendix 3 Fig. 3 Landscape Character Plan](#)  
[PSLP\\_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-13 Appendix 3 Site Context Photos](#)  
[PSLP\\_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-14 Review of Sustainability Appraisal](#)

Data inputter to enter their initials here HB

Question 1

Respondent's Name and/or Organisation Crest Nicholson

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 STR/PW 1 The Strategy for Paddock Wood

*[TWBC: For further comments by Crest Nicholson, please see Comment Numbers PSLP\_2064, PSLP\_2066-2074, and PSLP\_2077]*

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.

*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.*

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*[TWBC: the following paragraphs are relevant extracts from the representation. For the full representation and appendices, please see supporting documents]*

**Policy STR/PW1: The Strategy for Paddock Wood and Page 166**

**Not justified or effective.**

4.123 For clarification, the section title on p.166 and the title of Policy STR/PW1 should be ***“The Strategy for the Parish of Paddock Wood”*** as it is in the Index of Policies.

4.124 Policy STR/PW1 1. and 2. should be **deleted** and redrafted as supporting text at the beginning of the section, as other policies refer.

**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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**Suggested Modifications**

4.125 For clarification, the section title on page 166 and the title of Policy STR/PW1 should be ***“The Strategy for the Parish of Paddock Wood”*** as it is in the Index of Policies.

4.126 Policy STR/PW1 1. and 2. should be deleted and redrafted as supporting text at the beginning of the section, as other policies refer.

**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:**

Crest is promoting land at North West Paddock Wood, part of the strategic development site STR/SS1 and a significant part of the Council's housing delivery. As such, it is important that Crest is represented in all the relevant EiP hearing sessions.

**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\_144

## Comment

Agent	Mrs Jane Piper ( [REDACTED] )
Email Address	[REDACTED]
Company / Organisation	Barton Willmore
Address	26 Kings Hill West Malling ME19 4AE
Consultee	( [REDACTED] )
Company / Organisation	Crest Nicholson
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Crest Nicholson ( [REDACTED] )
Comment ID	PSLP_2073
Response Date	04/06/21 15:53
Consultation Point	Policy EN 9 Biodiversity Net Gain ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.4
Files	<a href="#">PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-9 Appendix 3 Fig. 4 Site Appraisal Plan</a> <a href="#">PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-12 Appendix 3 Site Appraisal Photos</a> <a href="#">PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-3 Appendix 3 Landscape &amp; Visual Assessment</a> <a href="#">PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-5 Appendix 3A.2</a> <a href="#">PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-13 Appendix 3 Site Context Photos</a> <a href="#">PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-6 Appendix 3 Fig.1 Site Context Plan</a> <a href="#">PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-2 Appendix 2 Flood Risk &amp; Drainage Overview</a> <a href="#">PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-4 Appendix 3A.1</a>

[PSLP 2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-10 Appendix 3 Fig. 5 Visual Appraisal Plan](#)  
[PSLP 2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-7 Appendix 3 Fig. 2 Topography Plan](#)  
[PSLP 2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-8 Appendix 3 Fig. 3 Landscape Character Plan](#)  
[PSLP 2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-14 Review of Sustainability Appraisal](#)  
[PSLP 2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-11 Appendix 3 Fig. 6 Opportunities & Constraints Plan](#)  
[PSLP 2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-1 Representation & Appendix 1 Site Plan](#)

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#### Question 1

Respondent's Name and/or Organisation Crest Nicholson

#### 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 EN 9 Biodiversity Net Gain

*[TWBC: For further comments by Crest Nicholson, please see Comment Numbers PSLP\_2064, PSLP\_2066-2074, and PSLP\_2077]*

#### 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 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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*[TWBC: the following paragraphs are relevant extracts from the representation. For the full representation and appendices, please see supporting documents]*

## **5.0 DEVELOPMENT MANAGEMENT POLICIES**

### **Policy EN9: Biodiversity Net Gain**

#### **“Not consistent with National policy and not effective”**

5.1 Crest supports the principle of the policy but does not consider Para 1b “consistent with National policy” or as being “effective”.

5.2 Paragraph EN9 1b states, “*that the percentage of net gain shall be a minimum of 10% as required by legislation or greater where required by supplementary planning guidance;*” However, this is not legislation yet and therefore should not be in the Local Plan.

5.3 In a recent Appeal (Quinn Estates Limited and Mulberry Estates (Sittingbourne) Limited (ref APP/V2255/W/19/3233606) the Secretary of State (Para 37) agreed with the Appellant’s case that under the plan-led system it is not possible or desirable to predict what policies might apply in the future and apply them now (IR11.95).

5.4 At a presentation on 13 May 2021, Dr Nick White, Natural England’s Principal Advisor on Biodiversity Net Gain confirmed “The Environment Bill” may receive Royal Assent later this year, **but it is not intended to become law until Autumn 2023**, because there is secondary legislation coming to support it which will be consulted upon this Summer (2021).

5.5 As the Local Plan is anticipated to be adopted by Autumn 2023, Policy EN9 should be redrafted to reflect this position.

## **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.*

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### **Suggested Modifications**

5.6 Delete Para EN9 1b to remove reference to a percentage net gain and reference future possible legislation in the supporting text.

## **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:**

Crest is promoting land at North West Paddock Wood, part of the strategic development site STR/SS1 and a significant part of the Council's housing delivery. As such, it is important that Crest is represented in all the relevant EiP hearing sessions.

#### **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\_144

## Comment

Agent	Mrs Jane Piper ( [REDACTED] )
Email Address	[REDACTED]
Company / Organisation	Barton Willmore
Address	26 Kings Hill West Malling ME19 4AE
Consultee	( [REDACTED] )
Company / Organisation	Crest Nicholson
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Crest Nicholson ( [REDACTED] )
Comment ID	PSLP_2074
Response Date	04/06/21 15:53
Consultation Point	Policy H 3 Affordable Housing ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.4
Files	<a href="#">PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-13 Appendix 3 Site Context Photos</a> <a href="#">PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-9 Appendix 3 Fig. 4 Site Appraisal Plan</a> <a href="#">PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-4 Appendix 3A.1</a> <a href="#">PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-2 Appendix 2 Flood Risk &amp; Drainage Overview</a> <a href="#">PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-3 Appendix 3 Landscape &amp; Visual Assessment</a> <a href="#">PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-1 Representation &amp; Appendix 1 Site Plan</a> <a href="#">PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-6 Appendix 3 Fig.1 Site Context Plan</a> <a href="#">PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-14 Review of Sustainability Appraisal</a>

[PSLP\\_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-11 Appendix 3 Fig. 6 Opportunities & Constraints Plan](#)  
[PSLP\\_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-7 Appendix 3 Fig. 2 Topography Plan](#)  
[PSLP\\_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-8 Appendix 3 Fig. 3 Landscape Character Plan](#)  
[PSLP\\_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-12 Appendix 3 Site Appraisal Photos](#)  
[PSLP\\_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-10 Appendix 3 Fig. 5 Visual Appraisal Plan](#)  
[PSLP\\_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-5 Appendix 3A.2](#)

Data inputter to enter their initials here

HB

Question 1

Respondent's Name and/or Organisation

Crest Nicholson

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 H 3 Affordable Housing

*[TWBC: For further comments by Crest Nicholson, please see Comment Numbers PSLP\_2064, PSLP\_2066-2074, and PSLP\_2077]*

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.

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*[TWBC: the following paragraphs are relevant extracts from the representation. For the full representation and appendices, please see supporting documents]*

### **Policy H3: Affordable Housing**

#### **“Not justified”**

5.7 Crest supports the principle of the policy but does not consider the policy to be justified.

5.8 The supporting text at paragraph 6.335-6.337 has a section on viability, however, Policy H3 does not reference viability. Policy EN3 deals with this issue (paragraph at the top of page 335). For consistency, the same paragraph should be added at the end of ‘Overall Approach’ as follows:

*“There may be exceptional circumstances where compliance with this policy would make the development not viable. In each case these circumstances would need to be fully demonstrated to warrant a departure from compliance with this policy ”*

### **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.*

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#### **Suggested Modification**

5.9 For consistency, add the following paragraph at the end of ‘Overall Approach’ of Policy H3 as follows:

*“There may be exceptional circumstances where compliance with this policy would make the development not viable. In each case these circumstances would need to be fully demonstrated to warrant a departure from compliance with this 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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#### **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	Jeffery Crocker [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Jeffery Crocker [REDACTED]
Comment ID	PSLP_1142
Response Date	03/06/21 20:13
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.4
Question 1	
Respondent's Name and/or Organisation	Jeffery Crocker
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 STR/SS 3 Tudeley	
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:**

**Question 5**

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I am a local resident having lived in Tudeley for many years and wish to raise my strongest objection and concerns to the Tunbridge Wells Borough Council Draft Plan for a Garden Village (New town) at the CA1 site. This beautiful parish being a quiet rural ancient hamlet with grade 1 heritage sites attracted me to make it my home. The ancient woodlands, orchards, and reserves place it naturally as a special environment with an abundance of wildlife with rare species and specimens present.

I was so depressed to discover that our council had proposed such a monstrous misplaced scheme and called it a Local Plan, this being thrust upon local residents with little thought to the consequences, rather an option selected at the eleventh hour following a confused consultation without proper due process. Residents had 24 hours notice thankfully from a local councillor to attend a major public meeting arranged by TWBC. It would appear an easy option was selected which allowed TWBC to have to deal with only one land owner, surely this cannot be right, lazy planning is bad planning!

I was personally shocked to hear at a public meeting directly from councillors that many critical documents for their information had not been read prior to their voting to pass this proposed Local Plan, this is in fact on record, as some councillors asked for it to be recorded.

I am at a loss to why most of the housing need for the whole of the borough has been placed into such a small area detrimentally impacting Tonbridge when other sites, including so called brownfield sites with existing road access and free from flooding have been ignored?

Having spoken with informed residents many having been born in Tudeley and Capel qualifies me to list the salient headings which highlight and confirm the proposed site and Local Plan to be unsound. Interestingly Tom Tugenhaupt MP for Tonbridge indicated the Soundness of the Draft Plan may be in question!

Flooding. (long history of floods- valley has highest flood risk in the UK)

Geology. (soil is known to be unpredictable swelling clays over mudstone with aquifers present)

Biodiversity (long established wet area, sanctuary and ancient woodlands)

Greenbelt and AONB (building on greenbelt is against government policy)

Water supply (Pollution and contamination risks are high due to leachate)

Impact upon Tonbridge (Tonbridge is already at full capacity)

Loss of quality Arable land. (good arable land is needed)

Local Housing needs. (ONS states the population is in fact decreasing)

Air Quality and Health (proposed plan will create 30 YEARS of pollution)

Garden Village Criteria. (not met, many errors and omissions, heritage sites not listed, Tudeley village is shown as a sketch!)

Infrastructure. (Roads, drainage, sewerage very poor to CA1 and Capel)

Heritage Sites. ( Note. These have not been listed on the Local Plan)

Sustainability and Viability. ( Building costs on such a site geology will be significantly higher than average, with likely endless delays due to water needing to be pumped from any construction site on CA1)

The impact on the small and rural parish of Capel and the detriment to the surrounding AONB which would contradict section 15 of the NPPF with associated quarrying construction and roads will be huge, with creation at source and overspill of pollution in many forms for an unhealthy and unnecessary time period which would likely undermine the Environment Bill 2019-2020 currently being assessed in parliament. This Bill makes provision for "improving" the natural environment regarding Waste and resource efficiency, provision of Air Quality, recall of products that fail environmental standards, makes provision for Water, Nature and Biodiversity and "Conservation Covenants" and regulation of Chemicals and for connected purposes. Such proposed housing numbers will be to the detriment of the Governments carbon aims, why would a responsible council wish to do this? I am informed no Environmental Assessment has been undertaken. Please note I have covered these topics further later in this letter.

### Greenbelt

The Draft plan is against section 13 of the NPPF Building on greenbelt, this is only considered under "exceptional circumstances" paragraph 133 and 137 and it does not appear TWBC have examined fully other reasonable options. On the 27.4.2018 Savid Javid stated quote " Housing numbers will not justify building on the greenbelt" and Robert Jenrich Secretary of State for Housing Commerce and Local Government stated on 26.10.19 quote "Ruled out building on the Greenbelt" !

The proposals would virtually join Tonbridge to Tudeley Five Oak green and Paddock Wood making a none sense of basic planning principles it appears however that this may well be the intention. The Environment Bill will aim to enhance green spaces rather than build on them.

### Assessment for Sites

Following the very poor notification and confused consultation process and what may be deemed a possible lack of Due Process being that the vast majority of residents in the parish were totally unaware of the Draft plan. Furthermore it appears a relatively small percentage of parishioners were able to respond despite quotes at public meeting by council heads. It is unacceptable that non internet users appeared ignored and unable to comment. It appears also the majority some 60% of respondents wanted a growth corridor approach and were unaware of the potential greenbelt destruction.

The assessment undertaken was "Not Rigorous" or Robust and really must be so .The planning preparation did not include Tudeley sites CA1 and CA2 until after the issues and options process in 2017 this means the largest housing area in the plan "did not" go through most of the plan preparation process, but was simply included in the second call for sites. It appears many brownfield sites are available within the borough with others not having been identified. The Queens speech in 2015 prioritised the selection of Brownfield sites for housing with councils able to prioritise planning permission for brownfield sites with Local Development Orders why has this not been pursued?

Other buildings and sites are also available, Blantyre House, Goudhurst Parish, Frittenden area, Horsmonden area, Kippings Cross, Land adjacent to Colliers Green Primary School,

Land at Great Bayhall, Land between Cranbrook and Sissinghurst, Langton Green, Wakehurst, land between Sandhurst and Iden Green, and Wakehurst Farm Bennenden.

### Garden Village Criteria

The Draft Plan of 2017 has been abandoned, interestingly this stated there was no place for a Garden Village.

It appears that criteria for the garden village is contradicted with regard to the dissection of the CA1 site by an existing railway line which would create 2 separate villages, hinder many operations including access and egress and pose a danger to the proposed school site as well as other basic transport and appears to fail the basic principles of containment and cohesion and will not form a standalone settlement but transpires as a bolt on to Tonbridge

The Garden Village (New Town) at Poundbury would appear a real failure with crime and murder at the top of the problems and I wonder why the council think such a scheme may work in Tudeley ?

#### Air Quality

The NPPF states guidance for air quality within proposed development sites under paragraph 181 and paragraph 124 should be considered. Quality of the air would be lowered considerably likely to an unacceptable level in the immediate area this going against government legislation "The Clean Air Act 1993" and the Environmental Bill and policy and EU Regulation, permits being required under the directives. The proposed Draft plan assumes electric car usage together with electric bicycles which would appear to be a somewhat naive expectation particularly with the vast majority of such a large development likely to be occupied by commuters with thousands of visitors to such a development using traditional petrol and diesel vehicles. Such a large scale proposed development would also appear to contravene government thinking with regard to greenhouse gases which have to be proven to be within acceptable limits. A recent Appeal Court ruling creating a precedent in 2019. Statutory Environmental Impact Assessments would also be likely to fail under the circumstances. It would be very sad and improper if financial contributions were to be put forward to mitigate pollution.

#### Flooding

The Draft plan proposals for CA1 Tudeley village (New town) goes against The NPPF section 14 which is a grave concern indeed. Tudeley, Capel East, and Paddock Wood are all subject to regular flooding De Facto, historic flooding is documented from the 1700s to the present day with major incidents in 1960, 1963, 1968, 1999, 2000, 2009, 2013-14, 2018. In fact the valley proposed for these housing developments has the highest risk of flooding in the UK. The site at CA1 sits 2-3 metres above water, the pumping stations to the west of Hartlake Road try to deal with removing 1 million gallons of water a day. A land survey was conducted of the CA1 site showing much of the site will flood under current conditions and with climate change this will increase. The solar park recently built on the CA1 site has already flooded. I have also come to discover much of the environment agency data is inaccurate and out of date.

The CA1 Tudeley village (New Town) site is dissected by a railway line which hinders water flow from south to the north. An underwater stream passes under Tudeley Church with a myriad of small tributaries. Much of the site is a functional floodplain level 3 with any further building on the land increasing flood risks both locally and to communities further east down river of the River Medway. Other sites are available within the borough of Tunbridge Wells which are not within a floodplain. The NPPF stipulates the Sequential test and the Exception test with regard to flooding, the proposed Draft plan does not satisfy either of these tests. It was with dismay that I was informed by the head of planning at Tunbridge Wells Borough Council that a flood risk assessment had not been undertaken for the CA1 site Tudeley Garden Village (New town) a site which could be up to 50% flooded with predicted climate change from the Environment Agency. The land sites proposed at Capel East and Paddock Wood also at high risk. It would appear development on the site particularly CA1 would be negligent and could result in loss of life. Any raising of land parcels or bunding cannot be accurately modelled and could have catastrophic consequences. In fact in 2000 The United Nations Economic Commission for Europe stated "human interference with natural processes has increased the threat of flooding and should where possible be reversed and in future prevented". Similar sites at risk from flooding have been rejected at Yatton, Kings Lynn, and South Stanley.

It is important to remember quote Kent County Council select committee in 2007 stated (that significant floods can happen at any time with enough severity to overrun flood defences major incidents such as the 1953 flood devastation, or worse can happen in any season). The simple logic is if you build on or near to flood plains you will be flooded at some time and risk loss of life.

#### Local Housing Need



Housing numbers and local housing need has not been adequately or rigorously assessed which is a basic and logical requirement. I agree there is a need for some local housing however this should be evenly and fairly distributed throughout the borough.

The local requirement for Capel may actually be some 25 new homes, these being added to those already for sale at the current time, those under construction, and those pending planning permission. The Draft proposed plan would likely create a large dormitory town highly inappropriate for the area. Investigation has revealed previous housing developments in neighbouring boroughs have been advertised by London Estate agents with incentives for commuters to purchase, interestingly many of these homes remain unsold.

The Draft plan bases its housing numbers requirements on 2014 data rather than 2016 data, this is appears illogical furthermore it has come to light that it was not necessary for TWBC to adopt the 2014 numbers. Housing requirement numbers have in fact dropped according to ONS figures which would mean 4000 less homes are required within Tunbridge Wells therefore I would ask that TWBC please use the argument of exceptional circumstances to prevent the proposed development at Tudeley Garden Village.

This allows other land parcels within the TWBC options document to qualify as being suitable for development, some with adequate existing infrastructure and others with existing buildings, and some sites very close to the newly duelled A21.

### The Impact Upon Tonbridge

The location of the proposed Draft plan would undoubtedly place both unwanted and unnecessary strain upon Tonbridge infrastructure. Tonbridge already being it is quoted as at capacity with roads full to capacity, car parks over spilling and no spaces for existing commuters at Tonbridge station, the air quality levels at Tonbridge are currently likely to be unfavourable, this without the thousands of extra cars and added buses that would be associated with the proposed Draft Plan. It appears the Draft plan has not been assessed rigorously, Tom Tugendhat MP for Tonbridge has indicated the Soundness of the Draft Plan may be in question!

### Water Supply

The impact upon the local water supply is I believe of great concern with strains already on drinking water and shortages, added to this is the real danger of the proposed quarries, and the draft plan development interfering and polluting the natural aquifers and bore holes and wells in Hartlake Road existing in the site at CA1 Tudeley Garden Village (New Town).

Very careful consideration is necessary here, some of the water here being distributed I believe to other parishes within the borough, and it seems a risk too far to jeopardise contaminating public drinking water. I am critically concerned following reports that leachate from landfill at Stone Castle Farm Quarry may have contaminated lakes and possibly the River Medway due to inept thought planning and management, how can residents and the council safely trust and adequately monitor further quarry excavation. If water consumption increases due to these proposed developments water will be dragged up from the wells which are likely to allow contaminated water to enter into the system.

### Loss of Valuable Arable Land

To the south of the draft plan for CA1 the land is grade 1 arable, just north over Tudeley Lane and Crockhurst Street fields surrounding the All Saints Church there are crops growing the same crops. Further north on the proposed CA1 site Tudeley Garden Village (New Town) high-quality blackberries are grown this land being rated grade 2 and 3 arable, productive orchards are also present which are I believe protected.

Such high quality land is surely critical to our food supply, and particularly in view of our leaving the EU, this together with environmental pressures and future legislation on flight volumes to import food provides an obvious case for this land to be kept arable. To cover such land with houses driveways and roads would in fact mean the loss of this food production forever. CA1 site alone will deprive the nation of 6,174 tonnes of produce over 5 years.

### Biodiversity

The Draft plan appears to go against the NPPF paragraphs 174, 175, and 177 and will likely go against the Environment Bill 2019-2020. No Biodiversity assessment has been undertaken.

The loss of wildlife habitat including endangered and protected species (there are 3 EU protected species in the area, Bats, Great Crested Newts and Dormice note Dormice were noted as in danger on the BBC South East News 13.11.2019 due to loss of habitat and climate change) shows the Draft plan to be inappropriate in both scale and location

Residents of and visitors to the parish currently enjoy open green spaces with numerous footpaths and bridleways across the areas of the proposed site at CA1 Tudeley Garden Village (New Town) and throughout Capel East. An area of concern is the huge increase in domestic animals with such an inappropriate scale of development particularly cats and dogs, (25% of the population own a cat and 25% of the population own a dog source PDSA) dogs and cats would likely have a devastating impact upon wildlife and flora an aspect not considered within the Draft plan. This point is even more relevant following covid 19 with cat and dog ownership having increased significantly.

The light, noise, chemical, and traffic pollution that would emanate from such an incongruous conurbation would change the whole area of Capel forever. This area is rare in so much as it has a very healthy population of Ash trees which the government have spent £6M on Ash dieback research for the UK. Many Veteran Oak trees also exist on or adjacent to the proposed sites including Ancient Woodlands. The Visual Impact would be detrimental to such a natural setting.

Development on such an inappropriate scale in such a naturally long standing ancient landscape can only have a damaging effect. One example is the litter problem that sadly now exists along Tudeley lane and the B2017 since the advent of fast food and drinks outlets at the Tonbridge industrial site.

Albert Einstein stated

"The Natural Balance of Nature is Harmony !

#### Infrastructure

The drainage facilities at the CA1 Tudeley Garden Village (new town) development are non-existent with very limited drainage infrastructure at Capel and Paddock Wood, the latter suffering from a long history of sewage problems. Our own very efficient and competent MP Greg Clarke has made a speech in the House of Commons in the last few weeks requesting that no further housing developments be undertaken in this regard "without infrastructure in place first".

The building of new road infrastructure requires agreement with Kent county council and the timing of this is unlikely to dovetail with any of the proposed house building. Economic theory points to New Roads attracting traffic and usually higher volumes than existed. The parish of Capel is inherently a quiet parish any new road infrastructure should aim to remove traffic from Hartlake Road, Tudeley Lane and Crockhurst Street the B2017 Road that runs through Five Oak Green to Paddock Wood and to Tonbridge, to ensure this area is pollution free. EU Regulation is strict on this matter and coupled with the Environment Bill will prove a significantly difficult hurdle. No Transport Assessment has been undertaken.

The hospital at Pembury (Tunbridge Wells Hospital) is already at capacity with bed shortages, and doctors surgeries are closing unable to cope with current demand. The situation of shortage of doctors and nurses is not predicted to improve, the proposed Draft Plan will put a potentially crippling burden on our local health infrastructure.

#### Geology

The geology of the site would appear to make it an illogical choice with a heavy clay susceptible to expansion when wet and shrinkage when dry increasing risk of subsidence in turn leading to a high build cost. Any deep foundations for retaining structures could damage the sensitive mud and sandstones which lie over and control the natural aquifer. Puncturing of these mudstones and

sandstones could have a very serious consequences to groundwater equilibrium. Building to allow water to pass under foundations would only lead to movement of the structure.

Heritage.

The proposed site at CA1 includes two Grade 1 Listed Churches All Saints at Tudeley and the medieval church at Capel and Hadlow Tower will all be screened from view together with other listed buildings. To construct homes and roads around these heritage sites would appear to be legalised vandalism if allowed. Visitors from many countries come to see these famous sites. I understand no Heritage Assessment has been undertaken.

Impact Upon Residents and Health Issues.

The strategy is to master plan this proposal over a 30 year period this would create the use of lorries passing to and from these proposed sites all adding to traffic danger, noise, and air pollution. This all within a small area with existing schools. The EU Commission Science for Environment policy confirmed the loss of healthy life due to UK noise exposure alone to be 1.34 billion euros.

The use of concrete incorporates heat generation into the atmosphere by the chemical process of hydration. Chemicals are then released into the soil from the concrete over years such as alkaline, other chemicals would have to be added to the concrete to prevent sulphate attack as the area is and has been for ever farmland this then seeps into the waterways tributaries, many of which are under ground, contaminating tree roots,( note the Building Research Establishment prepared a document on this subject), and potentially polluting the aquifer before passing into the River Medway.

The current natural open space the residents enjoy together with the footpaths Bridleways and wildlife will disappear and the area slowly degenerate. An example is Poundbury where it is evident garden village new towns do not work in a modern society it seems they work only for utopian theoreticians.

Sustainability & Viability.

The following points would appear to seriously call into question the sustainability of this proposed Draft Plan:

Pollution from the proposed Draft plan including Tudeley Garden Village (New Town) and Capel East is unlikely to satisfy current regulation and The Environment Bill.

Flooding in the site at CA1 and Paddock Wood is De facto and is predicted to significantly increase with the Environment Agency prediction of climate change.

The Geology of the site with clay cap and mudstone and sandstone below will lead to high building costs and very probable foundation movement due to the clay type which is prone to changes in volume with changes in moisture content. Potential purchasers may well find these proposed homes difficult or very expensive to insure. The financial Viability of the scheme would have to be scrutinized and be open to "public view" and assessment. Build costs in difficult sites with heavy clay soils on sloping ground with underground streams and watercourses are notorious for crippling overspend. The site at CA1 is littered with old Bell shaft mines from the 1700s earlier mining works having been carried out in the 1300s this is historically documented.

Infrastructure is not in place and timing and phasing is unlikely to dovetail with housing development. Our Hospital, Doctors Surgeries, Drainage and Roads are already at capacity. There is no guarantee such infrastructure will have funding and less likely to be built or be sanctioned at the appropriate time.

The impact upon Tonbridge town is very significant and the consequences extreme causing an unnecessary over burden and raises questions as to sustainability of the Draft plan and its Robustness under paragraph 35a of the NPPF.

The placing of 60% of the unnecessary housing numbers in one small Parish is wrong.

Surely the most important endeavour to consider here is to strive for morality in our actions our inner balance and our very existence and values depend on it, only morality in our actions can give beauty sense and dignity to peoples' lives. I sincerely hope The Inspector will see through this inherently illogical Local Plan and the very real and irreversible harm and destruction that would occur leaving a wound in this gift of countryside that is Capel and at best a scar for our future generations . Thank You.

## 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 use of Brownfield sites should be adopted together with Blantyre House, other areas include Goudhurst Parish, The Frittenden area, Horsmonden area, Kippings Cross, Land adjacent to Colliers Green. Land at Bayhall, land between Cranbrook and Sissinghurst, Langton Green, Wakehurst, Sandhurst and Iden Green, and wakefield Farm Bennenden. It is understood a site at Castle Hill is also available with road access to the 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.

<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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## Question 8

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

The sustainability of the proposed Local Plan appears unsound. Infrastructure is lacking, building costs will be high to provide (quality homes) that are insurable and will last more than 30 years without need for significant repair particularly on CA1 due to the geology and flood risks. The RICS have confirmed Covid 19 has now increased building material costs and construction prices. The valley has the highest flood risk in the uk and climate change forecasts by the environment agency increase the risks. An independent level survey was conducted of the CA1 site and revealed serious flood risks. Jobs locally are not numerous these developments if allowed will be sold to commuters and may be left empty the strain on the existing infrastructure will be huge together with high pollution and possible collapse of surgeries and threat to an already struggling hospital.

## 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	Ann Crosby [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Ann Crosby [REDACTED]
Comment ID	PSLP_307
Response Date	24/05/21 12:00
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village ( <a href="#">View</a> )
Status	Processed
Submission Type	Other
Version	0.3
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Ann Crosby
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 STR/SS 3 The Strategy for Tudeley Village	
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
- . 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.**

My daughter has lived in Tudeley since 2008, and will be directly affected by the proposal and its lasting impact on the area.

The name of 'Garden Village' implies that it would be small, green, compact and good for the area, whereas, the Proposed 6000 houses in total, joining the towns of Paddock Wood and Tonbridge, enclosing Tudeley and Capel will create flooding, noise, air pollution and destroy some 600 acres of green belt, an AONB, agricultural land and loss of wildlife.

With climate change we can only expect more rain each year. 15 years of building on this land, putting down concrete, HGV's creating more pollution, will not help our planet.

I believe that this development will cause lasting damage to the environment and a great loss to the area.

#### 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

#### 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 M Booker [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Culverden Residents' Association
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Culverden Residents' Association [REDACTED] [REDACTED]
Comment ID	PSLP_711
Response Date	01/06/21 08:20
Consultation Point	Policy STR/RTW 1 The Strategy for Royal Tunbridge Wells ( <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	Culverden Residents' Association
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 STR/RTW 1 The Strategy for Royal Tunbridge Wells

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

#### 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 Culverden Residents' Association **supports paragraphs 2,3,4,5,7,11,12,13,14,16 and 18.**

We **strongly support paragraph 6** which will set up a Town Centre Action Plan to ensure the long term vitality and viability of the town centre.

We **strongly support paragraphs 8 and 9 on active travel and bus services.** Perhaps as much as half the congestion in our town arises from short local trips which could be eliminated or reduced by more safe pedestrian and cycle routes and more frequent bus services.

However, in **paragraph 1**, we are **opposed to proposed allocation AL/RTW5.** Any further significant housing development in Culverden or St John's Wards could have adverse consequences both for older established residents and also residents of the many existing new developments. Without taking account of the developments that have recently come on stream at the Dairy Crest site and will occur at the Arriva site and also many recent local windfall developments such as Westcombe house and on the Somerset Road area shopping parade:

. **In Culverden the population increased from 6,310 in 2001 to 8,503 in 2015**

. **In St John's the population increased from 6,690 in 2001 to 7,639 in 2015**

There was no noticeable improvement in community or other amenities during that period and a general diminution in the quality of life. Only significant public realm improvements/traffic and pollution reductions/open space additions/creation of safe active travel routes to schools from Rusthall and Southborough might create an environment where additional housing would be appropriate in our neighbourhood.

#### 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.**

Only significant public realm improvements/traffic and pollution reductions/open space additions/creation of safe active travel routes to schools from Rusthall and Southborough might create an environment where additional housing would be appropriate in our neighbourhood.

In **paragraph 10** in the Regulation 18 Draft there was a provision “*Sites outside the AONB but within the High Weald National Character Area, or close to the boundary of the designated AONB landscape, will have similar characteristics and are likely to contribute to the setting of the designated landscape. The AONB Management Plan and any supporting guidance will be a material consideration for these sites*”. This is particularly the case for the farmland between Broomhill Road, Speldhurst Road and Reynolds Lane which not only provides buffer to the adjoining AONB, but is also the setting for the historic house and park at Salomons. We should therefore urge the Inspector to restore this provision.

#### **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 would wish to be heard in relation to proposed allocation AL/RTW5 which is the subject of a separate part B form

#### **Question 8**

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

Site Number and Site Address: Site 12 Tunbridge Wells West to Grove Junction

We agree with the view of TWBC in the 2021 SHELAA and Sustainability Appraisal that the site is unsuitable for development because it may be needed in the future to reopen a passenger railway service to Brighton and Croydon

Site Number and Site Address: Site 30 Caenwood Farm Reynolds Lane

We agree with the view of TWBC in the 2021 SHELAA and Sustainability Appraisal that the site is unsuitable for development. The site has high visible landscape value from Speldhurst Road and Broomhill Road and is a buffer to the adjoining AONB on the other side of Broomhill Road. It is an important part of the setting of the historic house, water tower, stables and Park at Salomons and is highly visible from the park. It is part of a Local Wildlife Site, Broomhill and Reynolds Lane Pastures. It is also the only remaining piece of open land preventing coalescence of Tunbridge Wells with Southborough. There are already serious highway issues in Southborough and Tunbridge Wells on the A26 which cause rat-running in our neighbourhood and air pollution. We are objecting to part of this site AL/RTW5 being proposed for allocation by TWBC.

Site Number and Site Address: 165 Pantiles Car Park

We agree with the view of TWBC in the 2021 SHELAA and Sustainability Appraisal that the site is

unsuitable for development. There should be no building on a site which is an integral part of Tunbridge Wells Common which is a Local Wildlife Site and also important for recreation.

Site Number and Site Address: 146 Tunbridge Wells Golf Course + 22 Dingley Dell

We agree with the view of TWBC in the 2021 SHELAA and Sustainability Appraisal that these sites are unsuitable for development. They form an important wildlife corridor between Hurst Wood and Rusthall Common and a useful, tranquil pedestrian route between the Culverden area and Rusthall as well as being an attractive landscape on the edge of Tunbridge Wells.

Site Number and Site Address: 199 Land at Smockham Farm

We agree with the view of TWBC in the 2021 SHELAA and Sustainability Appraisal that the site is unsuitable for development. It contains a Wealden Farmstead with Grade 2 listed farmhouse and barns, and Smockham Lane is an ancient routeway which is also a public footpath linking our neighbourhood with Hurst Wood, Rusthall and Speldhurst via other ancient routeways. It is important for tranquil recreation in a rural setting so close to the main urban area.

The 18thC tanyard at the Farmstead also contains a 19th century pumping station with chimney and an underground reservoir which used to supply water to the former Kelsey Brewery on St John's Road through a pipe said to pass under the Reynolds Lane allotments and Standen Street. The field patterns are mediaeval assart fields and the site as a whole is an important part of the setting of Royal Tunbridge Wells. It is close to Local Wildlife Site TW46 and Sites of Local Nature Conservation Value ID 08 and ID13 which would be adversely affected by any development.

Site Number and Site Address: 205 Land at Little Knoll Reynolds Lane

We agree with the view of TWBC in the 2021 SHELAA and Sustainability Appraisal that the site is unsuitable for development for similar reasons to the ones we set out in relation to Caenwood Site 30.

Site Number and Site Address: 280 Land at Midway Nevill Court

We agree with the view of TWBC in the 2021 SHELAA and Sustainability Appraisal that the site is unsuitable for development as it would damage the setting of Hungershall Park, Nevill Park and Nevill Court, which are of significant heritage and landscape value and themselves are adjacent to the Tunbridge Wells and Rusthall Commons acting as an extension of both on the edge of the countryside beyond.

## Comment

Consultee	Mr M Booker [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Culverden Residents' Association
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Culverden Residents' Association [REDACTED] [REDACTED]
Comment ID	PSLP_713
Response Date	01/06/21 08:20
Consultation Point	Policy STR/RTW 2 Royal Tunbridge Wells Town Centre ( <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	Culverden Residents' Association
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 STR/RTW 2 Royal Tunbridge Wells Town Centre

**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

#### 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 Culverden Residents' Association strongly **supports** the development of a Town Centre Area Plan and hopes it will find sufficient additional scope for residential development to make it unnecessary to remove any land from the Green Belt for residential purposes.

We are opposed to building in the AONB or the Green Belt unless exceptional circumstances have been made out. We consider the plan is **unsound** in relation to the proposed allocation under policy **AL/RTW5** because we dispute that exceptional circumstances exist for the reasons we give in detail in our separate part B response to proposed allocation AL/RTW5 [TWBC: see PSLP\_711]

#### 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 would wish to be heard in relation to proposed allocation AL/RTW5 which is the subject of a separate part B form

#### Question 8

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

We repeat our support (expressed in detail in our response to policy STR/RTW1) for the decision by TWBC, on the basis of the 2021 SHELAA and Sustainability Appraisal, not to allocate certain sites for development. [TWBC: see PSLP\_711].

## Comment

Consultee	Mr M Booker [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Culverden Residents' Association
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Culverden Residents' Association [REDACTED] [REDACTED]
Comment ID	PSLP_715
Response Date	01/06/21 08:20
Consultation Point	Policy AL/RTW 5 Land to the south of Speldhurst Road and west of Reynolds Lane at Caenwood Farm, Speldhurst Road ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Culverden Residents' Association
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/RTW 5 Land to the south of Speldhurst Road and west of Reynolds Lane at Caenwood Farm, Speldhurst Road

**Question 4**

Do you consider that the Local Plan:

Is legally compliant	No
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

**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.

##### Policy Number: AL/RTW5 Caenwood Farm

The Culverden Residents' Association believes this draft allocation is **unsound** for the following reasons:

##### The site continues to serve all 5 purposes of the Green Belt

This site, which at the present time is still in the Green Belt, is unusual as it continues to serve **all five purposes** for which the Green Belt is established under the National Planning Policy Framework:

- . It continues to prevent unrestricted sprawl of the large built up areas of both Tunbridge Wells and Southborough;
- . It prevents the towns of Tunbridge Wells and Southborough from merging into one another on their western edge;
- . It assists in safeguarding the countryside from encroachment and is adjacent to buffer to the adjoining High Weald AONB to the west and to the Historic Park and Garden at Salomons';
- . It contributes to preserving the unique setting and special character of the towns;
- . Its continued existence acts as an incentive to urban regeneration in the town centre where it is acknowledged in Policy STR/RTW 1& 2 that substantial opportunities exist for increased residential development in Royal Tunbridge Wells town centre beyond present proposed allocations.

In addition to serving the statutory purposes of the Green Belt, this site is currently part of a much larger area of Green Belt land to the west of Reynolds Lane which has "**a resolutely rural sense of place**" (per appeal decision APP/M2270/A/14/2213159), contains two important landscape ridges, is part of a Biodiversity Opportunity Area and is adjacent to a Local Wildlife Site. This area contains early medieval assart fields, a large medieval farmstead and a network of ancient routeways, including Reynolds Lane. The "den" designation in "Culverden" betokens an early animal husbandry use by Man stretching back at least to Saxon times.

The whole of this area (sites 30, 100, 199, 205) was subject to promotional responses by landowners to the Call for Sites under the present Local Plan review process and each of the individual sites was ruled out for further consideration under the first iterations of the SHELAA and Sustainability Appraisal, including the part now put forward as AL/RTW5. The Inspector is referred to those documents for further information as to why development was considered unsuitable.

On the basis of the above facts about the utility of this Green Belt land, the **site now proposed to be allocated as AL/RTW5 was not an area proposed for removal from the Green Belt to meet Plan objectives at the conclusion of the Regulation 18 Draft Local Plan process**, following public consultation (to which this Association submitted evidence) and following detailed and exhaustive consideration of all the responses by TWBC.

#### **The allocation appears not to be legally compliant**

This allocation appears **not to be legally compliant** because the site was found **not to be a suitable or reasonable alternative** under the iterations of the SHELAA and Sustainability Appraisal which informed the Regulation 18 Draft Local Plan and which took account of extensive public consultation. This site was only added to the Draft Plan very late as may be verified if the Inspector will look at the **Green Belt Review stage 3**, where unlike all the other proposed allocations in the Green Belt, this site was not even given an allocation number but merely referred to as draft allocation AL/RTWXX. Consequently, there has been no opportunity for public consultation of which TWBC could take account prior to submitting the Regulation 19 Draft Plan to the government. This appears to make allocation AL/RTW5 **unsound**.

#### **Exceptional circumstances do not justify its removal from the Green Belt**

**Paragraph 136 of the NPPF** states that “*Once established, Green Belt boundaries should only be altered where **exceptional circumstances are fully evidenced and justified***”. It is our view that exceptional circumstances have not been demonstrated that would justify removal of site AL/RTW5 from the Green Belt.

##### **(a) Calculation of housing numbers against constraints**

As recently as 25th May 2021, the **Ministry of Housing, Communities and Local Government** issued the following statement about calculation of housing numbers for a Local Authority area:

*“The numbers mentioned are a starting point for local councils to help them understand how much housing is needed in their area and are not legally binding. Put simply, it is a measure of an area’s housing need, against which councils must then consider their local circumstances and supply pipeline. Councils draw up a local housing target, taking into account factors including land availability and environmental constraints such as Green Belt.*

*Protecting the Green Belt is a priority and our national planning policy reinforces regenerating previously developed land, known as brownfield sites, and prioritising urban areas. **Green Belt decisions will remain with councils and communities**, ensuring they have influence over development, location and design.*

*The Local Housing Need is simply a measure of need **and we recognise that not everywhere will be able to meet their housing need in full – for example, where available land is constrained due to the Green Belt and an area therefore has to plan for fewer new homes.***”

The circumstances in the Borough of Tunbridge Wells are such that the overwhelming majority of undeveloped land is either in the AONB or Green Belt and, according to this MHCLG confirmation of existing planning policy, priority should be given to protecting the Green Belt in shaping a Local Plan. The consequence of this should be that the calculated housing numbers against a nationally applicable formula could be reduced in the Borough of Tunbridge Wells, yet this has not been done.

We acknowledge that there is also a statutory obligation for the Plan to demonstrate it has satisfied a duty to cooperate with other Local Authorities who may have problems seeking to meet their housing need. However, in the light of the ministerial statement on how housing numbers may be calculated, **it seems inconceivable that the proposed specific provision of 100 dwellings at Site AL/RTW5 is justified on the grounds of exceptional circumstances**, either in relation to the Borough’s own housing situation or that of neighbouring authorities which have similar statutory constraints on development.

##### **(b) Reasonable alternatives to allocation at Site AL/RTW5 exist within the urban fabric at Royal Tunbridge Wells**

Even if the Plan as a whole were found to be sound as to calculation of required housing numbers for the Borough, after taking into account all relevant considerations, the Culverden Residents’ Association believes that the Plan is not sound in relation to the circumstances applying in Royal Tunbridge Wells itself.



**Paragraph 137 of the NPPF** states that “*Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development*” including whether the strategy makes as much use as possible of suitable Brownfield and other underutilised sites at an optimal density.

The Culverden Residents' Association contends that TWBC has not demonstrated that it has examined fully all other reasonable options for meeting its identified need for development to justify the removal of site AL/RTW5 from the Green Belt for housing on grounds of exceptional circumstances. Prior to the holding of the Public Examination, there is already to be initiated a major review of land in Royal Tunbridge Wells town centre in order to produce a Town Centre Area Plan which will become part of the Local Plan. The Draft Plan identifies a minimum of some 150-20 extra dwellings to be sought in the town centre even before the TCAP task force has begun its work. It would only be necessary to identify places for a further 100 dwellings during the Plan period to replace those which would be lost by cancelling the allocation at Caenwood Farm. Additional dwellings in the town centre would be far more effective and justified in the long term sustainable interest of the town and in mitigating the climate emergency than extending its area into the countryside.

**Paragraph 123 of the NPPF** states that “*Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.*” This is the case in Royal Tunbridge Wells and we believe that there should be denser development within the town centre before contemplating the use of Green Belt land. The 5th purpose of the Green Belt is “*to assist in urban regeneration by encouraging the recycling of derelict and other urban land*”. If proper attention were paid to this purpose, we contend that it would presently justify the maintenance of the land at site AL/RTW5 in the Green Belt.

If sufficient Brownfield land did not become available in the next 5 years, the situation could be reviewed under the 5 year review process. But if the land at Caenwood Farm is allocated now, it will be lost to the Green Belt for ever. Figures shown in the Plan suggest there will be an oversupply of housing during the first 5 years. We therefore argue that the risk taken by not immediately allocating this site should be small and worth taking to protect our Green Belt and to seek a more sustainable outline for the town in the longer term.

**In conclusion of this section** of our argument, we do not believe that exceptional circumstances have been shown to justify removal of site AL/RTW5 from the Green Belt.

#### **The proposed allocation would exacerbate existing traffic problems in our neighbourhood**

The allocation would exacerbate an already chronic problem of rat-running in our neighbourhood, which is host to schools numbering several thousand school pupils at primary and secondary level (Rose Hill, Bishops Down Primary, Bennett Memorial School, Tunbridge Wells Girls Grammar School and Skinners School). Traffic diverts from the A264 at Mt Ephraim and the A26 on St John's road to use a network of unsuitable streets in Culverden to access Reynolds Lane, itself a totally unsuitable narrow, winding and precipitous Rural Lane, to reach Southborough and vice versa. This causes considerable noise and air pollution for residents and significant danger for around 1000 school children who regularly walk up or down Culverden Down, crossing the junction with Reynolds Lane to and from the schools mentioned above. The situation is too dangerous to allow these schools to be accessed by bicycle in spite of their being an enthusiasm for it and there have been increasing incidences of gridlock and road rage in the Culverden area.

Culverden Residents' Association is therefore resolutely opposed to any housing development in the area which would worsen the current situation and it has become imperative that Reynolds Lane should be permanently severed to end its use as a through route. In present circumstances, development at site AL/RTW5 is **unjustified** by reason of the additional traffic pressures it would impose on our neighbourhood.

#### **The proposed allocation would have a negative impact on remaining Green Belt and a Rural Lane**

Reynolds lane is a Rural Lane of ancient origin characteristically running north to south between two ridges in the High Weald. It connects to a network of other ancient routeways which remain footpaths linking Rusthall (via the Woodland Trust's Hurst Wood) Speldhurst and Southborough. In a 2014 planning appeal judgement against a development on the rural section of the lane, the Inspector found

that the area had **“a resolutely rural sense of place”**. The lane leads down to an ancient routeway past Smockham Farm, with its early medieval assart fields, Grade 2 listed farmhouse, 18thc tanyard and industrial heritage such as the mid-19thc pumping house which pumped water to supply the former Kelsey brewery on St John's Road. On Reynolds Lane itself is the Grade 2 listed Caenwood Farmhouse, inhabited in the 18thC by the eponymous Reynolds family and which is depicted in a painting by the renowned 19thC artist Tattershall Dodd who also painted the major sandstone outcrop and the sharp bend at the bottom of Reynolds Lane which are still clearly recognizable today.

This is an important area for recreation in an area which lacks RTW's major public parks and common land. It has come into its own during the pandemic with many new families discovering this important open space on their doorstep and continuing to use it since the lockdowns were eased. This area adjoins the Local Wildlife Site at St John's Meadows and is part of a Biodiversity Opportunity Area.

The intrusion of a development of 100 dwellings at the top end of Reynolds Lane at site AL/RTW5 would inevitably bring noise and light pollution closer to this rural survival which is so close to the urban fabric, with adverse consequences for its environment and wildlife. **We do not consider this justified** in the present circumstances.

In **overall conclusion**, the Culverden Residents' Association considers that the proposed allocation AL/RTW5 at Caenwood Farm is **unsound and unjustified**.

## 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 Plan would be sounder through deletion of the allocation AL/RTW5 Caenwood Farm

The Culverden Residents' Association urges the Inspector to **cancel the allocation** at site **AL/RTW5** for the reasons we have outlined in the previous section. However, if the Inspector is minded not to accept the argument for total cancellation, we would advocate the following action:

#### Safeguard the site

**Paragraph 139 of the NPPF** states that, when defining Green Belt boundaries, plans should:

*“c) where necessary, identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;*

*d) make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following an update to a plan which proposes the development;”*

This would allow the Inspector to identify areas of developable land at AL/RTW5 to be safeguarded between the urban area and the remaining Green Belt. It could become available to meet longer-term development needs stretching well beyond the plan period if and when maximum intensification has been achieved within the existing Limits to Built Development and if there is remaining unsatisfied housing need in future decades.

#### Reduce the area of the allocation

If not convinced of the case for safeguarding, we urge the Inspector to **reduce the loss of Green Belt** by **reducing the allocated** area for development and maintaining the remainder as Green Belt. The proposed density on this site of approximately 20 dwellings per Hectare is far too low for a site so close

to the existing settlement at Southborough and is clearly **not consistent with national policy** as set out in paragraph 123 of the NPPF.

**Paragraph 123 of the NPPF** states that *“Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.”*

To give the Inspector an idea of just how easy it would be to provide the projected 100 dwellings on a much smaller site, we would refer the Inspector to a development of 37 spacious apartments of principally market housing at Warberry Park Gardens TN4 and social extra care housing for 43 elderly tenants of Town and Country Housing Association at Ardenhurst, Culverden Park Road TN4. Both met recent housing needs of local people. A similar mix of social and market housing based on apartments and terraced housing would readily yield 100 dwellings on around a quarter of the proposed developable allocation at AL/RTW5.

Some of the most desirable properties in Royal Tunbridge Wells’ “village area” are terraces and other clustered dwellings of more than two storeys and it should be possible to design a successful new neighbourhood on those principles. This would encourage active travel and efficient provision of services. As well as bringing any allocation into conformity with national policy, this density would also be far more compatible with meeting the actually identified housing need in the Borough than is likely to be the case under the current proposed density.

### **Mitigation measures**

If the Inspector nevertheless decides to confirm removal of some or all the proposed allocation from the Green Belt, **paragraph 138 of the NPPF** states that a Plan should 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”*.

**Paragraph 141 of the NPPF** states: *“Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.”*

The Culverden Residents’ Association would therefore expect to see much more specific detailed, mapped proposals in the AL/RTW5 allocation as to how the provisions of paragraphs 138 and 141 would be given effect. Vague mitigation and enhancement seems to be limited to land within the site to be allocated, even though the prospective developer owns additional adjacent Green Belt land which could be improved.

- 1 The SHELAA site assessment sheets and Sustainability Appraisal of AL/RTW5 land found that the site was *“well screened from surrounding roads and houses”* and this is repeated in paragraph 5.51 of the Regulation 19 Draft. This occurs mainly through a continuous mature and very high hedgerow which runs along the south side of Speldhurst Road which is covered by a Tree Preservation Order. The draft policy also mentions the possibility of widening Speldhurst Road. This would not be compatible with maintaining the effective screening of any development. **Any allocation should stipulate that the existing tree cover on Speldhurst Road will be maintained** except at the point of any new road access.
- 1 While paragraph 3 of the policy mentions the “possibility” that **alterations to Reynolds Lane** should be explored, this is a wholly inadequate response to what is already a serious road safety and environmental problem. **If any kind of development should take place on the land at AL/RTW5, it would be indispensable that Reynolds Lane should be severed** as an integral part of the scheme to prevent any through traffic between Speldhurst Road/ Southborough and the residential district of Culverden, which already suffers a grossly excessive amount of rat-running traffic, and also to maintain the rural character of Reynolds Lane as an ancient routeway and Rural Lane which should have a continuing role for active travel and access to the countryside for recreation.
- 1 There is no mention of any mitigation for **householders on the western side of Reynolds Lane** who would lose their amenity views of the countryside and also a large degree of privacy. It would be fundamentally important to introduce a **sufficient green buffer** hedgerow or similar of procured mature trees to screen those properties from any new development prior to construction.
- 1 We would advocate enhanced footpath links to be provided from the existing route to the west of the site to connect to other footpaths and the surrounding area but this has not been shown

on the policy map of the wider area. It needs to be more explicitly dealt with in the policy, as should the required Improved access to the wider area as public open space and ecological mitigation to be secured by any development. In particular a new PROW should be provided from opposite the entrance to Salomons, linking into the existing footpath running westward on the edge of the allocation. Another PROW should be established running northwards from the end of Smockham lane PROW, parallel with Broomhill Road giving safe access to the existing PROW at Mill Farm and thence to the Tunbridge Wells Circular Walk, and further up Broomhill Road to the Salomons estate and its leisure and hospitality facilities.

- 1 While we would strongly support the protection of existing mature trees and hedgerows as proposed, any developer should be required to do so wherever reasonably practicable rather than merely to "have regard" to this aspect.
- 1 We would support any new development taking the form of a Low Traffic Neighbourhood with maximum facilities and encouragement for active travel.

**In conclusion of our consideration of potential mitigation**, there are insufficient specific details as to how the provisions of paragraphs 138 and 141 of the NPPF would be given effect. Without more substantial and concrete provisions inserted into the Plan, we fear that satisfactorily substantial mitigation for the loss of Green Belt might be negotiated away in later discussions with developers.

#### 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 should wish to participate in the hearing session to provide the Inspector with further details on the issues we have touched on above.

## Comment

Consultee	Mr M Booker [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Culverden Residents' Association
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Culverden Residents' Association [REDACTED] [REDACTED]
Comment ID	PSLP_721
Response Date	01/06/21 08:20
Consultation Point	Policy AL/RTW 20 Land at Culverden Stadium, Culverden Down ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.5
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Culverden Residents' Association
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/RTW 20 Land at Culverden Stadium, Culverden Down

**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

#### 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.**

Culverden Residents' Association is resolutely opposed to any housing development in the area which would **worsen** the current traffic situation. Any increase in vehicle use through new development on top of existing excessive traffic would place an intolerable environmental and health burden on our residents. In present circumstances, development at site AL/RTW20 is therefore **unjustified**.

We also have serious concerns about the layout of dwellings on this sensitive site. The whole of the Culverden Ridge is of significant landscape importance and maintains an unbroken natural profile. The northern edge of this site is formed by rather thin tree cover at the top of the escarpment highly visible from the AONB and elsewhere. This deciduous tree cover becomes very thin over the winter months.

#### 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.**

This proposed allocation would be capable of being made sound in the following way:

- 1 Reynolds Lane would need to be severed to prevent rat-running through traffic past the site on Culverden Down. The consequent reduction in traffic levels in Culverden through this and other measures as below would then enable the additional traffic generated by this site to be reasonably accommodated.

- 1 Owing to the landscape sensitivities of the site, any allocation should be subject to a Landscape and Visual Impact Assessment to inform locations and building heights, which should be strictly controlled.
- 1 There should be a condition within the allocation policy that the tree cover on the northern boundary on the escarpment would be strengthened with mature specimens.
- 1 Sec 106 contributions should be sought for:
  - . Introduction of a Low Traffic Neighbourhood in Culverden
  - . Provision of a safe and accessible walking route from Rusthall to the primary and secondary schools in Culverden via Woodside Rd Rusthall, where an improvement scheme to overcome the gradient at Stills Green has been designed for TWBC
  - . Some appropriate tree planting on selected streets in Culverden.

#### 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)

## Comment

Consultee	Mr M Booker [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Culverden Residents' Association
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Culverden Residents' Association [REDACTED] [REDACTED]
Comment ID	PSLP_730
Response Date	01/06/21 08:21
Consultation Point	Policy EN 5 Heritage Assets ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Culverden Residents' Association
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 EN 5 Heritage Assets	
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

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##### **Policy Number: EN 5 Heritage Assets**

We strongly support this policy and the inclusion of non-designated local heritage assets, such as our local brick pavements, historic farmsteads at Smockham and Caenwood Farms and historic routeways in Culverden such as Reynolds Lane and its network of footpaths, and also a large number of buildings in the town centre which are not formally listed.

#### 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)

## Comment

Consultee	Mr M Booker [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Culverden Residents' Association
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Culverden Residents' Association [REDACTED] [REDACTED]
Comment ID	PSLP_731
Response Date	01/06/21 08:21
Consultation Point	Policy EN 9 Biodiversity Net Gain ( <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	Culverden Residents' Association
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 EN 9 Biodiversity Net Gain	
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

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**Policy Number: EN9 Biodiversity net gain**

We strongly support this policy which should be rigorously enforced if there is any building in the Green Belt or AONB in the Borough.

#### 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)

## Comment

Consultee	Mr M Booker [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Culverden Residents' Association
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Culverden Residents' Association [REDACTED] [REDACTED]
Comment ID	PSLP_733
Response Date	01/06/21 08:21
Consultation Point	Policy EN 10 Protection of designated sites and Habitats ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Culverden Residents' Association
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 EN 10 Protection of designated sites and Habitats

**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.

**Policy Number: EN 12 Protection of designated sites and habitats**

We strongly support this policy which is relevant to some cherished local natural sites adjacent to the urban area,

#### 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)
--	--

## Comment

Consultee	Mr M Booker [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Culverden Residents' Association
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Culverden Residents' Association [REDACTED] [REDACTED]
Comment ID	PSLP_743
Response Date	01/06/21 08:21
Consultation Point	Policy EN 12 Trees, Woodland, Hedges, and Development ( <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	Culverden Residents' Association
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 EN 12 Trees, Woodland, Hedges, and Development

**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.

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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.

#### Policy Number: EN12 Trees and hedges

We support this policy which will generally require new developments to increase tree cover, especially in urban areas, with a presumption in favour of the retention and enhancement of existing trees, woodland, and hedgerows. We would welcome it if this could also lead to tree planting off site on neighbouring roads as part of any Sec 106 agreement and this would be particularly relevant to site AL/RTW 20 football stadium if developed.

#### 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)
--	--

## Comment

Consultee	Mr M Booker [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Culverden Residents' Association
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Culverden Residents' Association [REDACTED] [REDACTED]
Comment ID	PSLP_751
Response Date	01/06/21 08:21
Consultation Point	Policy EN 13 Ancient Woodland and Veteran Trees ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Culverden Residents' Association
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 EN 13 Ancient Woodland and Veteran Trees

**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.

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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.

**Policy Number: EN 13 Ancient Woodland**

We strongly support this policy including the inclusion of ancient wood pasture and historic parkland within the policy. This is relevant to our adjacent farm land at Smockham and Caenwood Farms and to the parkland setting of nearby Salomons estate.

#### 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)
--	--

## Comment

Consultee	Mr M Booker [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Culverden Residents' Association
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Culverden Residents' Association [REDACTED] [REDACTED]
Comment ID	PSLP_752
Response Date	01/06/21 08:21
Consultation Point	Policy EN 14 Green, Grey, and Blue Infrastructure ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Culverden Residents' Association
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 EN 14 Green, Grey, and Blue Infrastructure

**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.

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##### Policy Number: EN 14 Green, Grey and Blue infrastructure

We support this policy and hope it will lead to a programme of street tree planting in appropriate parts of our area. Trees are important to the health and wellbeing of residents and help to mitigate the effects of atmospheric pollution. We should be happy to work with TWBC and KCC to identify the most appropriate locations and species for tree planting. We recently promoted replacement tree planting on Culverden Park and this might be augmented via a Sec 106 agreement if development goes ahead at site AL/RTW 20 football stadium.

#### 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.

Any kind of development should not take place prior to introduction of a 20mph zone in the whole of the Culverden area, together with filtered permeability and safe walking and cycling routes to local schools to make local active travel a reality and to eliminate rat-running.

#### 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)

## Comment

Consultee	Mr M Booker [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Culverden Residents' Association
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Culverden Residents' Association [REDACTED] [REDACTED]
Comment ID	PSLP_755
Response Date	01/06/21 08:21
Consultation Point	Policy EN 15 Local Green Space ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Culverden Residents' Association
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 EN 15 Local Green Space	
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.

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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.**

**Policy Number: EN 15 Local Green Space**

We strongly support this policy because of the value to the health and wellbeing of our members. We are particularly pleased to see the **St John's Meadows** and **St John's Park** and **Reynolds Lane allotments** now included in the designation of Local Green Spaces. They have all seen a huge increase in use during the pandemic and this use is being maintained since the lockdowns have been eased, which reflects a welcome change in the recreational habits of our local residents.

#### 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)

## Comment

Consultee	Mr M Booker [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Culverden Residents' Association
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Culverden Residents' Association [REDACTED] [REDACTED]
Comment ID	PSLP_757
Response Date	01/06/21 08:21
Consultation Point	Policy EN 16 Landscape within the Built Environment ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Culverden Residents' Association
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 EN 16 Landscape within the Built Environment

**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.

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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.

##### Policy Number: EN 16 Landscape

We support this policy which will help to protect the special characteristics of important green spaces and landscapes within and on the edge of the town to the benefit of residents and visitors to the area. We welcome the possibility that the valley crossed by the Tonbridge to Tunbridge Wells railway line between Somerhill and High Brooms might be designated as an important landscape approach.

#### 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)
--	--



## Comment

Consultee	Mr M Booker [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Culverden Residents' Association
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Culverden Residents' Association [REDACTED] [REDACTED]
Comment ID	PSLP_758
Response Date	01/06/21 08:21
Consultation Point	Policy EN 17 Arcadian Areas ( <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	Culverden Residents' Association
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 EN 17 Arcadian Areas	
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.

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**Policy Number: EN 17 Arcadian Areas**

We support this 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)?

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

## Comment

Consultee	Mr M Booker [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Culverden Residents' Association
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Culverden Residents' Association [REDACTED] [REDACTED]
Comment ID	PSLP_761
Response Date	01/06/21 08:21
Consultation Point	Policy EN 18 Rural Landscape ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Culverden Residents' Association
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 EN 18 Rural Landscape
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

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**Policy Number: EN 18 Rural Landscape**

We strongly support this policy as it is relevant to continued protection of our local historic farmsteads at Smockham and Caenwood Farms and Reynolds Rural Lane.

#### 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)

## Comment

Consultee	Mr M Booker [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Culverden Residents' Association
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Culverden Residents' Association [REDACTED] [REDACTED]
Comment ID	PSLP_762
Response Date	01/06/21 08:21
Consultation Point	Policy EN 21 Air Quality ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Culverden Residents' Association
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 EN 21 Air Quality	
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

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**Policy Number: EN 21 Air Quality**

We strongly support this Policy. We very much welcome the strengthening of the previous wordings in the Regulation 18 draft since the Climate Emergency by including the provision that new developments will be expected to be at least air quality neutral, with air quality positive proposals strongly encouraged.

#### 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)

## Comment

Consultee	Mr M Booker [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Culverden Residents' Association
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Culverden Residents' Association [REDACTED] [REDACTED]
Comment ID	PSLP_771
Response Date	01/06/21 08:21
Consultation Point	Policy EN 22 Air Quality Management Areas ( <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	Culverden Residents' Association
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 EN 22 Air Quality Management Areas	
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.

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**Policy Number: EN 22 AQMAs**

We strongly support this Policy and its application in all relevant circumstances.

#### 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)



## Comment

Consultee	Mr M Booker [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Culverden Residents' Association
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Culverden Residents' Association [REDACTED] [REDACTED]
Comment ID	PSLP_775
Response Date	01/06/21 08:21
Consultation Point	Policy EN 27 Noise ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Culverden Residents' Association
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 EN 27 Noise
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.

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##### Policy Number: EN 27 Noise

We support this condition but it really needs to be extended because the main noise risks in Royal Tunbridge Wells are from **road noise, and aircraft noise** from the flight paths to Gatwick Airport which is only set to get worse.

#### 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)

## Comment

Consultee	Mr M Booker [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Culverden Residents' Association
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Culverden Residents' Association [REDACTED] [REDACTED]
Comment ID	PSLP_776
Response Date	01/06/21 08:21
Consultation Point	Policy H 3 Affordable Housing ( <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	Culverden Residents' Association
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 H 3 Affordable Housing	
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.

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**Policy Number: H3 Affordable Housing**

We strongly support this policy because it aims to deal with the most pressing housing need in the Borough and in our town which is for affordable housing and not for any more low density estates of 4 and 5 bedroom market housing not meeting our local housing need. Too many younger people in particular are still being forced to move out to places as far away as Hastings to find affordable accommodation, while working in Tunbridge Wells. They add to the rush hour traffic problems of the town and a rebalancing of the type of housing built in the town is long overdue.

#### 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)

## Comment

Consultee	Mr M Booker [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Culverden Residents' Association
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Culverden Residents' Association [REDACTED] [REDACTED]
Comment ID	PSLP_778
Response Date	01/06/21 08:21
Consultation Point	Policy H 6 Housing for Older People and People with Disabilities ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Culverden Residents' Association
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 H 6 Housing for Older People and People with Disabilities

**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.

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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.

**Policy Number: H6 Affordable Housing**

We support this policy and the concept of housing for older people being provided within ordinary housing schemes to create a mixed and balanced community and community cohesion. Many of our older residents would prefer this to often isolated retirement villages.

#### 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)
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## Comment

Consultee	Mr M Booker [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Culverden Residents' Association
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Culverden Residents' Association [REDACTED] [REDACTED]
Comment ID	PSLP_725
Response Date	01/06/21 08:21
Consultation Point	Policy ED 12 Retention of Local Services and Facilities ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.7
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Culverden Residents' Association
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 ED 12 Retention of Local Services and Facilities

**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.

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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.

#### Policy Number: ED 12 Retention of Local Services

We strongly support this Policy which should help to ensure the vitality of Neighbourhood Centres such as our local one at St John's. This is important to encourage more people to walk or cycle for shopping and other services without having to travel into the town centre every day by car. The value of local services has really been shown during the recent pandemic and they have attracted many new customers which we hope will continue long term. "Local Services" should include local primary education sites which are realistically accessible by active travel and do not require a car journey.

#### 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)
--	--



## Comment

Consultee	Mr M Booker [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Culverden Residents' Association
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Culverden Residents' Association [REDACTED] [REDACTED]
Comment ID	PSLP_783
Response Date	01/06/21 08:21
Consultation Point	Policy TP 5 Safeguarding Railway Land ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.4

Data inputter to enter their initials here KJ

### Question 1

Respondent's Name and/or Organisation Culverden Residents' Association

### 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 TP 5 Safeguarding Railway Land

### 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.

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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.**

We support this policy for all railway infrastructures, including between Grove Junction and Eridge, to be protected and safeguarded to ensure that additional future facilities or services can be accommodated. We also support the safeguarding of the Hawkhurst to Paddock Wood branch line alignment in its entirety as a potential future transport corridor.

#### 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)

## Comment

Consultee	Mr M Booker [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Culverden Residents' Association
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Culverden Residents' Association [REDACTED] [REDACTED]
Comment ID	PSLP_779
Response Date	01/06/21 08:21
Consultation Point	Policy OSSR 1 Retention of Open Space ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Culverden Residents' Association
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 OSSR 1 Retention of Open Space	
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.

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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.

**Policy Number: OSSR 1 Retention of open spaces**

We strongly support this 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)?

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

## Comment

Consultee	Mr M Booker [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Culverden Residents' Association
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Culverden Residents' Association [REDACTED] [REDACTED]
Comment ID	PSLP_781
Response Date	01/06/21 08:21
Consultation Point	Policy OSSR 2 The Provision of Publicly Accessible Open Space and Recreation ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Culverden Residents' Association
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 OSSR 2 The Provision of Publicly Accessible Open Space and Recreation

**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.

#### Policy Number: OSSR2 Provision of open space

We strongly support the provision of new open space in connection with development but hope these standards will be the minimum starting point in negotiating with developers.

#### 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)
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## Comment

Consultee	Douglas Cunningham [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Douglas Cunningham [REDACTED]
Comment ID	PSLP_1011
Response Date	03/06/21 00:12
Consultation Point	Policy AL/RTW 14 Land at Tunbridge Wells Garden Centre ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Respondent's Name and/or Organisation	Douglas Cunningham
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.

"5.91, 5.92, 5.93, 5.94"

### Question 4

Do you consider that the Local Plan:

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 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.**

**5.91** Existing vehicular access to the site is directly from the A26 Eridge Road to the south east corner of the site, close to the bend in the Eridge Road. The Spa Valley Railway Line is located south of the site, including a bridge that crosses the Eridge Road just south of the site access. The existing access from the site onto the Eridge Road is already dangerous with a steep slope onto a busy bend with restricted visibility. The proposed development will add considerably to the traffic using this access road and so will represent a much greater risk of accident.

There is no pedestrian footpath on the garden centre side of the Eridge Road and so the pedestrians from the houses on the development going into town will need to cross a busy road on a dangerous bend.

Therefore:

1) Traffic Safety and Hazard: Vehicle access point on A26 Eridge Road. Road Traffic Safety compromised due to additional vehicle movement volumes; with a traffic hazard as there is restricted line of sight (ref. also 5.94) Note: Existing access considered to be on apex of bend, not as defined above as 'close to the bend'. 2) Pedestrian Safety and hazard: No available pavement on the Common side of the A26 pedestrians will be crossing the A26 at a dangerous busy point

**5.92** The site was released from the Green Belt, and the Development Strategy Topic Paper and Green Belt studies set out the exceptional circumstances and compensatory improvements to the remaining Green Belt to justify the changes to the boundary in this location. What to date have been the compensatory improvements to the remaining Green Belt?

The 2019 Plan describes the site as being part of a Biodiversity Opportunity Area where any development should demonstrate net gains for nature and biodiversity. Reference was also made to the DEFRA "MAGIC" website which described the area as suitable as woodpasture and parkland. Both these descriptions have been removed from the current plan.

**5.93** It lies adjacent to the Royal Tunbridge Wells Conservation Area and to Tunbridge Wells Common, which is a designated Local Wildlife Site. Part of the site is also covered by the Environment Agency's Flood Zone 3.

River Grom flooding Report 2017 (Currently Correct /Relevant unless structural changes have been made)– Ref pages 7-9 Extracts:(page 7 – 2.3 para 4) .....To the south and east of The Pantiles, much of the area has separate surface water and foul water drainage. The surface water sewers generally discharge to watercourses which ultimately flow into the River Grom.(Page 9 – 2.4.1 para 3).... There is a Combined Sewer Overflow (CSO) from the public combined sewer in the culverted section of the River Grom that allows the combined sewer in the Pantiles area of Tunbridge Wells to discharge into it if its capacity is exceeded.

The development is in a river valley. Under present conditions High Rocks Lane regularly floods as the point where it meets Hungershall Park (and where it is presumed the proposed "emergency exit" will be for the development). As a result the road is always in a poor condition with potholes that reappear quickly after frequent repairs. The road at this point is a blind bend with no footpath so pedestrians and cyclists often veer across the roadway to avoid the potholes and create a real danger



of accidents to oncoming vehicles. This situation will only get worse once a large area of the valley floor is concreted over as a result of the development.

It was recently noticed by local residents that the site currently suffers from a sewage problem. A large manhole cover had been dislodged and was surrounded by household waste which had obviously been forced out. It is hoped that this would be resolved as part of the development, especially as the River Grom is in close proximity and there is a seasonal flooding issue in that area, as referred to above in the 2017 flooding report.

**5.94** *Development would need to be sensitively designed to respect the location in proximity to the Common, the conservation area, and the topography of the site. However, it constitutes a sustainable site on the edge of the town centre and could accommodate a mix of uses, to include the retention/expansion of the existing garden centre business and the introduction of some residential development within the site. However, Kent County Council, as the local highways authority, considers that the scale of development on the site may be limited due to the current access constraints. 108 Tunbridge Wells Borough Local Plan Regulation 19 Consultation Pre-Submission Local Plan Map 14 Site Layout Plan*

*Policy AL/RTW 14 Land at Tunbridge Wells Garden Centre This site, as defined on the Royal Tunbridge Wells Policies Map, is allocated for the expansion of the existing Use Class E (a) commercial use (garden centre) with an element of residential of approximately 25-30 residential dwellings, of which 30 percent shall be affordable housing. Development on the site shall accord with the following requirements:*

- 1 *Means of access, including secondary and emergency means of access, to be informed by a transport statement; it is likely that the scale of any development may be limited by the quality of access arrangements that can be achieved within the confines of the site. An emergency access is likely to be required to the north;*

Planning consents often require provision of social/affordable housing under Section 106 Agreements, but invariably the developer comes back to the local authority later and pleads that it renders the scheme unviable. The 30% (eg) then falls away to 10% or less. The infrastructure requirements on this site will render development especially expensive. The contribution this site could make to meeting housing need is negligible.

Previous planning for access - Refused( 89/02011/FUL | New vehicular access. New gate and 1.8m high chain link boundary fence | Wyevale Garden Centre Eridge Road Royal Tunbridge Wells Kent TN4 8HP (midkent.gov.uk) ) Ref. No: 89/02011/FUL | Received: Tue 07 Nov 1989 | Validated: Thu 14 Jun 1990 | Status: Decided Council Letter 1990 - Extracts detailing the Refusal reasons:1 a) The proposed access would be likely to create unacceptable additional hazard to traffic.2 a) The sight lines are inadequate and would create unacceptable additional hazards to traffic.3 a) The proposal would be undesirable in an area which is predominately rural in character, and would be detrimental both to the appearance and to the rural amenities of the locality.4 a) The proposal would be likely to be unacceptably detrimental to residential amenities of adjacent dwellings

The only change since 1990 is higher volumes of traffic on High Rocks Lane and Hungershall Park.

No known local precedents have been set for a requirement of a secondary and/or an emergency access. Example: The existing adjacent large estate has no secondary or emergency access.

Access: The suggested 'North' secondary and emergency access point will:

- . Destroy a Bio Diverse habitat, impacting the natural rural dynamic .
- . By default the access point becomes a tacit 'extra access' immediately opening onto High Rocks Lane with hazardous restricted/limited line of sight which is onto a speed de-restricted area and is a width constricted lane, plus opposite another lane entrance point; as highlighted in the council's planning permission access refusal 1990.
- . There is a high probability for this access to become a local shortcut

Proposing a Secondary and Emergency access appears to be a leverage argument to open up the site with another access point thereby ignoring the hazards identified, refer to previous valid refusal rational.

There is a high probability for dangerous additional 'on road parking' at the lower end of Hungershall Park/ corner of High Rocks lane/ Cabbage Stalk Lane. The proposed new developments at Spratsbrook Farm and the old Plant & Tools Hire site by The West Station which is to have access directly on to

Eridge Road, will both increase traffic flows along this busy stretch and force drivers to find alternative routes.

Newts and a variety of amphibian wildlife have been seen in the site North aspect / River Grom area of this location.

In traffic management terms an emergency exit would require either traffic light control, or a roundabout (taking up additional land) further eroding the natural character of the area.<sup>2</sup> *The provision of pedestrian and cycle access to the north and improved pedestrian and cycle access into the town;*

If the access point is allowed to the north, then the suggested access is onto a hazardous speed de-restricted and width restricted lane. This was one of the reasons the previous planning for access was refused.

This would also create a safety hazard for pedestrians as there is no pavement from the suggested access secondary/emergency point towards Cabbage Stalk Lane.

- 1 *Adequate servicing and parking to serve the expanded commercial use on the site;*
- 2 *Provision of a green route through the site from east to west connecting to existing Public Rights of Way on Tunbridge Wells Common and Cabbage Stalk Lane; Site East West access – Cabbage Stalk Lane will cause additional volume of use. This poses the following problems:*
  - 1) *Compromise to safety and hazard as now a designated cycle path. Several near misses have already occurred with current multi-use volumes; as the majority of cyclists appear to disregard this lane as being a shared facility with pedestrians, pedestrians and dog walkers, plus vehicular access traffic.*
  - 2) *Cyclists coming out of the new development will generally turn right into Cabbage Stalk Lane, adding to the volumes of cyclists using that lane. Furthermore, this will surely add to the number of cyclists on the Common who increasingly seem to be ignoring the “no cycling” rule there.*
  - 3) *For those who might turn left into High Rocks Lane, this would add to the number of cyclists on this narrow lane with blind corners and numerous potholes - adding yet further risk to themselves, pedestrians and cars.*
  - 4) *This is likely to further increase the volume of cyclists coming down the hill in Hungershall Park and towards the proposed development. Residents are increasingly concerned about the number of cyclists coming around the corner at very high speed and oblivious to the blind entrance several drives. There have been near misses recently and including one cyclist who recently came off his bike near the entrance to the drive at no. 12 Hungershall.*

- 1 *Development shall be located on the areas identified for mixed use on the site layout plan; Tunbridge Wells Borough Local Plan 109 Pre-Submission Local Plan Regulation 19 Consultation*
- 2 *Green infrastructure shall be provided on the areas shown indicatively in green on the site layout plan, and these shall be retained and enhanced. This shall include suitable buffering and enhancements to the River Grom corridor and to the setting of the adjacent Tunbridge Wells and Rusthall Common; The plan shows a green space buffer running alongside Cabbage Stalk Lane. The current woodland buffer is substantial and therefore the developer is likely to bulldoze and excavate as much as is feasible subject to ground stability and the preservation of valuable and species trees etc. The trees provide cover and privacy for wildlife and seclusion for walkers and local residents but are not in themselves wonderful specimens but are nevertheless very important to the semi rural nature of the area. The retention of as much tree cover as possible is very important.*

The River Grom flows along the Southern boundary of the plot alongside the railway line. The woodland and the river provide a habitat for deer and other wild animals. It would be desirable if the western end of the plot be preserved for wildlife, not be built upon and not used for vehicular access.<sup>7</sup> *Regard will be given to existing hedgerows and mature trees on-site, with the layout and design of the development protecting those of most amenity value, as informed by an arboricultural survey and a landscape and visual impact assessment;*

The development will inevitably destroy and erode an established valuable bio-diverse habitat in a unique rural area.

## 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:**

I am a local resident

#### 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	Colin Czapiewski [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Benenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Colin Czapiewski [REDACTED]
Comment ID	PSLP_296
Response Date	23/05/21 13:36
Consultation Point	Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.9
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Colin Czapiewski
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 Numbers: 5.420 and 5.421

Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End

*[TWBC: This representation has been put against Policies AL/BE 3 and AL/BE 4 - see Comment Numbers PSLP\_296 and PSLP\_298]*

Inset Map 18

#### 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.

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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 representation relates to the Pre-submission Local Plan(PSLP) and its handling of the parish of Benenden

**1 The plan is unsound because of inadequacies in the consultation process.**

**(i) Poor consultation between TWBC and other Borough Councils**

**A Statement of Common Ground (SoCG) between Maidstone and Tunbridge Wells Borough Councils (TWBC)** is published, but nothing is apparently published in relation to Ashford Borough Council or Tonbridge and Malling Borough Council.

**(ii) Poor consultation between TWBC, the parish of Benenden and the Benenden Healthcare Society (BHS), the single landowner of those sites in the East End of Benenden where most of Benenden's houses are allocated.**

**(iii) There is no Statement of Common Ground between TWBC and the Benenden Neighbourhood Plan (BNP)** although a SoCG was listed as a supporting document to the BNP Reg 14. This is significant *because the two plans, though identical in their choice of sites, show different areas within those sites for development at the East End, and both plans differ from the view of BHS.* BHS's position is presented to the public through its comments on the first draft of the Local Plan (TWFDLP Comments) (see see web link)

- . Looking at the issue in terms of its hectareage:
- . according to the PSLP the northern site (AL/BE4) is 3.72 ha and the South East Quadrant (SEQ or AL/BE3) is 3.07 ha;
- . according to the Benenden Neighbourhood Plan (BNP), the northern site (called LS41 in the BNP, see para 2.9.4.2.) is 1.9 ha and SEQ (called 424 plus LS40b, see para 2.9.3.2) is 4.24 ha.
- . according to BHS, the northern site is 3.7 ha and the southern site is 4.2 ha (see TWFDLP comments), Savills for BHS: DLP\_4956)

The hectareage varies largely according to whether Local Wildlife Sites (LWS) are included in the development area. There are four LWS at the hospital. One of these lies in the northern area (AL/BE4) and two lie in the southern area (AL/BE3). The fourth is in an area not up for development.

- . For AL/BE3, the PSLP excludes the second and the most southerly of its two Local Wildlife Sites (LWS), while the BNP *includes* both LWS. *Currently, Strutt and Parker are advertising to developers the larger, BNP version of the site for sale, together with Cleveland Farm.* The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE3 is incorrect.
- . For AL/BE4, the PSLP *includes* all the LWS at the site, while the BNP includes only a small southerly section of it. The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE4 is incorrect.
- . For AL/BE4, Savills' comments on behalf of the BHS (see TWFDLP comments), propose 43 dwellings for the site, which will include the LWS (see TWFDLP Comments, item DLP\_4956 para 3.6), "Unlike the BNP, the TWLP is broader in the site area by providing a boundary encompassing the entire hospital site, yet aside from the discrepancy addressed previously in this representation the two allocations align in terms of proposed numbers. The Society intends to bring forward the development on the two sites identified through the BNP and *within the boundary identified in the TWLP.* The Society welcomes the consistent approach to unit numbers, and the allocation of both parcels of land through the draft BNP and the TWLP."

In terms of boundaries:

- . BHS understands (see DLP\_4956, para 2.8 in TWFDLP Comments) "The North East Quadrant occupies the North East of the site, bordered to the North and East by Mockbeggar Lane, to the south by Goddards Green Lane / Benenden Road and the West by existing hospital buildings." *In other words, it includes the entire LWS in its area.*
- . To the south, BHS understands (see DLP\_4956, para 2.9 in TWFDLP comments), "The South East Quadrant occupies the South East of the site, bordered to the north by Goddards Green Lane / Benenden Road, to the West by Green Lane and to the South and East by agricultural land and the High Weald AONB boundary." *In other words, it includes the whole of the more southerly of the two LWS at the site.*

This means that PSLP's AL/BE3 is inaccurate because the larger BNP plan will likely prevail, while the PSLP's AL/BE4 could be challenged by the BNP (if successful in a referendum) (see PSLP para 5.421) and substantially reduced in size. The PSLP's plans for the two hospital plans are therefore both potentially inaccurate.

A failure to coordinate and effectively consult has produced unsound documents.

(iv) **Poor consultation with stakeholders, the local community and the neighbouring parish** (possibly even more affected by the plans than Benenden). These parties have either not been consulted, or consulted after the fact or consulted but not engaged with.

- . **The Friends of the East End (FEE)** are more affected by the plans than most in the parish but they were not consulted over the development of the BNP on which the PSLP is based. The FEE are mainly residents of the East End which covers about one third of the parish and is a wholly rural location of 76 scattered households. Because it is isolated, it was chosen as the site for an isolation hospital. This now makes up a small enclave close to the border with the neighbouring parish of Biddenden.
- . The BNP Steering Committee is the only one in the borough to have made its own site allocations and these allocations were published in an Informal Draft Plan in February 2019, before consultations with the High Weald -AONB and before inviting AECOM to produce a Strategic Environmental Assessment (SEA). (N.B. Even when the HW-AONB were invited to assess sites, they were NOT asked to assess the hospital sites).
- . The FEE object strongly to the proposal to site almost all the new housing in the East End, but the BNP Steering Committee never asked to meet the FEE nor engaged with them (See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others).
- . The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the IDP (published on February 23, 2019), in which the allocations, later adopted by the PSLP were first set out. A second FEE submission with 164 signatures was submitted in October 2019 objecting to the TWFDLP, and



in the same month, a third FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. Instead of acknowledging the strength of these views and the number of people who held them, the chair of the BNP Steering Group, who wrote a regular column in the Parish Magazine about the BNP process, wrote in January 2020, that only “31 residents from the East End” had sent in “comments”. For the strength of today’s opposition to the BNP, see the FEE’s current online petition with over 450 signatures see web link.

- . Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about.* At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”

- . Consultation also failed in relation to the neighbouring **parish of Biddenden**. The Clerk of Biddenden Council has repeatedly responded to Benenden Parish Council in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of consultations with the parish of Biddenden in the Biddenden Parish Magazine, February 2021.

1 **The plan is unsound because of the untimely publication of site allocations**

- . Pre-Submission Local Plan, para 5.420 reads “The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020.” But the allocations had already been made and published by the BNP in February 2019 in its so called “Informal Draft Plan”. The 2019 February allocations are virtually identical to the PSLP 2021 allocations. Para 5.420 states “The BNP proposes to include site “allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan.” How can the BNP follow the PSLP’s approach when its sites were already allocated? Because the PSLP is founded on site allocations made by the BNP, the unsoundness of the latter carries over and produces unsoundness in the former.

- . The LP is based on the BNP and BNP allocations were made before **consultations with stakeholders**. This is not consulting in a timely fashion. For example, the PSLP requires archaeological surveys of the hospital sites *after* the designation of the sites for development. Historic England (HE) asks for the surveys to be carried out *before* allocation (see TWFDLP Comments DLP\_4556 - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted.*”

1 **The plan is unsound because the evidence on which it is based is inaccurate or irrelevant**  
**Supporting Documents**

- . **AONB Setting Analysis report: Main Report and AONB Study Plans and Photographs Benenden Hospital/Hankinson Duckett Associates.** November 2020.

See para 4.4.2, the description of the hospital site is for the *entire built up-hospital area*, minus the southerly LWS in the SEQ. It is therefore a *report on an area not submitted in the PSLP*. As a result, it draws its conclusions from areas not included in the PSLP. The conclusions are therefore unsound.

The report:

- . is concerned with adding 66-72 additional dwellings in addition to the 18 already extant on the northern site and presumably in addition to the 24 for which planning permission has been granted. That is between 108 and 114 new houses. The PSLP is talking about planning 43 houses for the northern site and 49 for the south. A total of 92 new houses. The report muddies the waters, leaving no clarity.
- . fails to note items of critical importance in any attempt to evaluate the landscape and historic importance of the site e.g.
- . that the site is on an east-west ridge giving it a dominant position in relation to the AONB;
- . the east-west Roman Road running over Benenden Healthcare Society (BHS) land a few yards to the south of the site, and the medieval drove road (Goddards Green Road - GGR) which divides the northern site from the southern one;
- . the National Monument Register which lists a Bronze Age palstaff (SMR Number/Hob UID) found at the hospital site, (though, oddly, the report does note Scheduled Monuments in the village);

- . that the SEQ development proposes two entrances on to Green Lane and two on to GGR, see Transport Planning Associates (tpa)- October 2019 Scoping note for BHS, 1907-038 under the section headed 'Access', para 4.4 "The consented vehicle access arrangements will be retained. Therefore, vehicle access to the Site will be taken from two access points along Goddards Green Road and two on Green Lane." (This and other documents were revealed to the FEE in May 2021 as a result of the BNP Independent Examiner's queries. In spite of the Examiner's request that all such material be published on-line, this document and the KCC Highways 13 Nov 2019 "Pre-App Response" have been not been published). Such entrances will seriously impact the AONB. Both Goddards Green and Green Lane are designated Rural Lanes, and, of the two, Green Lane is mentioned as a particularly high scoring lane (for its beauty and tranquillity) in TWBC's *Rural Lanes: Supplementary Planning Guidance*. Creating a series of broad entrances large enough so that an "11.4 m refuse vehicle can enter and leave the site in forward gear (see KCC Pre-App Response 13-11-19, a document revealed to the FEE as a result of the BNP Examiner's queries but not made public) would have a substantial effect on the AONB. Hankinson Duckett Associates ignore the issue (see Section 4 on Benenden in the main report and photos B1 and B2 in *Supporting Plans and Photographs*, Benenden).
- . offers photos (B5 & B6) which are irrelevant to the site in question. These photos look south towards an area not up for development, and are taken from a point also not up for development. These omissions undermine the report's conclusion.
- . ***Inset Map 18 (Benenden Hospital)***, unlike other maps attached as supporting documents to the PSLP, Inset Map 18 makes no reference to the AONB boundary. This is a significant omission because both the PSLP and the BNP claim that the hospital is outside the AONB and on this basis, largely justify placing most of Benenden's housing in the East End. Because AL/BE3&4 lie on a high ridge to the north of the parish and because the AONB boundary wraps tightly round the site which bulges, like a balloon, into the AONB, development at the East End significantly affects the AONB. While TWBC acknowledges this by requesting the Hankinson Duckett Report, by publishing Inset Map 18, which omits the AONB boundary, TWBC loses a critical opportunity to show the true relevance of AL/BE 3&4 to the AONB. It could even be said that by leaving out the boundary, there is an implication that the hospital sites are genuinely 'outside' the protected area.
- . ***Previous Stages, Draft Local Plan, Benenden Overview***, p263, provides a basis for the PSLP but contains inaccuracies.
  - . There is no "pre-school/nursery" as stated in the Overview
  - . There is no "Small shop at hospital" as stated in the Overview
  - . The statement that there are tennis courts and a café at the site is misleading. In TWFDLP Comments, Savills requests (see DLP\_4956 para 3.14) that "the requirement to incorporate the tennis courts and retain the sports pavilion is removed". As for the café, BHS states in its comments on the LP that the café is for hospital use only - "the existing hospital buildings ... have only been designed for hospital use". See TWFDLP detailed additional submissions from Savills "*Representation to the TWBC Draft Local Plan Regulation 18*" 2- Sept- 1Nov 2019 para 3.18 and 3.19)

## 1 **Sustainability Appraisal**

As far as the East End of Benenden is concerned, the plan is unsound because the **Sustainability Appraisal**, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

**An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.**

**Climate Change:** AL/BE3&4 are not scored for climate change, nor are sites 158 & 222, yet, inexplicably, climate change is scored for AL/BE1&2 (Uphill and Feoffee) and for LS8. Where is the explanation for the failure to assess all sites, especially when sites 158, 222, AL/BE1&2 are all close to each other? The issue is particularly concerning in that sites AL/BE3&4 are both 3 miles distant from the village and without any amenities. Residents at these sites will be heavily car dependent and this was of concern even when only 24 houses were proposed for the site. "You will see from KCC's comments on the hybrid application (12/03130) that in consideration of this earlier application for 24



dwellings, the highways authority raised concern that all residents will be very heavily car dependent, which is contrary to a number of policy objectives, including the NPPF.” (see KCC Pre-App Response, 13 Nov 2019, revealed in response to the BNP’s Independent Examiner’s queries and still not in the public arena).

**Biodiversity:** AL/BE3 is considered to be less at risk in terms of biodiversity than AL/BE4 though AL/BE 3 has two Local Wildlife Sites (LWS) while AL/BE 4 has only one. Where is the evidence to support the idea that the one is less important for biodiversity than the other?

The SA’s scoring is not supported by evidence in a letter from Keith Nicholson of the Kent Wildlife Trust, former Planning and Conservation officer for the Kent Wildlife Trust (KWT), dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert in which he states, “The 2012 survey has demonstrated that Benenden hospital LWS is more valuable than previously believed. The applicant’s consultant is now more firmly of the belief that the Site would fulfil the criteria for it to be considered a Site of Special Scientific Interest (paragraph 4.3.6.). The waxcap community is of national importance when judged against both the Reid classification (para 4.3.4.) and the JNCC Guidelines (para 4.3.5.).”

Nor is it supported by the view of the HW-AONB as stated in TWFDLP Comments (see DLP\_3458) that the hospital LWS *“includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network.”* Neither the KWT nor the HW-AONB offer any indication that one or other of the LWS at the hospital is of less value than the rest. Further, we now know from see web link

Regulation 18 Representation made by Benenden Healthcare Society, November 2019, that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that “The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area.”

In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE4 see (in the same document) para 3.17. “In addition, as highlighted in paragraph 3.13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (LWS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the LWS and / or sports provision is removed from the policy requirement.” Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

**Business Growth:** AL/BE3&4 are scored as if they were more favourable to business growth than AL/BE1&2 and sites 158 and 222, but all four of these last-mentioned sites are in the heart of the village where residents will have ready access to local businesses as well as to daily bus services and other services and facilities. Residents at the East End, on the other hand, will have no access to local businesses except by car.

**Education:** All sites in this SA are scored equally for education, except for site 158 which scores less well. This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC’s 2006 SA on 158 decided (see page 18 of the *Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options* report), that 158 was one of two top sites. “Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site.” On page 38, we read, “This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels”. In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158’s owners to build houses there. If, in 2006, the SA offered site 158 as one of two top sites in the village for building the new primary school, where is the evidence that it’s appropriateness has somehow massively declined since then? Where is the evidence site 158 is less favourable to education than all the other sites mentioned,

especially given that the hospital sites, so favoured for development, are three miles distant from the village school?

Table 58 states that “the education objective does not deteriorate when considering the cumulative effects as the schools in Tenterden will be a viable option for residents in East End.” Children from the East End will have priority over the between 70 and 75% of the existing pupils at the school who come from outside the parish. On what basis is the assumption made that East End parents will prefer to drive their children 6 miles into Tenterden than drive to the primary school in their own village?

**Heritage:** AL/BE 3 scores slightly less well in terms of its heritage value than AL/BE4 without supporting evidence. How were heritage issues assessed when there is no apparent knowledge of the historic importance of the site, for example: the PSLP makes no mention of the Roman road a few yards south of AL/BE3; the medieval droveway (GGR), which runs through the site and along the ridge; and the Bronze Age palstaff found at the hospital site (National Monument Register - SMR Number/Hob UID). How can a site be scored or evaluated without at least some knowledge of the sites historic significance? This is available at see web link and advertised on the Benenden village website.

**Services and Facilities:** How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children’s playground, church, memorial hall, village hall and a primary school. In spite of this, sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

## 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.**

Many of the PSLP’s problems are associated with failure in the duty to co-operate and can therefore not be remedied.

Many are due to poor evidence or poor interpretation of evidence. This too cannot be remedied.

In summary, development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites such as 158 and 222 in the village centre, or to LS8 in Iden Green. These sites all lie within walking distance of shops, other amenities and the primary school. Paragraphs 5.421 and 5.422 should be omitted.

## 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 to present my case and to answer those with vested interests who may seek to put forward arguments against it.

#### Question 8

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

Sustainability Appraisal

As far as the East End of Benenden is concerned, the plan is unsound because the Sustainability Appraisal, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

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(<https://ws.tunbridgewells.gov.uk/files/consulteessupportingdocuments/Benenden%20Healthcare/>

[Savills%20for%20The%20Benenden%20Healthcare%20Society\\_full%20representation.pdf](#)), Regulation 18 Representation made by Benenden Healthcare Society, November 2019, that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that “The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area.”

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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:**

<input type="checkbox"/>	Yes, I wish to be notified of future stages of the Local Plan
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## Comment

Consultee	Colin Czapiewski [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Benenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Colin Czapiewski [REDACTED]
Comment ID	PSLP_1834
Response Date	04/06/21 13:02
Consultation Point	Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.5
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Colin Czapiewski
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/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End

Policy AL/BE4 Land at Benenden Hospital (north of Goddards Green Road, East End)

*[TWBC: this representation has been input against Policies AL/BE3 and AL/BE4– see Comment Numbers PSLP\_1834 and PSLP\_1835]*

**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 understand that residents have until 5pm today, to make any final comments on the proposed development at Benenden Hospital.

I have submitted my thoughts in detail already.

However, I would like to add one final issue for consideration of the Independent Inspector and any others considering this proposal.

Having lived at our house in Goddard's Green Road, Benenden, for almost 29 years, having moved here in August 1992, I believe that we are in an excellent position to comment.

Although we are not directly affected by the proposed buildings, we are more aware than most of the dangers of walking, cycling and driving from Benenden Hospital to Benenden village.

As an example, this was most recently highlighted by the 3 separate car crashes on the morning of 31st December 2020, which, although no one was seriously injured, show just how dangerous Goddard's Green Road can be.

It is narrow with multi bends, high banks and no footpath.

Walkhurst Road, which is the most likely route from Goddard's Green Road to Benenden village, is even narrower, with many places where two cars cannot even pass.

Clearly, without substantial widening and improvements to both of these roads, I believe that it is negligent to permit more buildings for future residents of Benenden to be built at the Benenden Hospital 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)?**

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	Colin Czapiewski [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Benenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Colin Czapiewski [REDACTED]
Comment ID	PSLP_298
Response Date	23/05/21 13:36
Consultation Point	Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End ( <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	Colin Czapiewski
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 Numbers: 5.420 and 5.421

Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End

*[TWBC: This representation has been put against Policies AL/BE 3 and AL/BE 4 - see Comment Numbers PSLP\_296 and PSLP\_298]*

Inset Map 18



#### 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.

This representation relates to the Pre-submission Local Plan(PSLP) and its handling of the parish of Benenden

**1 The plan is unsound because of inadequacies in the consultation process.**

**(i) Poor consultation between TWBC and other Borough Councils**

**A Statement of Common Ground (SoCG) between Maidstone and Tunbridge Wells Borough Councils (TWBC)** is published, but nothing is apparently published in relation to Ashford Borough Council or Tonbridge and Malling Borough Council.

**(ii) Poor consultation between TWBC, the parish of Benenden and the Benenden Healthcare Society (BHS), the single landowner of those sites in the East End of Benenden where most of Benenden's houses are allocated.**

**(iii) There is no Statement of Common Ground between TWBC and the Benenden Neighbourhood Plan (BNP)** although a SoCG was listed as a supporting document to the BNP Reg 14. This is significant *because the two plans, though identical in their choice of sites, show different areas within those sites for development at the East End, and both plans differ from the view of BHS.* BHS's position is presented to the public through its comments on the first draft of the Local Plan (TWFDLP Comments) (see see web link

- . Looking at the issue in terms of its hectareage:
- . according to the PSLP the northern site (AL/BE4) is 3.72 ha and the South East Quadrant (SEQ or AL/BE3) is 3.07 ha;
- . according to the Benenden Neighbourhood Plan (BNP), the northern site (called LS41 in the BNP, see para 2.9.4.2.) is 1.9 ha and SEQ (called 424 plus LS40b, see para 2.9.3.2) is 4.24 ha.
- . according to BHS, the northern site is 3.7 ha and the southern site is 4.2 ha (see TWFDLP comments), Savills for BHS: DLP\_4956)

The hectareage varies largely according to whether Local Wildlife Sites (LWS) are included in the development area. There are four LWS at the hospital. One of these lies in the northern area (AL/BE4) and two lie in the southern area (AL/BE3). The fourth is in an area not up for development.

- . For AL/BE3, the PSLP excludes the second and the most southerly of its two Local Wildlife Sites (LWS), while the BNP *includes* both LWS. *Currently, Strutt and Parker are advertising to developers the larger, BNP version of the site for sale, together with Cleveland Farm.* The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE3 is incorrect.
- . For AL/BE4, the PSLP *includes* all the LWS at the site, while the BNP includes only a small southerly section of it. The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE4 is incorrect.
- . For AL/BE4, Savills' comments on behalf of the BHS (see TWFDLP comments), propose 43 dwellings for the site, which will include the LWS (see TWFDLP Comments, item DLP\_4956 para 3.6), "Unlike the BNP, the TWLP is broader in the site area by providing a boundary encompassing the entire hospital site, yet aside from the discrepancy addressed previously in this representation the two allocations align in terms of proposed numbers. The Society intends to bring forward the development on the two sites identified through the BNP and *within the boundary identified in the TWLP.* The Society welcomes the consistent approach to unit numbers, and the allocation of both parcels of land through the draft BNP and the TWLP."

In terms of boundaries:

- . BHS understands (see DLP\_4956, para 2.8 in TWFDLP Comments) "The North East Quadrant occupies the North East of the site, bordered to the North and East by Mockbeggar Lane, to the south by Goddards Green Lane / Benenden Road and the West by existing hospital buildings." *In other words, it includes the entire LWS in its area.*
- . To the south, BHS understands (see DLP\_4956, para 2.9 in TWFDLP comments), "The South East Quadrant occupies the South East of the site, bordered to the north by Goddards Green Lane / Benenden Road, to the West by Green Lane and to the South and East by agricultural land and the High Weald AONB boundary." *In other words, it includes the whole of the more southerly of the two LWS at the site.*

This means that PSLP's AL/BE3 is inaccurate because the larger BNP plan will likely prevail, while the PSLP's AL/BE4 could be challenged by the BNP (if successful in a referendum) (see PSLP para 5.421) and substantially reduced in size. The PSLP's plans for the two hospital plans are therefore both potentially inaccurate.

A failure to coordinate and effectively consult has produced unsound documents.

(iv) **Poor consultation with stakeholders, the local community and the neighbouring parish** (possibly even more affected by the plans than Benenden). These parties have either not been consulted, or consulted after the fact or consulted but not engaged with.

- . **The Friends of the East End (FEE)** are more affected by the plans than most in the parish but they were not consulted over the development of the BNP on which the PSLP is based. The FEE are mainly residents of the East End which covers about one third of the parish and is a wholly rural location of 76 scattered households. Because it is isolated, it was chosen as the site for an isolation hospital. This now makes up a small enclave close to the border with the neighbouring parish of Biddenden.
- . The BNP Steering Committee is the only one in the borough to have made its own site allocations and these allocations were published in an Informal Draft Plan in February 2019, before consultations with the High Weald -AONB and before inviting AECOM to produce a Strategic Environmental Assessment (SEA). (N.B. Even when the HW-AONB were invited to assess sites, they were NOT asked to assess the hospital sites).
- . The FEE object strongly to the proposal to site almost all the new housing in the East End, but the BNP Steering Committee never asked to meet the FEE nor engaged with them (See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others).
- . The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the IDP (published on February 23, 2019), in which the allocations, later adopted by the PSLP were first set out. A second FEE submission with 164 signatures was submitted in October 2019 objecting to the TWFDLP, and

in the same month, a third FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. Instead of acknowledging the strength of these views and the number of people who held them, the chair of the BNP Steering Group, who wrote a regular column in the Parish Magazine about the BNP process, wrote in January 2020, that only “31 residents from the East End” had sent in “comments”. For the strength of today’s opposition to the BNP, see the FEE’s current online petition with over 450 signatures <https://www.change.org/EastEndFriends>. Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNPD thrown back in our faces. *The ensuing chaos hardly bears thinking about*. At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”

Consultation also failed in relation to the neighbouring **parish of Biddenden**. The Clerk of Biddenden Council has repeatedly responded to Benenden Parish Council in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of consultations with the parish of Biddenden in the Biddenden Parish Magazine, February 2021.

#### 1 **The plan is unsound because of the untimely publication of site allocations**

Pre-Submission Local Plan, para 5.420 reads “The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020.” But the allocations had already been made and published by the BNP in February 2019 in its so called “Informal Draft Plan”. The 2019 February allocations are virtually identical to the PSLP 2021 allocations. Para 5.420 states “The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan.” How can the BNP follow the PSLP’s approach when its sites were already allocated? Because the PSLP is founded on site allocations made by the BNP, the unsoundness of the latter carries over and produces unsoundness in the former.

The LP is based on the BNP and BNP allocations were made before **consultations with stakeholders**. This is not consulting in a timely fashion. For example, the PSLP requires archaeological surveys of the hospital sites *after* the designation of the sites for development. Historic England (HE) asks for the surveys to be carried out *before* allocation (see TWFDLP Comments DLP\_4556 - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted*.”

#### 1 **The plan is unsound because the evidence on which it is based is inaccurate or irrelevant**

##### **Supporting Documents**

**AONB Setting Analysis report: Main Report and AONB Study Plans and Photographs Benenden Hospital/Hankinson Duckett Associates.** November 2020.

See para 4.4.2, the description of the hospital site is for the *entire built up-hospital area*, minus the southerly LWS in the SEQ. It is therefore a *report on an area not submitted in the PSLP*. As a result, it draws its conclusions from areas not included in the PSLP. The conclusions are therefore unsound.

The report:

- is concerned with adding 66-72 additional dwellings in addition to the 18 already extant on the northern site and presumably in addition to the 24 for which planning permission has been granted. That is between 108 and 114 new houses. The PSLP is talking about planning 43 houses for the northern site and 49 for the south. A total of 92 new houses. The report muddies the waters, leaving no clarity.
- fails to note items of critical importance in any attempt to evaluate the landscape and historic importance of the site e.g.
- that the site is on an east-west ridge giving it a dominant position in relation to the AONB;
- the east-west Roman Road running over Benenden Healthcare Society (BHS) land a few yards to the south of the site, and the medieval drove road (Goddards Green Road - GGR) which divides the northern site from the southern one;
- the National Monument Register which lists a Bronze Age palstaff (SMR Number/Hob UID) found at the hospital site, (though, oddly, the report does note Scheduled Monuments in the village);

- . that the SEQ development proposes two entrances on to Green Lane and two on to GGR, see Transport Planning Associates (tpa)- October 2019 Scoping note for BHS, 1907-038 under the section headed 'Access', para 4.4 "The consented vehicle access arrangements will be retained. Therefore, vehicle access to the Site will be taken from two access points along Goddards Green Road and two on Green Lane." (This and other documents were revealed to the FEE in May 2021 as a result of the BNP Independent Examiner's queries. In spite of the Examiner's request that all such material be published on-line, this document and the KCC Highways 13 Nov 2019 "Pre-App Response" have been not been published). Such entrances will seriously impact the AONB. Both Goddards Green and Green Lane are designated Rural Lanes, and, of the two, Green Lane is mentioned as a particularly high scoring lane (for its beauty and tranquillity) in TWBC's *Rural Lanes: Supplementary Planning Guidance*. Creating a series of broad entrances large enough so that an "11.4 m refuse vehicle can enter and leave the site in forward gear (see KCC Pre-App Response 13-11-19, a document revealed to the FEE as a result of the BNP Examiner's queries but not made public) would have a substantial effect on the AONB. Hankinson Duckett Associates ignore the issue (see Section 4 on Benenden in the main report and photos B1 and B2 in *Supporting Plans and Photographs*, Benenden).
- . offers photos (B5 & B6) which are irrelevant to the site in question. These photos look south towards an area not up for development, and are taken from a point also not up for development. These omissions undermine the report's conclusion.
- . ***Inset Map 18 (Benenden Hospital)***, unlike other maps attached as supporting documents to the PSLP, Inset Map 18 makes no reference to the AONB boundary. This is a significant omission because both the PSLP and the BNP claim that the hospital is outside the AONB and on this basis, largely justify placing most of Benenden's housing in the East End. Because AL/BE3&4 lie on a high ridge to the north of the parish and because the AONB boundary wraps tightly round the site which bulges, like a balloon, into the AONB, development at the East End significantly affects the AONB. While TWBC acknowledges this by requesting the Hankinson Duckett Report, by publishing Inset Map 18, which omits the AONB boundary, TWBC loses a critical opportunity to show the true relevance of AL/BE 3&4 to the AONB. It could even be said that by leaving out the boundary, there is an implication that the hospital sites are genuinely 'outside' the protected area.
- . ***Previous Stages, Draft Local Plan, Benenden Overview***, p263, provides a basis for the PSLP but contains inaccuracies.
  - . There is no "pre-school/nursery" as stated in the Overview
  - . There is no "Small shop at hospital" as stated in the Overview
  - . The statement that there are tennis courts and a café at the site is misleading. In TWFDLP Comments, Savills requests (see DLP\_4956 para 3.14) that "the requirement to incorporate the tennis courts and retain the sports pavilion is removed". As for the café, BHS states in its comments on the LP that the café is for hospital use only - "the existing hospital buildings ... have only been designed for hospital use". See TWFDLP detailed additional submissions from Savills "*Representation to the TWBC Draft Local Plan Regulation 18*" 2- Sept- 1Nov 2019 para 3.18 and 3.19)

## 1 **Sustainability Appraisal**

As far as the East End of Benenden is concerned, the plan is unsound because the **Sustainability Appraisal**, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

**An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.**

**Climate Change:** AL/BE3&4 are not scored for climate change, nor are sites 158 & 222, yet, inexplicably, climate change is scored for AL/BE1&2 (Uphill and Feoffee) and for LS8. Where is the explanation for the failure to assess all sites, especially when sites 158, 222, AL/BE1&2 are all close to each other? The issue is particularly concerning in that sites AL/BE3&4 are both 3 miles distant from the village and without any amenities. Residents at these sites will be heavily car dependent and this was of concern even when only 24 houses were proposed for the site. "You will see from KCC's comments on the hybrid application (12/03130) that in consideration of this earlier application for 24

dwellings, the highways authority raised concern that all residents will be very heavily car dependent, which is contrary to a number of policy objectives, including the NPPF.” (see KCC Pre-App Response, 13 Nov 2019, revealed in response to the BNP’s Independent Examiner’s queries and still not in the public arena).

**Biodiversity:** AL/BE3 is considered to be less at risk in terms of biodiversity than AL/BE4 though AL/BE 3 has two Local Wildlife Sites (LWS) while AL/BE 4 has only one. Where is the evidence to support the idea that the one is less important for biodiversity than the other?

The SA’s scoring is not supported by evidence in a letter from Keith Nicholson of the Kent Wildlife Trust, former Planning and Conservation officer for the Kent Wildlife Trust (KWT), dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert in which he states, “The 2012 survey has demonstrated that Benenden hospital LWS is more valuable than previously believed. The applicant’s consultant is now more firmly of the belief that the Site would fulfil the criteria for it to be considered a Site of Special Scientific Interest (paragraph 4.3.6.). The waxcap community is of national importance when judged against both the Reid classification (para 4.3.4.) and the JNCC Guidelines (para 4.3.5.).”

Nor is it supported by the view of the HW-AONB as stated in TWFDLP Comments (see DLP\_3458) that the hospital LWS *“includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network.”* Neither the KWT nor the HW-AONB offer any indication that one or other of the LWS at the hospital is of less value than the rest. Further, we now know from see web link

Regulation 18 Representation made by Benenden Healthcare Society, November 2019, that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that “The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area.”

In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE4 see (in the same document) para 3.17. “In addition, as highlighted in paragraph 3.13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (LWS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the LWS and / or sports provision is removed from the policy requirement.” Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

**Business Growth:** AL/BE3&4 are scored as if they were more favourable to business growth than AL/BE1&2 and sites 158 and 222, but all four of these last-mentioned sites are in the heart of the village where residents will have ready access to local businesses as well as to daily bus services and other services and facilities. Residents at the East End, on the other hand, will have no access to local businesses except by car.

**Education:** All sites in this SA are scored equally for education, except for site 158 which scores less well. This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC’s 2006 SA on 158 decided (see page 18 of the *Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options* report), that 158 was one of two top sites. “Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site.” On page 38, we read, “This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels”. In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158’s owners to build houses there. If, in 2006, the SA offered site 158 as one of two top sites in the village for building the new primary school, where is the evidence that it’s appropriateness has somehow massively declined since then? Where is the evidence site 158 is less favourable to education than all the other sites mentioned,

especially given that the hospital sites, so favoured for development, are three miles distant from the village school?

Table 58 states that “the education objective does not deteriorate when considering the cumulative effects as the schools in Tenterden will be a viable option for residents in East End.” Children from the East End will have priority over the between 70 and 75% of the existing pupils at the school who come from outside the parish. On what basis is the assumption made that East End parents will prefer to drive their children 6 miles into Tenterden than drive to the primary school in their own village?

**Heritage:** AL/BE 3 scores slightly less well in terms of its heritage value than AL/BE4 without supporting evidence. How were heritage issues assessed when there is no apparent knowledge of the historic importance of the site, for example: the PSLP makes no mention of the Roman road a few yards south of AL/BE3; the medieval driveway (GGR), which runs through the site and along the ridge; and the Bronze Age palstaff found at the hospital site (National Monument Register - SMR Number/Hob UID). How can a site be scored or evaluated without at least some knowledge of the sites historic significance? This is available at <https://www.benendenvillage.org.uk/History/benweb2006.pdf>

and advertised on the Benenden village website.

**Services and Facilities:** How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children's playground, church, memorial hall, village hall and a primary school. In spite of this, sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

## 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.**

Many of the PSLP's problems are associated with failure in the duty to co-operate and can therefore not be remedied.

Many are due to poor evidence or poor interpretation of evidence. This too cannot be remedied.

In summary, development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites such as 158 and 222 in the village centre, or to LS8 in Iden Green. These sites all lie within walking distance of shops, other amenities and the primary school. Paragraphs 5.421 and 5.422 should be omitted.

## 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 to present my case and to answer those with vested interests who may seek to put forward arguments against it.

#### Question 8

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

Sustainability Appraisal

As far as the East End of Benenden is concerned, the plan is unsound because the Sustainability Appraisal, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.

Climate Change: AL/BE3&4 are not scored for climate change, nor are sites 158 & 222, yet, inexplicably, climate change is scored for AL/BE1&2 (Uphill and Feoffee) and for LS8. Where is the explanation for the failure to assess all sites, especially when sites 158, 222, AL/BE1&2 are all close to each other? The issue is particularly concerning in that sites AL/BE3&4 are both 3 miles distant from the village and without any amenities. Residents at these sites will be heavily car dependent and this was of concern even when only 24 houses were proposed for the site. "You will see from KCC's comments on the hybrid application (12/03130) that in consideration of this earlier application for 24 dwellings, the highways authority raised concern that all residents will be very heavily car dependent, which is contrary to a number of policy objectives, including the NPPF" (see KCC Pre-App Response, 13 Nov 2019, revealed in response to the BNP's Independent Examiner's queries and still not in the public arena).

Biodiversity: AL/BE3 is considered to be less at risk in terms of biodiversity than AL/BE4 though AL/BE 3 has two Local Wildlife Sites (LWS) while AL/BE 4 has only one. Where is the evidence to support the idea that the one is less important for biodiversity than the other?

The SA's scoring is not supported by evidence in a letter from Keith Nicholson of the Kent Wildlife Trust, former Planning and Conservation officer for the Kent Wildlife Trust (KWT), dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert in which he states, "The 2012 survey has demonstrated that Benenden hospital LWS is more valuable than previously believed. The applicant's consultant is now more firmly of the belief that the Site would fulfil the criteria for it to be considered a Site of Special Scientific Interest (paragraph 4.3.6.). The waxcap community is of national importance when judged against both the Reid classification (para 4.3.4.) and the JNCC Guidelines (para 4.3.5.)." Nor is it supported by the view of the HW-AONB as stated in TWFDLP Comments (see DLP\_3458) that the hospital LWS "includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network." Neither the KWT nor the HW-AONB offer any indication that one or other of the LWS at the hospital is of less value than the

rest. Further, we now know from

(<https://ws.tunbridgewells.gov.uk/files/consulteessupportingdocuments/Benenden%20Healthcare/>

[Savills%20for%20The%20Benenden%20Healthcare%20Society\\_full%20representation.pdf](#)), Regulation 18 Representation made by Benenden Healthcare Society, November 2019, that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that “The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area.”

In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE4 see (in the same document) para 3.17. “In addition, as highlighted in paragraph 3.13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (LWS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the LWS and / or sports provision is removed from the policy requirement.” Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

Business Growth: AL/BE3&4 are scored as if they were more favourable to business growth than AL/BE1&2 and sites 158 and 222, but all four of these last-mentioned sites are in the heart of the village where residents will have ready access to local businesses as well as to daily bus services and other services and facilities. Residents at the East End, on the other hand, will have no access to local businesses except by car.

Education: All sites in this SA are scored equally for education, except for site 158 which scores less well. This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC’s 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options report), that 158 was one of two top sites. “Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site.” On page 38, we read, “This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels”. In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158’s owners to build houses there. If, in 2006, the SA offered site 158 as one of two top sites in the village for building the new primary school, where is the evidence that it’s appropriateness has somehow massively declined since then? Where is the evidence site 158 is less favourable to education than all the other sites mentioned, especially given that the hospital sites, so favoured for development, are three miles distant from the village school?

Table 58 states that “the education objective does not deteriorate when considering the cumulative effects as the schools in Tenterden will be a viable option for residents in East End.” Children from the East End will have priority over the between 70 and 75% of the existing pupils at the school who come from outside the parish. On what basis is the assumption made that East End parents will prefer to drive their children 6 miles into Tenterden than drive to the primary school in their own village?

Heritage: AL/BE 3 scores slightly less well in terms of its heritage value than AL/BE4 without supporting evidence. How were heritage issues assessed when there is no apparent knowledge of the historic importance of the site, for example: the PSLP makes no mention of the Roman road a few yards south of AL/BE3; the medieval droveway (GGR), which runs through the site and along the ridge; and the Bronze Age palstaff found at the hospital site (National Monument Register - SMR Number/Hob UID). How can a site be scored or evaluated without at least some knowledge of the sites historic significance? This is available at <https://www.benendenvillage.org.uk/History/benweb2006.pdf> and advertised on the Benenden village website.

Services and Facilities: How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a



general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children's playground, church, memorial hall, village hall and a primary school. In spite of this, sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

### **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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## Comment

Consultee	Colin Czapiewski [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Benenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Colin Czapiewski [REDACTED]
Comment ID	PSLP_1835
Response Date	04/06/21 13:02
Consultation Point	Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End ( <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	Colin Czapiewski
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/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End

Policy AL/BE4 Land at Benenden Hospital (north of Goddards Green Road, East End)

*[TWBC: this representation has been input against Policies AL/BE3 and AL/BE4– see Comment Numbers PSLP\_1834 and PSLP\_1835]*

#### 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 understand that residents have until 5pm today, to make any final comments on the proposed development at Benenden Hospital.

I have submitted my thoughts in detail already.

However, I would like to add one final issue for consideration of the Independent Inspector and any others considering this proposal.

Having lived at our house in Goddard's Green Road, Benenden, for almost 29 years, having moved here in August 1992, I believe that we are in an excellent position to comment.

Although we are not directly affected by the proposed buildings, we are more aware than most of the dangers of walking, cycling and driving from Benenden Hospital to Benenden village.

As an example, this was most recently highlighted by the 3 separate car crashes on the morning of 31st December 2020, which, although no one was seriously injured, show just how dangerous Goddard's Green Road can be.

It is narrow with multi bends, high banks and no footpath.

Walkhurst Road, which is the most likely route from Goddard's Green Road to Benenden village, is even narrower, with many places where two cars cannot even pass.

Clearly, without substantial widening and improvements to both of these roads, I believe that it is negligent to permit more buildings for future residents of Benenden to be built at the Benenden Hospital 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)?**

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