

Date: 07 October 2024  
Our ref: 487810  
Your ref: -



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

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

T 0300 060 3900

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

Dear Sir or Madam

### **Tunbridge Wells Borough Council's Local Plan: Public Consultation on New Evidence Base Documents**

Thank you for your email of the 11 September 2024 seeking Natural England's advice on the new evidence base documents for the Tunbridge Wells Local Plan.

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

We are pleased to provide our comments on the current consultation using the proforma appended to this letter. Natural England has only provided comments or advice on the documents appropriate to our remit. Of the updated documents subject to this consultation, those relevant to Natural England are the updated STR/SS1 and STR1 policy documents dated September 2024.

I hope our comments in relation to this consultation are helpful, for any queries in relation to this letter please contact me by email to [REDACTED] or by telephone on [REDACTED]. For any new consultations, please send them to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours faithfully

Sean Hanna  
Senior Officer  
Sussex and Kent Area Team



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

**New Evidence Base Documents Consultation  
Representation Form**

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

Ref:

(For official  
use only)

|  |  |
|--|--|
| <b>Box 1:</b>  |  |
| <b>Name of the Local Plan Evidence Base Document to which this representation relates:</b> |  |

Completed forms must be received at our offices by **midnight on Wednesday 23<sup>rd</sup> October 2024**.

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

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

**PART A – CONTACT DETAILS**

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

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

|   |                   |  |
|---|-------------------|--|
| <b>Address Line 4</b>                     | <b>Kent</b>       |  |
| <b>Postcode</b>                           | <b>TN231HU</b>    |  |
| <b>Telephone number</b>                   | <b>[REDACTED]</b> |  |
| <b>Email address<br/>(where relevant)</b> | <b>[REDACTED]</b> |  |

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

|                             |                 |
|-----------------------------|-----------------|
| <b>Name or Organisation</b> | Natural England |
|-----------------------------|-----------------|

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| <b>3.</b>                                      | <b>To which part of the document listed in Box 1 above does this representation relate to?</b>  |
| <b>Chapter and (if applicable) sub heading</b> | Revised Policy STR/SS1<br><a href="#">PS 095 Revised Policy Wording for STRSS1 – Paddock Wood and Land at East Capel (September 2024)</a> |
| <b>Paragraph number or appendix</b>            | Revised Policy STR/SS1  |

|            |   |            |                          |           |                                     |
|------------|---|------------|--------------------------|-----------|-------------------------------------|
| <b>4.</b>  | <b>Do you consider the Evidence Base document on which you are commenting, makes the Borough Local Plan Submission Version (2020 – 2038) (please tick or cross as appropriate):</b> |            |                          |           |                                     |
| <b>4.1</b> | <b>Legally Compliant</b>  | <b>Yes</b> | <input type="checkbox"/> | <b>No</b> | <input type="checkbox"/>            |
| <b>4.2</b> | <b>Sound</b>  | <b>Yes</b> | <input type="checkbox"/> | <b>No</b> | <input checked="" type="checkbox"/> |

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| <b>5.</b> | <p><b>Please give details of why you consider the Borough Local Plan Submission Version (2020 – 2038) is not legally compliant or unsound. Please be as precise as possible.</b></p> <p><b>If you wish to support the legal compliance or soundness of the Local Plan, please also use this box to set out your comments.</b></p> <p><b>The text box will automatically expand if necessary.</b></p> |
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As detailed in our response to the Examination Inspector’s Initial Findings consultation within our letter of the 26 February 2024 (our reference 463641), we remain concerned that the impacts to the High Weald National Landscape may not have been fully assessed. Given that the allocation, in part, falls within the setting of the High Weald National Landscape and the required transport improvements will also impact the National Landscape.

We suggested a number of amendments to the policy wording in our February 2024 response to strengthen to the wording to more closely align this with the requirements of Paragraph 182 of the National Planning Policy Framework (NPPF) which details that development ‘development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas’.

We note that our previous suggested amendments to Policy STR/SS1 do not all appear to have been incorporated into the Post Hearing Stage 3 updated (September 2024) subject to this consultation. We would welcome the amendments suggested previously being incorporated into the revised policy wording.

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|  | <p><b>Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the Matter you have identified at Section 5 (above) where this relates to legal compliance or soundness.</b></p> <p><b>6. You will need to say why this 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.</b></p> <p><b>The text box will automatically expand if necessary.</b></p> |
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Given the potential impacts to the High Weald National Landscape resulting from the modifications, Natural England considers that the following suggested amendments to Policy STR/SS 1 would strengthen the policy wording and ensure that impacts are avoided or fully mitigated.

Text which we feel should be removed has been struck through and suggested additions are shown as underlined.

Development Principles

3 (j) where development is proposed within the setting of the High Weald National Landscape AONB, ~~to have regard to the~~ it will be delivered in accordance with the recommendations of the High Weald AONB Setting Study and the objectives of the High Weald AONB Management Plan and ensure that landscape and visual impacts are avoided or fully mitigated;

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

Masterplanning

8(d) incorporate a green and blue infrastructure (GBI) plan which is informed by a comprehensive wildlife and habitat survey and heritage and landscape character assessments. The green and blue infrastructure plan should demonstrate how it integrates with and complements the plan of neighbouring plots. The GBI should be developed in accordance with the national Green Infrastructure Framework.

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

Strategic Infrastructure

12 (d) transport links and associated transport and highway improvements and the provision of new transport and highway infrastructure is provided when it is needed to support the



development and mitigate potential off-site highway and other transport impacts. The location and design of any transport links will ensure that landscape and visual impacts to the High Weald National Landscape and its setting are avoided or fully mitigated;

Reason: Given the location of some of the highway improvements required for this allocation (for example the Colts Hill bypass) significant impacts to the High Weald National Landscape are likely to result. As detailed in our 26 February 2024 response (our reference 463641), the updated evidence base document 'Red, Amber, Green (RAG) Assessment, Landscape & Visual – Colts Hill Bypass' prepared by Stantec highlights that impacts to the setting of the High Weald National Landscape are likely to result and assess these as 'Amber'. The Stantec report defines 'Amber' ratings as 'Without additional evidence, this concern would pose a risk to the progression of the Local Plan Examination. Stantec believe it is likely that the concern can be overcome but it is highly likely that additional evidence would need to be submitted to the Inspector and this may cause some delay and result in additional cost'. Given these concerns, our advice remains that the Policy wording should be strengthened to ensure that impacts are avoided or fully mitigated as required by the NPPF.

Overarching comments

As detailed in our previous response dated 26 February 2024 (our reference 463641), in addition to the Plan policies avoiding or fully mitigating impacts to the High Weald National Landscape, the Plan should be amended to reflect the enhanced landscape duty within Section 85 of the Countryside and Rights of Way Act (amended via Section 245 of the Levelling Up and Regeneration Act 2023). This places a duty on relevant authorities in exercising or performing any functions in relation to, or so as to affect, land in a National Park, the Broads or an Area of Outstanding Natural Beauty (National Landscape) to 'seek to further the purpose of conserving and enhancing the natural beauty of the area'.

Whilst this may sit better within an amended overarching landscape policy within the Plan, if such an amendment is not proposed then we would recommend that Policy STR/SS1 is amended to reflect the enhanced duty.

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| 7. | <p><b>Please use this box for any other comments you wish to make.</b></p> <p><b>The text box will automatically expand if necessary.</b></p> |
|    | Not applicable  |

|   |   |   |   |   |  |
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| 8.  | <p><b>If your representation is seeking a modification, do you consider it necessary to participate at the examination hearing session when it takes place? (please tick or cross as appropriate)</b></p>   |   |   |   |  |
|   | <table border="1" style="width: 100%;"> <tr> <td style="width: 80%;">No, I do not wish to participate at the examination hearing session</td> <td style="text-align: center;">X</td> </tr> <tr> <td>Yes, I wish to participate at the examination hearing session</td> <td></td> </tr> </table> | No, I do not wish to participate at the examination hearing session | X | Yes, I wish to participate at the examination hearing session |  |
| No, I do not wish to participate at the examination hearing session | X   |   |   |   |  |
| Yes, I wish to participate at the examination hearing session       |   |   |   |   |  |

|    |  |
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| 9. | <p><b>If you wish to participate at the examination hearing when it takes place, please outline why you consider this to be necessary:</b></p> |
|----|--|

Not applicable

***Please note*** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the examination hearing session.

|                             |                 |
|-----------------------------|-----------------|
| <b>Name or Organisation</b> | Natural England |
|-----------------------------|-----------------|

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| <b>3.</b>                                      | <b>To which part of the document listed in Box 1 above does this representation relate to?</b>  |
| <b>Chapter and (if applicable) sub heading</b> | STR1<br><a href="#">PS 109 Revised Policy Wording and supporting text for Policy STR1 – The Development Strategy (September 2024)</a> |
| <b>Paragraph number or appendix</b>            | STR1 (8)  |

|            |   |            |               |           |
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| <b>4.</b>  | <b>Do you consider the Evidence Base document on which you are commenting, makes the Borough Local Plan Submission Version (2020 – 2038) (please tick or cross as appropriate):</b> |            |               |           |
| <b>4.1</b> | <b>Legally Compliant</b>  | <b>Yes</b> | <b>Unsure</b> | <b>No</b> |
| <b>4.2</b> | <b>Sound</b>  | <b>Yes</b> | <b>Unsure</b> | <b>No</b> |

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| <b>5.</b> | <p><b>Please give details of why you consider the Borough Local Plan Submission Version (2020 – 2038) is not legally compliant or unsound. Please be as precise as possible.</b></p> <p><b>If you wish to support the legal compliance or soundness of the Local Plan, please also use this box to set out your comments.</b></p> <p><b>The text box will automatically expand if necessary.</b></p> |
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Natural England notes that the wording for Policy STR1 (8) details ‘Limits development within the High Weald National Landscape 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’.

As detailed in our letter of the 26 February 2024 (our reference 463641), in addition to the Plan policies avoiding or fully mitigating impacts to the High Weald National Landscape, the Plan should be amended to reflect the enhanced landscape duty within Section 85 of the Countryside and Rights of Way Act (amended via Section 245 of the Levelling Up and Regeneration Act 2023). This places a duty on relevant authorities in exercising or performing any functions in relation to, or so as to affect, land in a National Park, the Broads or an Area of Outstanding Natural Beauty (National Landscape) to ‘seek to further the purpose of conserving and enhancing the natural beauty of the area’.

Whilst this may sit better within an amended overarching landscape policy within the Plan, if such an amendment is not proposed then we would recommend that Policy STR is amended to reflect the enhanced duty.



|           |  |
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| <b>6.</b> | <p><b>Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the Matter you have identified at Section 5 (above) where this relates to legal compliance or soundness.</b></p> <p><b>You will need to say why this modification will make the 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.</b></p> <p><b>The text box will automatically expand if necessary.</b></p> |
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Natural England recommends that the Plan is amended to include specific reference to the enhanced landscape duty, either within an overarching landscape policy or in relevant site allocation policies.

This will ensure that the Plan complies with the enhanced duty in relation to protected landscapes.

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

|  |                |
|--|----------------|
|  | Not applicable |
|--|----------------|

|           |   |   |
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| <b>8.</b> | <p><b>If your representation is seeking a modification, do you consider it necessary to participate at the examination hearing session when it takes place? (please tick or cross as appropriate)</b></p> |   |
|           | No, I do not wish to participate at the examination hearing session   | X |
|           | Yes, I wish to participate at the examination hearing session   |   |

|           |  |
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| <b>9.</b> | <p><b>If you wish to participate at the examination hearing when it takes place, please outline why you consider this to be necessary:</b></p> |
|-----------|--|

Not applicable

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the examination hearing session.

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

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

|                  |            |             |                |
|------------------|------------|-------------|----------------|
| <b>Signature</b> | Sean Hanna | <b>Date</b> | 8 October 2024 |
|------------------|------------|-------------|----------------|