

Local Plan Regulation 19 representations in document order

Comments on the Whole Plan

Comment

Consultee	Hilary Andrews [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Whetsted Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Hilary Andrews [REDACTED]
Comment ID	PSLP_960
Response Date	03/06/21 11:11
Consultation Point	Pre-Submission Local Plan (View)
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Respondent's Name and/or Organisation	Hilary and Nick Andrews
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Overall comments	
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

Question 5

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

After this stage, 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 are residents of East Capel, having lived in our house for 28 years. We consider certain aspects of the Tunbridge Wells local plan to be unsound, ill thought through and not justified. We have commented on various policies and paragraphs but also wish to make the following additional observations.

TWBC has deliberately made it very difficult for the ordinary person to be able to consider these plans as:

Borough Councillors were put under NDAs so they could not communicate with the electors;

We understand that planners were originally considering other sites as preferred but a sudden change of heart put all the housing in these two co-joined areas in Capel Parish. The rationale for that change of plan from their two preferred sites, has never been made public;

The plans and details have changed with important information hidden in hundreds if not thousands of pages of documents;

Documents integral to the plan have been hidden within odd areas of the TWBC website;

TWBC have provided misinformation all along the route;

The leader of the Council for TWBC (now ex-leader of the Council) publicly stated that the plans will go through for the two sites in Capel Parish a long time prior to the Reg 18 closure with the suggestion that it was already agreed. This smacks of dubious practice at best and corruption at worst. As TWBC is well aware, their obligation in respect of maintaining zero bribery & corruption is significant and any suspicions in the Planning Dept should be investigated thoroughly.

Stephen Baughen the TWBC Planning officer has given an explicit public guarantee (at a public meeting in Five Oak Green prior to Reg 18) on behalf of TWBC that the East Capel site will not flood – as he knows and TWBC has ignored, this will be an expensive guarantee that as local taxpayers we will be required to fund.

East Capel is well known for regularly flooding – any house purchaser will have to declare to their mortgage lender and insurer that it is built in areas that flood. To not do so will be fraudulent. The developers will have to advise any potential house purchaser that their houses are liable to flood, likewise to not do so will be fraudulent. These two factors alone mean that the likelihood of actually selling these houses will be very difficult and insurance every expensive. TWBC should be very clear that this is a major risk to the entire East Capel site and be very open that the houses may not be saleable.

Question 6

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

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

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

We recommend that TWBC removes STR/SS1 and STR/SS3 from the local plan.

Question 7

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

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

Question 7a

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

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

Because we believe that the views and comments relating to the draft local plan at Reg 18 were not considered by TWBC in preparing the pre submission local plan.

Future Notifications

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

Comment

Consultee	Brian Ardron [REDACTED]
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Brian Ardron [REDACTED]
Comment ID	PSLP_74
Response Date	24/04/21 08:57
Consultation Point	Pre-Submission Local Plan (View)
Status	Processed
Submission Type	Email
Version	0.2

Data inputter to enter their initials here KJ

Question 1

Respondent's Name and/or Organisation Brian Ardron, Architect

Question 3a

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

General comments on 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.

After this stage, 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.

Previous History

Tunbridge Wells is an historic town surrounded by green countryside. It has developed from the original Pantiles as a high-class tourist resort, with elite landowners following. The town was expanded during the Victorian period largely by the inspired work of Decimus Burton. The railway was also introduced during this period. Several villages were established outside the town but have since been swallowed up by Tunbridge Wells natural expansion. Since that time and the evolving planning process very little inspirational work to the town has been carried out, apart from small pocket developments and individual buildings. People have now become more affluent and cars more affordable.

Tunbridge Wells West Railway Station and a section of the original track was taken over by a private company, when underpaying lines were being curtailed, and has since become a major tourist attraction; complementing other attractions in the area.

Within recent years the town and outlying villages have been expanded by zones, creating an extensive use of the motorcar. It now forms a linear town from Ramslye housing estate in the south to Tunbridge Wells Hospital in the north, with the very real possibility that other villages will soon become part of the town. Industrial areas were formed outside the town, which have since become major shopping zones and are largely to blame for the decreasing use and general decay of the town centre.

Future Planning according to the Tunbridge Wells Town Plan

The town is still evolving but no consideration is given to reducing car use and consequently will be unable to be sustainable or to come anywhere near to zero carbon emissions in the near future. Street parking has now reached a peak, but as local authorities produce revenue from parking and fines there is no incentive to reduce car use and subsequent emissions.

The town plan will remain the same, with surveys and projections of the current situation is and methods to ease the known problems. Reliance on future technologies appears to pervade.

The existing town centre is decaying and it is proposed to make it a more commercial and health area by repurposing shops.

Under the Town Plan the outlying villages are necessarily being expanded to provide more housing using the Garden City principles.

Changing Tunbridge Wells for a Sustainable Future

General

Any successful town relies on inspiration upon inspiration, which is sadly lacking in the current Town Plan, resulting in a jewel on an unworthy backdrop. More drastic measures than proposed in the Town Plan are needed for a sustainable future. Past mistakes, such as promoting out-of-town shopping which encourages car use and weekly shopping, should be better placed for walking and public transport.

Neighbours have reached out to each other during the pandemic, much as in previous eras, and has shown how the recently evolved community movements have fared better.

Car ownership should be replaced with all-day use non-emission vehicles, now becoming viable, in the form of car-sharing, clubs, and public transport. Walking and cycling are now commonplace.

Housing

The expansion of outlying villages could have used more modern concepts such as seen in the rapidly expanding Transition Towns movement and examples as in Copenhagen.

Much of the original housing emits considerable quantities of CO2 to comply with current life styles and it is imperative to rectify this. The major method would be to insulate walls, floor and roof of all

existing buildings, and seal them, with controlled ventilation for condensation control; but this will only happen if constructive financial help is available from Central or Local Authorities.

Local Communities

Copenhagen has been developing 'People-first' areas within the city and the pandemic has made them realise the distinct relation between where people live, where they work, open spaces, and shopping areas. The combination in close proximity has certainly proved to be better than ad hoc development. Prime objectives are to decrease the need for transport by promoting relatively small self-contained local communities where everything they need on a day-to-day basis is within walking distance, and to promote small businesses and a reliable public transport. This type of community makes it possible for microfactories, promote garden produce and use otherwise derelict land such as railway embankments for fruit trees. One community even produces its own solar electricity.

The pandemic has divided opinions about housing accommodation. As many people do not like working at home and become bored, others see it, or are forced to see it, as an opportunity requiring an additional room within the property as an office. Yet other people will now require a small home workshop. These are all trends that should be encouraged.

Linear Town

Tunbridge Wells has developed from its beginnings as a Health Resort into a thriving town which has been expanding mainly northwards to create a linear town and established a Town Centre that catered for the growing population. Super stores, in the 1950's, were initially within the existing town centres, resulting in weekly shopping and small local shops having to close down because they could not compete. Planning controls added segregated industrial areas, isolated from the residential communities, which have evolved into mainly shopping areas due to the greater space and car parking available. To a large extent this has resulted in increased car use due to the remote shopping, and a decaying town centre. The car now reigns supreme, with the Local Authority having a considerable income from parking and fines, which does not provide an incentive to reduce car use.

To this scenario has been added specialised hospitals catering for wide areas, which has added to the already heavy car traffic. There were originally two hospitals serving Tunbridge Wells, one close to the town centre, and another at Pembury. Very few people use the public transport system, run by private companies; and prefer to use their own cars. Doctor's surgeries have had to take more responsibility for peoples health, but should take even more for non-specialist applications.

Out-of-town shopping.

When a car is necessary to collect shopping it creates undesirable emissions and pollution. It is difficult to move superstores back to the town centre where they should be but making them responsible for deliveries would allow a weekly shop to be delivered to a persons door - it would also make it possible for one person to go to the store without a car, shop for what they want and return home. Delivery could then follow and the store location become less of a problem. The delivery trucks would be in use all day.

Although the existing town centre is decaying it is in the right position for access from all parts, whether by walking or public transport. The northern industrial zone has evolved into a shopping centre serviced by cars and is largely to blame for the decreasing use of the town centre and general decay in this area. It is now time to revitalise the town centre by bringing back the larger food shops and also providing a mix of commerce housing and the arts in a more concentrated form. To this can be added concentrated food growing such as hydroponics, and similar intense food growing facilities.

Out of town shopping areas could well become community areas with specialisation.

Sustainable Transport.

Most people consider it essential to have their own car because the alternatives are not there or are inadequate for them. Most cars are parked for the majority of the day, taking up a considerable amount of space and a source of annoyance for walking and cycling. An alternative that is more convenient than a car is essential. In the near future when the initial teething problems are overcome guided cars can take people door to door. Meanwhile more reliable public transport and hire cars, would help to reduce car use.

Cars still have considerable CO2 emissions in their construction and disposal, whether they have internal combustion or electric engines, which indicate manufacturers should change to more ecologically

friendly materials, such as plant based plastics, or manufacture less of them. Cars have to be manufactured, and then disposed of after use; which generates a considerable amount of emissions. Expensive rare earths are used in electric car manufacture. Electric cars can only claim a reduction of emissions in use if the electricity for charging is sustainably sourced.

Railways have always been more sustainable than other transport, but the stations are not always in a very good location, mainly because in the early days the noise and smoke was considered to be obnoxious.

Trams have proved to be successful in some larger towns, but the hills in Tunbridge Wells may prohibit their use.

Walking and Cycling Routes.

The Local Plan takes this seriously. Previous experience suggests walking and cycling should be separate to vehicles because of the proximity dangers, and should be continuous as previous cycle ways have not always been so.

Electric bicycles are becoming commonplace, and some towns are testing rental electric scooters, but the results will not be known for some time - eanwhile more people are being fined for riding them in towns.

Main Roads

For travel between communities or commuting. It is better to isolate fast moving traffic from local roads. Public transport is more efficient than private cars, which are only used for a small part of the day.

Green spaces.

The pandemic has shown how open green spaces and open areas have been used to a greater extent, making them essential for communities. Back roads modified for pedestrian use, but still allowing essential ambulance or fire-fighting appliance to be able to reach a property, can provide more green spaces close to housing..

Climate Change

Could mean either this country becomes warmer or colder. In either case insulated buildings whether existing or new should be essential. Much higher wind speeds could affect how roofs are finished, as traditional tiles or slates are now proving to be inadequately fixed. Sheet materials seem to have fared better.

Passive ventilation is better than air conditioning.

Flooding in many areas is becoming more commonplace and all buildings should have more effective defense. There are flood panels available for doors and closeable airbricks.

Recycling

The work of Veena Sahajwalla in Australia shows how she has considered rubbish as an asset and is working on ways to make use of it. She is also working on microfactories that mimic large-scale production and can be used locally for small-scale production. Local reduction in the use of non-degradable materials is possible, and would do much to reduce excessive emissions and road debris.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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	Ashford Borough Council [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Ashford Borough Council
Address	Civic Offices Tannery Lane ASHFORD TN23 1PL
Event Name	Pre-Submission Local Plan
Comment by	Ashford Borough Council [REDACTED] [REDACTED]
Comment ID	PSLP_784
Response Date	02/06/21 11:02
Consultation Point	Pre-Submission Local Plan (View)
Status	Processed
Submission Type	Email
Version	0.10
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Ashford Borough Council
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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

General comments on whole Plan

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.

Ashford Borough Council is grateful for the opportunity to comment on the Draft Local Plan that continues the on going dialogue between TWBC and ABC during the preparation of the Plan.

The Borough Council has no comments to make and would refer to the agreed SOCG that was signed and agreed on the 18th March 2021 that sets out the Council's respective positions.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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	Jacqui Avery ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] Tunbridge Wells TN4 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Jacqui Avery ([REDACTED])
Comment ID	PSLP_2279
Response Date	04/06/21 09:31
Consultation Point	Pre-Submission Local Plan (View)
Status	Processed
Submission Type	Email
Version	0.3
Files	Residents Against Ramslye Development whole submission redacted.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Jacqui Avery
Question 3a	

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

General comments on whole Plan

[TWBC: see also further comments on individual sections and policies - PSLP_2269 and 2272-2279. The whole representation form (personal details redacted) has also been attached as it contains plans and images]

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.

This response is made on behalf of the 669 signatories on the petition submitted in response to Regulation 18 which was delivered to TWBC Planning Services in 2019 and the Facebook group 'Residents Against Ramslye Development' whose membership is currently 247 (names can be provided if required). We have noted guidance 4.3 and have encouraged the people opposed to the development of site 137/ Policy AL/RTW 16 'Land to the west of Eridge Road at Spratsbrook Farm' not to make separate responses repeating the same points as those made here; some however will no doubt have submitted individual responses.

Forward

We appreciate the effort and thought that has gone into preparing the Pre-Submission Local Plan. We note and welcome a number of areas where our representations in respect of the Regulation 18 draft local plan consultation have been taken into account and the plan amended.

The task of developing a local plan over such a long term is very challenging especially in the context of a significant and society changing event such as the Covid pandemic. We agree with the statement set out at paragraph 2.41 of the Pre-Submission Local Plan that acknowledges the challenges of planning when faced with structural societal changes. We agree that a flexible approach should be taken when attempting to assess and balance the needs of retail, office, housing and culture.

To that end we make the following observations:

Retail

We note the plan identifies a need for increased retail space; this is in spite of the number of empty premises in the town centre. In a visual survey of Mount Pleasant, Calverley Road, Royal Victoria Place and Crescent Road we identified 51 empty premises and in addition there is the well-publicised closure of John Lewis in north farm. We consider that retail businesses are going through a period of significant structural change which the Covid pandemic has hastened but not caused in the shift to online shopping and distribution. We therefore consider the case for the need for more retail space to be very weak.

Office space

We agree with the statement at paragraph 5.24 that no additional office space is needed in the town centre and existing space may need to be re-purposed. We note a recent BBC survey of major employers reported that 85% of employers will not be returning to their offices full-time, and indeed in a straw poll of our own small group, 100% of those people working in office space will not be expected to return to the office full-time.

This represents another structural change in working patterns. However, we also consider it an opportunity for the growth of more local services in the leisure and culture sectors that will provide additional local employment, potentially reduce travelling and if managed appropriately, enhance the borough and the experiences of its residents.

To that end we consider the plan should include an addition to the strategic policies that ensures there is suitable flexibility in planning decisions in terms of purpose (e.g. between retail, office and housing) so as to avoid the highly undesirable circumstances of Green Belt and green field development running amok while the town centres languish empty and underutilised. This addition could possibly be made in STR4 but a case could be made for such a clause in all of the strategic 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.

After this stage, 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 site 137/ AL/RTW 16 'Land to the west of Eridge Road at Spratsbrook Farm' from the 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	Lady Elizabeth Akenhead [REDACTED]
Email Address	[REDACTED]
Company / Organisation	British Horse Society
Address	[REDACTED] [REDACTED] TONBRIDGE TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	British Horse Society [REDACTED] [REDACTED]
Comment ID	PSLP_1507
Response Date	04/06/21 11:58
Consultation Point	Pre-Submission Local Plan (View)
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	British Horse Society
Question 3a	

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

Pre-Submission Local Plan

[TWBC: Comment on 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

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.

Introduction and General Comment

The British Horse Society (BHS) is a registered charity with over 100,000 members. The BHS represents and promotes the interests of all horses and those who care about them, including 2.7 million people in Britain who ride or who drive horse-drawn carriages. We offer world-class qualifications, an approvals system awarding quality instruction and care, and support and guidance on access, safety and welfare issues.

Equestrianism is a popular and healthy activity for people of all ages. The BHS commissioned research into the physical health, psychological and wellbeing benefits of recreational horse riding in the United Kingdom which was published in 2011. It assessed riding as a moderate intensity exercise and examined the frequency with which individuals take part. Reliable evidence indicates that physical exercise produces wellbeing benefits linked to social interaction and changes in mood, anxiety, self-esteem and other personal emotions.

The report is available on www.bhs.org.uk/enjoy-riding/health-benefits .

Horse activities engage a high proportion of people with disabilities, women participants and participants over the age of 45. Nearly 40% of those taking part do not participate in other forms of physical activity. All these factors are very important in recognising that equestrianism is vital to the health of a significant section of the population which is known to be at risk.

Equine and equestrian businesses include riding schools and coaches, livery yards, competition yards, trekking centres, breeders, trainers, welfare charities, veterinary services, farriers, feed merchants, tack, equipment and clothing manufacturers and retailers, shows and event services.

The British Equestrian Trade Association (BETA) represents more than 800 member companies. The most recent BETA National Equestrian Survey (2015)¹ indicated:

- . Estimated £3,600 spent on each horse
 - . £4.3 billion economic value of the equestrian sector
 - . £560 million spending on items such as hats and body protectors, clothing, books and magazines
 - . 944,000 horses in Britain
 - . 3 million regular riders of 2.7 million total
 - . 74% female (962,000 female regular riders, 348,000 males)
- 44% of those riding once a week or less say they would ride more frequently if they had access to safe off road riding or bridleways. This is the most cited reason that would make people ride more frequently. www.beta-uk.org/pages/industry-information/market-information.php .

Whether purely for recreation or when riding or driving professionally, equestrians may use public rights of way (including roads) and open spaces, and may rely on them as the only place they may

ride or drive. Routes free from motorised traffic are preferable, for safety and for freedom from noise and pollution, providing a healthy respite for body and mind.

England has 117,250 miles of recorded public rights of way, of which only 22% are bridleway or byway (available to riders). Many of these paths are unusable on horseback because they have been isolated by busy roads or truncated by development or a failure to record a through route. Some areas may have a network of bridleways or byways, other areas have none at all, including the whole of adjacent parishes, meaning that riders may have no off-road access for a ten mile radius or more, and carriage-drivers may have nothing within tens of miles. **This is the case in much of the Borough of Tunbridge Wells, where the proportion of public rights of way that are of bridleway or byway status is considerably lower than the national average (only 16% of rights of way in Kent are bridleways or byways); most of these are very short routes that would take no more than a few minutes to ride, linked by increasingly busy roads.**

The BHS considers horse-related traffic incidents to be significantly under reported, to it, the police or any other body. This view is supported by the Hospital Episode Statistics (NHS Digital) in 2015-16 which reported 4,094 episodes requiring treatment in hospital for 'animal-rider or occupant animal-drawn vehicle injured in transport accident'. Between 29.02.20 and 28.02.21

- . 1,010 road incidents involving horses have been reported to The British Horse Society
- . Of these, 46 horses have **died** and 118 have been **injured**
- . 130 people have been **injured** because of road incidents
- . 45% of riders were victims to **road rage** or **abuse**
- . 80% of incidents occurred because a vehicle **passed by too closely** to the horse
- . 43% of incidents occurred because a vehicle **passed by too quickly**

(* Note that this figure is undoubtedly a fraction of those that occurred.)

The cost of a fatal road traffic collision is around £1.8million per casualty; with even slight incidents around £18,000 per casualty (www.gov.uk/government/publications/reported-road-casualties-great-britain-annual-report-2016) based on medical, police, insurance, lost output and 'human' (distress, suffering, pain) costs. It does not take account of secondary costs to other people affected by a road traffic incident, for whom the consequence of delays could be considerable.

A figure for an equine casualty is not available, but transport and disposal of a dead horse alone is likely to be £1,000. Replacement for the majority of horses is likely to cost several thousand pounds. For some horses there may be lost output in terms of stud fees or prize money. In UK law unfortunately a horse is considered to be property, not a sentient being, but most horse owners will attribute the equivalent of human cost (distress, suffering, pain) as well as veterinary and insurance costs and lost benefits of ownership.

The thousands of new homes proposed in this Draft Plan will contain a large number of additional households containing one or more people who will want to ride, yet this Plan, so far, appears to contain no proposals whatsoever for improving and extending public riding facilities, the only mention of equestrians being Policy ED6 placing conditions on recreational (including equestrian) uses in the countryside. Indeed, the Plan proposes to build housing developments on the sites of two equestrian centres, without providing any replacements for them. This compounds the loss of several other riding stables to housing developments in recent years. Moreover, the additional motor traffic which will be caused on the rural roads which are currently used by equestrians around Paddock Wood, Brenchley and Matfield and Pembury will mean there are even fewer places where people can safely ride.

In creating the new strategic settlements and in providing access improvements to the Green Belt designed to compensate for the loss of areas of Green Belt, the opportunity should have been taken to create a network of new public bridleways and horse riding routes. As at Trent Park in London, these should be linked to the provision of riding centres, or else access to the riding routes should be within safe and easy reach of an existing riding centre.

Wherever possible, new cycle routes should be dedicated as public bridleways, so that horse riders are able to use them as well as cyclists and walkers. The proposed cycle route linking Sissinghurst, Cranbrook and Hartley to Bedgebury Forest would be a particularly useful route for horseriders as Bedgebury Forest is the only place in the Borough where there is anything approaching a network of bridleways. The new developments at Hawkenbury, particularly the new sports hub, should provide horse riding routes that link to the existing public bridleways nearby. In some London

Boroughs, horse riding routes have been created around the perimeter of playing fields and the same could have been done here, but it appears there is no intention to do so. **The proposed green infrastructure route along the old Hop Pickers' Railway Line should also be a route for horse riders**, like the Cuckoo Line and the Forest Way in East Sussex, both of which are old railway lines that are now non-motorised user routes, instead of just proposing it as a walking and cycling route.

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 for new riding stables with linked riding circuits as part of the new strategic developments.
Prioritise the provision of new bridleways.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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 suitable new riding facilities will be provided as part of the new strategic developments under the Plan and to provide guidance as to how this might best be done.

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 (View)
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.

After this stage, 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 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

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing 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 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

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 (View)
Status	Processed
Submission Type	Email
Version	0.12
Files	Pro Vision for Cooper Estates Strategic Land - full representation with appendices.pdf
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)²; and
- . there was a separate need for 796 care and/or nursing home bedspaces in the same 2013 and 2033 period³; and

1 only 3 sites were allocated in the SALP that may have been suitable for C2 uses⁴, 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 / SALP⁵. 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 TWBC⁶ 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 Review⁷ 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 same⁸ 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 permission⁹, 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 People¹⁰. 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) states¹¹ 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 policy¹², TWBC has published a Duty to Cooperate Statement¹³ (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)¹⁴
- . Dacorum BC, St Albans City and District Council and Welwyn Hatfield Borough Council: Green Belt Review Purposes Assessment, November 2013¹⁵
- . Christchurch and East Dorset: Green Belt Assessment: Final Report (September 2017)¹⁶.

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 DtC¹⁷. This has subsequently been tested in the Courts and the Inspector's position has been supported¹⁸. 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 satisfied¹⁹:

"...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**.²⁰ (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 Farm⁵⁵ in Frant (on the border of Royal Tunbridge Wells) for a C2 Extra Care scheme⁵⁶, 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/MFUL⁵⁷, 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) document⁵⁹. 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

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 (View)
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.

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.

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.

After this stage, 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 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.

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_1690
Response Date	04/06/21 16:05
Consultation Point	Pre-Submission Local Plan (View)
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.

Do you consider that the Local Plan is not sound because:	<ul style="list-style-type: none"> . 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 Council have made it difficult to submit representations on the Local Plan. The Web based portal is extraordinarily difficult for the lay person to navigate and populate. The offline form is also cumbersome to complete, requiring extensive cutting and pasting.

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

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

After this stage, 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 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.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?	<ul style="list-style-type: none"> . 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:	<ul style="list-style-type: none"> . Yes, I wish to be notified of future stages of the Local Plan
--	---

Supporting Information File Ref No: SI_28

Comment

Consultee	Environment Agency [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Environment Agency
Address	[REDACTED] [REDACTED] WEST MALLING [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Environment Agency [REDACTED]
Comment ID	PSLP_462
Response Date	26/05/21 10:55
Consultation Point	Pre-Submission Local Plan (View)
Status	Processed
Submission Type	Email
Version	0.9
Files	PSLP_462, 467, 471, 473-480, 484, 486 Environment Agency SI-1 Representation.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Environment Agency
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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

Pre-submission Local Plan

[TWBC: Relevant parts of this full response have been duplicated against individual Policies - please see Comment Numbers: PSLP_467, 471, 473, 474, 475, 476, 477, 478, 479, 480, 484, 486]

Question 4

Do you consider that the Local Plan:

Is sound

Yes

Question 4a

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

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

Question 5

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

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

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

Regulation 19 consultation on the Pre-submission Local Plan

Tunbridge Well Borough Council

Thank you for consulting us on the pre-submission of Tunbridge Wells Local Plan. We have reviewed the submitted material and **find the submission sound**. However, we have the following advice to provide.

Flood risk

We welcome the inclusion of Flood Risk Policy EN 25. We have no objection in principle to the inclusion of the proposed developments around Paddock Wood (Policy STR/SS 1 - Paddock Wood Development Plan), however flood risk concerns have been highlighted in previous comments made back in February and may become more apparent at detailed Flood Risk Assessment (FRA) stage. Once at the detailed FRA stage, the development brief should identify that considerable flood mitigation may be required but also that they can meet and pass the exception test.

Biodiversity

Place Shaping and Design covers – ecology; flooding; water supply; wastewater.

We welcome the reference to Kent Design Guide, as there are dedicated sections around the riverine environment and sensitivities. We would suggest to ensure a clear definition of “adaptation measures against the future impacts of climate change” is included, as referenced within Place shaping chapter. The elements aimed sustainability are appropriate and valid for ensuring careful decisions are made, but it would be an enhancement to the objectives if the design principles also stated to foster better resilience for wildlife corridors and incorporation of green/blue corridors.

Infrastructure and Connectivity

We suggest to enhance wording for examples within “**Green:** network of natural and semi-natural features, including, for example, street trees, green roofs, parks, ponds, rivers, woodlands.” There are wet woodlands within the Tunbridge Wells district, suggest to add ‘all types of woodland’.

Policy EN 14: Green, Grey, and Blue Infrastructure

We welcome the emphasis on multi-benefit schemes and the cross-cutting values that can be achieved for people and wildlife through smart designs and choices.

We also welcome the statement highlighting ecology aspects and the need to build in resilience through wildlife networks and the specific recommendation to consult with multiple stakeholders to inform development outcomes, including regulators.

Conserving and Enhancing the Natural, Built and Historical Environment

It is recommended to add a reference to the opening paragraph about the Priority River Habitats that also widely occur in the district, and that conserving and enhancing those watercourses which are also identified as Priority River Habitats (map data available through data.gov.uk). The definition of a Priority River is that they consist of rivers and streams that exhibit a high degree of naturalness (i.e. show very little modification over time). The naturalness classification used to map priority river habitat is based on recent work to review the river SSSI series.

We suggest reference to green-blue infrastructure is included in Point 6. There is an emphasis on Green types, whereas Blue includes wetlands and rivers – and often the two coincide, we would want to emphasise that the two can be the same in some locations. Also, highlighting an emphasis on Blue infrastructure delivery can also create support for delivering enhancement contributions towards achieving Water Framework Directive Status Objectives, Actions and Mitigation Measures.

Policy EN 9: Biodiversity Net Gain

This is sound – with an inclusion of necessary demonstration through measurable means and specific use of the DEFRA Biodiversity metric system. No further comment.

Policy EN 8: Outdoor lighting and dark skies

This is welcomed and generally sound. We would recommend to adjust wording to reflect that not only should light spill not unacceptable impact wildlife, but this in particular means to avoid impactful light spill onto wildlife corridors as well as foraging behaviours.

Policy EN 24: Water Supply, Quality, and Conservation

The wording around Water Framework Directive is accurate and we welcome the strong support. However there is a missed opportunity to remind developers that opportunities may exist to deliver physical enhancements that are recognised to approach Reasons For Not Achieving Good in a given waterbody. These should be sought wherever feasible, i.e. benefits can be for both physical and of water quality, the two are linked to supporting WFD objectives and fostering resilience in wetland habitats.

Policy AL/RTW 18

This location contains or borders with ordinary watercourses that would benefit from establishing no-development buffer zones of at least 5m.

Policy AL/RTW 20

Note that woodland parcels to the east and north are mixed deciduous and wet woodland priority habitats, any landscape management scheme here ought to preserve and enhance the unique habitat qualities which occur here. There may be opportunity for boardwalk style pedestrian routes.

Environmental Net Gain

We would recommend the Local Plan ensures that Strategic policies point towards achieving Environmental Net Gain, and reflects a holistic Natural Capital objective.

Invasive Non-Native Species

There is limited specific mention or wider consideration and acknowledgment of the proven and potential negative impacts of invasive non-native species upon the landscape character, environmental resilience, prolonged costs of eradication once established in great numbers and waste management implications. It would be prudent to consider how developers, land sales and purchases might automatically require targeted surveys for such undesirable species, and intend to produce containment and management plans. Furthermore, they can support the existing co-ordinated action to manage catchment wide control by working in partnership with the external Catchment groups, by submitting records and reporting treatment programmes.

Groundwater resources

Section 6.272 refers to South East Water's Water Resources Management Plan (2015-2040). This is now superseded by their Water resources management plan 2019 (2020-2080).

Section 6.273 may need minor updating soon as a revision to the Environment Agency's 2013 water stress classification has just been consulted upon. There will however be no change to the "serious water stress" status of the region - it will only be expanded. We welcome the requirement in section 6.274 and Policy EN24 for residential developments to meet the optional higher standard of water efficiency provided for in the Building Regulations. We also welcome the encouragement in Policy EN24 to consider rainwater harvesting and greywater recycling opportunities.

We would additionally suggest a requirement for water efficiency in non-domestic developments such that at least larger developments meet a BREEAM standard of Very Good or Excellent. Some councils have required Outstanding.

Groundwater quality

We welcome the inclusion of the section on Water Supply, Quality and Conservation, which includes Policy EN 24. We also note and welcome Policy EN 28 on Land Contamination, but have the following comments.

- Closed landfill sites represent development risks that we believe should be addressed directly, either in Policy EN 28 or the subject of its own policy.
- Any planning application on or in the immediate vicinity of an historic landfill must be accompanied by a full technical analysis of the site and its associated risks in accordance with Environmental Health and Environment Agency requirements for permitted sites.

Question 7

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

If you would like to attach a file in support of your comments, please upload it here. [PSLP 462, 467, 471, 473-480, 484, 486 Environment Agency SI-1 Representation.pdf](#)

Supporting Information File Ref No: SI_34

Comment

Agent	Mr David Bedford [REDACTED]
Email Address	[REDACTED]
Company / Organisation	DHA Planning Ltd
Address	Eclipse House Eclipse Park MAIDSTONE ME14 3EN
Consultee	Fernham Homes [REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Fernham Homes [REDACTED]
Comment ID	PSLP_533
Response Date	26/05/21 09:24
Consultation Point	Pre-Submission Local Plan (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	PSLP_509-511_DHA Planning for Fernham Homes.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Fernham Homes
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.

Legal compliance and duty to cooperate

Question 4a

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

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

Question 5

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

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

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

[TWBC: this part of the response has been separated from the full response submitted by DHA Planning. See full representation attached. See also PSLP_509 (Vision and Objectives), PSLP_510 (Section 4: Policy STR1 - the Development Strategy), PSLP_511 - Section 5: Cranbrook & Sissinghurst Policy STR/CRS1: The Strategy for Cranbrook & Sissinghurst parish; PSLP_532 - Development Management Policies and PSLP_533 - Legal Compliance and Duty to Cooperate].

1.1 Introduction

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

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, 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.

1.4.4 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.

1.4.5 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.

1.4.6 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.

1.4.7 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.

1.5 Summary and Conclusions

1.5.1 In summary, this representation has been prepared on behalf of Fernham Homes in response to the Tunbridge Wells Borough Council Pre-submission Local Plan 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 the late stage of the process, the deletion of which is unsubstantiated and based on unsound conclusions. Furthermore, we object to the reduced growth promoted around Cranbrook and Hartley.

1.5.3 Finally, 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 Cranbrook and Hartley.

Question 7

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

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

Comment

Consultee	Mr David Bushell [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Friends of Woodbury Park Cemetery
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Friends of Woodbury Park Cemetery [REDACTED] [REDACTED]
Comment ID	PSLP_1549
Response Date	04/06/21 11:20
Consultation Point	Pre-Submission Local Plan (View)
Status	Processed
Submission Type	Email
Version	0.6
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Friends of Woodbury Park Cemetery
Question 3a	

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

Comments on various aspects of Local Plan

[TWBC: see also separated comments on the following: Policies STR5 (PSLP_1557), STR8 (PSLP_1558), EN4 (PSLP_1560), EN9 (PSLP_1561), EN10 (PSLP_1562), EN12 (PSLP_1563), EN26 (PSLP_1564), H11 (PSLP_1565), Section 7 (PSLP_1566) and Policy AL/RTW 4 (PSLP_1567)]

Question 4a

If 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 **The Friends of Woodbury Park Cemetery (FWPC)** were established in 2006 to help protect, conserve and sympathetically enhance for public benefit and enjoyment Woodbury Park Cemetery, to record and foster its heritage of memorials and its ecological importance, and to develop its use as an educational resource .
- 1 We plant and tend it all year round, focussing on preserving the rich habitat and enhancing biodiversity. We greet visitors, many from quite long distances, and answer their eager questions while encouraging them to become active supporters. We conserve its 600 historic memorials, and our research on the lives and times of the Victorians buried here is shared through walks, talks, and publications. Our projects for children and annual award scheme for primary schools are designed to encourage mindfulness, interest in sustainability, and pride in Tunbridge Wells past..
- 1 **Woodbury Park Cemetery(WPC)** is a remarkable place requiring careful consideration and protection within the Borough Plan. One of Tunbridge Wells “*irreplaceable and valuable assets*”, and registered with Historic England as a garden of special historic interest, it provides :
 - . a unique visual record of Tunbridge Wells Victorian history and a place of learning for both children and adults ;
 - . a major collection of public sculpture on over 600 gravestones;
 - . an east/ west green pedestrian and wildlife link forming a significant element of the green infrastructure in an increasingly densely built part of the town, much of it in high-occupancy residential blocks surrounded by hardlandscaping;
 - . a habitat and haven with Local Nature Reserve status in the heart of the town protecting threatened rare flowers and wildlife. The Friends have won a Gold Award from the Kent Wildlife Trust for their conservation work there;
 - . a combination of quiet, interesting and beautiful commemorative surroundings that promotes mental and physical wellbeing and has become increasingly appreciated during COVID limitations;
 - . inspired artistic and practical use of its romantic topography, winding paths and mature trees to provide a secluded dignified burial place for thousands of local people. It is Grade II Heritage Listed as an excellent example of an early Victorian cemetery that has preserved almost intact its original layout and structures .

Both Historic England and the Department of Justice have published detailed information and advice on managing cemeteries like WPC.

- 1 All these reasons, and their interactions that make WPC so special, also make it highly vulnerable to insensitive developments on its periphery. These can lead to serious damage to what it offers. Development controls have failed to prevent a recent major intrusion of this sort, an apartment block towering very close to the boundary, along with its parked cars and prison- like mesh fencing, which now blights the lower area and has caused part of the cemetery's Listed original sandstone wall to collapse. Pressure to permit further such insensitive redevelopments seems likely to increase with the precedent this has set and both local and national encouragement being given to redevelop and make much more intensive use of urban land . **The Local Plan needs to strengthen safeguards to protect such an important and historic Council asset and the cultural, environmental, health, heritage and other contributions it makes to Borough strategies.**
- 1 Its detailed contents, alongside other key plans, will provide the legal basis for decisions on planning applications for development and the use of land surrounding the cemetery for the next 18 years, and are therefore critical to what WPC will be able to continue towards the Borough's

planning goals. **WPC needs more specific reference by name within the Plan and associated Policy plans and statements including those concerning Central Royal Tunbridge Wells.**

- 1 **The Borough's cemeteries and a possible unsound element in the Local Plan** The Plan could also benefit from a clearer policy and general criteria for treatment of all the borough's historic cemeteries generally as such. These are a distinctive and essential category of land use contributing to and affected by planning policies and the exercise of development control powers, including in cases where the Council are the owners. Collectively the Borough's cemeteries are guardians of the mortal remains of millions of its dead, with the prospect of as many more to come. Religious faiths, the bereaved and society generally all expect their dead to be treated with dignity in peaceful well-kept surroundings dedicated to the purpose, their graves marked and protected, some with memorial sculpture of great beauty.
- 1 National legislation provides for local authorities to take over their ownership and maintenance when C of E graveyards are closed to further burials, as happened to WPC in 1934 and may have also been the case in many other parts of the Borough. Growing importance is now being attached nationally to old graveyards for all the reasons applying to WPC. Some may now like them have been designated as nature reserves or have Heritage status. Most have not.
- 1 This situation has relevance across the whole Borough in relation to its land use provision and planning, strategic aims, development control, and its ownership responsibilities on behalf of the public. We are therefore very puzzled to find no mention of cemeteries, churchyards or burial grounds in the Sustainability Assessment and its implications for the contents of the Local Plan. It may of course have been assumed that under national planning guidance this category of specialised land use and its complexities is adequately covered via references to the categories of historic parks and gardens/nature reserves/commons/ open spaces, green areas, heritage sites etc. Our experience with WPC indicates this is not always so.
- 1 **These matters run far beyond the scope and expertise of FWPC but suggest their omission from examination in the sustainability appraisal and thus their relevance to the Local Plan based on it may need revisiting to ensure the Borough's proposals are soundly based.**
- 1 Meanwhile in respect of the need to protect, conserve and enhance WPC in its multiple and in some case specialised roles, we would wish to see clarified and made explicit in planning guidance to all those making development applications that **overlooking, noise and visual intrusion in relation to cemeteries will be given extra weight in their consideration. We would also welcome developers being advised to be in touch with FWPC as informed neighbours on behalf of current and prospective users of cemetery, when preparing any proposals close to its periphery.**
- 1 **In any event it might be helpful to create a planning guide for developers close to cemeteries.** It would indeed be regrettable if the precedent that appears to have been set by the development referred to in para 4 were to pave the way for further serious detriments to WPC from similarly insensitive projects responding to the call for intensified high density redevelopment in the central town zone in which the cemetery stands, and the areas immediately adjoining.

12 We warmly welcome and strongly support as a context for urgent measures to reduce the threat of detriment to WPC the following strategic and policy sections of the Plan:

- . **STR 5** recognition of parks, amenity and natural green spaces.
- . **STR8** opportunities for biodiversity enhancements including the long term management of green corridors, development of green infrastructure networks and improving connectivity between habitats; the conservation and enhancement of historic parks and gardens and special regard to their settings.
- . **PN4** the requirement for developers to reflect the local distinctiveness and sensitivity to change of the historic environment and, in particular, to be required to demonstrate an understanding of heritage assets and their setting and associated significance, vulnerabilities and opportunities.
- . **PN9** proposals for developments to meet a biodiversity net gain position.
- . **PN10** protections for designated sites and habitats; and
- . **PN12** protections for ancient woodlands, veteran trees and trees, including in historic parks and gardens.
- . **PN26 Drainage** A policy of timely checks then prompt enforcement action could also play a useful part in securing the future of WPC. We urge TWBC to ensure the sustainable drainage requirements on future developers are adhered to and closely monitored. Local topography and soils mean Woodbury Park Cemetery and its adjoining triangle of woodland act as a natural drainage sump for their immediate surroundings, generating their own springs and a pond in the adjoining small wooded area of land. But in recent years it has suffered from time to time from

excess water flow from neighbouring streets and hard standings damaging paths, vegetation, memorials and the Chapel sandstone crag, . Adjoining developments must not be allowed to exacerbate this.

- . **424 and 6.425** In the context of heritage assets, landscape, trees and biodiversity such as that of WPC, we welcome the comments in these sections regarding residential extensions, alterations, outbuildings and annexes, and the need to consider the wider visual impact on the street scene and surrounding area. We wish to see added the appropriateness of boundary materials used and degree of privacy they offer to important sites like WPC. Some neighbours over the years have erected inappropriate or inadequate fencing or actual walls on top of the original sandstone cemetery walls . This detracts from privacy and visual enjoyment from the WPC side and has caused damage to parts of these historic boundaries .
- . **3, 7.17, 7.23** We strongly support the requirement to monitor the application of the Local Plan and urge this to give priority to historic assets like WPC and immediately tackle any unfavourable impacts.

13 Guidance within cemeteries for users We wish to raise also a guidance issue concerning sustainability **within** historic cemeteries. Adverse or inappropriate behaviour there can lead to costly unintentional damage, create safety risks from memorials, crush plants and bulbs and demoralise other users and volunteer workers. In the case of WPC footfall has steadily risen following the improvement work done by the Friends, new arrivals in the locality and the attraction of permissible outdoor activities during the COVID lockdowns. Current development permissions and the likely further impetus of the Plan's proposed local land allocations will increase it further.

We believe that users of the cemetery should be better and more authoritatively informed by a published set of byelaws clearly displayed at the entrance.

Matters covered would include the importance in order to avoid damage and danger, of sticking strictly to paths , not climbing on memorials , keeping dogs under control, avoiding trampling on graves or removing plants or foliage and of course no alcohol consumption, fires or camping. When the Friends encounter specific problems of this nature they often hear the not unreasonable words "Where does it say that ?".

14 AL/RTW4 Redevelopment proposal for 36-46 St John's Road

This major redevelopment offering accommodation for 80 elderly people is in a logical place for that purpose in relation to shops and facilities. However because of its close proximity to WPC its design must avoid adversely affecting that in any way. Coming at this time , conditions attached to it will be a test case of whether and how far the many welcome statements in the draft Local Plan, concerning protection of heritage assets and their settings, green infrastructure and biodiversity enhancement by developers can yet be reflected in the deployment of planning powers such as planning conditions and developers contributions **The developer should also if possible include action to bring positive benefit to the Cemetery which will be such an important contributor to their quality of life.**

- . The new structure will inevitably be much bulkier and much taller than the former bus garage. **The Friends would strongly oppose any visible intrusion on the traditional skyline when viewed from the cemetery, or any overlooking of it.**
- . Access from the site to WPC. While the bus garage was standing, the regular access to WPC from its premises by stressed bus drivers for a relaxed sandwich break was always via the vehicle exit onto Woodbury Park then the two minute walk via the cul de sac to the WPC gate. The building layout needs to cater for this. **FWPC would be 100 % opposed to any breach of the Listed cemetery wall to create a new access.**
- . The cemetery as a beautiful and peaceful place to sit or stroll will be a valuable amenity for the residents of the new block. However the current condition of some of the paths is poor due to increasingly heavy usage and intermittent flooding of stretches causing erosion, harmful wear and tear on exposed tree roots , plus trip hazards, and damage to adjoining graves by walkers take avoiding action in muddy sections. The additional surge in usage from this large new residential block while welcome in spreading further the benefits that the cemetery has to offer the community will undoubtedly aggravate this in a situation where we are still seeking affordable ways and resources for tackling both the drainage and resurfacing problems. **We suggest the developer should be asked to help find an agreed solution and design for this, especially while his ground workers will be close by preparing the St Johns Road site.**
- . Alternatively, in keeping with the Local Plan proposal that developers should make a net increase to local biodiversity, and given how vital it is for WPC as whole that it remains united with its

adjoining landlocked "triangle" in order to retain its canopy of trees and habitat of tangled marshy undergrowth, **we believe that a developer contribution would be desirable to help safeguard in perpetuity this linked area and its access onto Upper Grosvenor Road, perhaps to be a children's nature study area named in honour of a person of their choice.** This would be a major contribution to fostering biodiversity, help to reduce climate change, strengthen the town's green network and benefit generations of local children.

Question 7

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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	Ms Amanda Purdye [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Gatwick Airport Ltd
Address	[REDACTED] [REDACTED] GATWICK [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Gatwick Airport Ltd [REDACTED]
Comment ID	PSLP_26
Response Date	06/04/21 12:31
Consultation Point	Pre-Submission Local Plan (View)
Status	Processed
Submission Type	Email
Version	0.2
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Aerodrome Safeguarding
Question 3a	

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

General response to Local 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.

After this stage, 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.

Thank you for your email dated 25 March 2021, regarding the above mentioned planning policy consultation.

Aerodrome Safeguarding is a legislative requirement for officially safeguarded aerodromes of which Gatwick Airport is one. Aerodrome safeguarding is the process used to ensure the safety of aircraft while taking off and landing, or flying in the vicinity of aerodromes.

It is vital that their safe operation is not impacted upon by buildings, structures or works which infringe the protected Obstacle Limitation Surfaces (OLS), impact on navigational aids utilised by the airport, distracting or confusing lighting or by development which has the potential to increase the number of birds or the bird hazard risk. Please note this list is not exhaustive.

The Royal Tunbridge Wells area is around 31km East from the ARP (Aerodrome Reference Point) at Gatwick Airport. At this distance the only potential impacts on aerodrome safeguarding would be in relation to instrument flight procedures (IFPs). In the area covered by the local plan only buildings/structures over 150m above ground level (AGL) would have a potential impact.

Later on this year we will be issuing a new consultation map requesting that we are consulted on any buildings/structures of 150m AGL or above.

The crane permit process is changing in the near future. Any crane operator wishing to erect a crane anywhere in the UK higher than 10m above ground level or higher than the immediately surrounding trees/structures will need to obtain a permit from the CAA before the crane is erected. For further details of this process please refer to CAP1096 'Guidance to Crane Operators on Aviation Lighting and Notification' available at www.caa.co.uk

Please note that the start date for crane permit applications being submitted to the CAA will not now be the 31st May, this is due to be extended.

Thank you for giving us the opportunity to comment on this document. If you have any queries please do not hesitate to contact me.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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	Chris Gow [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Chris Gow [REDACTED]
Comment ID	PSLP_97
Response Date	04/06/21 15:57
Consultation Point	Pre-Submission Local Plan (View)
Status	Processed
Submission Type	Web
Version	0.1
Question 1	

Respondent's Name and/or Organisation	Chris Gow
---------------------------------------	-----------

Question 3

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

Question 3a

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

Pre-Submission Local Plan

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

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

After this stage, 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 process for understanding the Local Plan is a matter of navigating through 140 separate documents, 400Mb of data and amounting to a total of 7,786 pages of documents. The process of understanding the intertwined nature of the documents for ordinary folk without training or experience of Town and Country Planning Laws is a challenge, and therefore difficult to conform to the expressed format of addressing particular policy, and thus this submission will be a more general assessment of the Local Plan.

I will attempt to put forward an overall suggestion that the plan should be returned to TWBC for a revision that takes account of some factors that I think are particularly relevant, and I suggest may expose significant flaws in the Local Plan as submitted.

The previous public consultation (Regulation 18 Consultation) resulted in some 8000 comments from some 2000 contributors. The plan was revised, and most of the objection were ignored, and the Plan was largely unchanged to the current submission here.

Once the Local Plan is accepted policy for development for the next decade is set out, and experience of the local planning process suggests that it is impossible to make any changes, even with the benefit of new evidence and opinion.

Thus it is vital for the Local Plan to be well thought out and consistent in applying the directing Policies, and setting out a plan that is able to deliver a fair and clear framework that has the best interests of the residents of Tunbridge Wells, rather than offering opportunity to land owners and developers.

The Local Plan should be returned for further consultation for the following reasons:

1

Many of the assumptions made that underpin the basis of the Local Plan are now out of date and irrelevant, and in light of changes to society and working and retail habits that will come about as a consequence of the pandemic these assumptions (data and common sense observations) should be re-assessed to provide a more realistic and up-to-date premises of the local plan. The post-pandemic effects are likely to cause great changes and the local plan must be delayed to take this into account.

2

The public consultation produced 8000 comments from 2000 respondents mostly against many parts of the local plan, and these objections have been swept aside and ignored. There is widespread opposition to the plans to build in Green Belt Land and building in the ANOB, and concerns over building in flood risk areas, and further concerns about the effects of climate change, sustainability, and other green issues. The response of the planning officers is to largely to ignore all opposing views and opinions, and commission further studies to bolster their case.

The recent local Council elections changed the balance of power in the Council, and the residents at Capel voted against the existing councillor in favour of an independent because of the opposition to the planned housing development in the Tudley Flood Plain.

3

The development on Green Belt Land and in the AONB should be the last resort, and all other location of available development land should be completely exhausted before any Green Belt Land is developed.

The Local Plan shows Green Belt Land and development in the AONB, and ignores many brown field sites, redevelopment of existing buildings, particularly retail and office buildings vacant because of changes in society due to post covid changes.

Development of Green Belt Land, provided -

1. to check unrestricted sprawl of large built up areas
2. to prevent neighbouring towns merging into one another
3. to assist in safeguarding the countryside from encroachment
4. to preserve the setting and special character of historic towns
5. to limit potential level of harm to the Green Belt associated with release

should not be included for development on the Local Plan.

Development in the AONB should not be included in the Local Plan.

4

The plan should be rejected and re-written to take account of a new assessment of the town centre and associated results of a post-pandemic economy where it is likely to be further shop and business closures, and where the availability of development opportunity and particularly change of use from commercial to residential occupancy must be considered as part of a whole local plan delivery.

5

The availability of brown field sites and change of use resulting from the post-pandemic economy, and changes in work patterns where office space is no longer required must change the assumptions that underpin the Local Plan, and thus the Local Plan should be rejected so these revised circumstances are reconsidered and incorporated in revised local plan.

6

The delivery of the local plan will so to speak lock the future development strategy of the town for the next decades and we must take more time to consider what sort of future we want for the town. Here is a chance to call a halt to pre-conceived ideas and generate a new and enlightened way to deal with development and progress in challenging times as we deliver a Local Plan for a post-pandemic society.

The Plan contains inconsistencies where the definitions of Green Belt and AONB are variously interpreted, in one location contradicting statements in another. It appears that this is an consistency that has been recognised by other comments.

The Plan ignores the value, aims and objectives of the Green Belt, and fails to protect Green Belt Land.

The Plan ignores the preservation of the AONB.

The Plan fails to deliver clear policy and direction for Carbon Emissions.

The plan fails to take account of the post covid pandemic economy and changes in work habits.

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 returned to the consultation stage so the Plan can be re-written to take account of the invasion of Green Belt Land and development in AONB, and re-consider existing brown field sites for development first, as the conversion of existing buildings for alternative use (housing) is less impact on carbon footprint. As the first principle the plan should develop brown field sites particularly if they are in central locations, where the impact on sustainable transport and the requirement for car ownership and use of public transport can be delivered.

The Plan should be returned for consultation to take account of the post pandemic developments and changes in work and leisure activities, and take account of changes in social activities. For example offices and retail premises that are vacant should be the priority for redevelopment for housing, located in central areas where a sustainable transport policy can be delivered.

The Local Plan will shape the future of the borough for decades, and should be fit for purpose. The Plan is not sound in the current version and should be returned and re-submitted for consultation.

Question 7

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

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

Question 7a

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

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

The process of making and delivering a Local Plan is complex, and there is little opportunity to make a contribution in a way that allows the voice of the ordinary folk of the town heard, and where the principles of a fair and equitable society are delivered.

I can make a contribution to the Inspector, and be a spokesperson for the ordinary citizen in Tunbridge Wells Borough.

Question 8

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

The citizens of Tunbridge Wells should be fighting for a change in this process, and I am sure there will be support from the people once they realise consultation will make a change and deliver a fair and equitable society that delivers the needs and best interests of the ordinary folk of the borough.

The Plan is conceived to allow the developers to set the agenda, and the call for sites favours developers and land owners to select the easy (and cheap) sites to develop where the most important factor is the profit, rather than delivering housing that meets the needs of those folk who are attempting to make

a start with a family for example, where low cost housing could available in the centre of town where a car is not essential, and use of an affordable public transport system can be used for essential travel.

There is not much evidence this is a priority in the Local Plan, and particularly in the post pandemic economy, the Plan should be returned for a proper re-assessment.

The Local Plan should be a document that directs the development of the Borough for the next period, but must be in the control of the local council and be adaptable as the economic and social factors change, so it must be possible for change in the future life of the Local Plan. As it is now the Local Plan sets policy in such tight terms that a mistake made at the writing stage sets the framework for 15 or 20 years, and this surely is not in the best interests of the people of Tunbridge Wells.

The threat to Green Belt Land in the Local Plan is an erosion of land set aside and protected by Law as designated Green Belt and all developments on Green Belt Land should be removed from the Local Plan. There are alternative sites in the Call for Sites list that should be considered and developed, even if costs are higher than a green field site.

Also there should be no development on sites in the AONB, also protected areas.

The local plan cannot be sound if it fails to take account of the post covid circumstances.

If the Local Plan is returned to be rewritten, it is a great opportunity where Tunbridge Wells can be a council that takes the chance to re-think the Local Plan and deliver a Local Plan fit for purpose to build a structure for future development that reflects the importance of dealing with a post pandemic society, as well as taking account of local opinion, and re-assess a change of use in the town centre and commercial property 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	Vince Greene [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Paddock Wood [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Vince Greene [REDACTED]
Comment ID	PSLP_574
Response Date	28/05/21 12:11
Consultation Point	Pre-Submission Local Plan (View)
Status	Processed
Submission Type	Web
Version	0.1
Question 1	

Respondent's Name and/or Organisation	Vince Greene
---------------------------------------	--------------

Question 3

To which part of the Local Plan does this 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	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 been a rambler in the area for many years and use the footpaths in the Paddock Wood / Capel area quite a lot because I enjoy the physical and mental benefits of walking in the area and to nearby villages. I have a deep love of nature and appreciate our need and reliance on it, not only for food production but for biodiversity, pollination and clean air.

There are many veteran and possibly ancient oaks in and between copses between Paddock and Capel as well as a rich diversity of wildlife in the quarry lakes in the vicinity; this with wetlands and ditches. The proposed removal of vast tracts of Green Belt would severely impact this wildlife severely and the essential and national activity of rambling, for me and countless others - permanently here for all future generations.

Wild animal life would be severely affected by mass house building, not just by having less space to survive but for lack of food. This would impact the food chain through appalling and irreversible damage to biodiversity in this region. This with the loss of Green Belt farmland would mean a marked decrease in the ability to feed our borough and to have good food quality and quantity from any land remaining. As all other boroughs in the country are facing the same prospects, the developments are not in the 'national interest' because they would contribute to the progressive lack of farming space. This is an alarming prospect because the UK simply cannot afford to import most of its food. The Local Plan is 'not consistent' with national policies for Green Belt and AONBs, and the mass release of Green Belt for development is 'unsustainable' because of the 'unique impact' on it of being converted en masse to housing.

'Exceptional circumstances' are needed to release Green Belt but there is none defined in NPPF or Planning Practice Guidance. Green Belt release may be ameliorated or reduced to the lowest reasonably practicable extent but in the case of Paddock Wood / Capel in this development, there would be 'High Harm' to it.

The amount of trees and hedgerows needing felling for the developments is also of deep concern to me. The clean air produced from trees is essential to counteract pollution, and birds and wildlife generally need contiguous hedgerows, copses and woods to form a country-wide network. Isolated wildlife areas in the midst of farmland and housing suffers for lack of accessibility to food, nesting places and mating partners and I am particularly concerned about 'veteran' trees, hedgerows and woods in and around Paddock Wood and Capel. Some trees in Capel are hundreds of years old and form part of our heritage as well as being there for pleasure and the appreciation of our natural environment. Plus, the long term detrimental effect on the leisure industry from the progressive lack of green space has not been adequately addressed and mapped in the Local Plan either.

The proposed 'green and blue' areas in the Neighbourhood Plan of Capel have not been legally defined in the Local Plan. There is no detailed account of how these will be mapped, created, maintained, protected or how any of this would be policed.

Fields used for hops and farming generally are part of our heritage and may be needed again if anything detrimental should happen to the national, European or world economy - as well as from having to

feed an increased population in coming decades. The threat of future pandemics like the current Covid 19 outbreak have also not been addressed. There could be a time when food imports are severely affected, resulting in starvation for whole regions no longer able to grow their own food locally and unable to import due to fears of disease transmission and unable to afford imports anyway.

There has not been enough use of brownfield sites such as of the old cinema site opposite the council offices in Tunbridge Wells. Inner town regeneration, though costing more initially, seeds tremendous and spectacular benefits later on in giving proximity to town centres and giving easy access to facilities and infrastructure already in place. Use of brownfield sites prevents towns and villages from merging into one another and exacerbating problems, as would be the case with the proposed mass house building in Paddock Wood / Capel. Brownfield usage also helps to stop inner towns becoming run-down, derelict, poverty-ridden crime spots covered in graffiti, that threaten to bring down whole regions and inevitably, house prices too.

This all amounts to a shocking failure of 'soundness'! This development must not proceed.

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 windfall targets of 'c + 10%' and 'c + 26%' should be abandoned and the Standard Calculation of the government be used instead. The Local Plan is based in part on a massive increase in population that is wholly unrealistic up to 2038 and i challenge that used and tabulated therein. There is a rich vein of brownfield land and thousands of vacant properties in the borough. These can easily be used long before any mass house building comes into play. As stated above, the benefits long term are fantastic.

Question 7

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

My deep appreciation of nature and the area as a rambler means i am highly valuable for any meetings being held. Please include me.

Question 8

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

The Local Plan as a whole should be suspended at central governmental level and submitted for a formal and independent 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	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning [REDACTED])
Comment ID	PSLP_2257
Response Date	04/06/21 16:56
Consultation Point	Pre-Submission Local Plan (View)
Status	Processed
Submission Type	Email
Version	0.3
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3a	

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

Evidence Base (whole Plan)

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2 (PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2

(PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2005), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

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

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

Question 5

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

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

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

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

Transport Strategy

References are made to an opportunity for a new railway station to be delivered for the Tudeley Village development. It is noted that the station is not anticipated for delivery during the plan period and has not been included in the Local Plan considerations but has been allowed for in the site Masterplan. KCC The Borough Council should be mindful of potential opposition to this proposal, as it would further increase the journey times for passengers travelling between Ashford and Tonbridge, as well as for those travelling between any of the smaller stations on that section of route and London. Therefore, if this proposal is to be progressed, KCC would recommend further consultation with stakeholders and the public.

The Borough Council should also be mindful that given the need for developer majority funding contribution for a new station, there would need to be significant contributions from the 2,800 dwelling development of Tudeley Village.

On balance, a dedicated, high quality, carbon neutral bus service between Tudeley Village and Tonbridge and/or Paddock Wood stations could more deliverable, unless a business case can be demonstrated showing there are net benefits to a rail station scheme and should potentially be explored. The County Council would draw the Borough Council's attention to the Kent Rail Strategy, as published in March 2021. The Kent Rail Strategy provides details of rail proposals for Tunbridge Wells – including power upgrades to enable the operation of consecutive 12-car trains in peak periods, and mainline service enhancements (depending on provision of paths to London termini, availability of rolling-stock and signalling upgrades on the Orpington – Sevenoaks corridor).

STRATEGIC FLOOD RISK ASSESSMENT

Sustainable Urban Drainage Systems

The County Council, as Lead Local Flood Authority, recommends that the Chapter 9.4 - Sources of SuDS Guidance of the updated Strategic Flood Risk Assessment should reference Kent's Drainage and Planning Policy, adopted in November 2019, as it provides guidance on how drainage strategies are assessed. With reference to paragraph 9.4.3 Kent Design Guide – Making it Happen, KCC recommends that the related footnote directs to the relevant design chapter C2.

INFRASTRUCTURE DELIVERY PLAN (IDP)

Provision of County Council Community Infrastructure and Services

Paragraph 2.40 - Funding from Development

The County Council supports and would strongly encourage the Borough Council to continue to support the delivery of infrastructure via section 106 development contributions, noting its relative sustainability to fund infrastructure.

Theme 3: Health

The County Council urges the need for the IDP to make reference to support accommodation facilities for both extra care and specialist care. The County Council current requests for development contributions to be secured through section 106 agreements for this type of health care provision. Therefore, KCC would urge support through the Local Plan and accompanying IDP.

There remains significant demand for residential and nursing care homes that can meet the needs of people with challenging and complex dementia. It should be noted that the County Council is currently seeking new residential care home providers to join the KCC Care Home Contract and to operate a mixed economy of both local authority funded and private funded residents.

Waste Management

The County Council, as Waste Disposal Authority, welcomes the update to the IDP following KCC's feedback to the earlier Regulation 18 consultations. The IDP now better reflects the position in regard to waste management.

Question 6

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

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

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

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

Question 7

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

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

Question 7a

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

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

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

Future Notifications

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

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

Comment

Consultee	Nicola Leeds ([REDACTED])
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Nicola Leeds ([REDACTED])
Comment ID	PSLP_1310
Response Date	04/06/21 16:53
Consultation Point	Pre-Submission Local Plan (View)
Status	Processed
Submission Type	Web
Version	0.5
Question 1	
Respondent's Name and/or Organisation	Nicola Leeds
Question 3	
To which part of the Local Plan does this 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 Strategy for Paddock Wood, including land at east Capel

Policy STR/SS 3 Strategy for Tudeley Village

LCWIP Local Cycling and Walking Infrastructure Plan (p48)

[TWBC: this representation was set against the whole Plan but has been duplicated by TWBC at Policies STR/SS1, STR/SS2 and STR/SS3 for ease of reference - see PSLP_1310, PSLP_2326, PSLP_2327 and PSLP_2828 respectively]

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.

I have been a resident of Paddock Wood for 15 years, and have seen the expansion of the town even within that time. Despite promises, the infrastructure has never been delivered to address the issues created by the increase in housing. There has been increased flooding across the town, with more frequency, with some residents suffering from foul water in their homes caused by inadequate sewage systems having to cope with yet more residents. There has been a lack of investment by TWBC in Paddock Wood, no expansion of medical services, no improvement in the shopping facilities in the town, or in the leisure centre which is now run down. In fact, the opposite has been true. TWBC has consistently approved planning for developments that detract from Paddock Wood and add more problems without delivering on any of the investment that is critical. We have been promised time and again that there would be no further development without the infrastructure in place in advance. There is little or no regard on the impact of continued overdevelopment on the very nature of Paddock Wood and surrounding villages; no consideration of the increased flood risk to existing residents from the developments already approved, let alone those in the pipe line. And absolutely no consideration of the residents.

There is also a need to reassess the total requirement for housing going forward - the Government's "levelling up agenda" shows that increased housing will be needed in the north of England rather than in the SE corner - these changes in national approach have not been followed through into the local plan. TWBC have not sufficiently considered the future housing need of the borough to ensure that the number of dwellings being planned for is correct.

As part of the previous consultation on the local plan, TWBC included as part of its justification for building in Capel and Paddock Wood that the land owner had decided to sell the land, and that dealing with one land owner rather than several would be easier. This is possibly the worst, most egregious reason for building on one location that has ever been heard.

The local plan is not positively prepared, effective nor justified for a number of critical reasons.

Firstly, on the requirement for the plan to be positively prepared and effective. TWBC have not amended their plan to account for the changed circumstances brought about by the COVID 19 pandemic. The pandemic has shown that commuting and working patterns have changed and will continue to remain different to that expected pre-COVID - the local plan has not been reviewed to ensure it is fit for purpose going forward.

The vast majority of housing has been proposed to be placed at the tip of the borough - this site is entirely unsuitable for providing housing of increased job opportunities for the rest of the borough,

which stretches far to the east and south, whilst at the same time "lumping" the housing in one small area. The realities of travel across the borough means that this housing will not be suitable for those who live and are employed in, for example Cranbrook. Therefore, despite the stated aim of the plan to provide affordable housing and employment to the residents of the borough it will do the opposite. The proposal will result in people moving to the borough from outside it, ensuring that locals are unable to take advantage of the increase in housing, and inflating prices to the point that no one who works locally will be able to live here.

Much of the infrastructure included within the local plan will not be for TWBC to provide - and the rest will be dependent on "contributions" from developers. There is a very real risk that these will never materialise.

At the recent vote by councillors on whether to move to Reg 19 consultation, several of the papers were not made available, and worse, it was clearly stated in the meeting that some councillors had not even bothered to review the papers in advance of the vote. This is a clear abdication of responsibility, and undermining of due process.

Therefore the plan is not effective.

In relation to whether the plan is justified - the response to regulation 18 consultation was woefully inadequate - despite a large number of responses expressing serious concerns with the local plan (97% opposed the plan), these were not taken into account, with TWBC ploughing on with their proposal regardless of the views of the residents who would be affected by it. This makes a mockery of the consultation process required under national law. The only changes made were to exacerbate the issue by putting more houses into the plan for Capel and Paddock Wood.

The local plan also proposes to build on land that is at risk of flooding, while taking away agricultural land and green spaces. These are all in contravention of the stated aim of the plan.

The plan itself states that green belt is to prevent urban sprawl and should be protected - yet TWBC are proposing to remove 5% of green belt land in Capel parish to build the extension to Paddock Wood, and the Tudely Village. These are entirely unjustified removals of green belt land, and would in effect create a long corridor of development between Paddock Wood and Tonbridge. Green belt is meant as a protection - it should not be removed from such protection without significantly stronger justification. There are alternative sites which would not require the use of green belt land such as Castle Hill.

Flooding is a very real issue already in Paddock Wood and Five Oak Green. Flooding incidents are increasing, with the greatest threats coming from surface water flooding. The sites at Capel and Paddock Wood proposed for development are all prone to flooding, and play a key role in ensuring that existing developments are not affected more severely. This winter, the ground was saturated for weeks in the areas the plan expects to build. In Tudely, the water runs down the road like a river, and that is without the additional building in place. The proposal would remove trees and other vegetation that use the water; they would concrete over the very land with acts as a sponge. The mitigation that is proposed is insufficient to respond to this increased, and increasing risk. Combined with the proposal to create new roads to service these new developments, the issue just gets worse and worse. This is also against national policy which states that flood plans should not be built on where alternatives exist. Alternatives exist within Tunbridge Wells borough. Where mitigation plans are put in place, they will only exacerbate the impact on communities up and down river - places which already struggle with flooding - Tonbridge, East Peckham, Yalding to name just a few.

The plan also proposes to dig up more and more countryside to build additional roads to deal with the increased traffic - on yet more green belt and countryside. This area risks being covered in concrete, with the increase in air pollution, risk of flooding, reduction in green space and biodiversity the only likely outcomes.

The proposal made under the LCWIP Local Cycling and Walking Infrastructure Plan to block access to vehicles over the railway bridge will completely cut off half of Paddock Wood from the town centre - forcing all vehicles to use the A228, or country lanes. There is no consideration to the impact of having thousands of extra cars needed to make that journey, no consideration of the real world impact on the residents of Paddock Wood. What if there is an accident on the main road that closes it? What if an ambulance or fire engine is needed? What about residents who are less mobile? This plan will have the opposite effect to that stated. This has to be one of the most poorly thought through and ludicrous ideas within the local plan. Wishing that fewer people drove cars doesn't make it so. Taking other steps

- effective enforcement of parking on Commercial Road, creating a lively retail area rather than permitting more and more flats to be built in place of retail units will be much more likely to.

This plan goes against national policy - there is no provision for addressing the biodiversity crisis, no substantive plans to mitigate against the impacts of climate change with the expected increase in flooding. There is no recognition of the importance of green space for residents of Paddock Wood. There is no substantive plan for ensuring biodiversity net gain across the plan.

The only part of this plan I can support is the provision of a swimming pool - and yet, even with all the housing planned, it's still only potential in the plan. There is no assurance that ANY of the "benefits" put forward will be realised.

Paddock Wood has already absorbed 1000+ housing units, the intention to build yet another 6000+ dwelling within the space of 5 miles is utterly without consideration of the current character of the area, or its residents. Paddock Wood will grow in area by 200%, Tudely will expand by 500%. This is completely disproportionate. Local residents are being ignored.

It is also clear from the representations from Tonbridge and Malling Borough Council (TMBC), and its many residents that the duty to cooperate has been entirely disregarded by TWBC. The impacts of the exponential growth in housing proposed under this local plan will be felt by neighbouring local authorities as the services and infrastructure required by such a significant increase in housing and population will predominantly be felt by TMBC and Maidstone BC rather than by TWBC, but will not receive any revenue from council tax etc. the increase in traffic alone will have a significant impact on the residents of TMBC, there will be an increase in the number of people expecting to attend Tonbridge schools, and use leisure facilities in Tonbridge. TWBC's intention to put the vast majority of its intended housing growth right on the border with 2 other local authorities shows a blatant disregard for the knock on impact on those boroughs.

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.

TWBC need to LISTEN to its residents and neighbouring local authorities. There needs to be a fundamental reassessment of where additional housing is needed in the borough and not take the easy approach of putting the vast majority of housing into one small area of the borough which won't support other residents and unfairly results in 15 years of disruption for a small proportion of the borough's residents. This will help address the effectiveness of the plan.

Alternative sites need to be considered - and some have already been offered up by developers. There has been inadequate consideration of brownfield and alternative sites, with simple dismissal of such ideas in response to proposals offered under previous consultations. These sites should be where they are not on flood plains, not on good agricultural land that will be lost forever, and not where the impacts of the developments will be felt almost entirely by a small proportion of residents and by those residents of neighbouring local authorities who will not benefit from any additional funding.

In addition, options 7 and 8 as set out in the Sustainability Appraisal should be further considered to more fairly distribute housing need across the borough.

Should development continue in Paddock Wood and Tudely Village, it must be a requirement that the additional services and infrastructure the plan suggests "may" follow need to be in place first. There

needs to be a complete rethink of the LCWIP Local Cycling and Walking Infrastructure Plan so that the road bridge in Paddock Wood is not closed.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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 assessment of impact on the sustainability objectives in table 15 of the SA are not accurate - the benefits are overplayed - they would not be felt across the borough, the developments will not provide social mobility and inclusion as suggested, and the negative impacts on air, biodiversity, climate change, health, noise, travel and water are all under recognised.

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	Planning and Development ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Maidstone Borough Council
Address	Maidstone House King Street MAIDSTONE ME15 6JQ
Event Name	Pre-Submission Local Plan
Comment by	Maidstone Borough Council (Planning and Development [REDACTED])
Comment ID	PSLP_2258
Response Date	07/05/21 17:12
Consultation Point	Pre-Submission Local Plan (View)
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Maidstone Borough Council
Question 3a	

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

whole Plan: Duty to Cooperate

[TWBC: the full representation has been divided between comments on the whole Plan with regard to Duty to Cooperate (PSLP_2258), Policy STR1 (PSLP_2259) and Policy STR/SS1 (PSLP_2260).

Question 4a

If 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.

Thank you for consulting Maidstone Borough Council (MBC) on the draft Tunbridge Wells Borough Local Plan (TWBLP). Maidstone Borough Council's comments on the draft plan are detailed below.

Duty to cooperate

The Localism Act 2011 places a legal duty on planning authorities to engage constructively, actively, and on an ongoing basis, to ensure the effectiveness of Local Plan preparation in relation to strategic, cross-boundary issues. Effective and on-going joint working between strategic policy-making authorities is integral to the production of a positively prepared and justified strategy. MBC formally responded to Tunbridge Wells Borough Council's (TWBC) previous Local Plan consultations in 2017 and 2019 and has continued to be informed of, and involved in, the preparation of the most recent draft Local Plan (the subject of this formal consultation) through regular officer-level meetings. This includes meetings to consider the proposed larger settlements/garden communities. Additionally, in March 2021 MBC and TWBC agreed a statement of common ground to accompany the TWBC Regulation 19 consultation.

MBC therefore considers that the duty to cooperate in plan-making between the two authorities has been satisfied and that cooperation is ongoing.

I hope these comments are helpful and look forward to continuing, constructive dialogue on strategic, cross boundary issues as part of the duty to cooperate as our respective Local Plans progress.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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	Belinda Malpas [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Belinda Malpas [REDACTED]
Comment ID	PSLP_1258
Response Date	04/06/21 14:25
Consultation Point	Pre-Submission Local Plan (View)
Status	Processed
Submission Type	Web
Version	0.2

Question 1

Respondent's Name and/or Organisation	Belinda Malpas
---------------------------------------	----------------

Question 2

Agent's Name and Organisation (if applicable)	NA
---	----

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.

Policies Map Numbers 04, 07,08 and 09.

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.

The LP is unsustainable on the basis of population increase which is projected from 2452 people to 13700 in Capel alone. The use of private cars and vehicles will be detrimental to the environment. Proper consideration has not been given to the lack of infrastructure in the way of medical facilities, schools and transport in an area already struggling with busy and unsuitable roads. TWBC is not reacting in ways the local community need issues to be dealt with. For instance in the case of Hartlake Road as one example they have suggested that they will close it. That is not a proper solution as anyone local knows it is a regularly used road taking traffic off of the other routes through to Tonbridge and Tudeley/FOG.

It seems to me that community engagement has not entirely been effective and local community concerns are being sidelined. Proper consideration has not been given to very real concerns expressed about building on flood plains and problems which may result in moving more water downstream to Yalding, Tonbridge and beyond. Issues well documented in local and national press.

We need to protect our Green Belt and prevent urban sprawl in what is essentially a rural setting. The character of this area will be destroyed forever along with the biodiversity of the habitats and the beautiful views. All Saints Church in Tudeley is a national tourist attraction because of the very special Chagall Windows. Kent is known as the garden of England but this LP is destroying so much character and beauty and once it is gone it will never be the same again.

We talk of protecting our environment and biodiversity but this plan represents destruction on a grand scale. There should not be any building on Green Belt land as it is there to prevent urban sprawl.

Furthermore, Tonbridge and Malling are opposed to this scheme on the basis it will overload the infrastructure and have conceded the points raised in previous objections but TWBC are not properly considering the impact on Tonbridge and Malling.

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.

Consider Brownfield and alternative sites like Castle Hill or vacant sites and offices in Tunbridge Wells. Do not build on the Green Belt and flood plains. The Site Allocation LP 2016 did not accept a need to build on the Green Belt. Don't destroy a rural Green Belt parish.

Properly consult on infrastructure, environmental and pollution issues and actively find real solutions.

Work with Capel PC and Tonbridge and Malling BC and address all the problems.

Use logic and balance in decisions rather than imposing 51% of LP housing on Capel parish.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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 have to say I find it a real concern that this form completion is incredibly hard and very easy to complete wrongly let alone creating an account and the whole process of making objections. I was employed as a Lawyer for 10 years and my Son is a Graduate and we have both struggled. How can this be a fair process in terms of the considerations and objections that need to be made by local people. I cannot see that a lot of people will engage they would simply not be able to manage to complete and understand these forms the disabled, the elderly, people who are poorly educated and even educated people. This feels a very unfair process and certainly not a democratic process. The form needs to be set out more simply and be more understandable to ordinary citizens just as Lawyers learned to use more simple and understandable language when dealing with their clients.

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 Raymond Moon [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Paddock Wood [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Raymond Moon [REDACTED]
Comment ID	PSLP_390
Response Date	02/06/21 14:54
Consultation Point	Pre-Submission Local Plan (View)
Status	Processed
Submission Type	Web
Version	0.1
Question 1	
Respondent's Name and/or Organisation	Raymond Moon (Personal Capacity)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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

2.Setting the Scene.

Pg21.Paragraphs: 2.4, 2.17-2.19,2.21-2.27, 2.33,2.34, 2.41

Section 3. Vision and Objectives.

pg29.

3.3 section2. 3.8

Vision and Strategic Objectives 1,

Vision and Strategic Objectives 2

Section 4: The Development Strategy and Strategic Policies

The Development Strategy

Policy STR 1

The Development Strategy

Policy STR 3

Brownfield Land

Policy STR 4

Ensuring Comprehensive Development

Policy STR 6

Transport and Parking

Policy STR 7

Climate Change

Policy STR 9

Green Belt

Section5: Place Shaping Policies Introduction

Pg 166. The Strategy for Paddock Wood.

5.239, 5.240, 5.241, 5.242, 5.244,

Policy STR/PW 1 The Strategy for Paddock Wood

4., 7, 8.

Allocation Policies for PW Land at Mascalls

Section 6:Developmet Management Policies.

Pg 324. Sustainable design

7.

1 Highway safety and Access

2

3 Crime Reduction, 9 Community Engagement

Design checklist to support the design criteria in Policy EN 1 1. Design, character, and site context

Climate Change Mitigation and Adaption

Climate change mitigation

6.32, 6.36,

Policy EN 3 Climate Change

Mitigation and Adaption

Policy EN 5

Heritage Assets

PG 353 Natural Environment

6.138

Pg 357 Protection of Designated sites and Habitats

Local sites

6.153.

Pg 381 Policy EN 21 Air Quality

Pg 387 Development and Flood Risk

6.277

Pg388 Policy H 1 & Pg 401 H 3

Housing Mix 6.326

Pg 428 Policy ED 1

The Key Employment Areas Paddock Wood Eldon way and PW Transfesa etc

Pg 466 Public Car Parks

Pg 468 Policy TP 5 Safe Guarding railway land

The former PW to Hawkhurst (Hop Pickers) Line

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.

Section 2 Setting the Scene.

The settlements of the borough

Pg21 2.4 Paddock Wood. This opening statement highlights the many reasons why the amount of the proposed new dwellings 3,590+ are not sustainable within the area of Paddock Wood (PW). This number represents over 50% of the proposed Borough allocation and disproportionate to the allocation to other parishes and Towns in the Borough. Its is unfair and unjustified and damages the environment. There is no present bus station in Paddock Wood and the present mainline station has no direct link with the provision of bus routes needed to tempt present and future motor vehicle users to use public transport or cycles as we lead into a Zero carbon future. Our present secondary school Mascals can not sustain the present developments in PW and neither 3,590 new houses. Our present sports centre at Putlands is not adequate and the proposed new centre appears to serve Capel rather than the new residents of PW. We need a new police station to replace our present one which was demolished to make way for more housing in the town.

The strategy of the North of PW serving Large employment appears to have been abandoned in favour of new residential development. These new houses are in a high flood risk area and would create a pinch point over the present railway bridge if residents wish to use the present towns services ie. retail and access to schools, surgery's the present sports centre. There is a present HGV weight restriction on the bridge in appreciation of the increased traffic over the years. More houses North of PW will only make matters worse.

Housing affordability:

2.17 this paragraph highlights the worsening provision of the affordability of housing in PW where present house prices make many new houses in PW unaffordable to local residents. Present new 1 bed apartments in PW are priced at £252k to £275k beyond the reach of local residents. Social housing at 60% of market value is basically non-existent and the social housing allocation should be nearer 100% to cope with future housing needs after the economic consequences of the pandemic start to kick in over the next few years in PW and the Borough. Paragraphs 2.17 – 2.19 give the evidence that the affordable housing is far from affordable! The Draft Local plan does not adequately address this problem in the Borough and unfairly burdens PW with the new housing allocation.

Housing Types.

2.21. No mention is made to the new provision of any suitable bungalow type houses in the plan for PW. With have an ageing population and to reduce pressure on all our health services we should be planning for more of these types of houses. We have a real shortage in PW.

Infrastructure Key Issue/ challenge.

This particular serious issue in PW only warrants two paragraphs 2.22- 2.23.

2.22. The present 3 new developments approved in PW are seriously lacking in new infrastructure to sustain them in the future and the proposed new 3,590 dwellings need a new integrated network for the present residents and new residents in the years ahead covered in the plan.. The present incompetence of the provision provided by Southern Water (SW) for these new developments gives no one in the Town the confidence that SW will deliver on these new houses. Table 2. Lists some fine promises of the types of infrastructure to be delivered but the residents are still waiting on previous promises. Words are not enough, we have been failed and will not accept failure again. We need guarantees in the plan that the Utilities will deliver before any more houses are built in PW.

2.24 -2.26. The present borough council has not worked with our present developers in delivering the conditions imposed at the last public enquiry and the present Councils Infrastructure Delivery Plan only glosses over the need **"It is recognised that there are different infrastructure needs for different settlements and parishes across the borough, such as flood mitigation, sport and recreation provision, and internet accessibility, especially in rural areas; these will need to be considered and addressed accordingly"** There are no concrete proposals in the plan to address these complex issues and problems.

Natural, built, and historic environment Key issue/challenge: Green Belt, conserving and enhancing the borough's recognised heritage and environmental assets, and achieving net gains for nature.

2.27. Much of the land around PW is designated Green Belt Land (GBL) including land surrounding our local villages such as Capel, Horsmonden, Brenchley, Matfield. The prospect of PW linking directly with Tonbridge via Capel is a real possibility and unsustainable. Urban sprawl is a real possibility and 407.576Ha of GBL will be de-designated. 148.194Ha of this in the borough will be allocated for PW and East Capel. Foal Hurst Wood owned by Paddock Wood Town Council has resident Dormouse and other wildlife and a natural habitat for plants which has no mention of future protection in the plan. Coupled with the present unfair allocation of new dwellings represents a massive destruction of our present Green and Open spaces and existing footpaths in the surrounding countryside.

Flooding Key issue/challenge: ensuring growth can be accommodated without further risk to areas vulnerable to flooding and, if possible, to provide betterment.

A key element of objection in this statement is the suggestion **"if possible to provide betterment"**. If you are providing new housing on high Flood risk areas in PW and the Borough than it is only logical that it is not sustainable unless improvements are made in the infrastructure.

2.33. Much of the allocated land especially North of the railway line has been put in High Flood Risk areas category 2 and 3a. The present 3 developments in PW have added to the flooding issues and the proposed mitigation for the new houses is again unsustainable. A promised masterplan at the last public enquiry to co-ordinate flood protection and mitigation was not implemented. In stead of bland promises the residents of PW need actions and real infrastructure.

Transport Key issue/challenge: promoting different transport options to accommodate future growth, ease congestion, and where possible, improve air quality

Again a key element of objection to this statement is **"and where possible, improve air quality"**. If any potential road improvements in PW to sustain the new 3,590 dwellings are proposed then our existing air quality should not be reduced but improved.

2.34. How will TWBC address these **"The borough faces significant transport challenges, particularly in terms of managing existing congestion and future growth, as well as needing to respond to the impacts of air quality and climate change"**. The existing pinch point over the railway line bridge is not addressed and no proposal put forward that make sense or provision for the future. HGV traffic around our local lanes and roads is causing present massive congestion and air pollution and with the projected increase of commuters in the Town will also mean more congestion and air pollution and inadequate parking at the PW mainline station. More housing in our local villages will put more pressure on the present parking in PW.

Economy Key issue/challenge: supporting the needs of the local economy so that it can continue to be competitive, and creating a range of local job opportunities

2.41 As we come out of a pandemic our National and Local economy has been devastated and this aspect needs to be seriously addressed in the plan. To put it bluntly we have plenty of words but no detail or how we intend to create more local jobs in the PW area or rebuild the High Street (Commercial Road). A user friendly High Street has not been addressed for the future and with the recent approval of a new area behind the Commercial Road for housing places the whole future of the High Street in jeopardy. The best place to improve the economy is North of the railway line and this has been ignored in the plan.

In short Section 2. Setting the Scene, creates its own statement and doubts to question the sustainability of the new 3590 houses in PW and the size of the unfair allocation. The whole plan regarding PW should be revisited and provide more detail and sustainability for the future 30 years.

Section 3. Vision and Objectives.

Pg29. Vision.

3.3 section 2.

This section highlights the many reasons why Paddock Wood cannot sustain the proposed new dwellings in the plan. With the present new dwellings being built in the Town the infrastructure capacity **"general concerns about the infrastructure capacity (water supply, sewerage, schools, health, and leisure facilities, etc.) to support growth"** cannot cope now and any further new houses will compound the problem. If the TWBC cannot get it right with these present new houses how can it give the residents the confidence that it will get it right for 2030. Can the phrase "active travel" be explained in relation to reduce carbon emissions by 2030 a target set by TWBC.

3.8. Paddock wood is picked out **"It has a distinct identity and the potential to enhance these and its supporting services and facilities through growth, subject to due care in relation to connectivity and flood risk matters"** This very sentence gives a sound argument that these various points are a very good reason why the new dwellings in PW are unsustainable. The character of Paddock Wood will disappear and the flood risk will increase so how on ever can PW be suitable for so many more new houses. TWBC are just attempting to justify their quota at the detriment of the residents of PW.

Vision and Strategic Objectives 1

Vision (Statement)

“Local ambitions are: “

“for Paddock Wood, to provide for comprehensive planned strategic growth (including on land in east Capel parish) that is fully aligned with timely infrastructure provision and which delivers significant improvements in local employment, town centre, leisure and other services/community facilities commensurate with its enhanced role, as well as ensuring that it is not vulnerable to flooding”

“for a garden settlement, to establish the potential for a new village to contribute to sustainable growth, that is: based on garden settlement principles; comprehensively planned and reflecting local character; well connected with nearby towns; providing local job opportunities, services and all necessary supporting infrastructure; with exemplary development of sustainable design”

Once again this statement appears to be purely designed to justify the number of houses to be allocated to PW and Capel and no real detail in the Plan to inform the residents how it will be achieved without harm to the present character of the present communities and indeed the new residents. PW and Capel are just filling the TWBC quota and the provision not being balanced across the Borough.

Vision and Strategic Objectives 2

Strategic Objectives (Statement)

- 1 Where is the evidence for this that it is achievable in PW? The present approved development in the town is not sustainable now, so what hope in the future with this plan.
- 2 We need more Social Housing in the Borough and the proposed affordable housing in relation to present prices in PW supplied by TWBC figures will make any future affordable housing out of the range of local residents and Key workers such as those working in the NHS.
- 3 The proposed garden settlement in Capel is not sustainable as regards the new infrastructure required and the threat to our Green and Open spaces in the Borough. Where is the justification to dump it on Capel's residents and not to consider other locations in the Borough.
- 4 Every new development “ chops” down existing trees and they should be incorporated into the design layouts. Cough Cooper houses built in the 1960's in PW where all built on orchards but many of the trees were saved and left in the new houses back gardens. We should demand that happens now and not see houses crammed in to meet the financial needs of the developers.
- 5 Over the years in PW with all the new housing the infrastructure has never been completed before the houses are built! The failure to achieve this threatens the very “vitality” of the communities.
- 6 With the proposed new residents our present road networks will not cope and the suggested proposals are impractical. The very presence of a Railway Line bridge at the heart of the town limits the number of houses PW can sustain without overcrowding the Town centre and making it a transport nightmare.
- 7 Please explain how?
- 8 Please explain how TWBC proposes to protect Foal Hurst Wood (FHW) our local Nature reserve owned by PWTC with the proposed new development surrounding it. Has light pollution been considered and the threat to wildlife migration across our Green and Open spaces. What threat is there to the present Dormouse population in FHW?
- 9 GB land is being released in this plan to solely meet the quota for TWBC. Show us where these tests have been made to justify it.
- 10 Climate change is making the risk of flooding more likely in PW so why build houses on the existing flood plain and enhance the impact of Climate change in the future and the residents pay the price for the Boroughs allocation.
- 11 This objective has been totally ignored to this day with past development in the town with the PWTC and residents ignored on many issues such as future surface water management and waste water management.

Everyone of these objectives are unachievable within the supporting documents in the DLP and seem only designed to support the plan and not address the real issues associated with the new development. Decide where we can put the new houses then adjust the objectives to suit that proposal. Its not honest or sustainable.

Section 4: The Development Strategy and Strategic Policies

Introduction

4.2 “One of the principal functions of the Local Plan is to set out the amount of future development being planned for, where it is to be located, and its nature, following the Vision and Strategic Objectives”By considering the failures in the plan in Section 3 Vision and Objectives this section logically is therefore flawed and unsustainable for the same reasons mentioned in the last section. Decide where we can put the new houses then build the argument with the attached documents to provide them. This approach is not sustainable for the future growth of PW.

The Development Strategy

Housing needs.

4.10 The figures provided by the TWBC are potentially over stated and the evidence is not conclusive with the need for 12,200 new dwellings in the Borough and an unfair proportion for PW and Capel.

4.11. The Council states it has considered alternative approaches and alternative locations so if the present allocation is unsustainable then it must object to the national default standard method. We need more houses for our children and grand children but with out the improved infrastructure before any houses are built it is unsustainable for the future. Draft local Plans are designed to achieve this and this one fails on so many levels.

Economic needs.

4.19. There is no mention of the effects of Covid on the local economy and unemployment is likely to rise. There should be no new residential housing North of the railway only retail as in previous Local Plans. The flood risk a very good reason with the real threat of Climate change in the future.

4.39. Where is the real evidence that all of the Brownfield sites have been considered. In the Borough and real note made of the windfall sites.

4.44. PW is not a a logical choice for strategic growth and the previous comments made concerning the sustainability of the allocation in PW reinforce this view. The very presence of the railway bridge hinders this growth so only retail development North of the railway is the logical choice. No mention of a possible new bridge?

Policy STR 1

The Development Strategy (statement)

Over the period of 2020-2038 the brunt of the allocation of 12,204 is being imposed on PW and Capel and is clearly unsustainable.

The proposed expansion of PW and Capel is within existing flood risk areas so what solutions are proposed other than more ponds on new developments that then feed into existing infrastructure networks that cannot cope. At present in PW Southern Water has failed the residents in every count on the present construction of 3 developments at Church Road, Green Lane and Badsell Road.

4.58. No draft plan should be based on **“It is also assumed that existing employment space will essentially be retained (with a small reduction at Paddock Wood, just to the north of the train station) and that there is scope for the intensification or extension of some of these to help meet more local needs.”** Objectives should be in place to achieve this not assumptions!

Policy STR 3

Brownfield Land (Statement)

Where is the real evidence that Brownfield land is being considered across the Borough rather than Greenfield build in PW and Capel?

a-g. These list all the reasons why Brownfield development could be unacceptable but logically they should also apply to the proposed new dwellings in PW. Within the plan they seem not to apply. Why the mismatch In policy in the DLP?

Policy STR 4

Ensuring Comprehensive Development (Statement)

“A comprehensive approach to site development will be expected to ensure the good planning of the area and, in relation to allocated sites, to ensure that the policy provisions, read as a whole, are achieved. Where sites have several land use elements or are in multiple ownerships,

this will be secured by an appropriate means of masterplanning, the form of which will include consideration of”

the strategic significance of the proposal

the extent of different land uses proposed across the overall site

whether there are multiple land ownerships forming the allocation.

Within this part of the DLP, mention is made of Masterplans and these must **make** proper consideration of the proposed urban expansion of Tudeley village and Paddock Wood and provide a joined up masterplan to link the two proposals together. In all circumstances full consideration must be given to the policy requirements such as access and connectivity, open space, drainage and other infrastructure, as well as affordable housing) relating to the site as a whole, with a phasing plan where appropriate, will be achieved. Delivery **must be** secured through a legal agreement with all the Utilities and stakeholders such as KCC schools provision, the developers, being required to sign a legal agreement to ensure they are in place before any development takes place within the Masterplan. Deadline dates must be included in this legal agreement. A previous masterplan was promised by TWBC and it never happened!

“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.” **“The council strongly encourages”** is not strong enough to ensure the masterplans are acted on and completed as part of the DLP. The council must ensure legally that 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, commit to the plans Vision and Objectives. Failure to do so will result in unsustainable development in PW and Capel.

Infrastructure and Connectivity

4.88 Mention is made that the Infrastructure has been separated into 3 main categories:

“Physical infrastructure (such as highways and public realm improvements); community infrastructure (such as schools, adult social services, and cultural facilities); and green, grey, and blue infrastructure (such as play spaces, natural and semi-natural open space, and sports pitches, as well as other essential infrastructure such as flood mitigation, utilities, and digital connectivity)”

All of the three colour designations mention aspects of the infrastructure to be implemented but no reference to the utilities that will monitor or police, that these improvements are actioned within the plan.

4.91 “The Local Plan Vision is clear” The local plan **Vision** is far from clear, rather than expected **“expected that future infrastructure to mitigate the impact of development, or in the case of the strategic sites at Paddock Wood to deliver 'betterment' in flooding terms to particular areas, should be largely funded by development to ensure that the development is acceptable in planning terms.”** It must read **“it will ensure by legal means”–that future infrastructure etc.** To date in PW, TWBC and the utilities have failed on this objective relating to improving the infrastructure by betterment. The present situation regarding the utility Southern Water provision is late and totally inadequate for the present and future needs of the Town. This must not happen in the future with this DLP.

4.95. This paragraph mentions critical and essential projects to be in place before development takes place, but how do TWBC intend to implement this, rather than just “words”? Transport and Education has not been detailed and the present proposals have not been fully agreed with KCC. What legal powers do TWBC have against developers and utilities and the ability to challenge when they do not deliver key aspects of this plan.

Health

This mentions provision of new medical facilities or expansion in PW but where is the guarantee that it will happen to sustain the new houses. It is a must!!

Water

Who is going to pay for additional capacity at the present water treatment works to accommodate the new houses in PW and Capel? Where are the plans for new locations and funding requirements. Words are not enough we need concrete commitments not empty promises.

Sport and Recreation: Where is mention made of a new sports hub in PW as it appears it will serve PW and Capel of which they should have their facilities within the DLP. Sharing will cause access problems on our already congested roads travelling between the two locations to a shared sports hub. There is also no mention of the present proposed PW NHP provision currently in negotiation with TWBC.

Transport and Parking

4.98 The present NPPF states that significant development should be focused on locations that can be made sustainable by limiting travel and offering choice of transport modes. With the Railway bridge playing a significant pinch point to access to the town it is not feasible or practical to limit access to South of the railway just to justify the sustainability of the new housing within in the plan. There is at present a petition asking residents to object to the proposals concerning restricted access to the town and its lack of consultation with PW residents. It's a clear case of implementing solutions to just get the end result, more houses in PW that are just not sustainable.

Policy STR 6

Transport and Parking (statement).

- 1 **a) Active travel. Active travel (walking and cycling, and emerging electrical personal vehicles) will be prioritised through:**
- 2 **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**

The provision of this section relates to the Borough "Council's Local Cycling and Walking Infrastructure Plan". The implementation of this infrastructure plan proposes restrictions to the access to the Town via the Railway Bridge , restricting vehicle use and HGV use which already has a weight restriction. This plan appears to propose various new initiatives concerning pedestrian access and cycle access but in reality they are being implemented to justify the new development North of the railway. The bridge is a pinch point and clearly represents a barrier to the number of houses that are sustainable in the DLP. The new Cycling and walking plan is designed to mitigate this barrier and total disregard of the resulting consequences for the Towns residents. No car access means a journey into the Town centre via the Badsell road which will in turn cause more congestion into the Town from that direction. Buses will be allowed but PW does not have an integrated bus station with the rail station to try and tempt residents away from cars and use public transport. The strategy is clearly not joined up and the walking infrastructure plan has not gone to consultation to the local residents especially those living at present North of the Railway. Another good reason not to have new residential housing North of the railway which is part of the DLP. The only reason it has been proposed is to meet the allocation from TWBC. It plainly does not make common sense and should be opposed.

- 1 Who will pay for these new provisions as we come out of the Covid pandemic? The national debt is massive and many councils and utilities' will just not have the finances. There has to be a funding commitment via Government who are imposing the housing allocations across the country. Failure to do this should mean no new development in PW or within the whole Borough.
- 2 **Public transport.**
- 3 **"Establishing rapid bus/transport links, including from Paddock Wood to Royal Tunbridge Wells, Paddock Wood to Tonbridge (via Tudeley Village), and Royal Tunbridge Wells to Tonbridge, and ensuring that the design of these strategic sites provides for attractive bus services with convenient access to the highway network:**

Who is going to fund these rapid bus/transport links within this DLP and ensure we have attractive bus services with convenient access to existing highway networks. Will the service be subsidised by KCC or is it again just words and no real substance in the proposals?

- 1 Working with network rail again is " Pie in the Sky" as they have their own agenda but it seems convenient to suggest it can happen in the future as part of this DLP. Has there been any negotiations with Network Rail and any commitment to provide capital funds to make it happen in the future as part of this DLP. Where's the evidence?

Car parking

Policy TP 3: Parking Standards

To revitalise our local high street and commercial centres after Covid the Borough must implement a free parking strategy across the board including PW car parks to give a boost to our local retailers and encourage people back to the shops in our community's.

Policy STR 7

Climate Change (statement)

The Borough must implement these changes as part of its net zero target by 2030.

1 3. Implementing proactive policy on climate change adaptation

“a. protecting existing green spaces and creating new, appropriate green infrastructure whilst balancing the need for built development”

Show us the proposals and evidence that this is achievable with the present dwelling allocation for PW within the DLP. Where are these sustainable Drainage Systems at present in PW?

1 Partner engagement

This looks great on paper but in reality it has never happened yet in PW with all the new houses over the last 50 years. Who is going to lead and integrate these partner engagements? At present Southern Water and the present developers ignore the residents of PW and PWTC when dealing with the failures of these partners to provide present sustainable development in PW and stick to their previous promises made in past Local Plans to previous Inspectors and recent planning applications. The Borough is failing the residents of PW.

Policy STR 9

Green Belt (statement)

The Borough's Green Belt

4.128 Overall, some 5.71% of the Green Belt within the borough has been de-designated. Table 6 Green Belt Sites Policy Number Site Address S

STR/SS 1 Paddock Wood (including land at Removed -148.194 2.077 east Capel)

STR/SS 3 Tudeley Village Removed

To accommodate the boroughs housing allocation the above areas of GBL have been removed and there is no evidence or justification to agree to the reduction of our green and Open Spaces. This removal is purely designed to allow the TWBC to meet the new dwelling allocation and again highlights the unsustainability of the present proposals in the DLP.

Within the NPPF the proposed new development within the Green Belt is inappropriate and will harm the GB. Once you have lost Green Open Space in the GB it takes years to replace and is not viable. The only reason to take GBL is to meet the housing allocation and ignore the future damage. This use of GBL is inappropriate and I object to its inclusion in the DLP.

Section5: Place Shaping Policies Introduction

Paddock Wood

Pg 166. The Strategy for Paddock Wood.

5.239 This paragraph clearly states the importance of identifying the flood risk in the area and the importance to recognise this when agreeing planning applications and the policies in this DLP. The most risk is North of the railway and no residential development should be allowed in this allocation as in previous Local Plans with only commercial development being acceptable.

5.240 The release of the GBL west of Paddock Wood and none of the exceptional circumstances justify this release set out in Policy STR/SS 1. The only justification is to allow the allocation of new dwellings to meet the TWBC allocation and the unchallenged Government Allocation.

5.241 This is a false statement regarding the number of presently agreed houses which is at least 1400 new dwellings within the last Local Plan. It should also take into account the number of windfall houses built in PW during that time and the pressure put on the existing inadequate infrastructure.

5.242 The significant growth planned for PW 3,490-3,590 dwellings will significantly change the existing character of the Town and is not sustainable as regards the present provision of medical facilities and capacity at the primary school and Mascalls School. The present Town centre will also not be able to sustain the new houses. In short the allocation is disproportionate to the overall TWBC allocation and this document seeks to justify the figures by false statements and attached documents. The number was picked out the sky and then make it sustainable.

5.244 There is frequent mention of a Masterplan through out this whole document to again support the allocation of 3,590 houses and there is no detail of the plan and the legal requirement put on developers and other utilities and stakeholders in the Town. A previous masterplan was promised for PW and it did not happen. The detail of the masterplan must be presented and agreed in this DLP.

Policy STR/PW 1

The Strategy for Paddock Wood

- 1 Mention is made to Affordable housing but no mention of the need for Social housing as we come out of the Pandemic. The affordable housing in PW not affordable to many residents even with the present TWBC policy on its provision to developers. The TWBC is missing its target on this provision. We need more Social housing.
- 2 Flood mitigation at present on the existing new developments predominantly relies on drainage ponds which is not sustainable in the future as we experience Climate Change and more extreme weather events. The fact is they are being built on high Flood risk areas and should not be allowed. There has to be a limit to how many houses that are sustainable within the present infrastructure.
- 3 No mention is made to protection of Foal Hurst Wood nature reserve owned by PWTC as more houses are built around its boundary. Light pollution is a major threat to the present wildlife that exist in the wood including resident Dormouse.

Allocation policies for Paddock Wood

Land at Mascalls Farm

5.253 The protection of Foal Hurst Wood and the link to Brick Kiln Wood should be included to protect the present Dormouse population in FHW.

5.255 The site allocation of 400 homes is over intensive and unsustainable within the DLP

5.256, 5.257 These statements highlight the probability that the allocation of 3,590 will be exceeded as the duration of the plan progresses and the limit of 3590 must not be breeched.

Policy AL/PW 1

Land at Mascalls Farm

This development already has planning permission so why is it in the DLP and appears to be open to consultation, it is not!

Section 6: Development Management Policies

Policy EN 1

Pg 324.Sustainable Design

- 1 This mentions the needs of occupiers in relation to their changing circumstances as they grow older or life changes at any age, without needing to move House. New dwellings as part of TWBC policy should adopt “**Life Time Home Standards**” for all new build across the Borough in the DLP. This also should include the inclusion of new bungalows in any new development allocation including Social Housing. Developers need to be forced to include new Bungalow dwellings in the DLP allocation.

Within this whole policy the main theme is “should” relating to the policy provision and it should be replaced by “**must**”. This gives a clear commitment to ensure that the policy statements are not just words to be ignored but to be acted on.

- 1 **Highway safety and access**
- 2 Due to the unfair allocation of 3,590 new dwellings in PW it will result in a massive impact, with congestion around the town including Badsell Road. The Local Cycling and Walking Infrastructure Plan Phase 2 has proposals to ban cars using the Railway bridge to access the Town centre. The rerouting of traffic via the Badsell road to access the Town centre will increase congestion

along the Badsell Road. This proposal has also not been subject to direct consultation with the residents of PW. This should be implemented by TWBC before this DLP Consultation is reviewed after the closing date of Friday 4th June 2021.

3 Crime reduction

Paddock Wood has just seen its present Police station demolished for new housing and results in no direct police presence in the Town. With the proposed 3,590 new dwellings there is a clear need for a new police station to serve the increasing community. This should form part of the need within the DLP.

1 Community engagement

At present numerous planning applications are ignored by TWBC when PWTC and residents clearly object to them regarding past policy on local plans. The recent approval of the Churchill development in the town centre clearly went against previous policy and PWTC objections. We need closer liaison with TWBC planning office and our elected Borough Councillors who make the real decisions and to stop us being continually ignored. We live local and need to be listened to and supported.

Design checklist to support the design criteria in Policy EN 1 1. Design, character, and site context

All of these questions look fine on paper but what is the process if any have the answer of no! Hopefully if only one is not met then the design of any new development would be rejected.

The residents again need that commitment from TWBC as part of the DLP.

Climate Change Mitigation and Adaptation

Climate change mitigation

6.32 The statement is to be supported identifying the greatest challenge the world and our local communities in the Borough face in the near future up to 2030 and beyond. The modelling produced by the Utilities need to be challenged and subject to rigorous scrutiny as regards events over a 100 years etc. These events are occurring more often and any new development must have the required infrastructure to cope with these extreme events.

6.36 This statement is not forceful enough when : The Local Authority **expects** developers to undertake a 'fabric first' approach to reduce overall CO2 emissions from buildings. Developers "**must**" replacing the expects to implement these policy statements.

As part of this statement it should include the policy to ensure that all the Towns including Paddock Wood and Parishes within the Borough implement a local A Carbon Free Footprint to meet the Borough target of 2030. This policy should be implemented with subsidies from the Borough to help the communities create their local policies in support of the Borough policy of carbon free by 2030.

Policy EN 3 Climate Change

Mitigation and Adaptation

I broadly support the Policy EN3 but enforcement is the key with any new development being subject to scrutiny and enforcement from the Borough. It is responsibility of TWBC to implement this and not the Town and Parish clerks. Who is meant to ensure that any conditions imposed on developers as a result of these fine words in the DLP are actually complied with?

Policy EN 5

Heritage Assets

Within this policy statement the Wesley Centre in Paddock Wood should be clearly mentioned and protected for the future.

Pg 353.Natural Environment

Requirements and processes for planning applications

6.138 These are fine policy statements but who again enforces the developers to put them into practice. Within the DLP allocation of 3590 new houses in PW all of this development is on present green and open space and existing countryside. That environment is destroyed with no regard to the resident wildlife and natural trees and plants. TWBC should demand the developers provide such elements as hedgehog highways between the dwellings to help the Hedgehogs adapt to their new environment. Existing trees must be incorporated into the design of the new developments.

Pg357 Protection of Designated Sites and Habitats

Local sites

6.153 The local nature reserve owned by Paddock Wood Town Council PWTC **must** be mentioned in this policy statement to protect the woodland and its resident wildlife and habitat against over development and encroachment on its existing boundary's.

Pg381. Policy EN 21

Air Quality

TWBC must implement this policy statement across the borough as more and more houses are built in this DLP including PW. The present bus services in the rural areas are totally inadequate and an integrated bus and railway network will encourage more public transport use and improve air quality.

Pg 387 Development and Flood Risk

6.277 This statement needs to be reviewed as most of the proposed new development in PW within this DLP is in a high area of flood risk. **“The Strategy for Paddock Wood and east Capel and STR/SS 3”** is totally unsustainable and supports the argument the allocation of 3,590 is not sustainable when considering all the policy statements in this DLP. The number of new dwellings is not proportionate to the rest of the Borough in meeting its total allocation of 12,000 plus new dwellings. Paddock Wood just cannot cope with this large number of new houses and it should be reduced.

Pg388 Policy EN 25

Flood Risk

Where it is proven that the mitigation is not sustainable then the development should not be allowed as part of the DLP. Failure to do so will mean increased flooding in areas such as PW and Capel and the residents will pick up the cost, not the developers or the TWBC.

Pg 397.Policy H 1 & Pg401 H 3

Housing Mix

6.326 Within this policy statement there is no mention of the provision of Social Housing in the borough. As a matter of urgency this must be included after the pandemic and covid and hopefully the rebuilding of the economy.

Pg 428 Policy ED 1

The Key Employment Areas

Paddock Wood Eldon Way and West of Maidstone Road

Paddock Wood Transfesa Road East and West

Both of these locations identify the present local key employment areas in PW and should be maintained. The proposal within the DLP to provide residential dwellings North of the railway bridge in PW contradicts this policy. This type of Commercial development is more suited to high risk flood areas in PW as describe in the DLP and not for new residential development in the same area.

Pg 466 Public Car Parks

The introduction of free parking should be implemented as part of this DLP for all the Borough public car parks. To rebuild the local economy across the borough and support our local retailers after the Pandemic and Covid. We need our residents to shop local and this policy will support that goal.

Pg468 Policy TP 5

Safeguarding Railway Land

The former Paddock Wood to Hawkhurst (Hop Pickers) line

This policy is fully supported within the DLP and supports PWTC in setting out a strategy to try and enhance and improve the route for future recreational use including walking along the route, where possible to Hawkhurst.

Personal Note.

When considering all the various statements included in these sections of the DLP it is so plainly obvious that many of the statements contradict themselves in justifying the new housing allocation. The Borough has quite frankly built the reasons why the allocation in PW and Capel is not sustainable and across the Borough. The point is will the safe guards be implemented in the DLP and the fine words acted on in the future, past history makes me think not. PW will change for the worse for ever!!! The Borough must stand back and review its present DLP.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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 Paddock Wood Town Councillor and these comments are based on a personal opinion and view on the various sections and paragraphs within the Draft Local Plan. They do not represent the views of the Town Council

This Tunbridge Wells Local Plan is probably the most controversial consultation to be submitted to the residents of Paddock Wood and the whole of TWBC to date. The plan is brief and has no exact detail in the documents justification for so many proposed new dwellings in the Borough. In fact some of the policies and statements made in the DLP contradict each other and in reality build their own reasons to why the proposed new 3,590 dwellings are unsustainable around the Town.

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 Raymond Moon [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Paddock Wood Labour Party (PWLP)
Address	[REDACTED] TONBRIDGE [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Paddock Wood Labour Party (PWLP) [REDACTED] [REDACTED]
Comment ID	PSLP_517
Response Date	02/06/21 15:02
Consultation Point	Pre-Submission Local Plan (View)
Status	Processed
Submission Type	Web
Version	0.2
Question 1	
Respondent's Name and/or Organisation	Raymond Moon. Paddock Wood Labour Party.
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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

Setting the Scene.

Pg21.Paragraphs: 2.4, 2.17-2.19,2.21-2.27, 2.33,2.34, 2.41

Section 3. Vision and Objectives.

pg29.

3.3 section2. 3.8

Vision and Strategic Objectives 1,

Vision and Strategic Objectives 2

Section 4: The Development Strategy and Strategic Policies

The Development Strategy

Policy STR 1

The Development Strategy

Policy STR 3

Brownfield Land

Policy STR 4

Ensuring Comprehensive Development

Policy STR 6

Transport and Parking

Policy STR 7

Climate Change

Policy STR 9

Green Belt

Section 5: Place Shaping Policies Introduction

Pg 166. The Strategy for Paddock Wood.

5.239, 5.240, 5.241, 5.242, 5.244,

Policy STR/PW 1 The Strategy for Paddock Wood

4., 7, 8.

Allocation Policies for PW Land at Mascalls

Section 6: Development Management Policies.

Pg 324. Sustainable design

7.

1 Highway safety and Access

2

3 Crime Reduction, 9 Community Engagement

Design checklist to support the design criteria in Policy EN 1 1. Design, character, and site context

Climate Change Mitigation and Adaption

Climate change mitigation

6.32, 6.36,

Policy EN 3 Climate Change

Mitigation and Adaption

Policy EN 5

Heritage Assets

PG 353 Natural Environment

6.138

Pg 357 Protection of Designated sites and Habitats

Local sites

6.153.

Pg 381 Policy EN 21 Air Quality

Pg 387 Development and Flood Risk

6.277

Pg388 Policy H 1 & Pg 401 H 3

Housing Mix 6.326

Pg 428 Policy ED 1

The Key Employment Areas Paddock Wood Eldon way and PW Transfesa etc

Pg 466 Public Car Parks

Pg 468 Policy TP 5 Safe Guarding railway land

The former PW to Hawkhurst (Hop Pickers) Line

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.

Section 2 Setting the Scene.

The settlements of the borough

Pg21 2.4 Paddock Wood. This opening statement highlights the many reasons why the amount of the proposed new dwellings 3,590+ are not sustainable within the area of Paddock Wood (PW). This number represents over 50% of the proposed Borough allocation and disproportionate to the allocation to other parishes and Towns in the Borough. Its is unfair and unjustified and damages the environment. There is no present bus station in Paddock Wood and the present mainline station has no direct link

with the provision of bus routes needed to tempt present and future motor vehicle users to use public transport or cycles as we lead into a Zero carbon future. Our present secondary school Mascals can not sustain the present developments in PW and neither 3,590 new houses. Our present sports centre at Putlands is not adequate and the proposed new centre appears to serve Capel rather than the new residents of PW. We need a new police station to replace our present one which was demolished to make way for more housing in the town.

The strategy of the North of PW serving Large employment appears to have been abandoned in favour of new residential development. These new houses are in a high flood risk area and would create a pinch point over the present railway bridge if residents wish to use the present towns services ie. retail and access to schools, surgery's the present sports centre. There is a present HGV weight restriction on the bridge in appreciation of the increased traffic over the years. More houses North of PW will only make matters worse.

Housing affordability:

2.17 this paragraph highlights the worsening provision of the affordability of housing in PW where present house prices make many new houses in PW unaffordable to local residents. Present new 1 bed apartments in PW are priced at £252k to £275k beyond the reach of local residents. Social housing at 60% of market value is basically non existent and the social housing allocation should be nearer 100% to cope with future housing needs after the economic consequences of the pandemic start to kick in over the next few years in PW and the Borough. Paragraphs 2.17 – 2.19 give the evidence that the affordable housing is far from affordable! The Draft Local plan does not adequately address this problem in the Borough and unfairly burdens PW with the new housing allocation.

Housing Types.

2.21. No mention is made to the new provision of any suitable bungalow type houses in the plan for PW. With have an ageing population and to reduce pressure on all our health services we should be planning for more of these types of houses. We have a real shortage in PW.

Infrastructure Key Issue/ challenge.

This particular serious issue in PW only warrants two paragraphs 2.22- 2.23.

2.22. The present 3 new developments approved in PW are seriously lacking in new infrastructure to sustain them in the future and the proposed new 3,590 dwellings need a new integrated network for the present residents and new residents in the years ahead covered in the plan.. The present incompetence of the provision provided by Southern Water (SW) for these new developments gives no one in the Town the confidence that SW will deliver on these new houses. Table 2. Lists some fine promises of the types of infrastructure to be delivered but the residents are still waiting on previous promises. Words are not enough, we have been failed and will not accept failure again. We need guarantees in the plan that the Utilities will deliver before any more houses are built in PW.

2.24 -2.26. The present borough council has not worked with our present developers in delivering the conditions imposed at the last public enquiry and the present Councils Infrastructure Delivery Plan only glosses over the need **"It is recognised that there are different infrastructure needs for different settlements and parishes across the borough, such as flood mitigation, sport and recreation provision, and internet accessibility, especially in rural areas; these will need to be considered and addressed accordingly"** There are no concrete proposals in the plan to address these complex issues and problems.

Natural, built, and historic environment Key issue/challenge: Green Belt, conserving and enhancing the borough's recognised heritage and environmental assets, and achieving net gains for nature.

2.27. Much of the land around PW is designated Green Belt Land (GBL) including land surrounding our local villages such as Capel, Horsmonden, Brenchley, Matfield. The prospect of PW linking directly with Tonbridge via Capel is a real possibility and unsustainable. Urban sprawl is a real possibility and 407.576Ha of GBL will be de designated. 148.194Ha of this in the borough will be allocated for PW and East Capel. Foal Hurst Wood owned by Paddock Wood Town Council has resident Dormouse and other wildlife and a natural habitat for plants which has no mention of future protection in the plan. Coup[led with the present unfair allocation of new dwellings represents a massive destruction of our present Green and Open spaces and existing footpaths in the surrounding countryside.

Flooding Key issue/challenge: ensuring growth can be accommodated without further risk to areas vulnerable to flooding and, if possible, to provide betterment.

A key element of objection in this statement is the suggestion “**if possible to provide betterment**”. If you are providing new housing on high Flood risk areas in PW and the Borough than it is only logical that it is not sustainable unless improvements are made in the infrastructure.

2.33. Much of the allocated land especially North of the railway line has been put in Hgh Flood Risk areas category 2 and 3a. The present 3 developments in PW have added to the flooding issues and the proposed mitigation for the new houses is again unsustainable. A promised masterplan at the last public enquiry to co ordinate flood protection and mitigation was not implemented. In stead of bland promises the residents of PW need actions and real infrastructure.

Transport Key issue/challenge: promoting different transport options to accommodate future growth, ease congestion, and where possible, improve air quality

Again a key element of objection to this statement is “**and where possible, improve air quality**”. If any potential road improvements in PW to sustain the new 3,590 dwellings are proposed then our existing air quality should not be reduced but improved.

2.34. How will TWBC address these “**The borough faces significant transport challenges, particularly in terms of managing existing congestion and future growth, as well as needing to respond to the impacts of air quality and climate change**”. The existing pinch point over the railway line bridge is not addressed and no proposal put forward that make sense or provision for the future. HGV traffic around our local lanes and roads is causing present massive congestion and air pollution and with the projected increase of commuters in the Town will also mean more congestion and air pollution and inadequate parking at the PW mainline station. More housing in our local villages will put more pressure on the present parking in PW.

Economy Key issue/challenge: supporting the needs of the local economy so that it can continue to be competitive, and creating a range of local job opportunities

2.41 As we come out of a pandemic our National and Local economy has been devastated and this aspect needs to be seriously addressed in the plan. To put it bluntly we have plenty of words but no detail or how we intend to create more local jobs in the PW area or rebuild the High Street (Commercial Road). A user friendly High Street has not been addressed for the future and with the recent approval of a new area behind the Commercial Road for housing places the whole future of the High Street in jeopardy. The best place to improve the economy is North of the railway line and this has been ignored in the plan.

In short Section 2. Setting the Scene, creates its own statement and doubts to question the sustainability of the new 3590 houses in PW and the size of the unfair allocation. The whole plan regarding PW should be revisited and provide more detail and sustainability for the future 30 years.

Section 3. Vision and Objectives.

Pg29. Vision.

3.3 section 2.

This section highlights the many reasons why Paddock Wood cannot sustain the proposed new dwellings in the plan. With the present new dwellings being built in the Town the infrastructure capacity “**general concerns about the infrastructure capacity (water supply, sewerage, schools, health, and leisure facilities, etc.) to support growth**” cannot cope now and any further new houses with compound the problem. If the TWBC cannot get it right with these present new houses how can it give the residents the confidence that it will get it right for 2030. Can the phrase “ active travel” be explained in relation to reduce carbon emissions by 2030 a target set by TWBC.

3.8. Paddock wood is picked out “**It has a distinct identity and the potential to enhance these and its supporting services and facilities through growth, subject to due care in relation to connectivity and flood risk matters**” This very sentence gives a sound argument that these various points are a very good reason why the new dwellings in PW are unsustainable. The character of Paddock Wood will disappear and the flood risk will increase so how on ever can PW be suitable for so many

more new houses. TWBC are just attempting to justify their quota at the detriment of the residents of PW.

Vision and Strategic Objectives 1

Vision (Statement)

“Local ambitions are: “

“for Paddock Wood, to provide for comprehensive planned strategic growth (including on land in east Capel parish) that is fully aligned with timely infrastructure provision and which delivers significant improvements in local employment, town centre, leisure and other services/community facilities commensurate with its enhanced role, as well as ensuring that it is not vulnerable to flooding”

“for a garden settlement, to establish the potential for a new village to contribute to sustainable growth, that is: based on garden settlement principles; comprehensively planned and reflecting local character; well connected with nearby towns; providing local job opportunities, services and all necessary supporting infrastructure; with exemplary development of sustainable design”

Once again this statement appears to be purely designed to justify the number of houses to be allocated to PW and Capel and no real detail in the Plan to inform the residents how it will be achieved without harm to the present character of the present communities and indeed the new residents. PW and Capel are just filling the TWBC quota and the provision not being balanced across the Borough.

Vision and Strategic Objectives 2

Strategic Objectives (Statement)

- 1 Where is the evidence for this that it is achievable in PW? The present approved development in the town is not sustainable now, so what hope in the future with this plan.
- 2 We need more Social Housing in the Borough and the proposed affordable housing in relation to present prices in PW supplied by TWBC figures will make any future affordable housing out of the range of local residents and Key workers such as those working in the NHS.
- 3 The proposed garden settlement in Capel is not sustainable as regards the new infrastructure required and the threat to our Green and Open spaces in the Borough. Where is the justification to dump it on Capel's residents and not to consider other locations in the Borough.
- 4 Every new development “ chops” down existing trees and they should be incorporated into the design layouts. Cough Cooper houses built in the 1960's in PW where all built on orchards but many of the trees were saved and left in the new houses back gardens. We should demand that happens now and not see houses crammed in to meet the financial needs of the developers.
- 5 Over the years in PW with all the new housing the infrastructure has never been completed before the houses are built! The failure to achieve this threatens the very “vitality” of the communities.
- 6 With the proposed new residents our present road networks will not cope and the suggested proposals are impractical. The very presence of a Railway Line bridge at the heart of the town limits the number of houses PW can sustain without overcrowding the Town centre and making it a transport nightmare.
- 7 Please explain how?
- 8 Please explain how TWBC proposes to protect Foal Hurst Wood (FHW) our local Nature reserve owned by PWTC with the proposed new development surrounding it. Has light pollution been considered and the threat to wildlife migration across our Green and Open spaces. What threat is there to the present Dormouse population in FHW?
- 9 GB land is being released in this plan to solely meet the quota for TWBC. Show us where these tests have been made to justify it.
- 10 Climate change is making the risk of flooding more likely in PW so why build houses on the existing flood plain and enhance the impact of Climate change in the future and the residents pay the price for the Boroughs allocation.
- 11 This objective has been totally ignored to this day with past development in the town with the PWTC and residents ignored on many issues such as future surface water management and waste water management.

Everyone of these objectives are unachievable within the supporting documents in the DLP and seem only designed to support the plan and not address the real issues associated with the new development.

Decide where we can put the new houses then adjust the objectives to suit that proposal. Its not honest or sustainable.

Section 4: The Development Strategy and Strategic Policies

Introduction

4.2 “One of the principal functions of the Local Plan is to set out the amount of future development being planned for, where it is to be located, and its nature, following the Vision and Strategic Objectives”By considering the failures in the plan in Section 3 Vision and Objectives this section logically is therefore flawed and unsustainable for the same reasons mentioned in the last section. Decide where we can put the new houses then build the argument with the attached documents to provide them. This approach is not sustainable for the future growth of PW.

The Development Strategy

Housing needs.

4.10 The figures provided by the TWBC are potentially over stated and the evidence is not conclusive with the need for 12,200 new dwellings in the Borough and an unfair proportion for PW and Capel.

4.11. The Council states it has considered alternative approaches and alternative locations so if the present allocation is unsustainable then it must object to the national default standard method. We need more houses for our children and g

rand children but with out the improved infrastructure before any houses are built it is unsustainable for the future. Draft local Plans are designed to achieve this and this one fails on so many levels.

Economic needs.

4.19. There is no mention of the effects of Covid on the local economy and unemployment is likely to rise. There should be no new residential housing North of the railway only retail as in previous Local Plans. The flood risk a very good reason with the real threat of Climate change in the future.

4.39. Where is the real evidence that all of the Brownfield sites have been considered. In the Borough and real note made of the windfall sites.

4.44. PW is not a a logical choice for strategic growth and the previous comments made concerning the sustainability of the allocation in PW reinforce this view. The very presence of the railway bridge hinders this growth so only retail development North of the railway is the logical choice. No mention of a possible new bridge?

Policy STR 1

The Development Strategy (statement)

Over the period of 2020-2038 the brunt of the allocation of 12,204 is being imposed on PW and Capel and is clearly unsustainable.

The proposed expansion of PW and Capel is within existing flood risk areas so what solutions are proposed other than more ponds on new developments that then feed into existing infrastructure networks that cannot cope. At present in PW Southern Water has failed the residents in every count on the present construction of 3 developments at Church Road, Green Lane and Badsell Road.

4.58. No draft plan should be based on **“It is also assumed that existing employment space will essentially be retained (with a small reduction at Paddock Wood, just to the north of the train station) and that there is scope for the intensification or extension of some of these to help meet more local needs.”** Objectives should be in place to achieve this not assumptions!

Policy STR 3

Brownfield Land (Statement)

Where is the real evidence that Brownfield land is being considered across the Borough rather than Greenfield build in PW and Capel?

a-g. These list all the reasons why Brownfield development could be unacceptable but logically they should also apply to the proposed new dwellings in PW. Within the plan they seem not to apply. Why the mismatch In policy in the DLP?

Policy STR 4

Ensuring Comprehensive Development (Statement)

“A comprehensive approach to site development will be expected to ensure the good planning of the area and, in relation to allocated sites, to ensure that the policy provisions, read as a whole, are achieved. Where sites have several land use elements or are in multiple ownerships, this will be secured by an appropriate means of masterplanning, the form of which will include consideration of”

the strategic significance of the proposal

the extent of different land uses proposed across the overall site

whether there are multiple land ownerships forming the allocation.

Within this part of the DLP, mention is made of Masterplans and these must **make** proper consideration of the proposed urban expansion of Tudeley village and Paddock Wood and provide a joined up masterplan to link the two proposals together. In all circumstances full consideration must be given to the policy requirements such as access and connectivity, open space, drainage and other infrastructure, as well as affordable housing) relating to the site as a whole, with a phasing plan where appropriate, will be achieved. Delivery **must be** secured through a legal agreement with all the Utilities and stakeholders such as KCC schools provision, the developers, being required to sign a legal agreement to ensure they are in place before any development takes place within the Masterplan. Deadline dates must be included in this legal agreement. A previous masterplan was promised by TWBC and it never happened!

“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.” **“The council strongly encourages”** is not strong enough to ensure the masterplans are acted on and completed as part of the DLP. The council must ensure legally that 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, commit to the plans Vision and Objectives. Failure to do so will result in unsustainable development in PW and Capel.

Infrastructure and Connectivity

4.88 Mention is made that the Infrastructure has been separated into 3 main categories:

“Physical infrastructure (such as highways and public realm improvements); community infrastructure (such as schools, adult social services, and cultural facilities); and green, grey, and blue infrastructure (such as play spaces, natural and semi-natural open space, and sports pitches, as well as other essential infrastructure such as flood mitigation, utilities, and digital connectivity)”

All of the three colour designations mention aspects of the infrastructure to be implemented but no reference to the utilities that will monitor or police, that these improvements are actioned within the plan.

4.91 **“The Local Plan Vision is clear”** The local plan **Vision** is far from clear, rather than expected **“expected that future infrastructure to mitigate the impact of development, or in the case of the strategic sites at Paddock Wood to deliver 'betterment' in flooding terms to particular areas, should be largely funded by development to ensure that the development is acceptable in planning terms.”** It must read **“it will ensure by legal means”–that future infrastructure etc.** To date in PW, TWBC and the utilities have failed on this objective relating to improving the infrastructure by betterment. The present situation regarding the utility Southern Water provision is late and totally inadequate for the present and future needs of the Town. This must not happen in the future with this DLP.

4.95. This paragraph mentions critical and essential projects to be in place before development takes place, but how do TWBC intend to implement this, rather than just “words”? Transport and Education has not been detailed and the present proposals have not been fully agreed with KCC. What legal powers do TWBC have against developers and utilities and the ability to challenge when they do not deliver key aspects of this plan.

Health

This mentions provision of new medical facilities or expansion in PW but where is the guarantee that it will happen to sustain the new houses. It is a must!!

Water

Who is going to pay for additional capacity at the present water treatment works to accommodate the new houses in PW and Capel? Where are the plans for new locations and funding requirements. Words are not enough we need concrete commitments not empty promises.

Sport and Recreation: Where is mention made of a new sports hub in PW as it appears it will serve PW and Capel of which they should have their facilities within the DLP. Sharing will cause access problems on our already congested roads travelling between the two locations to a shared sports hub. There is also no mention of the present proposed PW NHP provision currently in negotiation with TWBC.

Transport and Parking

4.98 The present NPPF states that significant development should be focused on locations that can be made sustainable by limiting travel and offering choice of transport modes. With the Railway bridge playing a significant pinch point to access to the town it is not feasible or practical to limit access to South of the railway just to justify the sustainability of the new housing within in the plan. There is at present a petition asking residents to object to the proposals concerning restricted access to the town and its lack of consultation with PW residents. It's a clear case of implementing solutions to just get the end result, more houses in PW that are just not sustainable.

Policy STR 6

Transport and Parking (statement).

- 1 **a) Active travel. Active travel (walking and cycling, and emerging electrical personal vehicles) will be prioritised through:**
- 2 **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**

The provision of this section relates to the Borough "Council's Local Cycling and Walking Infrastructure Plan". The implementation of this infrastructure plan proposes restrictions to the access to the Town via the Railway Bridge , restricting vehicle use and HGV use which already has a weight restriction. This plan appears to propose various new initiatives concerning pedestrian access and cycle access but in reality they are being implemented to justify the new development North of the railway. The bridge is a pinch point and clearly represents a barrier to the number of houses that are sustainable in the DLP. The new Cycling and walking plan is designed to mitigate this barrier and total disregard of the resulting consequences for the Towns residents. No car access means a journey into the Town centre via the Badsell road which will in turn cause more congestion into the Town from that direction. Buses will be allowed but PW does not have an integrated bus station with the rail station to try and tempt residents away from cars and use public transport. The strategy is clearly not joined up and the walking infrastructure plan has not gone to consultation to the local residents especially those living at present North of the Railway. Another good reason not to have new residential housing North of the railway which is part of the DLP. The only reason it has been proposed is to meet the allocation from TWBC. It plainly does not make common sense and should be opposed.

- 1 Who will pay for these new provisions as we come out of the Covid pandemic? The national debt is massive and many councils and utilities' will just not have the finances. There has to be a funding commitment via Government who are imposing the housing allocations across the country. Failure to do this should mean no new development in PW or within the whole Borough.
- 2 **Public transport.**
- 3 **"Establishing rapid bus/transport links, including from Paddock Wood to Royal Tunbridge Wells, Paddock Wood to Tonbridge (via Tudeley Village), and Royal Tunbridge Wells to Tonbridge, and ensuring that the design of these strategic sites provides for attractive bus services with convenient access to the highway network:**

Who is going to fund these rapid bus/transport links within this DLP and ensure we have attractive bus services with convenient access to existing highway networks. Will the service be subsidised by KCC or is it again just words and no real substance in the proposals?

- 1 Working with network rail again is “Pie in the Sky” as they have their own agenda but it seems convenient to suggest it can happen in the future as part of this DLP. Has there been any negotiations with Network Rail and any commitment to provide capital funds to make it happen in the future as part of this DLP. Where’s the evidence?

Car parking

Policy TP 3: Parking Standards

To revitalise our local high street and commercial centres after Covid the Borough must implement a free parking strategy across the board including PW car parks to give a boost to our local retailers and encourage people back to the shops in our community’s.

Policy STR 7

Climate Change (statement)

The Borough must implement these changes as part of its net zero target by 2030.

1 3. Implementing proactive policy on climate change adaptation

“a. protecting existing green spaces and creating new, appropriate green infrastructure whilst balancing the need for built development”

Show us the proposals and evidence that this is achievable with the present dwelling allocation for PW within the DLP. Where are these sustainable Drainage Systems at present in PW?

1 Partner engagement

This looks great on paper but in reality it has never happened yet in PW with all the new houses over the last 50 years. Who is going to lead and integrate these partner engagements? At present Southern Water and the present developers ignore the residents of PW and PWTC when dealing with the failures of these partners to provide present sustainable development in PW and stick to their previous promises made in past Local Plans to previous Inspectors and recent planning applications. The Borough is failing the residents of PW.

Policy STR 9

Green Belt (statement)

The Borough's Green Belt

4.128 Overall, some 5.71% of the Green Belt within the borough has been de-designated. Table 6 Green Belt Sites Policy Number Site Address S

STR/SS 1 Paddock Wood (including land at Removed -148.194 2.077 east Capel)

STR/SS 3 Tudeley Village Removed

To accommodate the boroughs housing allocation the above areas of GBL have been removed and there is no evidence or justification to agree to the reduction of our green and Open Spaces. This removal is purely designed to allow the TWBC to meet the new dwelling allocation and again highlights the unsustainability of the present proposals in the DLP.

Within the NPPF the proposed new development within the Green Belt is inappropriate and will harm the GB. Once you have lost Green Open Space in the GB it takes years to replace and is not viable. The only reason to take GBL is to meet the housing allocation and ignore the future damage. This use of GBL is inappropriate and PWLP objects to its inclusion in the DLP.

Section5: Place Shaping Policies Introduction

Paddock Wood

Pg 166. The Strategy for Paddock Wood.

5.239 This paragraph clearly states the importance of identifying the flood risk in the area and the importance to recognise this when agreeing planning applications and the policies in this DLP. The

most risk is North of the railway and no residential development should be allowed in this allocation as in previous Local Plans with only commercial development being acceptable.

5.240 The release of the GBL west of Paddock Wood and none of the exceptional circumstances justify this release set out in Policy STR/SS 1. The only justification is to allow the allocation of new dwellings to meet the TWBC allocation and the unchallenged Government Allocation.

5.241 This is a false statement regarding the number of presently agreed houses which is at least 1400 new dwellings within the last Local Plan. It should also take into account the number of windfall houses built in PW during that time and the pressure put on the existing inadequate infrastructure.

5.242 The significant growth planned for PW 3,490-3,590 dwellings will significantly change the existing character of the Town and is not sustainable as regards the present provision of medical facilities and capacity at the primary school and Mascalls School. The present Town centre will also not be able to sustain the new houses. In short the allocation is disproportionate to the overall TWBC allocation and this document seeks to justify the figures by false statements and attached documents. The number was picked out of the sky and then made it sustainable.

5.244 There is frequent mention of a Masterplan through out this whole document to again support the allocation of 3,590 houses and there is no detail of the plan and the legal requirement put on developers and other utilities and stakeholders in the Town. A previous masterplan was promised for PW and it did not happen. The detail of the masterplan must be presented and agreed in this DLP.

Policy STR/PW 1

The Strategy for Paddock Wood

- 1 Mention is made to Affordable housing but no mention of the need for Social housing as we come out of the Pandemic. The affordable housing in PW not affordable to many residents even with the present TWBC policy on its provision to developers. The TWBC is missing its target on this provision. We need more Social housing.
- 2 Flood mitigation at present on the existing new developments predominantly relies on drainage ponds which is not sustainable in the future as we experience Climate Change and more extreme weather events. The fact is they are being built on high Flood risk areas and should not be allowed. There has to be a limit to how many houses that are sustainable within the present infrastructure.
- 3 No mention is made to protection of Foal Hurst Wood nature reserve owned by PWTC as more houses are built around its boundary. Light pollution is a major threat to the present wildlife that exist in the wood including resident Dormouse.

Allocation policies for Paddock Wood

Land at Mascalls Farm

5.253 The protection of Foal Hurst Wood and the link to Brick Kiln Wood should be included to protect the present Dormouse population in FHW.

5.255 The site allocation of 400 homes is over intensive and unsustainable within the DLP

5.256, 5.257 These statements highlight the probability that the allocation of 3,590 will be exceeded as the duration of the plan progresses and the limit of 3590 must not be breached.

Policy AL/PW 1

Land at Mascalls Farm

This development already has planning permission so why is it in the DLP and appears to be open to consultation, it is not!

Section 6: Development Management Policies

Policy EN 1

Pg 324.Sustainable Design

- 1 This mentions the needs of occupiers in relation to their changing circumstances as they grow older or life changes at any age, without needing to move House. New dwellings as part of TWBC policy should adopt “**Life Time Home Standards**” for all new build across the Borough in the DLP. This also should include the inclusion of new bungalows in any new development allocation

including Social Housing. Developers need to be forced to include new Bungalow dwellings in the DLP allocation.

Within this whole policy the main theme is “should” relating to the policy provision and it should be replaced by “ **must**”. This gives a clear commitment to ensure that the policy statements are not just words to be ignored but to be acted on.

1 Highway safety and access

2 Due to the unfair allocation of 3,590 new dwellings in PW it will result in a massive impact, with congestion around the town including Badsell Road. The Local Cycling and Walking Infrastructure Plan Phase 2 has proposals to ban cars using the Railway bridge to access the Town centre. The rerouting of traffic via the Badsell road to access the Town centre will increase congestion along the Badsell Road. This proposal has also not been subject to direct consultation with the residents of PW. This should be implemented by TWBC before this DLP Consultation is reviewed after the closing date of Friday 4th June 2021.

3 Crime reduction

Paddock Wood has just seen its present Police station demolished for new housing and results in no direct police presence in the Town. With the proposed 3,590 new dwellings there is a clear need for a new police station to serve the increasing community. This should form part of the need within the DLP.

1 Community engagement

At present numerous planning applications are ignored by TWBC when PWTC and residents clearly object to them regarding past policy on local plans. The recent approval of the Churchill development in the town centre clearly went against previous policy and PWTC objections. We need closer liaison with TWBC planning office and our elected Borough Councillors who make the real decisions and to stop us being continually ignored. We live local and need to be listened to and supported.

Design checklist to support the design criteria in Policy EN 1 1. Design, character, and site context

All of these questions look fine on paper but what is the process if any have the answer of no! Hopefully if only one is not met then the design of any new development would be rejected.

The residents again need that commitment from TWBC as part of the DLP.

Climate Change Mitigation and Adaptation

Climate change mitigation

6.32 The statement is to be supported identifying the greatest challenge the world and our local communities in the Borough face in the near future up to 2030 and beyond. The modelling produced by the Utilities need to be challenged and subject to rigorous scrutiny as regards events over a 100 years etc. These events are occurring more often and any new development must have the required infrastructure to cope with these extreme events.

6.36 This statement is not forceful enough when : The Local Authority **expects** developers to undertake a ‘fabric first’ approach to reduce overall CO2 emissions from buildings. Developers “**must**” replacing the expects to implement these policy statements.

As part of this statement it should include the policy to ensure that all the Towns including Paddock Wood and Parishes within the Borough implement a local A Carbon Free Footprint to meet the Borough target of 2030. This policy should be implemented with subsidies from the Borough to help the communities create their local policies in support of the Borough policy of carbon free by 2030.

Policy EN 3 Climate Change

Mitigation and Adaptation

PWLP broadly supports the Policy EN3 but enforcement is the key with any new development being subject to scrutiny and enforcement from the Borough. It is responsibility of TWBC to implement this and not the Town and Parish clerks. Who is meant to ensure that any conditions imposed on developers as a result of these fine words in the DLP are actually complied with?

Policy EN 5

Heritage Assets

Within this policy statement the Wesley Centre in Paddock Wood should be clearly mentioned and protected for the future.

Pg 353.Natural Environment

Requirements and processes for planning applications

6.138 These are fine policy statements but who again enforces the developers to put them into practice. Within the DLP allocation of 3590 new houses in PW all of this development is on present green and open space and existing countryside. That environment is destroyed with no regard to the resident wildlife and natural trees and plants. TWBC should demand the developers provide such elements as hedgehog highways between the dwellings to help the Hedgehogs adapt to their new environment. Existing trees must be incorporated into the design of the new developments.

Pg357 Protection of Designated Sites and Habitats

Local sites

6.153 The local nature reserve owned by Paddock Wood Town Council PWTC **must** be mentioned in this policy statement to protect the woodland and its resident wildlife and habitat against over development and encroachment on its existing boundary's.

Pg381. Policy EN 21

Air Quality

TWBC must implement this policy statement across the borough as more and more houses are built in this DLP including PW. The present bus services in the rural areas are totally inadequate and an integrated bus and railway network will encourage more public transport use and improve air quality.

Pg 387 Development and Flood Risk

6.277 This statement needs to be reviewed as most of the proposed new development in PW within this DLP is in a high area of flood risk. **“The Strategy for Paddock Wood and east Capel and STR/SS 3”** is totally unsustainable and supports the argument the allocation of 3,590 is not sustainable when considering all the policy statements in this DLP. The number of new dwellings is not proportionate to the rest of the Borough in meeting its total allocation of 12,000 plus new dwellings. Paddock Wood just cannot cope with this large number of new houses and it should be reduced.

Pg388 Policy EN 25

Flood Risk

Where it is proven that the mitigation is not sustainable then the development should not be allowed as part of the DLP. Failure to do so will mean increased flooding in areas such as PW and Capel and the residents will pick up the cost, not the developers or the TWBC.

Pg 397.Policy H 1 & Pg401 H 3

Housing Mix

6.326 Within this policy statement there is no mention of the provision of Social Housing in the borough. As a matter of urgency this must be included after the pandemic and covid and hopefully the rebuilding of the economy.

Pg 428 Policy ED 1

The Key Employment Areas

Paddock Wood Eldon Way and West of Maidstone Road

Paddock Wood Transfesa Road East and West

Both of these locations identify the present local key employment areas in PW and should be maintained. The proposal within the DLP to provide residential dwellings North of the railway bridge in PW contradicts this policy. This type of Commercial development is more suited to high risk flood areas in PW as describe in the DLP and not for new residential development in the same area.

Pg 466 Public Car Parks

The introduction of free parking should be implemented as part of this DLP for all the Borough public car parks. To rebuild the local economy across the borough and support our local retailers after the Pandemic and Covid. We need our residents to shop local and this policy will support that goal.

Pg468 Policy TP 5

Safeguarding Railway Land

The former Paddock Wood to Hawkhurst (Hop Pickers) line

This policy is fully supported within the DLP and supports PWTC in setting out a strategy to try and enhance and improve the route for future recreational use including walking along the route, where possible to Hawkhurst.

Note. From PWLP.

When considering all the various statements included in these sections of the DLP it is so plainly obvious that many of the statements contradict themselves in justifying the new housing allocation. The Borough has quite frankly built the reasons why the allocation in PW and Capel is not sustainable and across the Borough. The point is will the safe guards be implemented in the DLP and the fine words acted on in the future, the PWLP thinks not and PW will change for the worse for ever!!! The Borough must stand back and review its present DLP.

Question 7

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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 submission is made on behalf of Paddock Wood Labour Party of which I am presently Chair.

This Tunbridge Wells Local Plan is the most controversial consultation to be submitted to the residents of Paddock Wood and the whole of TWBC to date. The local Labour Party has made submissions to every local plan over the last 40 years. This plan is brief and has no exact detail in the documents justification for so many proposed new dwellings in the Borough. There are numerous contradictions within the document so it must have the most serious scrutiny and any objections and answers must be considered closely at the hearing stage.

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_78a-c

Comment

Agent	Mr Troy Hayes [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Troy Planning & Design
Address	[REDACTED] [REDACTED] London [REDACTED]
Consultee	Mrs Nichola Reay [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Paddock Wood Town Council
Address	The Podmore Building St Andrews Recreation Ground TONBRIDGE TN12 6HT
Event Name	Pre-Submission Local Plan
Comment by	Paddock Wood Town Council [REDACTED] [REDACTED]
Comment ID	PSLP_1461
Response Date	04/06/21 16:11
Consultation Point	Pre-Submission Local Plan (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	PSLP 1448-1479(not inclusive) Troy Planning for PWTC SI-2 Representation.pdf PSLP 1448-1479(not inclusive) Troy Planning for PWTC SI-3 PW TC Response to Reg. 18.pdf PSLP 1448-1479(not inclusive) Troy Planning for PWTC SI-1 Cover Letter Redacted.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Paddock Wood Town Council

Question 2

Agent's Name and Organisation (if applicable) Troy Planning & Design

Question 3

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

Question 3a

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

PSLP

[TWBC: for other comments by Paddock Wood Town Council relating to specific Policies, please see Comment Numbers PSLP_1448-1456, PSLP_1461, PSLP_1471, PSLP_1474, PSLP_1475-1477 and PSLP_1479]

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.

Tunbridge Wells Pre-Submission Local Plan – Paddock Wood Town Council Representation

Please find enclosed our representations to the Council's Pre-Submission Local Plan. These Representations are prepared and submitted on behalf of Paddock Wood Town Council (PWTC) and the representations are supported by the Paddock Wood Neighbourhood Plan Steering Group.

We also enclose the Council's Representation Form with our signature confirming that we do wish to take part in the Local Plan Examination Hearings.

We would like to point out that the majority of PWTC's representations to the Regulation 18 consultation were not addressed by TWBC. Given that the Local Plan has changed very little between that earlier consultation and the current period of representations on the Regulation 19 Local Plan we enclose these earlier representations and request that TWBC takes these into account and ensures they are supplied to the Secretary of State if the Council decides to proceed to submission stage.

We request that you please include this letter as part of our formal representations.

Our representations conclude that the Local Plan and its evidence base fail all the tests of soundness set out in the National Planning Policy Framework (NPPF) and that the Local Plan is not legally compliant.

Our representations go to the heart of the soundness and legality of the Local Plan, its policies, and the process TWBC has undertaken in preparing its Local Plan. We therefore consider that the entirety of the Local Plan is unsound as it is not legally compliant. Whilst we have singled out a number of specific policies that we consider to be unsound it would simply not be possible to comment on every single policy in the Local Plan which is a 515-page document.

We trust that TWBC appreciates the importance of the Local Plan proposals to the Paddock Wood community in terms of the inappropriateness of the proposals which would, if the Local Plan in its current form were to be implemented, have irreversible negative impacts on Paddock Wood and the wider area.

We urge TWBC to reconsider its development strategy which is set to fail at Local Plan Examination in Public and to restart the Local Plan process using an evidence base led approach which would conclude that Paddock Wood is an unsuitable and unsustainable location for strategic housing growth. Such an approach would save TWBC, the taxpayers and all the stakeholders involved in the Local Plan process an enormous amount of time and resources debating a Local Plan which is clearly unsound and not legally compliant.

These Representations are prepared and submitted on behalf of Paddock Wood Town Council (PWTC) and the representations are supported by the Paddock Wood Neighbourhood Plan Steering Group.

1 Plan Period

1.1. The Local Plan period of 2020 – 2038 is insufficient to cope with the extent of the strategic proposals contained within the Local Plan. The NPPF states that “Strategic policies should look ahead over a minimum 15-year period from adoption (except in relation to town centre development)”¹ and the Local Plan makes reference to this where it states “In accordance with national policy...this Plan runs from 2020 to 2038, following anticipated adoption in June 2022”². However, there is no justification provided by TWBC as to why 2020 – 2038 is the selected plan-period. Given the Council's proposed change of its current development strategy of focusing development on its key urban areas (Royal Tunbridge Wells and Southborough) to directing the majority of its growth to an area with high flood risk (Paddock Wood) and a location in the middle of the countryside (Tudeley) there is clearly a need for more lead in time to plan for this proposed new strategy which will require an enormous amount of funding, due diligence, community / stakeholder engagement and joined up planning in order to properly plan and deliver.

1.2. MHCLG recognises the need for longer plan periods in its recent consultation on proposed changes to the NPPF (30th January – 27th March 2021) where it proposes to amend paragraph 22 of the NPPF to require a minimum of 30 years where larger-scale development is proposed. The consultation document refers to new settlements specifically and the explanatory text in the consultation clarifies that ‘major urban extensions’ are also included as part of this (see excerpts from the consultation below). Whilst MHCLG's consultation on the proposed changes to the NPPF provide a clear direction of travel for plan-making and that authorities will need to plan ahead for at least 30 years, the NPPF is already clear that 15 years is a minimum period and given the scale and complexity of growth proposed in this Local Plan we consider (and provide evidence in our representations) that the Local Plan period should cover at least 30 years from adoption. Although TWBC considers the Local Plan will be adopted in 2022 we consider this to be highly optimistic due to the issues that will need to be examined at the Examination in Public (EiP) and we would suggest that this be pushed to 2023 at the earliest.

1.3. TWBC's proposed plan-period is ‘driving’ the Local Plan's suggested delivery rates and phasing for the proposed strategic allocation at Paddock Wood and Tudeley which are entirely unrealistic.

TWBC's evidence³ claims that the entirety of the proposals at Paddock Wood will be completed by 2036/37 and that delivery at Tudeley will extend beyond the plan period with 2,100 to be delivered by 2038 and 700 beyond the plan period. We go into more detail on these unrealistic delivery rates and development phasing assumptions in our representations however it is important to capture this in these representations on the plan-period as this appears to be what is driving the Council to adopt such an unreasonable approach to its Development Strategy which is an extremely unwise decision by TWBC.

1.4. Therefore, the plan period should be changed to 2020-2053. As a result of this change in the plan-period the majority of the Council's evidence base will need to be reviewed and updated. Given the extent of time that will be required to update the evidence base and proposed policies we suggest that TWBC not proceed with submission of the Local Plan in order to save the Council, the taxpayers and other key stakeholders a considerable amount of time and resources that will result from a Local Plan which is clearly unsound and not legally compliant.

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

1 Duty to Cooperate

2.1. TWBC has not complied with the Government's legal test for discharging its Duty to Cooperate. Local authorities must fulfil the legal requirement to cooperate with the Duty to Cooperate prescribed bodies by "engaging constructively, actively and on an ongoing basis"⁴ on cross boundary strategic matters from the commencement of preparing the Local Plan to submission of the Local Plan to the Secretary of State for examination. TWBC has also failed to comply with the Town and Country Planning (Local Planning) (England) Regulations 2012⁵ which states that:

"(6) Where a local planning authority have co-operated with another local planning authority, county council, or a body or person prescribed under section 33A of the Act, the local planning authority's monitoring report must give details of what action they have taken during the period covered by the report."

The only TWBC Authority Monitoring Report (AMR) available on TWBC's website is the 2019-2020 Authority Monitoring Report⁶ so it is impossible to determine what Duty to Cooperate monitoring was or was not published in early Monitoring Reports. The 2019-2020 AMR does not detail actions TWBC has taken in relation to the Duty to Cooperate. It simply states that there has been progress on statements of common ground during the year and up to date and that these are set out in the Council's Duty to Cooperate Statement produced in support of the 'merging Local Plan'. It states that *"Perhaps the prime strategic matter at present is the capacity of the borough, as well as neighbouring authorities to meet housing needs"* and that *"this is subject to ongoing assessment through the preparation of the new Local Plan"*. It explains that *"it is likely that it is possible to meet its local housing need under the Standard Method, but not the uncapped housing need figure or to contribute to meeting wider housing needs"*. It finally states that *"Of note, dialogue with Sevenoaks District Council is continuing to clarify whether it will be meeting its own need"*⁷.

2.2. The above outline of the contents of the Council's AMR 2019-2020 does not comply with the regulations as there is no detail provided regarding the Duty to Cooperate activities undertaken. Simply stating that there has been progress on statements of common ground and that Sevenoaks DC is continuing to clarify whether it will meet its own development needs is not sufficient detail to comply with the regulations.

2.3. Furthermore, TWBC's Statement of Community Involvement (October 2020) commits to reporting *"on how it meets the Duty Cooperate in its Authority Monitoring Report"*⁸, however as explained above its AMR 2019-2020 does not provide the details of the actions undertaken. The SCI misunderstands the regulations as it not about reporting how the Council claims it meets the duty, it is instead supposed to provide a clear log of the actions undertaken.

2.4. Section 33A of the Planning and Compulsory Purchase Act 2004, as inserted by section 110 of the Localism Act 2011⁹ requires the council to cooperate with other local planning authorities and other 'prescribed' bodies in preparing and developing development plan documents and other local development documents so far as it relates to a strategic matter.

2.5. Despite TWBC preparing a document of near 560 pages seeking to evidence that it has discharged the duty, the document has a considerable amount of 'padding' and lacks substantive evidence that 'active', 'ongoing' and 'constructive' cooperation took place from the start of the preparation of the Local Plan up to submission. If further evidence of cooperation were to be submitted by TWBC in the

lead up to, or after submission of the Local Plan then this would clearly demonstrate that the Local Plan and its policies were not informed by this engagement – which is, after all, the entire reason for the Duty to Cooperate as explained in the NPPF: “*effective and on-going joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy*” 10. The purpose of the duty is not to have a Statement of Common Ground, an SOCG is simply a way to demonstrate that effective and on-going work has informed the preparation of the Local Plan.

2.6. In any case Planning Practice Guidance (PPG) states that authorities should make any statements of common ground (SOCG) available on their website by the time they publish their draft plan so that communities and stakeholders have a transparent picture of how they have collaborated:

*Authorities should have made a statement of common ground available on their website by the time they publish their draft plan, in order to provide communities and other stakeholders with a transparent picture of how they have collaborated.*¹¹

As we set out in the table below there are no published SOCGs with Tonbridge & Malling BC or with Kent CC to support the Pre-Submission Local Plan.

We have also reviewed the Interim Duty to Cooperate Statement for the Draft Local Plan (Regulation 18)¹² and there was only one up to date SOCG published at that stage which was with Sevenoaks District Council 13. However, the validity of this SOCG cannot be relied upon as Local Plan was found by the Inspector in the same year (2019) to be unsound and not legally compliant due to SDC having not met the Duty to Cooperate¹⁴.

The other SOCG with a neighbouring authority was a 2016 SOCG with Maidstone Borough Council¹⁵ which to be fair has very little substance on which TWBC could rely upon to demonstrate the tests of the duty at that stage.

2.7. Turning to the current Duty to Cooperate Statement supporting the Regulation 19 Local Plan, it is difficult to see how TWBC has moved much further forward in a meaningful way with most of its neighbouring authorities.

2.8. The Duty to Cooperate engagement records in the TWBC document indicate that there are multiple gaps of 5 months or more with the other Local Authorities. There are no details about what the SOCG with Tonbridge & Malling BC will include and what are the actions in relation to joint evidence base, strategic policies and/or cross-boundary issues.

2.9. Further to this point regarding no SOCG with Tonbridge & Malling BC, we are aware that a number of TMBC Councillors have recently sent a letter to TWBC (dated 2nd June 2021) reiterating its opposition to several aspects of the Local Plan with particular regard to the Tudeley Village proposals which it considers will have an impact on Tonbridge “*above and beyond all recognition*”. The letter expresses in detail the disappointment with TWBC to address TMBC’s points raised previously (including the 2019 Local Plan consultation). There are a number of specific points raised in the letter which are summarised below and which were discussed at the TMBC Extraordinary Planning and Transportation Advisory Board on 17.05.2021 which available for public viewing online¹⁶:

- . TMBC last week rejected a planning application for another supermarket at Tonbridge Retail Park on Cannon Lane due to concerns about the ability of the road network to cope. Cannon Lane was originally build as the ‘mini-bypss’ in Tonbridge yet is frequently gridlocked. Thousands of homes just over the border in Tunbridge Wells borough would only lengthen queues across the south east of Tonbridge and make it harder for children to travel to the excellent schools in town.
- . The TMBC response to the Tunbridge Wells Local Plan (Regulation 19), as agreed at the Transportation Advisory Board meeting (June 2021) will include 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 as residents will look toward the town of Tonbridge much more than any other of the identified retail centres in Tunbridge Wells borough for services, shops and schools. Consequently TMBC would have expected to see a complete list of proposed mitigations (if even possible) within Tonbridge to cope with this however none have been put forward in the Local Plan process.
- o TMBC does not think the reduction in car use arising from the development is realistic.

o The development proposed near the border of Tonbridge will have landscape impact including rural roads and public footpaths which would link the proposed development at Tudeley with Tonbridge. This detrimental impact has not modelled. The Landscape and Visual Impact Assessment only applies to sites located within the High Weald AONB. This underplays the wonderful landscape that is visible within Tonbridge and to Tonbridge from notable landmarks. TMC would have expected the assessment to account for the character of the area within TMBC as well.

. TMBC strongly argues that the inclusion of STR/SS3 (Tudley Village) is unsound as it does not meet the NPPF's tests of soundness. 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. It is not effective because significant infrastructure improvements will be needed, which are not forthcoming. It is inconsistent NPPF because the severe impacts on traffic cannot be mitigated.

. TMBC requests that TWBC removes the allocation from the Local Plan.

2.10. The above describes a letter and some of the discussion from TMBC's Advisory Board meeting in May however it is not TMBC's official response to the Regulation 19 Local Plan. It does provide some important indication as to how TMBC is likely to respond to the Local Plan and demonstrates the lack of cooperation by TWBC with TMBC.

2.11. With no signed SOCG with TMBC and the grave concerns it has about the evidence and unsoundness of the Local Plan, as well as the lack of constructive engagement, it is clear that TWBC has not discharged the Duty to Cooperate in relation to TMBC (or the other prescribed bodies).

2.12. We have prepared a table below to help summarise the status of SOCGs that TWBC does or in most cases does not have in place. We have included in the table, Kent County Council as it is considered that they are a key body in the preparation and delivery of the Local Plan and it seems reasonable that TWBC should prepare an SOCG with KCC to clarify what cooperation has taken place, what is agreed and what is not agreed. Given the scale of strategic proposals at Paddock Wood and Tudeley surely an SOCG with KCC is critical.

2.13. We have included 'Strategic Site Promoters / Landowners' in the table given that the delivery of the strategic growth at Paddock Wood and Tudeley is dependent to a very great extent on the developers. There needs to be public clarity about what is agreed between TWBC, KCC and the developers in a SOCG. Such an SOCG cannot wait until the planning application stage as the Local Plan examination is the opportunity to deal with difficult issues using a plan-led approach rather than storing up issues for a later day.

2.14. The PPG explains what a Statement of Common Ground should contain¹⁷. The PPG also states that *"The level of cooperation detailed in the statement is expected to be proportionate to the matters being addressed. The statement is expected to be concise and is not intended to document every occasion that strategic policy-making authorities meet, consult with each other, or for example, contact prescribed bodies under the duty to cooperate. The statement is a means of detailing key information, providing clear signposting or links to available evidence on authorities' websites."* Most of the Statements of Common Ground included in the TWBC Duty to Cooperate Statement for Pre-Submission Local Plan refer to meetings and discussions on crossboundary issues, however they often lack the documentation of the preparation of joint evidence base and strategic policies¹⁸ to ensure development is coordinated, (such as the distribution of unmet needs or policies relating to county matters).

2.15. It is not clear from the Duty to Cooperate Statement what are the additional (if any) joint studies commissioned, besides the ones in partnership with Sevenoaks District Council.

2.16. TWBC's Statement of Community Involvement states that *"The Council will meet the spirit and letter of the legislation and supporting guidance in collaborating on strategic matters affecting the borough"* however it clearly has not met the spirit or the letter of legislation and national policy.

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

1 Garden Settlement Principles

15.1. We consider that the Local Plan's multiple references to 'Garden Settlement Principles' is unjustified.

15.2. The NPPF states that local authorities should *"set clear expectations for the quality of the development and how this can be maintained (such as following Garden City principles) and ensure that a variety of homes to meet the needs of the different groups in the community will be provided"*⁵⁰.

15.3. The Local Plan states that “at the heart of the creation of a sustainable community is the delivery of the new settlement based on garden settlement principles”⁵¹. It then lists ten “qualities”. Policy STR/SS1 (The Strategy for Paddock Wood, including land at east Capel) states that “The development strategy for Paddock Wood and east Capel is to: (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”. We note that the proposed ‘Garden Settlement Principles’ are identical to the “Garden community qualities” set out in the Government’s Garden Communities Prospectus (2018)⁵². Whilst we share TWBC’s ambitions for the quality development that would result from planning and delivering development in line with these principles we seriously question how these principles have been considered in the Council’s evidence base and how deliverable they are.

15.4. For instance, the Council’s viability evidence talks about the garden settlement principles where it states regarding development at Paddock Wood and Tudeley: “In the context of the aspiration to deliver these strategic sites on garden settlement principles, however, it is recognised that the site works and infrastructure costs will be significant. Accordingly, there will need to be an approach to finding the right balance to both ensure the provision of the necessary infrastructure to support growth, and secure affordable housing delivery in accordance with policy to the fullest extent possible”⁵³. To translate this paragraph from the viability evidence, it is effectively saying that ‘Garden Settlement Principles’ are aspirational and that the proposals at Paddock Wood and Tudeley will struggle to deliver the infrastructure requirements and affordable housing requirements before one can even consider the aspirations of the ‘Garden Settlement Principles’.

15.5. Although the viability evidence supporting the Local Plan claims to include assumptions about the additional costs associated with applying ‘Garden Settlement Principles’ we cannot identify where these additional costs are set out in the evidence.

15.6. The Inspectors of the Uttlesford Local Plan – which proposed multiple new garden settlements and stated that the new settlements would need to be developed in line with ‘garden city principles’ found that there were no mechanisms in place to ensure that the garden city principles could and would actually be delivered by the developers. They stated in their letter: “Without assurances that the necessary mechanisms outside the plan would be put in place, we cannot be content in principle that the new proposed settlements would be true Garden Communities, or that the plan’s stated vision for these new settlements would be met. This is a serious concern.”⁵⁴. We have the same concerns for the Tunbridge Wells Local Plan in respect of the purported application of ‘Garden Settlement Principles’ with no concrete mechanisms for actually delivering development in this way and no evidence to justify it.

[TWBC: for full representation, please see supporting documents]

Question 7

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

Paddock Wood Town Council confirms that it wishes to participate in the Local Plan Examination hearing sessions. Given the scale of strategic development proposed at Paddock Wood and nearby at the proposed new settlement, its extensive representations, and its role as a statutory consultee, PWTC considers it critical that it has the opportunity to provide further input into the Local Plan

Examination process including the hearing sessions to respond to other evidence and arguments put forward.

Question 8

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

3. Sustainability Appraisal / Strategic Environment Assessment

General

3.1. Through scrutinising the Sustainability Appraisal (SA), it became apparent that the justification for the preferred development strategy is unsound, as the preferred development strategy would involve the loss of Green Belt and the AONB. As such, this approach does not comply with paragraph 118 of the NPPF which emphasises the benefits of developing suitable brownfield, under-utilised land and buildings and airspace above existing residential and commercial premises for new homes. In contrast, the nontechnical summary states that “following the maximisation of sustainable development in settlements across the borough, the preferred development strategy embraces the creation of a new garden settlement, together with a major urban extension based on garden settlement principles. Both of these proposals would involve significant loss of Green Belt land, it being found unreasonable for such large growth to occur in the AONB and there being no sustainable opportunities outside of the AONB. However, these are justified in part on meeting development needs, given the limited capacity for this scale of growth to be otherwise distributed across the borough.”

3.2. The above SA statement indicates that the loss of Green Belt is justified via the ‘exceptional circumstances’ case, whereby, in accordance with paragraph 37 of the NPPF, “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”. Paragraph 37 of the NPPF clarifies that this can be justified if the following can be justified:

“a) makes as much use as possible of suitable brownfield sites and underutilised land;
b) optimises the density of development in line with the policies in chapter 11 of this Framework, including whether policies promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport; and
c) has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground.”

3.3. TWBC have clearly not fulfilled the NPPF's criteria set out above. First and foremost, the preparation stage of the Local Plan should be informed by a suite of evidence documents. Given that the borough is largely constrained by Green Belt and the AONB, it is unclear as to why TWBC did not undertake further urban capacity studies and small sites studies. The outputs of this work would likely unlock new growth potential in areas deemed appropriate for higher density development within the borough, as in accordance with the NPPF. In the absence of this it is noted that the Brownfield and Urban Land Topic Paper¹⁹ concludes that “a review of brownfield sites now proposed for allocation shows that high densities are being proposed on all but two sites (on Land at Benenden Hospital.) While these sites have a relatively low density, this reflects the constraints and location of the site. There are regarded as appropriate densities in line with paragraph 122 of the NPPF. The other proposed brownfield site allocations are achieving densities well above 30 dwellings per hectare with particularly high densities on sites in Royal Tunbridge Wells, showing the Pre-Submission Local Plan will seek to optimise the use of sites in the town centre and other accessible locations.”

3.4. The above summary is concerning as it highlights TWBC's lack of regard for the Green Belt. It is clear that the proposed loss of Green Belt and AONB conflicts with paragraph 133 and 11bi) of the NPPF and also provides that TWBC have not fully evaluated potential sources of supply. With regard to paragraph 37 of the NPPF (as set out above), it is clear that there has been no thorough review of under-utilised land nor has there been sufficient regard for sites in town centres and near public transport where constraints exist but there is potential for them to be overcome.

3.5. With reference to clause c) of paragraph 37 of the NPPF, TWBC's Statement of Common Ground states that (our emphasis added) “In September 2020, TWBC wrote to MBC indicating that they are exploring all potential options to meet the need of the borough. In this letter, TWBC formally requested that MBC accommodate some or all of the housing proposed in the Draft Local Plan within the Green Belt, or as major development in the AONB, and at least 14 hectares of employment land. An initial response was issued by MBC in December 2020. This stated that MBC could not accommodate any

of TWBC's need, as it was proving very challenging to accommodate the extra homes needed until 2037, necessitating growth to be focused on two 'garden communities'". The above statement severely undermines the legitimacy of TWBC's approach, as TWBC did not engage constructively with MBC and instead sought only to accommodate housing needs in the Green Belt and AONB within MBC. As such, this approach does not comply with paragraph 37) of the NPPF on the grounds that TWBC's and MBC's collaborative evaluation of the potential sources of housing supply was entirely unsatisfactory.

3.6. It is worth acknowledging that the above matter was a key issue within the St Albans City and District Local Plan examination, where the Examiners' (Letter from Examiners dated 14th April 2020) recommended the withdrawal of the Plan and stated that (our emphasis added) "the Council's approach to the Green Belt is also of concern to us in relation to the DtC. The Plan proposes substantial Green Belt boundary alterations to enable land to come forward for development. Paragraph 137 of the Framework requires that before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic planning authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development. It has not been demonstrated that the Council's approach to the Green Belt has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through a statement of common ground (SoCG)". Similarly, it cannot be demonstrated that TWBC have been informed by discussions with MBC. On the contrary, TWBC did not show any flexibility or openness in their approach to meeting their identified housing needs. It is important to note that the St Albans City and District Local Plan was subsequently withdrawn on 19th November 2020 due to the Examiners' concerns that there was "inadequate evidence to support the Council's contention that exceptional circumstances exist to alter the boundaries of the Green Belt".

Horsmonden

3.7. Table 27 also assesses Horsmonden as a potential location for further assessment. However, the explanation states that Horsmonden is not situated within the Green Belt or AONB, however it won't be taken forward based on access and landscape sensitivity issues. This is unjustifiable, as such issues are afforded less weight than Green Belt and AONB matters within the NPPF. This decision undermines the entire SA as it provides evidence that TWBC have not accorded within the NPPF when decision-making.

Sustainability Appraisal: Paddock Wood – Draft Local Plan scenario

3.8. With regard to Table 27 of the SA (which sets out which development options are to be progressed and considered further, the approach for the Draft Local Plan Paddock Wood and East Capel allocations was explained as "Land is outside of the AONB and has useful rail and road transport links. There is potential for the existing town to benefit from the substantial investment that new development would bring including resolution of existing flooding problems. The site is partially Green Belt and the most recent Green Belt Study concludes the overall harm rating of releasing this land from the Green Belt is high. However, there is scope for compensatory measures such as new hedgerow planting, enhanced pedestrian routes or conversion of fields from arable to grassland. For these reasons, this site was considered to warrant further examination as a reasonable alternative."

3.9. In contrast, the Iden Green site was explained as "the site is wholly very rural and within the AONB and its landscape impacts were considered too severe to warrant further consideration as a reasonable alternative." Whilst the need to protect AONBs is set out under paragraph 11bi) of the NPPF (whereby "strategic policies should, as a minimum, provide for objectively assessed needs for housing, unless [...] the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area"), the protection of the Green Belt is established through Chapter 13 of the NPPF and is afforded the same weight as the protection of AONBs. With that in mind, it is evident that the interpretations made in the SA are entirely subjected and do not align with the higher-level policies of the NPPF. As such, the SA is unsound.

3.10. The above summary is concerning as it highlights TWBC's lack of regard for the Green Belt. It is clear that the proposed loss of Green Belt and AONB conflicts with paragraph 133 and 11bi) of the NPPF and also provides that TWBC have not fully evaluated potential sources of supply. With regard to paragraph 37 of the NPPF (as set out above), it is clear that there has been no thorough review of under-utilised land nor has there been sufficient regard for sites in town centres and near public transport where constraints exist but there is potential for them to be overcome.

3.11. The methodology which underpins Table 29 (SA scores for the four urban extension growth options at Paddock Wood including land in east Capel) is entirely unclear and inconsistent. Under

some SA Objectives, the relative impacts between different 'options' (the scale of development proposed) was considered, whereas the SA Housing Objective reasoning states major positive across all options as "despite offering varying quantities of new dwellings, the 4 options are not differentiated on this objective because, even the option with the lowest numbers would still make a significant difference." This method is unsatisfactory as there is no real quantitative analysis as to what the potential impacts are and what thresholds feed into the scoring matrix. On this basis, the SA is entirely unsound as there is no real evidence to support the SA scoring.

3.12. The justification provided to explain the "?" (mixed) impact on water across all options for the Paddock Wood and East Capel options is inaccurate. The SA states that "mixed water scores is applied equally across the options as all would represent a substantial demand for water and wastewater treatment, and all would provide significant benefits to Paddock Wood and Capel in the form of reductions in existing flood risk. The benefits could be slightly greater in options 2 and 4 where development is directed to the areas of flood zone 2 and 3 west of Paddock Wood (in east Capel). An improvement to flooding issues for existing residents is one of the key justifications for the proposed release of this Green Belt land on the west side of the settlement." It is clear that the development options will not lead to any benefits in water/flood risk. The IDP confirms that flood mitigation measures will be provided as part of these schemes, however, these measures are intended to ensure that flood risk is not heightened across the wider area (i.e. there will be no added benefits). Therefore, the SA's mixed scoring is inaccurate and unsound.

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

[PSLP 1448-1479\(not inclusive\) Troy Planning for PWTC SI-1 Cover Letter Redacted.pdf](#)

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

[PSLP 1448-1479\(not inclusive\) Troy Planning for PWTC SI-2 Representation.pdf](#)

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

[PSLP 1448-1479\(not inclusive\) Troy Planning for PWTC SI-3 PW TC Response to Reg. 18.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	Roger Blake [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Railfuture
Address	[REDACTED] [REDACTED] London [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Railfuture [REDACTED]
Comment ID	PSLP_1684
Response Date	04/06/21 15:48
Consultation Point	Pre-Submission Local Plan (View)
Status	Processed
Submission Type	Email
Version	0.5
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Roger Blake, Railfuture
Question 3a	

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

Local Plan (whole Document)

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.

Railfuture is Britain's leading, longest-established, national independent voluntary organisation campaigning exclusively for a better railway across a bigger network for passenger and freight users, to support economic (housing and productivity) growth, environmental improvement and better-connected communities.

We seek to influence decision makers at local, regional and national levels to implement pro-rail policies in transport and development planning.

We are content that the Pre-Submission Local Plan is compliant with legal and procedural requirements, and from our perspective is sound.

We observe that the new shadow sub-national transport body Transport for the South East (TfSE), which includes Kent and its districts, and Medway, within its regional scope has been developing its 30-year Transport Strategy 2050 in parallel with the new Local Plan for Tunbridge Wells, and secured formal approval by its shadow Partnership Board in July 2020. Since then it has embarked on a number of studies to inform its draft Strategic Investment Plan, one such being the South Central Radial Area study which for the first time accorded TfSE recognition to an 'economic corridor' between the hubs of Royal Tunbridge Wells and Brighton, via Wealden and Lewes Districts.

Whilst acknowledging that the next Local Plan for Tunbridge Wells has a shorter planning horizon than TfSE's Transport Strategy, we nevertheless consider that the latter provides additional strategic context to Local Plan policies. Specifically, the economic corridor may be perceived currently as defined essentially by the road network while across the timespan of TfSE's Transport Strategy the corridor has potential for transformational development of rail links between the hubs at either end. The new Local Plan, and its successors, need in our view to be fully cognisant of the opportunities thereby available for 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)?

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	Ms Noreen O'Meara [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Residents Against Ramslye Development
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Residents Against Ramslye Development [REDACTED] [REDACTED]
Comment ID	PSLP_914
Response Date	02/06/21 08:48
Consultation Point	Pre-Submission Local Plan (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	Residents Against Ramslye Development whole submission redacted.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Noreen O'Meara on behalf of Residents Against Ramslye Development

Question 3a

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

General comments on whole Plan

[TWBC: see also further comments on individual sections and policies - PSLP_914, 925, 926, 928, 929, 930, 931, 932, 933, 938. The whole representation form (personal details redacted has also been attached as it contains plans and images]

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.

This response is made on behalf of the 669 signatories on the petition submitted in response to Regulation 18 which was delivered to TWBC Planning Services in 2019 and the Facebook group 'Residents Against Ramslye Development' whose membership is currently 247 (names can be provided if required). We have noted guidance 4.3 and have encouraged the people opposed to the development of site 137/ Policy AL/RTW 16 'Land to the west of Eridge Road at Spratsbrook Farm' not to make separate responses repeating the same points as those made here; some however will no doubt have submitted individual responses.

Forward

We appreciate the effort and thought that has gone into preparing the Pre-Submission Local Plan. We note and welcome a number of areas where our representations in respect of the Regulation 18 draft local plan consultation have been taken into account and the plan amended.

The task of developing a local plan over such a long term is very challenging especially in the context of a significant and society changing event such as the Covid pandemic. We agree with the statement set out at paragraph 2.41 of the Pre-Submission Local Plan that acknowledges the challenges of planning when faced with structural societal changes. We agree that a flexible approach should be taken when attempting to assess and balance the needs of retail, office, housing and culture.

To that end we make the following observations:

Retail

We note the plan identifies a need for increased retail space; this is in spite of the number of empty premises in the town centre. In a visual survey of Mount Pleasant, Calverley Road, Royal Victoria Place and Crescent Road we identified 51 empty premises and in addition there is the well-publicised closure of John Lewis in north farm. We consider that retail businesses are going through a period of significant structural change which the Covid pandemic has hastened but not caused in the shift to online shopping and distribution. We therefore consider the case for the need for more retail space to be very weak.

Office space

We agree with the statement at paragraph 5.24 that no additional office space is needed in the town centre and existing space may need to be re-purposed. We note a recent BBC survey of major

employers reported that 85% of employers will not be returning to their offices full-time, and indeed in a straw poll of our own small group, 100% of those people working in office space will not be expected to return to the office full-time.

This represents another structural change in working patterns. However, we also consider it an opportunity for the growth of more local services in the leisure and culture sectors that will provide additional local employment, potentially reduce travelling and if managed appropriately, enhance the borough and the experiences of its residents.

To that end we consider the plan should include an addition to the strategic policies that ensures there is suitable flexibility in planning decisions in terms of purpose (e.g. between retail, office and housing) so as to avoid the highly undesirable circumstances of Green Belt and green field development running amok while the town centres languish empty and underutilised. This addition could possibly be made in STR4 but a case could be made for such a clause in all of the strategic 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.

After this stage, 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 site 137/ AL/RTW 16 'Land to the west of Eridge Road at Spratsbrook Farm' from the 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 Alan Chilvers ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Residents of Golden Green Association & KeepKent.Green
Address	[REDACTED] [REDACTED] Tonbridge, Kent TN11 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Residents of Golden Green Association & KeepKent.Green (Mr Alan Chilvers - [REDACTED])
Comment ID	PSLP_2026
Response Date	04/06/21 11:48
Consultation Point	Pre-Submission Local Plan (View)
Status	Processed
Submission Type	Email
Version	0.8
Files	PSLP_2026-2031, 2033, 2037-2040 KeepKent.Green & Residents of Golden Green Association Representation
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Golden Green Residents Association & KeepKent.Green

Question 3a

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

Policy Number(s) STR/SS 1, STR/SS 3, STR 9, EN 20, STR 6, EN 25, STR 5, STR 7, EN 9, and EN 16

[TWBC: for specific comments related to these Policies, please see Comment Numbers PSLP_2027-2031, PSLP_2033 and PSLP_2037-2040]

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.

[TWBC: the following extracts are from the representation submitted by KeepKent.Green and the Golden Green Residents Association - for the full representation, please see supporting documents]

KKG Objects to Policies STR/SS1 and STR/ SS3 as well as providing additional commentary on other policies, that lead to conclude the Local Draft Plan is not legally compliant, is not positively prepared, is not justified or effective or consistent with NPPF.

Executive Summary

The current proposed PSLP is too narrow, and lacks basic detail, confining over 50% of its total housing allocation to the boroughs boundaries, which will have significant consequences with neighbouring LPA's of Tonbridge & Malling, Sevenoaks, Weald and Maidstone Borough Councils.

Although TWBC have allocated considerable time and resources in producing 1,000's of pages of policy and evidence documents, in order to provide a compliant Draft local Plan submission, the PSLP as highlighted within Reg 18 continues to lack detail, clarity and common sense.

Many issues raised within Reg18 consultations, still remain unanswered concerning the identification, prioritisation and phasing of infrastructure schemes and hence the deliverability of the strategy. In respect of prioritisation, more infrastructure may be critical and essential than desirable, particular concern is how critical many of the infrastructure projects are, the magnitude of cost, the uncertainty concerning their phasing and funding position overall.

For example the PSLP lists the New Colts Hill bypass as being critical (p94) as needing to be in place before sites come forward for development, yet Policy STR/SS 1 refers to the bypass in terms of it being a potential scheme. There is a long held aspiration (since the 1980's) by Kent County Council to deliver the Colts Hill Bypass. It is understood that the latest cost estimate for the scheme will exceed £50 million and recent applications for funding have been unsuccessful.

Some of the larger infrastructure projects within the plan are dependant on joint funding contributions both from Paddock Wood, East Capel and Tudeley, therefore if one of the sites is not allocated, funding

could become an issue, especially as the viability study analysis forecasts only 3 of the 8 illustrations provided as financially viable.

On the 9th June 2016, Planning Inspector made reference to Paddock Wood's local Infrastructure where he raised issues regarding drainage and flooding and recommended that development on individual allocated sites provide for appropriate management and drainage measures, highlighting the key constraints as above but recognising the area has critical drainage.

These developments in Paddock Wood have now been constructed and issues continue to be flooding, drainage and sewage with a number of occasions where the sewage has entered residents homes and Gardens, not just within these developments but a much larger area within Paddock wood and Five Oak Green.

There should be more of an emphasis and focus of regenerating Tunbridge Wells Town itself, as the last decade has seen very little regeneration with declining and empty retail units, many brownfield sites have remained vacant for years, for example the demolished/ derelict Former Tunbridge Wells Cinema, a gross developable site of 0.97 ha, Vale Avenue 1.88 ha (site has been assessed for development potential, notably for mixed use including residential, office and hotel/ conference use, these 2 sites are situated in prime locations within the town and should be at the centre of regenerating the town itself, providing affordable housing, that will encourage people to live, work, shop and socialise within the town and not be reliant on motor vehicle transport unlike the Garden Village Strategy that the PSLP promotes.

The Coronavirus pandemic has seen a significant amount of retailers close permanently the most significant John Lewis Partnership Tunbridge Wells with over 42,000 sqft of retail space, The Royal Victoria Place covered shopping centre has seen a number of closures over the last 3 years from retailers such as GAP, Topshop, Dorothy Perkins, Monsoon, Basil, Anne Summers, H & M, BHS, Lasenza as well as many small retailers, many units remain empty.

As highlighted within the PSLP STR1 The Development Strategy the total housing allocation for Royal Tunbridge Wells is 1,222-1320 new homes versus **4,000** in Paddock Wood/ East Capel and **2,800** at Tudeley Village, followed by Cranbrook/ Sissinghurst 718-803, Hawkhurst, 643-693, Horsmonden 225-305, Pembury 294-304 with all 9 remaining Parishes with allocations from 15-150.

The vision of the PSLP should be to regenerate and enhance the Town itself using all the brownfield and vacant sites currently available, designing and developing Tunbridge Wells as major cultural, vibrant town with first class educational, art and leisure facilities, as well as providing competitive 21st century facilities that will entice major companies/ businesses to relocate to the town.

The Tudeley Village Settlement and East Capel will not attract young people or major companies / businesses to the area as the main access will be reliant on motor vehicles and will rely on the footfall of the development, out of town employment facilities will have to be heavily discounted to attract any interest.

This PSLP promotes the continued migration of people from London and its suburbs to the area, who have taken advantage of increasing property values; this has been even further exacerbated during COVID 19. - 33,575 people left London to move to Kent in 2019, property websites have reported a substantial increase in people looking for homes outside London since lockdown started. That was the highest number of people arriving in Kent from London in the 9 years of available data. Tunbridge Wells saw net gains in people moving to the area in 2019.

As of March (the last figures available) the average home costs £296,830 in Kent compared to the average cost of £486,000 it costs to buy a home in London. Tunbridge Wells borough continues to have higher average house prices than the rest of Kent and the South East region (as based on Land Registry House Prices 2019). Since 2006, the average price of a house in Tunbridge Wells has increased by £195,753 (an increase of 73%). Comparatively, other areas across Kent and the South East of England have seen increases of 62% (£127,004) and 64% (£145,447) respectively.

The PSLP promotes migration to Tunbridge Wells Borough rather than satisfy the existing communities requirements, providing affordable housing to the community who have resided within the Borough all their lives. Residents are being forced to move out of the Borough due to increased housing prices within the area ,which have become unaffordable to many within the community.

The Sustainability Appraisals for Tudeley are not accurate and unreasonable and are based on TWBC's own criteria and objective assessment and inconsistent with other strategic sites appraisals.

With the possibility of development / extraction of up to 3.5m tonnes of sand and gravel from 2 further quarries(Stonecastle Farm and Moat Farm) neighbouring Tudeley Garden Village as defined in the Kent County Minerals and Waste Plan, diesel powered plant equipment and 100's of HGV's will be accessing the local road networks with many minor roads not fit for purpose to accommodate such machinery, this will increase the carbon footprint and further deteriorate surrounding air quality. It is unclear within the PSLP how and if TWBC has effectively engaged with KCC regarding the KCC Minerals Plan, safeguarding mineral assets policy

Although the plans vision is to reduce the reliance of motor vehicles and encourage the community to cycle and walk to Tonbridge and Paddock Wood, Tudeley to Tonbridge is 4 miles, East Capel to Paddock 4.5miles, approximately 6mins journey time in a car with no traffic, within peak journey times 20-25 minutes. Walking from the sites to Tonbridge or Paddock will take approximately 1 hour and 15-20 minutes by bicycle, with no major supermarkets planned within these developments both sites will still heavily rely on motor vehicles as the prime mode of transport.

Commentators highlighted evidence within Reg18 that Tudeley Garden Village is undeliverable, due to the many infrastructure, transport, landscape, flooding and heritage constraints. The unusual arrangement between the landowner and the council and lack of detail, no comprehensive master plan or a robust viability plan, considering the evidence submitted within Reg18 and the fact that this is the largest development with the history of the Parish of Capel, it is surprising the Council have not taken the opportunity to provide further evidence base to address the many concerns that have been raised.

With all neighbouring LPA's considering Garden Village Settlements within their own Local Plans it is clear that there has been very little engagement between the LPA's has taken place at executive/ decision making level, to consider a holistic approach, agreeing long term infrastructure and transport issues that will affect each authority.

The proposed settlement in Tudeley will have a significant impact on Tonbridge town and this will need to be assessed in much greater detail. In addition, impacts resulting from the Tudeley Village and Paddock Wood allocations on the road network in Tonbridge and Malling Borough and Maidstone, Weald and Sevenoaks Boroughs should also be assessed further.

The County Council as the Local Highway Authority has fundamental concerns that the impact of the additional vehicular traffic brought about by the preferred growth strategy has not yet been effectively addressed in the Draft Local Plan by clearly defined mitigation measures.

The proposed Garden Village at Tudeley will not be 1 settlement but 2 as it is divided by a mainline railway, the initial first phase of this development will be constructed without any major infrastructure improvements along a sensitive Southern boundary of Weald ANOB, which will create significant harm to the surrounding landscape and topography as well as creating significant heritage concern to the setting of All Saints Church at Tudeley.

Constructing larger crossings at frequent points across the railway may be possible but it won't tie the two halves of the settlement together enough to make it one settlement, so it will not satisfy garden settlement principles.

The TWBC's Local Plan seeks low levels of car use , yet Tudeley Village is an isolated location, which relies on the private car.

The Tudeley Village Proposals do not demonstrate how the scheme has been informed by landscape character and context . An early understanding of character and context is a basic requirement of good design as set out in the Kent Design Guide (Kent County Council 2000) and the more recent MHCLG 2019 policies and guidance relating to ANOB/ Green Belt and its setting.

The design principles that have been presented do not follow established best practice 'placemaking principles. Features such as straight roads, extensive use of rear parking courtyards;and limited opportunities to integrate green infrastructure, do not reflect best practice principles, such as those set out in the National and County Design Guide, 'Manual for Streets and Parking' what works where'. Overall the vignette appears to lack cohesion and clear strategy for public realm streets and open space.

The proposed garden settlement at Tudeley Village is a highly controversial and unrealistic proposal. It should not form part of the vision of the Plan because if it is not achieved, or is withdrawn, then the

whole vision will have failed. The garden settlement should not be given an undeserved status by implementation of one, questionable development proposal.

Duty to Cooperate

So far as detailed within the PSLP (par 1.43) "The above discussions will continue as the plan progresses and the council intends to agree Statements of Common Ground where relevant. Completed statements will be available to view as part of the following draft Duty to Cooperate Statement". TWBC has not agreed Statements of Common Ground notices with all neighbouring LPA's as this documentation has not been submitted within the draft plan.

Has TWBC breached the Localism Act 2011?

It has not engaged constructively, actively and on an ongoing basis, failed to consult the public relating to strategic matters, or those that have significant impacts affecting two or more local authority areas.

Ignored over 95% of public responses from the initial Consultation and Objections consultation, regarding Tudeley Village as well as commentary from National House Builders and other consultees questioning the sustainability and viability.

Over 8,000 responses to The local Plan Regulation 18 Consultation with 100's opposing the strategy for Capel (The largest response TWBC have received from any public consultation).

The Plan should be "Locally Led". The Garden Community prospectus states "Strong local leadership is crucial to developing and delivering a long term vision for these new communities. All proposals should have the backing of local authorities in which they are situated, including the County Council in two tier areas.

We are particularly concerned with the lack of detail which demonstrates collaboration across local authority boundaries. To ensure that the potential local growth benefits have been considered.

Proposals should set out how the local community is being, or will be, engaged and involved at an early stage, and strategies for continued community engagement and Investment. This has not happened, the community has not been consulted in a fair and reasonable way.

Engagement in planning, especially of larger, more complex sites, is critical. The greater the engagement with the local community, as well as the Council and other key stakeholders, the more weight can be given to any master planning approach.

Parts of the plan are Not Locally Led, Capel Parish Council have rigorously objected to the Plan.

Tonbridge and Malling Borough Council have also voiced their concerns, holding 2 EGM's totally dedicated to TWBC Draft Plan, many councilors have raised their concerns regarding general lack of detail, highlighting infrastructure proposals, how the additional costs for increased public services will be met, removal of Prime Agricultural Green Belt land, additional flooding risk and lack of mitigation, the intense Garden Village Development upon the sensitive Southern Boundary will harm the setting and heritage of Capel and Tudeley, the cumulative effect to the High Weald ANOB and surrounding villages.

Why 3 alternative sites in Paddock Wood that are located outside Green Belt land have been rejected.

The impact of air quality within Tonbridge and Malling. The cumulative impact within the existing transportation connectivity and how that will affect Tonbridge Town Centre and other surrounding villages within Tonbridge and Malling Borough.

Hadlow Estates Public Charette Consultation -By Invitation only conducted in Tunbridge Wells, not in Capel Parish - Only 145 attended- Clearly restricting local community to attend and have their say, discriminating against older members of the community without Internet access and lacking the necessary IT skills to have their input, as well as people without access to a motor vehicle, reliant on public transport.

Initial community input into the Hadlow Estates Charette again was only by selected members of the community / stakeholders and selected councilors.

No further public consultations offered by Hadlow Estates within the Parish of Capel, claiming Covid restrictions prevented further physical presentations to the community, referring people to its website for further information.

TWBC refused to consider delaying the Reg 19 consultation period to allow for Covid 19 restrictions for further wider public consultation within Capel Parish.

Question 7

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

KeepKent.green would like to attend and participate in any Inspectors Hearing regarding the TWBC Local Plan.

Question 8

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

Sustainability Appraisal

The SA highlights within Reg18 SA that 13 alternative sites for garden settlement and urban extension were originally considered, all but 2 sites (Paddock Wood and Tudeley) were ruled out and were not subject to further appraisal, on the grounds primarily of landscape and Impact on the ANOB, however the SA report does not consider the fact that Tudeley Garden Village borders ANOB, and development is only segregated by the road (B2017) and discounts the topography elevations will be severely disrupted by any development as the Medway Valley views will be removed from the elevated ANOB areas, it appears a greater consideration and scoring, regarding unacceptable landscape impacts are applied to other sites.

The growth strategy has been adopted as it has become by default the easiest option for TWBC to consider, until 2017/2018 the Tudeley site had not come forward within the plan and the favoured option was a large development on the A21 situated at Kippings Cross, this option made the most logical sense as it is situated within a convenient corridor, where £100 million infrastructure investment had just been completed with the A21 dualling project.

- Kippings Cross parts of the sites within ANOB and landscape impacts were considered too severe to warrant consideration as a reasonable alternative, although this site was championed by TWBC as their preferred site until 2017 when the landowner submitted Tudeley and East Capel sites. It is well known that TWBC expected Kippings Cross to be brought forward but last minute negotiations between the promoters collapsed.

- Langton Green- Landscape Impacts and ANOB- Biodiversity and Nature Conservation designations are scattered across the borough, but are not common in ANOB, this greater development in ANOB could create increased pressure on wildlife.

It is understood that these parcels of land were considered, but due to land ownership issues TWBC decided the risk of implementation was too high.

Upon receiving news that Kippings Cross sites were not going to be included within the PSLP, promoters quickly submitted alternative sites to TWBC one of which was Tudeley and East Capel, which land is under single ownership as well as located on the borders of the borough and suitably sufficient size to achieve a large percentage of the borough's housing targets, the only downside was the site is located within Metropolitan Green Belt, productive agricultural land, bordering ANOB, located in the

small farming Parish of Capel.

It became very apparent that Capel was the answer to achieve TWBC village settlement ambitions and the Council went to extraordinary lengths to fast track the site, issuing Non Disclosure Agreements to Capel Parish Councillors, weeks before announcing the inclusion of the site, as well as entering into a most unusual promotion agreement with the landowner, allowing the landowner to be responsible for the development of the village, deliver/ contribute the very complex infrastructure required even though the landowner is a farmer with no development experience.

A unique strategy compared to other sites within the PSLP, such as Paddock Wood where TWBC retained David Locke Associates to conduct a detailed Master Plan of all the sites, regarding Tudeley Hadlow Estates has provided a Delivery Strategy which is claimed to be 'a detailed complex vision for a sustainable settlement' this document provides a wish list of objectives, and fails to address implementation and how Tudeley will connect with East Capel and Paddock Wood and Tonbridge, especially initially within Phase 1 with no major infrastructure improvements.

This is the largest development in history within the Parish of Capel, to rely on third party delivery with no experience, appears to be irresponsible and highlights how non delivery will jeopardise the entire PSLP.

Within the SA site filtering process/stage a number of sites were dismissed as 'non-starters' at the very least it would have been a prudent strategy to at least have bought these sites forward and subjected them to further sustainability appraisal scrutiny. For example Frittenden was ruled out on sustainability grounds without actually being subjected to sustainability appraisal, and why Horsmonden was considered a 'non-starter'.

Both the above sites were not ruled out on ANOB/Green Belt grounds but on inadequate transport links, Paddock Wood railway station is approximately 4.5 miles from Horsmonden compared to Tudeley to Tonbridge railway station at 4 miles. Both Tudeley and Horsmonden have limited bus services that operate primarily to transport school children to Paddock Wood, Tonbridge, Tunbridge Wells and Maidstone.

In March 2021 TWBC approved £225million Business Park on the outskirts of Tunbridge Wells providing 800,000 sqft of warehouse and office accommodation. The 30 acre site known as Kingstanding Tunbridge Wells, situated within ANOB and Green Belt. However the neighbouring site Castle Hill which was bought forward in 2020 with proposals to provide 1,500 new residential homes was dismissed from inclusion within PSLP reasons cited were ANOB and Green Belt.

These are clear examples of how the scorings/ratings within the SA should at least be further scrutinised, examining in further detail the greater environmental effect of the plan, as on the face of the evidence within the SA, TWBC have very much exploited the data to provide the desired output.

The original Issues & Options SA identified 6 growth strategies, none of which mentioned Tudeley/Capel as a site for a potential garden village. Growth Strategy 5 was described as a "New freestanding garden settlement. There is no location identified within this option. A new settlement could be located anywhere within the borough."

The SA does not demonstrate there has been adequate assessments of alternatives. It is inconsistent with the assessments of other strategic sites, SHELAA appraisals are inconsistent with other sites.

The TWBC SA assessment is based on 19 sustainability objectives/questions, overall there are 62 sub-questions based on a mix of subjective and objective criteria. Tudeley Village appraisal is based on the 19 Sustainability Objectives, there does not appear to be a link or evidence of 62 sub-questions which leads to question why has this not been applied to Tudeley and would the overall assessment produce a very different picture?

One of the key issues overall is that much of the infrastructure implementation and funding is dependant on the basis that section 106 contributions and public/ private funding are totally dependent on all the strategic sites being delivered as it appears within the viability analysis that shared contributions are required from Paddock Wood, East Capel and Tudeley in order to proceed with the major infrastructure projects.

The addition of the new secondary school provision will not be initiated until almost the maturity of the plan, in the interim where will the 100's of children be schooled?

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

[PSLP 2026-2031, 2033, 2037-2040 Keep Kent Green & Residents of Golden Green Association Representation](#)

Comment

Consultee	Linda El-Mokadem ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	RTW Monson Swimming Club
Address	[REDACTED] Tunbridge Wells TN4 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	RTW Monson Swimming Club (Linda El-Mokadem [REDACTED])
Comment ID	PSLP_1950
Response Date	04/06/21 16:58
Consultation Point	Pre-Submission Local Plan (View)
Status	Processed
Submission Type	Email
Version	0.2
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	RTW Monson Swimming Club
Question 3a	

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

Pre-Submission Local Plan

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 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.

[TWBC: Comments from covering email]

I am writing on behalf of RTW Monson the local swimming club in order to write with comments for the Pre-Submission of the Local Tunbridge Wells Borough Council Plan. In particular we would like to comment on the 'soundness' of the plan given the supporting documents. As the local swimming club, Royal Tunbridge Wells Monson, we are deeply concerned that the council have not given Swimming provision enough consideration. This is particularly disappointing given that the Retail & Leisure Survey 2017 & the recent survey in 2020 shows that there is public demand for a swimming pool. The current draft only really focuses on the new development at Paddock Wood and the possibility of a new 25m pool there and has no detail on the scope. We also feel that the existing provision of St John's is not adequate for the growing population and we are aware that local residents are struggling for access to Swimming Lessons and general pool time for both children and adults. Indeed as a club we are struggling for pool time and are seriously concerned about the sustainability of our club going forward.

As you know swimming is a life saving skill and provides numerous health, social and wellbeing benefits. Given the changing retail and leisure landscape, swimming remains a vital skill and tool in health and fitness that you have to physically travel to a venue in order to participate in. It could be argued therefore, that swimming may become a 'destination activity' and supersede many of the other activities that individuals are now able to participate in virtually and provide a destination venue for leisure.

We would therefore ask you to further consider in line with the National Plan to "promote vitality and viability" in the town centre first and ensure the leisure provision and swimming facilities are in particular is fit for purpose, meets the need of the population- particularly given the fact that the supporting surveys to the plan highlight swimming pools as an area of focus for local people.

[TWBC: Comments on representation form]

1. It doesn't take into account the Retail & Leisure Study 2017 or latest 2020 study which highlights the requirement of more swimming pools. The proposal for a 25m pool does not detail how many lanes, or whether it will be suitable for competitions. A 4-lane pool for example is expensive to run and will not be as commercially successful or meet the local population demand/needs. What quantitative work has been carried out to look at oversubscription of swimming classes etc. Have the local aquatic disciplines been contacted as key stakeholders?

2. Doesn't account for the lack of provision of swimming pool space in central town of the Borough, lack of lessons etc. Or the fact that the current facilities are old and not fit for purpose. Therefore, doesn't take into account the National Plan 'To promote vitality & Viability with the town centre first approach including leisure. Or key challenges around focus on leisure & culture to ensure long term adaptability of the town centre.

3. With lockdown pushing people to move online for many activities in leisure, swimming remains a destination venue and a key lifesaving and health promoting activity and the plan should take such factors into account.

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. Mention of the improvement/replacement of St Johns Leisure centre. 2. Specifically mention the format of the swimming pool proposed at Paddock Wood. 3. Indicate how leisure in Tunbridge Wells itself will be improved as per info given in point 5 above.

As the local swimming club and therefore a key Leisure user for the local area, we feel that the plan should reflect the previous studies findings (i.e. more pools) as well as have an understanding of the constraints that local clubs are working with and the sustainability of such clubs without adequate Leisure facilities that are fit for purpose and the population (children) and the times they can take part in leisure activities.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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 are a key user and are hugely concerned about our viability for the future.

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	[REDACTED]
Email Address	[REDACTED]
Company / Organisation	Sigma Planning Services
Address	Sigma House 6 Garden Street ROYAL TUNBRIDGE WELLS TN1 2XB
Consultee	Kevin Willcox [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Rydon Homes
Address	Rydon House Station Row FOREST ROW BN3 7AJ
Event Name	Pre-Submission Local Plan
Comment by	Rydon Homes (Kevin Willcox - [REDACTED])
Comment ID	PSLP_1629
Response Date	03/06/21 13:25
Consultation Point	Pre-Submission Local Plan (View)
Status	Processed
Submission Type	Email
Version	0.9
Files	Sigma Planning for Rydon Homes_RYDON 13.pdf Sigma Planning for Rydon Homes_List of Appendices TWBC LP.docx Sigma Planning for Rydon Homes_RYDON 17.pdf Sigma Planning for Rydon Homes_RYDON 14.pdf Sigma Planning for Rydon Homes_RYDON 3.pdf Sigma Planning for Rydon Homes_RYDON 9.pdf Sigma Planning for Rydon Homes_RYDON 2.pdf Sigma Planning for Rydon Homes_RYDON 6.pdf Sigma Planning for Rydon Homes_RYDON 12.pdf Sigma Planning for Rydon Homes_Composite Representations.pdf Sigma Planning for Rydon Homes_RYDON 4.pdf Sigma Planning for Rydon Homes_RYDON 7.pdf Sigma Planning for Rydon Homes_RYDON 8.pdf

[Sigma Planning for Rydon Homes - covering letter.pdf](#)
[Sigma Planning for Rydon Homes RYDON 16.pdf](#)
[Sigma Planning for Rydon Homes RYDON 15.pdf](#)
[Sigma Planning for Rydon Homes RYDON 11.pdf](#)
[Sigma Planning for Rydon Homes RYDON 5.pdf](#)
[Sigma Planning for Rydon Homes RYDON 18.pdf](#)
[Sigma Planning for Rydon Homes RYDON 1.pdf](#)
[Sigma Planning for Rydon Homes RYDON 10.pdf](#)

Data inputter to enter their initials here KJ

Question 1

Respondent's Name and/or Organisation Rydon Homes Ltd

Question 2

Agent's Name and Organisation (if applicable) Sigma Planning Services

Question 3a

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

Legal Compliance

[TWBC: see also representation numbers PLSP_1629, 1702, 1705, 1707, 1708, 1709, 1710, 1713, 1714, 1715, 1717, 1721, 1729, 1732, 1733, 1734, 1737, 1739, 1741, 1743, 1744, 1745 & 1746]

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.

[TWBC: see supporting documents attached, including composite of all representations].

1 A robust evidence base.

A sound development plan is required to be justified by a robust evidence base. The decision by Members to take the Plan forward for submission to the Secretary of State should have been informed by a complete evidence base and full access by Members to it. This was not the case. The decisions by Cabinet of 21st January 2021 and Full Council 3rd February 2021 agreed to undertake consultation on the Pre-Submission version of the Local Plan (Regulation 19) as it stood before them, subject to authorising the Head of Planning to make minor modifications. At that point key documents were not available to Members, as set out in Appendix A to the report (Rydon 1). Those documents were, allegedly, highly influential in the significant changes to the proposed Spatial Strategy between the Regulation 18 and 19 stages of the Local Plan process. Without access to those documents, Members were not in an informed position to put the Plan forward for Reg 19 consultation.

1 Community Involvement.

Similar considerations apply in relation to the availability of those key documents to the public. Most were made available only days before the commencement of the consultation period on 26th March 2021 leaving the absolute minimum period of time for the public to appraise those very detailed documents and produce a cogent response within the ten week consultation period. There appears to be no reason why those important documents could not have been provided sooner so that Members could make informed decisions and interested parties could have more time to consider them. For example, the Hankinson Duckett Associates Landscape and Visual Impact Assessment of Proposed Allocation Sites within the High Weald AONB was being discussed with Member Working Groups in September 2020 and is dated November 2020 but it was only made available on 9th March 2021. Other key documents were similarly held back from publication. In the context of a positively prepared and justified development plan, in the spirit of transparency and true public engagement, it is difficult to understand why this was the case. It may not strictly be a legal default but it certainly conflicts with the spirit of the process and associated Government Guidance and reflects badly on the TWBC claim that their Plan is positively prepared and justified.

3.Sustainability Appraisal.

The plan-making authority are required to assess the sustainability of their plan proposals and this includes the consideration of reasonable alternatives. The Issues and Options version of the Plan (2017) was accompanied by an Interim SA, the Reg 18 Draft Plan (2019) was accompanied by a full SA and likewise the current Reg 19 Pre-Submission version is accompanied by a full SA. However, in each case, the alternatives that are tested essentially involve different strategies for the spatial distribution of a fixed housing requirement figure. There is no full SA testing of lower or higher numbers of housing provision and there is therefore no robust basis upon which to judge the ability of the District to accommodate the uncapped housing needs of the District or to assist in meeting the unmet housing needs of other Districts. This is most unsatisfactory, does not properly fulfil their legal obligations and undermines confidence in the Council's claim not to be able to meet housing need in full (beyond capped targets) or to assist in addressing unmet housing need in other Districts.

4.Duty to Co-Operate.

Tunbridge Wells forms a substantial part of the West Kent Housing Market Area (WKHMA) together with Sevenoaks and Tunbridge Wells Districts. It has borders with 4 other Districts –

Maidstone

Ashford

Rother

Wealden

There is a significant overlap in housing market terms with Wealden District to the south-west and Maidstone Borough to the north-east. The borders with Ashford to the east and Rother to the south-east, are more rural, dispersed and less significant.

The Council's Duty to Co-Operate Statement provides extensive records of meetings

held with representatives of those adjoining authorities but there is little or no evidence of any constructive, positive or productive engagement, as required by planning law and Government Guidance. Viewed from the outside there appears to be a general understanding between all of the authorities concerned that they should confine themselves to meeting their own locally generated housing needs and that environmental constraints prevent each authority from accommodating more than their bare minimum housing target. This assumption is not based upon objective testing and balancing of economic, social and environmental objectives but upon perception, anecdotal assumptions, environmental lobbying and local political resistance to change. This runs contrary to National and Regional objectives and interests which, in the absence of an over-arching Regional Strategy, depend upon a joint approach from individual District Councils to collectively secure wider objectives – particularly in relation to meeting housing numbers across the South-East and to improve the affordability of housing across the Region.

From their various representations and Statements of Common Ground, the situation with adjoining authorities appears to be that none of them are able to assist in meeting TWBC housing needs and:-

Sevenoaks

Estimated 1900 homes, or more, unmet need and a failed Local Plan.

Tonbridge & Malling

aim to meet their own needs but are encountering difficulty in doing so and have problems with their own Local Plan process which has evidently failed. They object to the TWBC Local Plan proposals at Tudeley/Capel because of proximity and consequent impact upon their local infrastructure and long term spatial strategy of limiting growth in the south of their District at Tonbridge. They advocate a mixed portfolio of housing sites across Tunbridge Wells Borough as a preferred strategy.

Wealden

have a failed Local Plan, a significantly increased housing requirement to meet and a dire five year housing land supply position which is a legacy of their inappropriate moratorium on new housing based upon, subsequently unjustified, measures to protect the Ashdown Forest SPA and SAC. Their new Local Plan is at a very early stage although it seems unlikely that they will be able to meet current and future housing needs in full themselves – particularly in the northern part of District which overlaps with the Tunbridge Wells housing market.

Maidstone

expects both authorities to meet their own needs through forthcoming Local Plans.

Ashford

currently both authorities agree to meet their own Housing needs but Ashford does not know if it will be able to it will be able to plan to meet its own local housing needs for the next Local Plan (SoCG Paragraph 2.8).

Rother

are at an early stage of plan preparation and are not yet able to ascertain whether it can meet its own needs. It is facing a significant increased level of housing need and AONB constraints. (SoCG Paragraph 2.16).

In summary therefore there is a request from Sevenoaks for assistance with 1900 dwellings, Wealden and Rother may need assistance, Tonbridge and Malling have difficulty meeting their own needs and object to the TWBC Spatial Strategy, Maidstone and Ashford are confident in meeting current identified needs but reserve their position for the future. None of the adjoining Authorities are in a position to accommodate any unmet needs from Tunbridge Wells Borough Council.

Therefore, despite many meetings since 2015 there is no settled position, no joint planning, no offer to accommodate TWBC unmet needs and a number of adjoining Authorities either do require assistance in meeting their housing needs or may do so in the foreseeable future. Furthermore, it is clear from the SA and the Housing Topic Paper that TWBC have not looked in any level of detail into

the implications of increasing their housing provision above the capped figure or to take account of unmet housing need in neighbouring authority areas. There is therefore no evidence to justify their position.

This suggests that whilst there has been administrative engagement, there is no evidence that this has been constructive, pro-active or effective. The legal requirements go beyond simple engagement and the Council have failed to discharge the Duty to Co-operate in this respect.

This repeats the situation in the other two Authorities that comprise the WKHMA, Sevenoaks and Tonbridge and Malling, where similar isolationist approaches have been rejected at Examination by their respective Inspectors (Report on the Examination of Sevenoaks District Local Plan 2nd March 2020 – Karen Baker (Rydon 2) and letter to Tonbridge and Malling Borough Council, 2nd March 2021 from Inspectors Louise Crosby and Luke Fleming appointed to conduct an Examination of the Tonbridge and Malling Local Plan). (Rydon 3)

In concluding that SDC had not complied with the DtC in Section 33A of the 2004 Act Karen Baker found that the process did not demonstrate that there had been active, constructive or on-going engagement in respect of unmet housing need. Despite the Secretary of State stressing to Inspectors the importance of being pragmatic in getting plans in place, Ms Baker advised SDC to withdraw their Plan and when they did not do so she issued her Report recommending that the Local Plan is not adopted. SDC have sought to challenge this position in the High Court but were unsuccessful.

Similarly in Tonbridge and Malling Borough Council District Ms Crosby and Mr Fleming could find little evidence of constructive, active and ongoing engagement between the Council and SDC in seeking to address SDC unmet housing needs. They also sought to be pragmatic in addressing the situation but were unable to ignore a failure to comply with the DtC. Their letter advises Tonbridge and Malling Borough Council to withdraw their plan from Examination but Tonbridge and Malling Borough Council have declined to do so (Letter 11th March 2021). (Rydon 3). A Report in similar terms to that issued in the case of the Sevenoaks Local Plan can now be expected.

Tunbridge Wells Borough Council rely on the same basic evidence with respect to the DtC as Sevenoaks and Tonbridge and Malling in the WKHMA. However, TWBC have not taken steps to overcome the flaws in their approach to the preparation of their Plan or in their compliance with the DtC. Therefore they have not complied with Section 33A of the Planning and Compulsory Purchase Act 2004.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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 Inspector fully understands the representations made and the issues raised can be fully examined and discussed.

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	[REDACTED]
Email Address	[REDACTED]
Company / Organisation	Sigma Planning Services
Address	[REDACTED] [REDACTED] ROYAL TUNBRIDGE WELLS [REDACTED]
Consultee	Kevin Willcox [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Rydon Homes
Address	[REDACTED] [REDACTED] FOREST ROW [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Rydon Homes [REDACTED]
Comment ID	PSLP_1745
Response Date	03/06/21 13:25
Consultation Point	Pre-Submission Local Plan (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Sigma Planning for Rydon Homes_RYDON 17.pdf Sigma Planning for Rydon Homes_RYDON 5.pdf Sigma Planning for Rydon Homes_RYDON 12.pdf Sigma Planning for Rydon Homes_RYDON 7.pdf Sigma Planning for Rydon Homes_RYDON 10.pdf Sigma Planning for Rydon Homes - covering letter.pdf Sigma Planning for Rydon Homes_RYDON 13.pdf Sigma Planning for Rydon Homes_RYDON 2.pdf Sigma Planning for Rydon Homes_RYDON 18.pdf Sigma Planning for Rydon Homes_RYDON 11.pdf Sigma Planning for Rydon Homes_RYDON 3.pdf Sigma Planning for Rydon Homes_RYDON 15.pdf Sigma Planning for Rydon Homes_RYDON 9.pdf Sigma Planning for Rydon Homes_RYDON 6.pdf Sigma Planning for Rydon Homes_RYDON 14.pdf

[Sigma Planning for Rydon Homes_RYDON 16.pdf](#)
[Sigma Planning for Rydon Homes_RYDON 4.pdf](#)
[Sigma Planning for Rydon Homes_List of Appendices TWBC LP.docx](#)
[Sigma Planning for Rydon Homes_RYDON 8.pdf](#)
[Sigma Planning for Rydon Homes_RYDON 1.pdf](#)
[Sigma Planning for Rydon Homes_Composite Representations.pdf](#)

Data inputter to enter their initials here KJ

Question 1

Respondent's Name and/or Organisation Rydon Homes Ltd

Question 2

Agent's Name and Organisation (if applicable) Sigma Planning Services

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.

Comments on whole Plan

[TWBC: see also representation numbers PLSP_1629, 1702, 1705, 1707, 1708, 1709, 1710, 1713, 1714, 1715, 1717, 1721, 1729, 1732, 1733, 1734, 1737, 1739, 1741, 1743, 1744, 1745 & 1746]

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.

[TWBC: see supporting documents attached, including composite of all representations].

OVERALL CONCLUSIONS

- 1 Rydon Homes consider that the PSLP is unsound because it:-
 - . has failed to comply with the Duty to Co-operate and is therefore not legally compliant.
 - . has failed to properly address the public consultation process in a transparent, fair and reasonable manner.
 - . does not provide fully for the housing needs of the Borough and the unmet needs of adjoining Authorities.
 - . has not properly tested the ability to meet higher housing figures.
 - . has not tested all reasonable alternative spatial strategy options.
 - . promotes an unbalanced spatial strategy which is unlikely to deliver the necessary housing, particularly in the early part of the plan period, because of being over reliant on very large sites.
 - . does not provide a suitable mix of size, type and location of housing allocations.
 - . fails to recognise the potential of the main towns of Hawkhurst and Cranbrook for limited growth required for their future vitality and viability, putting at risk their important role as rural service centres.
 - . has departed substantially from the Spatial Strategy of the Reg 18 Draft Local Plan due largely to unjustified conclusions about impact on the AONB which are not supported by the evidence base.
 - . is based on a flawed Sustainability Appraisal which fails to consider reasonable alternative strategy options or reasonable alternative housing sites and contains a number of errors in individual site assessments.
 - . promotes the loss of Green Belt land over the alternative of development in the AONB where sensitive site selection and mitigation can keep landscape impact to acceptable levels.
- 1 As a result the Plan is not legally compliant, positively prepared, effective, justified by its evidence base or consistent with national policy. It is unsound and should not proceed.
- 1 To produce a sound plan it is considered that TWBC must:-
 - . re-visit the DtC and properly explore the quantum of unmet needs in adjoining Authority areas and their ability to assist in meeting those needs.
 - . increase the housing provision figures to reflect the ability to assist in meeting unmet housing need in neighbouring areas.
 - . re-visit the Spatial Strategy to properly address the potential for development at other Green Belt locations within the Tonbridge – Paddock Wood corridor and to recognise the development potential and social and economic needs of the main rural towns of Hawkhurst and Cranbrook.
 - . include within the new housing allocations, land at Fowlers Park, Hawkhurst and Boycourt Orchards, Sissinghurst which should have been carried forward from proposed allocations in the Reg 18 Plan to the Reg 19 PSLP.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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_146

Comment

Agent	David Neame ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Neame Sutton
Address	- - -
Consultee	David Neame ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Rydon Homes
Address	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Rydon Homes (David Neame - [REDACTED])
Comment ID	PSLP_2089
Response Date	04/06/21 13:25
Consultation Point	Pre-Submission Local Plan (View)
Status	Processed
Submission Type	Email
Version	0.12
Files	Appendix 4 - 675 Land at Finches Farm Reg19 Landscape Advisory Note 210528.pdf Appendix 1 - Site Location Plan - Finches Farm, Five Oak Green.pdf APPEND~3.PDF Appx 2f Flinches Farm, 5 Oak Green Archaeological.pdf Neame Sutton for Rydon Homes - full representation.pdf Appx2b Five Oak Green FRA Tech Note.pdf Appx 2e Land at Finches Farm Vision Document.pdf Appx2c Noise Report - Issue.pdf Appx 2d Five Oak Green Technical Note 240521.pdf Appx2a Landscape Appraisal.pdf Appendix 5 - ED81 Inspectors Letter to TMBC 2.3.21.pdf
Data inputter to enter their initials here	KJ

Question 1

Respondent's Name and/or Organisation Rydon Homes Ltd

Question 2

Agent's Name and Organisation (if applicable) Neame Sutton

Question 3a

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

Soundness and Duty to Cooperate

[TWBC: the full representation attached has been set against PSLP (whole Plan) (PSLP_2089), Policy STR1 (PSLP_2092) and Policy STR/CA1 (PSLP_2093). Appendices listed have also been attached as supporting documents]

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.

1.0 Instructions and Introduction

1.1 Neame Sutton Limited, Chartered Town Planners, is instructed by Rydon Homes Limited (“Rydon”) to prepare and submit representations in relation to the Regulation 19 consultation version of the Tunbridge Wells Borough Local Plan (“the Plan”) published in March 2021.

1.2 This document sets out Rydon’s Representations on the Plan and deals with the following specific matters:

- . Matters of Legal Compliance
- . Consideration of the correct Housing Need and Housing Requirement within the Plan in the context of the Housing Supply identified by the Council; and,
- . Site-specific representations in relation to Rydon’s promotion site at Finches Farm, Five Oak Green

1.3 The relevant sections of the Plan, including paragraph and policy references, are cited throughout these representations along with the soundness tests that it is considered the Plan fails to comply with.

1.4 These representations are supported by a series of technical reports and appraisals prepared by Rydon’s professional project team, which comprise:

Table 1: Technical Reports and Appraisal Accompanying Representations

Document

Author

Appendix

Assessment of Housing Trajectory and Land Supply

Neame Sutton

Appendix 3

Green Belt Assessment Review

Allen Scott

Appendix 4

Site-Specific Technical Pack:

- Vision Document
- Access Appraisal
- Drainage Appraisal
- Landscape Appraisal
- Noise and Vibration Assessment
- Heritage and Archaeology Assessment

Richards Urban Design

RPS

SMA

Allen Scott

SMA

Orion Heritage

Appendix 2

Appendix 2

Appendix 2

Appendix 2

Appendix 2

Appendix 2

2.0 Legal Compliance

Duty to Cooperate:

2.1 There are a number of Legal Compliance matters that the Council must address if it intends to proceed with the submission of a Local Plan for Examination. The Regulation 19 consultation stage is intended to comprise the version of the Plan that the Council considers to be Sound and in compliance with the various legal requirements.

2.2 Unlike matters of Soundness that can be addressed through modifications to the Plan any issues relating to Legal Compliance of the Plan cannot be addressed retrospectively.

2.3 It is therefore of vital importance to the Council that the Plan meets the Legal Compliance requirements before it proceeds.

2.4 Of particular importance in the case of Tunbridge Wells and its surrounding authorities is the Duty to Cooperate ("DtC"). Section 110 of the Localism Act 2011 introduces a new Section 33a into the Planning and Compulsory Purchase Act 2004, which requires the Local Planning Authority to cooperate with its neighbouring authorities and other bodies.

2.5 Sub-section (2) goes on to set out how the engagement should be undertaken by stating:

'In particular, the duty imposed on a person by subsection (1) requires the person—

(a). to engage constructively, actively and on an ongoing basis in any process by means of which activities within subsection (3) are undertaken, and

(b). to have regard to activities of a person within subsection (9) so far as they are relevant to activities within subsection (3).'

2.6 Government policy also confirms that:

*'In order to demonstrate effective and on-going joint working, strategic policy-making authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these. These should be produced using the approach set out in national planning guidance, and be made publicly available throughout the plan-making process to provide transparency.'*¹

2.7 It is therefore a vital legal requirement of the Plan making process that the Council engages with its neighbours on a constructive, active and, ongoing basis. The engagement should be documented throughout the process to demonstrate compliance with the legal requirements.

2.8 The Council has produced a Duty to Cooperate ("DtC") Statement for the Pre- Submission Local Plan (March 2021) that sets out how the Council has collaborated, engaged and cooperated with neighbouring authorities, public bodies and other stakeholders during the preparation of the Local Plan².

2.9 These representations focus specifically on the strategic issue of meeting housing need, which is covered in Section 4 (Pages 46-48) of the DtC Statement.

2.10 The DtC Statement confirms that the Council has worked specifically with those authorities within the same housing market area as defined in the Council's Strategic Housing Market Assessment ("SHMA"), namely:

- . Sevenoaks District Council
- . Tonbridge and Malling District Council

. Wealden District Council

. Rother District Council

2.11 Rather concerningly the DtC Statement goes on to confirm that the Council has only focussed its consideration on Sevenoaks District Council on the basis that is the only authority which has indicated it does not intend to meet its own housing needs in full.

2.12 As a consequence of the Council's focus its DtC consideration has effectively taken its 'eye off the ball' in relation to the other authorities. This has lead to a fundamental failure specifically in relation to Tonbridge and Malling District, which is explored further below, together with Maidstone and Ashford.

Sevenoaks District Council:

2.13 Dealing first with Sevenoaks.

2.14 The DtC Statement summarises the extent of the discussions that have taken place with Sevenoaks, which appears to be limited to an initial request by Sevenoaks in April 2019 for some of its unmet need to be dealt with by Tunbridge Wells. Following which the Council has concluded that it could not meet any unmet need arising from Sevenoaks.

2.15 The Council's conclusion on not being able to meet any unmet need arising from Sevenoaks appears to have been heavily influenced by the fact that, at that time (April 2019), the Sevenoaks Plan had not been examined³.

2.16 Since April 2019 the Sevenoaks Plan has been to examination and the Inspector reached the conclusion that was not legally compliant in relation to a number of key considerations including DtC. The Inspector consequently recommended the Sevenoaks Plan should be withdrawn.

2.17 Sevenoaks sought to challenge the Inspector's conclusions in her Report (dated 02 March 2020). That challenge was rejected by the court in December 2020 and a subsequent attempt by Sevenoaks to appeal the ruling was rejected on 08 April 2021.

2.18 It is therefore inevitable that Sevenoaks will need to withdraw its Plan and restart the process given the Inspector's conclusion that the Plan is both Unsound and has failed the Legal Compliance test specifically in relation to DtC. The consequence of this on the DtC with Tunbridge Wells is significant because Sevenoaks previous draft plan was prepared against the transitional provisions set out in Annex 1 of the Framework 2019 i.e. that plan was prepared against the policy requirements of the Framework 2012 and the corresponding PPG.

2.19 The current SoCG included in Appendix A of the DtC Statement (dated 21 May 2019) identifies an unmet need of 1,900 dwellings arising from Sevenoaks based on an Objectively Assessed Need ("OAN") of 707 dpa for the District over the period 2019-35 equating to 11,312 dwellings (the Sevenoaks Plan made provision for a supply of 9,410 dwellings over the same period)⁴.

2.20 When Sevenoaks commences work on a new Local Plan it will need to make provision for a Local Housing Need ("LHN") based on the new Standard Method as prescribed by the Framework 2019 and accompanying PPG. The consequence of this will be a LHN of 715 dpa⁵, which would increase the deficit (based on the supply identified in the Regulation 19 version of the Sevenoaks Plan) of 2,030 dwellings.

2.21 The situation is therefore materially worse in terms of unmet need arising from Sevenoaks and the Council has done nothing to consider addressing even part of this since signing the SoCG in May 2019 (2 years ago). The Council cannot therefore possibly argue that it has met the key Statutory DtC obligation of working constructively, actively and on an on-going basis with Sevenoaks.

2.22 For this reason alone the Plan has failed the Legal Compliance test and cannot proceed to submission in its current form. In fact the Council will probably need to undertake a further Regulation 19 consultation in due course when this fundamental failure has been rectified and before proceeding to the submission stage.

Tonbridge and Malling:

2.23 There is no recorded need arising from Tonbridge and Malling that the Council should consider addressing as part of the Plan. The DtC Statement and the accompanying Memorandum of Understanding ("MoU") is incredibly light on its content in relation to cross boundary discussions.

2.24 This is particularly concerning given the significant cross boundary issues associated with the Tudeley Village proposal that would be heavily dependent upon services, facilities and other key infrastructure that is situated over the administrative boundary in Tonbridge and Malling Borough.

2.25 It is perhaps telling that Tonbridge and Malling Borough intends to object to this consultation specifically in relation to Tudeley Village. Furthermore the response prepared by Tonbridge and Malling Borough Council states that a SoCG is to be returned by 04 June 2021⁶. The absence of that document from the evidence base during the current Regulation 19 consultation is yet a further example of the failure in terms of Legal Compliance.

2.26 The key considerations raised by Tonbridge and Malling Borough Council in relation to infrastructure and mitigation measures arising from Tudeley Village also go to the Soundness of the Plan as drafted. These are matters that need to be addressed in full and before the Plan proceeds to the submission stage.

2.27 As a further serious concern in relation to the DtC is the fact that the Inspectors appointed to examine the Tonbridge and Malling Local Plan have written to the Council in January 2021 (see copy attached at **Appendix 5**) to confirm their view that there is a fundamental failure of the DtC such that the Examination cannot proceed.

This is yet another example of the problems facing the Council with this Plan in relation to DtC and the serious consequences of not addressing this matter now and before the Plan proceeds to submission.

Rother District Council:

2.28 The SoCG in Appendix A5 of the DtC Statement confirms that Rother District Council is not yet able to confirm if it can meet its own need. This SoCG was signed in October 2020 and no update on that position appears to have been sought or provided by Rother District. The Council cannot therefore say with any certainty whether the issue of unmet need arising from Rother District has been fully explored.

Wider Issues in Terms of Unmet Need:

2.29 Given the interrelationship between the Borough and London, particularly in relation to rail connectivity and the consequent economic connection, which is articulated in the Economic Development Topic Paper (March 2021) and the Travel to Work Area in Appendix 1 in particular the Council appears not to have given any consideration to the potential for unmet need arising from London and whether the Plan should seek to be addressing some of that need.

2.30 In fact the DtC Statement is silent insofar as discussions with any London Boroughs is concerned.

2.31 Although not a fundamental failure this is considered to contribute to the overall failure in terms of Legal Compliance at this Regulation 19 consultation stage.

2.32 The above failures cannot be rectified retrospectively and the Council therefore needs to take action now and then rerun a fresh Regulation 19 consultation in order to avoid the situation that Sevenoaks and other authorities in the locality have found themselves in recently. Indeed Crawley Borough Council is currently undertaking a second Regulation 19 consultation, partly due to gaps in its evidence base and Legal Compliance failings identified during the first Regulation 19 consultation for its emerging Local Plan.

Footnotes:

1 Paragraph 27 of National Planning Policy Framework (February 2019)

2 Paragraph 1.2 on Page 3 of the DtC Statement (March 2021)

3 Paragraph 4.18 on Page 46 of the DtC Statement refers

4 Paragraph 2.1.4 on Page 4 of SoCG between TWBC and SDC in Appendix A of DtC Statement – March 2021

5 Applying the Standard Method with a base date to 2021 and using the affordability Ratio data published in March 2021 by ONS.

6 Draft letter of representation presented to Extraordinary Planning and Transportation Advisory Board – Monday 17 May 2021

- 7 Paragraph: 010 Reference ID: 2a-010-20201216 – Housing and Economic Needs section of PPG
- 8 Paragraph 3.18 on Page 16 of Housing Needs Assessment Topic Paper – February 2021
- 9 See Table 12 on Page 51-52 and Table 22 on Page 74 and Table 23 on Page 76 of the SA
- 10 See also Table 49 on Page 142 of the SA that identifies the Promotion Site as a reasonable alternative site within Capel Parish

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.

5.0 Areas Where Changes are Required for Plan to be Legally Compliant and Sound

5.1 In order for the Plan to be found Sound and Legally Compliant there are a number of fundamental changes required:

5.1.1 **Change 1 – Legal Compliance:** The Council MUST revisit the DtC specifically (but not only) in relation to Sevenoaks and explore the opportunity for meeting at least some of the unmet need arising within the Plan. Once complete the evidence of active and ongoing engagement MUST be published alongside a fresh Regulation 19 consultation version of the Plan.

5.1.2 **Change 2 - Soundness:** There is a need to revisit the minimum housing requirement in the Plan in line with the evidence base and in particular dealing with unmet need and the worsening affordability in the Borough.

5.1.3 **Change 3 - Soundness:** The Council must revisit its housing delivery strategy and address the clear shortfall in supply across the whole Plan period and particularly within the first 5-years through the allocation of more sites that are ready and able to deliver in the early part of the Plan period.

5.1.4 **Change 4 - Soundness:** The Council must revisit its Green Belt Study and Landscape Sensitivity Assessment specifically in the context of Five Oak Green because the current approach taken in the Plan does not reflect that evidence base i.e. Rydon's Promotion Site comprises a suitable location for release from the Green Belt as part of a coordinated strategy for creating robust boundaries that will endure in the long term.

5.1.5 **Change 5 – Soundness:** The Council must revisit the Plan Strategy and its Key Evidence Base in relation to Tudeley given the lack of evidence to support the delivery rate relied upon by the Council combined with the lack of support in the current evidence base for the release of this site from the Green Belt and the fact that the immediate neighbouring authority Tonbridge and Malling Borough Council is raising objection to the unacceptable pressure the proposed development would have on infrastructure, services and, facilities located outside of the Plan area. In short terms there are significant concerns in relation to the capability of Tudeley to deliver a sustainable form of development in the timeframe required by the Council. As currently prepared the Tudeley allocation is Unsound.

5.1.6 **Change 6 – Soundness:** Rydon's Promotion Site should be allocated for approximately 140 no. dwellings capable of delivery in the first 5-years of the Plan period alongside a package of wider material planning benefits.

5.2 Unless the above changes are made the Plan will fail the Legal Compliance Test and will not be found Sound at Examination.

5.3 Rydon will take an active part in any future Examination to progress the matters raised in these Representations in the context of the issues raised by the Inspector in due course. In the meantime Rydon would welcome the opportunity to discuss its Promotion Site with the Council.

Question 7

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

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

Question 7a

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

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

The matters raised in these Representations cover a number of fundamental issues that go to the heart of the Plan's soundness and in particular its legal compliance. These matters will need to be explored in the relevant hearing sessions at the Examination in order to assist the Inspector in understanding the nature and extent of the concerns raised by Rydon Homes Limited.

In addition, there are a number of matters raised that are of a technical nature and relate to the Council's evidence base. These matters will also need to be explored in the relevant hearing sessions at the Examination.

Question 8

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

See attached Representation Documents

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	Ashley Saunders [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Ashley Saunders [REDACTED]
Comment ID	PSLP_1253
Response Date	04/06/21 14:07
Consultation Point	Pre-Submission Local Plan (View)
Status	Processed
Submission Type	Web
Version	0.3
Question 1	

Respondent's Name and/or Organisation	Ashley Saunders
---------------------------------------	-----------------

Question 3

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

Question 3a

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

All

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:

- . 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.

I believe the plan is poorly prepared and seeks an easy way out by promoting large development using land offered en-mass rather than using up land which lends itself suitably to development all across the borough. There are many brown field sites mentioned within the report but are ignored in favor of huge developments in which only a few land owners stand to profit. This also does nothing to solve the overcrowding and congestion already faced in the western part of 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.

After this stage, 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.

This can be overcome by looking at the many brownfield sites all across the borough and also look at the eastern parts of the borough where space is not so much of a premium and there is not so much overcrowding and congestion in the area as a whole.

Question 7

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

Agent	Mr Simon Bell ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Knights Solicitors
Address	Regency House 25 High Street Tunbridge Wells TN1 1UT
Consultee	Save Capel ([REDACTED])
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Save Capel ([REDACTED])
Comment ID	PSLP_1964
Response Date	03/06/21 18:51
Consultation Point	Pre-Submission Local Plan (View)
Status	Processed
Submission Type	Email
Version	0.12
Files	PSLP_1964 & 1973-1987 Knights Solicitors for Save Capel SI-2 Representation.pdf PSLP_1964 & 1973-1987 Knights Solicitors for Save Capel SI-1 Cover Letter.pdf PSLP_1964 & 1973-1987 Knights Solicitors for Save Capel SI-3 Appendices.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Save Capel
Question 2	
Agent's Name and Organisation (if applicable)	Knights Solicitors

Question 3

To which part of the Local Plan does this 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 No(s) STR1, STR2, STR3, STR4, STR7, STR8, STR9, STR/SS1, STR/SS2, STR/SS3, EN4, EN5, EN8, EN18, STR/CA 1

[TWBC: for comments related to each of these specific policies, please see Comment Numbers PSLP_1973-1987]

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 attached: "Representation by Save Capel under Regulation 19", dated 3rd June 2021, and Appendices

[TWBC: the following extracts are from "Representation by Save Capel under Regulation 19" - for the full representation and appendices, please see supporting documents]

1. Executive Summary

1.1. This representation is made by the Save Capel Executive on behalf of members and supporters. In preparing this representation, the Save Capel Executive has been assisted and advised by the members and supporters of Save Capel, specialist transport and environmental consultants as well as specialist planning Counsel and solicitors.

1.2. We are seeking modifications to the Plan, and through this Save Capel confirms its willingness to participate in the subsequent stages of the local plan's review and wishes to make formal representations in the oral parts of the examination at the Inspector's request.

1.3. We submit that the PSLP and its supporting evidence base fails on both **legal compliance** and tests of **soundness**:

(1) TWBC has not met its **Duty to Cooperate** with adjacent authorities, because of the lack of constructive and ongoing dialogue concerning housing need and cross border issues affecting the location of housing and provision of the necessary infrastructure.

(2) The consultation in respect of this pre-submission draft has not been undertaken in compliance with the **Statement of Community Involvement** and appears to have failed to have due regard to its duty under s.149 of the Equality Act 2010.

(3) There has not been an adequate assessment of alternatives and the **Sustainability Assessment** is seriously flawed.

(4) The Plan fails the test of **soundness** on a significant number of counts:

i. It is not positively prepared, being based on an unsustainable spatial strategy, which places the largest amount of development in the north west corner of the Borough (at Tudeley and East Capel), where local housing need has not determined the overall target.

ii. It is not justified, as it is not the most appropriate strategy, where reasonable alternatives have not been adequately assessed, and the evidence base contains inconsistencies and conflicts internal to the Plan. The strategy does not bring benefits that outweigh costs to the community (the balanced test of sustainability has not been properly applied).

iii. It is not effective, posing substantial risks by relying heavily on two strategic sites in unsustainable locations. The Infrastructure plan is inadequate and does not meet the substantial needs and is based on inconsistent evidence. It is not deliverable.

iv. It is not consistent with the National Planning Policy Framework (NPPF), taking only selective evidence to demonstrate compliance, in particular with respect to the largest strategic site (Tudeley). The evidence base is lacking in many areas and 'Exceptional Circumstances' to release vast areas of Green Belt for housing are not justified.

1.4. This representation explains these general points, and many others, in more detail and is structured to assist the review process. Arguments are presented policy by policy with detailed supporting evidence also provided as appendices which form part of this submission.

1.5. Save Capel recognises the need for a local plan but requests that TWBC reconsiders the development strategy and prepares a modified (and sustainable) plan which delivers an appropriate level of housing and addresses the issues identified in this representation.

1.6. Whilst it is for TWBC to determine its local plan, it should meet the needs and have the support of the community. Save Capel has identified a number of alternative strategies which are summarised in Section 8.

2. Legal Compliance

Co-operation with neighbouring authorities

2.1. We are not satisfied that TWBC has fully met (if met at all) the duty to co-operate with the authorities and groups set out in TWBC's March 2021 "Duty to Co-operate Statement for Pre-Submission Local Plan" ("DCSPS") in the way in which paragraphs 24-27 of the NPPF envisage TWBC to engage in and maintain effective cooperation.

2.2. We are particularly concerned that the Duty to Co-operate has not been met with Maidstone Borough Council. The recently signed Statement of Common Ground ("SoCG") (March 2021) appears to be nothing other than a "tick box" exercise in which Maidstone Borough Council's refusal to consider meeting any of TWBC's need was accepted without proper scrutiny by TWBC. It states on page 8 that "An initial response was issued by MBC in December 2020. *This stated that MBC could not accommodate any of TWBC's need, as it was proving very challenging to accommodate the extra homes needed until 2037, necessitating growth to be focused on two 'garden communities'... TWBC accepts this position and has progressed to include allocations across the borough, including within*

the AONB and Green Belt, in order to meet its own local housing needs. MBC welcomes the fact that TWBC is meeting its housing need in full, and similarly expects to meet its housing need in full."

2.3. The Duty to Co-operate involves more than a mere "tick box exercise". It requires positive and active engagement with neighbouring authorities (and other groups). It is difficult to understand why, when a Housing Market Area is shared with another Borough, that Borough cannot meet at least some of the need from the adjoining Authority's area. The DCSPS appears to do nothing more than rehearse and repeat in essence the refusal of other authorities to meet some of TWBC's housing need. It does not explain why it did not do more to challenge and scrutinise those refusals.

2.4. It will, of course, be for TWBC to satisfy the Planning Inspectorate that the Duty to Co-Operate has been met when we have seen little evidence of a pro-active approach to the Duty to Co-operate being followed – particularly in respect of the potential impacts that Policies STR/SS 1 and STR/SS 3 will have on the neighbouring authority (Tonbridge and Malling Borough Council) in terms of increases in pollution (and other environmental impacts), traffic, congestion and a need for sufficient infrastructure to be provided to support (and ensure the sustainability of) the developments proposed in STR/SS 1 and STR/SS 3 if the draft local plan is submitted for examination, but we have seen very little to date to demonstrate this to have been the case.

2.5. We await, with interest, how the authorities and groups identified in the DCSPS will respond to this consultation and how they consider TWBC has engaged with them in respect of the Duty of Co-Operation – noting the above. In that regard, the Save Capel Executive reserves the right to provide a further short submission or to raise this issue during the examination if appropriate to do so.

Community engagement

Information on, and the form of, the Consultation

2.6. Since the Reg.18 consultation, the preparation of this pre-submission draft of the Local Plan has been mainly undertaken during a time when much of the UK has been operating under unprecedented restrictions on contact outside of the home. At the time of drafting this representation, the country is still operating under restrictions, with these not being "fully" lifted until 21st June 2021. Whilst the UK Government has encouraged LPAs to continue plan making activities during the pandemic, this poses difficulties in being able to demonstrate effective community engagement in respect of this Reg.19 consultation.

2.7. At the Reg.18 stage, TWBC undertook the Reg 18 consultation by providing information on that version of the local plan and the consultation process through postal correspondence, posters within the town centre, summary leaflets and articles within local magazines, physical borough wide exhibitions, local media and electronic consultation. Due to the COVID-19 pandemic it has not been possible to undertake as thorough an exercise as that carried out at the Reg.18 stage. This is recognised in the Statement of Community Engagement (dated October 2020) at Section 3.0: Consultation Techniques for Local Planning Documents. This move away from the more traditional means of engaging with the Community due to the COVID-19 pandemic towards an almost entirely internet-based consultation undoubtedly means that a proportion of the Community (including those who are considered to have protected characteristics under the Equality Act 2010) will either be unable to, or feel unable to, engage fully with this consultation or the documents now being consulted on. This is an issue that could and should have been avoided.

2.8. On 22nd February 2021, the UK Government published the "Roadmap out of Lockdown"¹. This made it clear that it was anticipated that by 17th May 2021, the restrictions on social contact would be eased, outdoor spaces would reopen, together with non-essential retail and public buildings. This would have allowed TWBC the opportunity to run an information campaign more akin to that which it ran for Regulation 18 from the dates at which restrictions started to be lifted. The Roadmap also makes it clear that the target date of 21st June 2021 has been set to remove all further limits on social contact.

2.9. This consultation started on 26th March 2021 and runs until 4th June 2021. A better, fairer approach that would undoubtedly ensure wider community engagement would have been to have delayed the start of the consultation and use the easing of restrictions to build up towards a more traditional consultation process. It is noted that TWBC has run the consultation for 10 weeks, but with a more inclusive approach to consultation, a shorter consultation running slightly beyond 21st June 2021 would have shown more of a concern for Community Engagement. It is clear (from the October 2020 Statement of Community Involvement) that TWBC set the approach it intended to follow towards the end of 2020 and did not pause to consider the Roadmap set out in February 2021 and adjust its approach to

consultation accordingly. This is clearly not an example of a Local Authority keeping an eye on its duty under s.149 Equality Act 2010 as the circumstances under which a consultation such as this could be conducted changed significantly.

2.10. Further, it should be noted that a number of “technical” issues have arisen in respect of the consultation – potentially to the detriment of those attempting to negotiate the material and make a submission. Those involved in drafting this submission are aware of, and indeed raised with TWBC, the fact that hyperlinks within the documents were not working (notably the SHELAA and Sustainability Appraisal) and maps had been published online in a low, and poor, resolution. This further undermines the accessibility and effectiveness of this form of consultation.

Engagement with Save Capel and Capel Parish Council

2.11. Given Capel Parish Council and Save Capel have been raising concerns about the proposals now set out in STR/SS 1, STR/SS 2, STR/SS 3 and STR/CA 1 TWBC's proactive engagement with both groups has been woefully inadequate. Minutes of TWBC's Planning Policy Working Group were kept confidential, information when it was provided publicly was often quickly discovered to be inaccurate, misleading or incomplete, requests for release of information under the Freedom of Information Act 2000 and the Environmental Information Regulations were repeatedly refused.

2.12. Further it is notable that both CPC and later Save Capel (which was formed in June 2019), were more often than not the driving force in arranging engagement with the Parish and the Local Community. Often it was felt that those who attended the meeting from the Local Community, representatives of the Parish Council and Save Capel were able to articulate clear and constructive issues with what was being proposed and suggest solutions and alternative. It was only after these points had been made that it was clear that those who attended on behalf of TWBC or those looking to bring forward proposed development had no intention of seriously considering the points raised, addressing them or engaging meaningfully with the Local Community.

2.13. Further, what little effort was made by TWBC or those looking to bring forward development to set up what few engagement exhibitions and workshops they could run towards the end of 2020 were again so meaningless in the terms of the level of information provided, the number of people who could attend, or the ease with which they could attend to render them almost pointless.

2.14. Further, when it became apparent that the Consultation was to run during the pre-election period of sensitivity and in the period after the Local Elections during which a Parish Council is not formally constituted, Capel Parish Council raised concerns (through its appointed solicitors) directly with TWBC that (potentially) limited time that would be available for the incoming Parish Council to respond meaningfully to this consultation. This clearly a very serious issue in respect of community engagement with a Parish Council, was simply rebuffed on an unintelligible basis.

Conclusion on the Consultation Carried Out

2.15. The approach to consultation in respect of this pre-submission draft has not been undertaken in compliance with the Statement of Community Involvement – the above demonstrates notable breaches of TWBC's “values for community involvement” at paragraphs 1.9 – 1.12 and Section 2.

2.16. Further, by insisting on maintaining an approach to consultation last reviewed in October 2020 and failing to adjust that approach in light of the changing circumstances in the UK from February 2021 onwards, TWBC appears to have failed to have due regard to its duty under s.149 of the Equality Act 2010 and followed a process that potentially “locks out” a proportion of the local community who were unable to engage fully in an online consultation, but may have been able to have done had a consultation exercise been run in a similar (or more similar) way to that which was carried out at Regulation 18.

2.17. Our topic paper which provides full detail on Community Engagement is included as Appendix 7.

Appendices

The following appendices are to be read in conjunction with this main representation. The documents are submitted separately due to file sizing and integrity.

All these documents will be available on our website www.savecapel.com

Independent reports from planning consultants -

(1) Transport & Infrastructure Review prepared by **Motion Consultants Ltd**

- (2) Motion sub-appendix A - B2017 Swept Path Analysis
 - (3) Motion sub-appendix B - Road Collision Locations
 - (4) Motion sub-appendix C - Public Transport Accessibility
 - (5) Motion sub-appendix D - Walk Catchment
 - (6) Landscape and Visual Analysis Report (East Capel) prepared by **JFA Environmental Planning**
 - Save Capel topic papers -**
 - (7) Community Engagement with Capel
 - (8) Alternative Sites
 - (9) Housing Need
 - (10) Pollution
 - (11) Heritage
 - (12) Biodiversity
 - (13) Flood risk, water supply, & sewerage (Regulation 18)
- [TWBC: for appendices, please see supporting documents]*

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 attached: "Representation by Save Capel under Regulation 19", dated 3rd June 2021, and Appendices

[TWBC: the following extract is from "Representation by Save Capel under Regulation 19" - for the full representation and appendices, please see supporting documents]

8. How the Local Plan can be improved

8.1. TWBC should make significant changes to the current draft of its Plan; both from the top-down perspective to review its housing target (OAN) for constraints, and bottom-up in eliminating its reliance on two unsustainable strategic sites as the main vehicle for delivery (Policy STR 1).

Specifically, therefore, Save Capel's two **primary recommendations** are;

(1) The housing target within the Plan should be modified by;

- a. Updating the SHELAA and recalculating the OAN using latest government statistics. Please refer to our topic paper on 'housing need' Appendix 9.
- b. Assessing the proportion of AONB, Green Belt and land subject to flood risk to determine and justify a lower and sustainable housing need.
- c. Re-assessing the level of windfall sites in the Plan based on the changes in office and commercial need post-covid over the Plan period. Recent changes in legislation have promoted the change of use of urban sites to residential.

(2) The Spatial Strategy should be revised to remove the two Strategic Sites in Capel parish (Policies STR/SS 1 at East Capel and STR/SS 3 Tudeley Village) and to;

- a. Conduct a comprehensive review of brownfield site availability, particularly taking account of the increasing empty office and retail space available as well as open plan car parks. Save Capel's assessment of Brownfield sites is included in Appendix 8.
 - b. Adjust the housing allocation to sites that are spread around the Borough more proportionately and equitably (in terms of true local need); for example, by utilising smaller brownfield sites for housing rather than reserving them for industrial use that is surplus to the requirements identified in the Plan.
 - c. Review other small sites for housing rejected by the SHELAA for possible inclusion in the Plan with a view to achieving (b) above, and prioritising sites that are accessible to railway lines and trunk roads.
 - d. Re-consider the location of larger development as set out in Save Capel's topic paper 'Alternative Sites' - appendix 8 which identifies a number of sustainable alternatives.
 - e. Develop a more fully researched, funded, and programmed Infrastructure Delivery Plan that assesses the cumulative impact with the developments in the local plans of neighbouring LPAs. This may mean that the OAN would need to be reviewed further to ensure the delivery of a sustainable Plan.
- 8.2. In summary, there are a number of sustainable alternative strategies that would meet a truly 'objectively assessed' housing need and avoid the need to destroy over 600 acres of largely productive Green Belt land in Capel parish. This historic landscape does not need to be ruined forever.
- 8.3. We urge Tunbridge Wells Borough Council to pause the progression of this local plan and take the time needed to prepare a modified (and sustainable) plan which delivers an appropriate level of housing and addresses the issues identified in 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)? . 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:

Save Capel has sought to be actively involved in engaging with the Council throughout this review of the Local Plan. As a group we have developed particular expertise and have undertaken significant and extensive research in respect of the effects of the policies to which we have made representations. We consider that we will be able to assist the Inspector(s) examining the final submission significantly.

Question 8

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

Sustainability Appraisal

2.18. There has not been an adequate assessment of alternatives.

2.19. The issue of "reasonable" alternatives is best considered at two levels: first, in respect of how the growth strategy was selected, and second, in how the particular locations for growth were identified (i.e., the strategic site locations).

Selection of the growth strategy

2.20. The original Issues & Options SA identified 6 growth strategies ("GS"), none of which mentioned

Tudeley/Capel specifically as a site for a potential garden town. GS5 was described as “New freestanding garden settlement. There is no location identified with this option. A new settlement could be located anywhere within the borough.”

2.21. The Reg 18 SA identified two further strategies (see Table 12) on page 36. It concluded that: “The Final Interim SA showed that there were merits in in all strategy options, although Option 5 New Settlement Growth had the highest number of positive scores and lowest number of negative scores. This option, which has been taken to embrace an enlarged town or village based on garden settlement principles as well as a new freestanding garden settlement, is therefore proposed to be integral to the preferred development strategy for the borough.” (page 40).

2.22. The Reg 18 SA then went on to consider 13 alternative sites for the garden settlement and urban extension (on page 37). However, all but 2 sites (Paddock Wood and Tudeley) were ruled out and were not subject to any further sustainability appraisal, on the grounds primarily of landscape and impact on the AONB.

2.23. The draft Reg 19 SA now identifies and sets out how “13 growth strategy options were considered in the SA.”. Option 3 is the one that now appears in the Reg 19 Local Plan and states that it “includes a large PW extension and new garden village at Tudeley”.

2.24. Therefore, between Reg 18 and Reg 19, TWBC developed 13 different growth strategies (i.e. the original 6 growth strategies were expanded to 13). The preferred strategy was identified as GS3 (see page 48) i.e. the large PW extension and garden village at Tudeley.

2.25. Each of those 13 growth strategies were assessed - the table 26 at page 84 sets out the comparative scores/grading system.

2.26. The Reg 19 SA concludes that “it is clear from this exercise that the Pre-Submission Local Plan is preferable to the alternatives identified) at para. 6.2.18 (page 85).

2.27. The first point to note here is that it does not seem as clear as the SA suggests. There are five unknowns in relation to GS3, and it is not immediately apparent looking at Table 26 why for example GS4 (Main Towns) has not been preferred.

2.28. The SA of GS3 (i.e. what now forms the Reg 19 Local Plan) is entirely unclear as to why for example noise and travel gets a “highly mixed score”: see the critical assessment on page 58. It repeats the wording “negative impacts in rural settlements and positive impacts in urban areas”. At least on the face of it, the reasons for that score are unclear, which means in turn that reasons for the selection of GS3 as the preferred option are unclear.

2.29. This gives rise to grounds to credibly argue that the SA is inadequate as the outline reasons for selection of GS3 are unclear.

Strategic site locations

2.30. The table at page 89 – 90 (Table 27) is the critical table as this sets out why the only locations considered suitable for a garden extension and urban extension were considered to be Capel (Site 2) and Paddock Wood (Site 12). In essence, all other sites were ruled out as “reasonable alternatives” and not subjected to SA, mainly on the grounds of location within the AONB and unacceptable landscape impacts.

2.31. It was unreasonable to do so and not consider these sites as reasonable alternatives.

2.32. The first criticism relates to the “filtering” stage that was carried out. It is evident in Table 27 that it was unreasonable for certain sites were dismissed as “non-starters” and at the very least some of the sites should have been taken forward and actually subjected to sustainability appraisal.

For example, and in particular:

a. it is not clear why Frittenden was ruled out on sustainability grounds without actually having been tested via a sustainability appraisal.

b. Nor is it clear why Horsmonden was viewed as a “non-starter”.

2.33. Neither of these sites were ruled out on AONB grounds but rather on inadequate transport accessibility links (Horsmonden) and lack of direct transport links (Frittenden). Whilst these may be the case, it is not immediately apparent (at least on the face of the SA) whilst those made these particular sites “non-starters”.

2.34. The second point is that the AONB designation has been used “carte blanche” to rule out several other options, without even taking them through to full sustainability appraisal.

2.35. However, the fundamental purpose of an SA is not to apply national policy requirements but instead to consider the environmental effects of a plan. Therefore, at the very least a more granular assessment of the landscape impacts should have been carried out within the SA notwithstanding the AONB designation rather than apply a carte blanche “severe” rating to all the proposals within the AONB. They must for example necessarily have had different landscape impacts within the AONB (Castle Hill being a case in point for example).

Sustainability Appraisal for Tudeley Village & Paddock Wood / East Capel

2.36. The Sustainability Appraisal of each site is based on 19 sustainability objectives (“SO”). Each objective is supported by 2-5 detailed and specific decision-aiding questions. In total there are 62 sub-questions based on a mix of subjective and objective criteria.

2.37. Working through these granular 62 sub-questions should result in a reasonably objective and transparent Sustainability Appraisal for each site.

2.38. There are two separate Sustainability Appraisals published for Tudeley Village and Paddock Wood / East Capel. Both are high-level assessments at the 19 strategic objective level – there is no link to nor any evidence of an assessment at the 62 sub-question level for either site!

2.39. Validating the Sustainability Appraisals for Tudeley Village and Paddock Wood / East Capel and considering the 62 sub-questions yields a fundamentally different outcome to TWBC’s proposal in both cases: TWBC results appear to be entirely unreasonable and unsound.

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

2.40. For Tudeley Village - in summary at the 19 SO level (also see table above):

TWBC proposes 10 positive, 3 neutral and 6 negative scores

A bottom-up assessment reveals 4 positive, 1 neutral and 14 negative scores

2.41. For Paddock Wood / East Capel - in summary at the 19 SO level (also see table above):

TWBC proposes 10 positive, 3 neutral and 6 negative scores

A bottom-up assessment reveals 3 positive, 3 neutral and 13 negative scores (for East Capel only)

2.42. We respectfully submit that TWBC’s assessment of both sites is flawed, illogical and not defensible when assessing the underlying criteria.

2.43. On a side note: It is curious that in TWBC’s assessment both sites are rated with near identical scores across all criteria. While this is possible in theory, it is - given the differences between both sites - statistically-speaking highly unlikely. We cannot prove and only speculate on whether this is indicative of a pre-determined answer being approved due to its convenience. However, we can unequivocally state that TWBC’s assessment of both sites is superficial and simply wrong.

2.44. For a more detailed comparison and an evidence-based rationale for each score at the 62 sub-question level please refer to the ‘Alternative Sites Report’ in Appendix 8.

Sustainability Appraisal for Alternative Selected Sites

2.45. As mentioned under 2.22, TWBC considered several other strategic sites that – in our view mistakenly – were ruled out earlier in the plan-making process.

2.46. As a result, TWBC did not conduct a sustainability appraisal for any of these sites. There are no published sustainability results, neither at the 19 SO nor at the 62 sub-questions level for any site.

2.47. Given the flawed assessment and poor sustainability scores for Tudeley Village and East Capel, Save Capel decided to reinvestigate these sites as potential alternatives.

2.48. Given Save Capel’s limited resources we decided to focus on 2 specific sites – Castle Hill (also located in Capel Parish) and Blantyre House.

2.49. In summary at the 19 SO level (see table below):

A bottom-up assessment for Castle Hill reveals 7 positive, 7 neutral and 5 negative scores

A bottom-up assessment for Blantyre House reveals 8 positive, 6 neutral and 5 negative scores

2.50. A comparison to Tudeley Village and East Capel reveals that both alternative sites are far more sustainable and preferable. Castle Hill in particular feels like a – more sustainable – direct replacement for Tudeley Village.

2.51. We also strongly suspect that some of the other strategic sites such as Horsmonden would also turn out to be more sustainable than Tudeley Village and / or East Capel if subjected to a detailed, objective review. Unfortunately, this was not conducted by TWBC and Save Capel does not have the resources to replicate the analysis for all sites in time for Regulation 19.

2.52. For the assessment and an evidence-based rationale for each score at the 62 sub-question level for Castle Hill and Blantyre House please refer to the ‘Alternative Sites’ report in Appendix 8.

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

2.53. Key findings from Save Capel’s ‘Alternative Sites’ report are:

The Sustainability Appraisals for Tudeley Village and East Capel are unreasonable based on TWBC’s own criteria and any objective assessment

The Sustainability Appraisals for Tudeley Village and East Capel are inconsistent with the assessments of other SHELAA/strategic sites

Both Castle Hill and Blantyre House are more sustainable sites offering a similar housing potential as Tudeley Village / East Capel

Of the 437 unique sites submitted for inclusion in the SHELAA process, 323 sites were rejected by TWBC.

Based on a review of 90 rejected sites in 3 representative parishes, we recommend to re-consider 43 'rejected' sites for inclusion in the Plan INSTEAD of Tudeley Village / East Capel.

These 43 sites provide a total incremental housing potential of ca. 2,270 units (based on a conservative 30 dph). All are more sustainable than Tudeley Village / East Capel.

An analysis of 7 selected high potential sites reveals a potential housing yield of up to 10,000 dwellings through the use of alternative housing solutions.

If you would like to attach a file in support of your comments, please upload it here. [PSLP 1964 & 1973-1987 Knights Solicitors for Save Capel SI-1 Cover Letter.pdf](#)

If you would like to attach a file in support of your comments, please upload it here. [PSLP 1964 & 1973-1987 Knights Solicitors for Save Capel SI-2 Representation.pdf](#)

If you would like to attach a file in support of your comments, please upload it here. [PSLP 1964 & 1973-1987 Knights Solicitors for Save Capel SI-3 Appendices.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	Simon Harkins [REDACTED]
Email Address	[REDACTED]
Company / Organisation	SGN
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	SGN [REDACTED]
Comment ID	PSLP_1405
Response Date	04/06/21 10:46
Consultation Point	Pre-Submission Local Plan (View)
Status	Processed
Submission Type	Email
Version	0.5
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Simon Harkins, SGN
Question 3a	

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

General comments on 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.

After this stage, 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.

From reviewing the Pre-Submission Local Plan and other provided documents, my only comments at this time are in relation to the Site Allocations. Below is a summary and a bit more information you may find of use.

NETWORK OVERVIEW

All sites reviewed should be in a location where the gas network is close by, so the initial physical connection to the system should not be a problem.

Gas demand for the Site Allocations was estimated based on the number of dwellings. This was then added and analysed on our Network Analysis Model. From the review I found that the Intermediate Pressure (IP) and Medium Pressure (MP) tiers of the network are relatively robust in Tunbridge Wells and *at this time* the addition of the proposed sites did not pose a risk to the operation of the system or the capacity on these gas tiers.

Please note:

- . Reinforcement of the existing Low Pressure (LP) network may be necessary to support development on this scale, dependant on the site demand and the final point of connection to SGN's network. This will usually only be known when a connections enquiry/request is made.
- . SGN are unable to book capacity and the above assessment does not guarantee the availability of future capacity which is offered on a 'first come, first served basis'.
- . The UK Governments plan to stop all domestic connections to the gas network post 2025 was partly taken into consideration, please be aware of this possible new regulation.

STATUTORY OBLIGATIONS

Where required, SGN will look to manage the provision of any off-site infrastructure improvements, in line with the overall development growth and / or timescales provided. The full extent of these works will be dependent on the nature and location of the requested load(s), potentially requiring LP reinforcement in addition to that required for the IPMP networks and will only become clear once a developer's request has been received. Reinforcement solutions are likely to involve the provision of a new pipeline in parallel to SGN's existing mains system but may also include the installation of above ground apparatus involving land purchase.

As this is a high-level assessment and response, the information provided is indicative only and should be use as a guide to assist you on your assessment. While information obtained through consultation and / or engagement on Local Development Plans is important to our analysis, it only acts to identify potential development areas. Our principle statutory obligations relevant to the development of our gas network arise from the Gas Act 1986 (as amended), an extract of which is given below:-

Section 9 (1) and (2) which provides that:

9. General powers and duties

(1) It shall be the duty of a gas transporter as respects each authorised area of his:-

(a) to develop and maintain an efficient and economical pipe-line system for the conveyance of gas; and

(b) subject to paragraph (a) above, to comply, so far as it is economical to do so, with any reasonable request for him -

(i.) to connect to that system, and convey gas by means of that system to, any premises; or

(ii.) to connect to that system a pipe-line system operated by an authorised transporter.

(1A) It shall also be the duty of a gas transporter to facilitate competition in the supply of gas.

(2) It shall also be the duty of a gas transporter to avoid any undue preference or undue discrimination -

(a) in the connection of premises or a pipe-line system operated by an authorised transporter to any pipe-line system operated by him; and in the terms of which he undertakes the conveyance of gas by means of such a system.

SGN would not, therefore, develop firm extension or reinforcement proposals until we are in receipt of confirmed developer requests.

As SGN is the owner and operator of significant gas infrastructure within the area and due to the nature of our licence holder obligations;

- . Should alterations to existing assets be required to allow development to proceed, such alterations will require to be funded by a developer.
- . Should major alterations or diversions to such infrastructure be required to allow development to proceed, this could have a significant time constraint on development and, as such, any diversion requirements should be established early in the detailed planning process.

SGN would therefore request that, where the Council are in discussions with developers via the Local Plan, early notification requirements are highlighted.

Additionally, SGN are aware of the advances being made in renewable technologies, especially those related to the production of biomethane. Should any developer be proposing to include such technology within their development, then we would highlight the benefits of locating these facilities near existing gas infrastructure. Again, where the Council are in discussions with developers via the Local Plan, we would hope that these early notifications requirements are highlighted.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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	Ryan Johnson [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Turley
Address	[REDACTED] Southampton [REDACTED]
Consultee	[REDACTED]
Company / Organisation	Taylor Wimpey UK Ltd
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Taylor Wimpey UK Ltd [REDACTED]
Comment ID	PSLP_1772
Response Date	04/06/21 09:57
Consultation Point	Pre-Submission Local Plan (View)
Status	Processed
Submission Type	Email
Version	0.7
Files	PSLP_1772-1828 (not inclusive) Turley for Taylor Wimpey SI.pdf
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Taylor Wimpey
Question 2	
Agent's Name and Organisation (if applicable)	Turley
Question 3a	

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

Pre-Submission Local Plan

[TWBC: this representation has been input against the Pre-Submission Local Plan as a whole, Policies STR 1, STR 7, STR/SS 1, STR/SS 3, STR/CRS 1, AL/CRS 3, PSTR/HO 1, EN 2, EN 9, EN 14 and EN 26– see Comment Numbers PSLP_1772, PSLP_1813, PSLP_1818, PSLP_1819, PSLP_1820, PSLP_1821, PSLP_1823, PSLP_1824, PSLP_1825, PSLP_1826, PSLP_1827, and PSLP_1828. The full representation has been attached as Supporting Information]

Question 4

Do you consider that the Local Plan:

Is legally compliant No

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:

Question 5

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

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

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

TUNBRIDGE WELLS PRE-SUBMISSION LOCAL PLAN (REGULATION 19) CONSULTATION LAND WEST OF FRYTHE WAY, CRANBROOK (SHELAA REF: 25)

Thank you for the invitation to comment on the above consultation. We write on behalf of our client, Taylor Wimpey UK Ltd, who control land west of Frythe Way, which abuts the south eastern edge of Cranbrook (SHELAA Site Ref: 25).

We have examined the Pre-submission Local Plan (PSLP) and conclude that as drafted it is neither legally compliant, nor sound. The Council's Sustainability Appraisal (TWBC, 2021) concludes Option 13 (The Pre-Submission Local Plan) to be an 'appropriate strategy'. We are unable to reach the same conclusion, as the SA has not first taken into account 'reasonable' alternative strategies, contrary to paragraph 35 of the NPPF and the corresponding SEA Regulations.

We also conclude that Tunbridge Wells Borough Council's (TWBC) statutory Duty to Cooperate under Section 33A of the 2004 Act has not been discharged. The Council has not in our view demonstrated that there has been active, constructive or on-going engagement with adjoining authorities, including Sevenoaks District Council (SDC), in respect of known unmet housing needs. Nor has an effective strategy been put in place between the authorities to address such needs. The justification drawn from the SA process that TWBC are unable to assist SDC is contested. Distributing such unmet needs solely in line with SA Option 9 (Dispersed Countryside) is not a reasonable alternative in our client's opinion. It serves only to support a pre-determined outcome to select Option 13 (Pre-Submission Local Plan) as the 'appropriate strategy'.

In addition, the site selection process that flows from the SA (TWBC, 2021) and SHELAA (TWBC, 2021) contains notable errors and inconsistencies, which appear to have contributed significantly to the omission of more suitable and sustainable sites in favour of those proposed in the PSLP.

The quantum of growth proposed in the PSLP, and the over reliance placed on two large strategic sites to deliver between 67-69% of newly allocated supply is also questioned. In relation to the first, we contend adjustments are required to the overall housing requirement to both reduce the evident shortfall in affordable homes, and to assist adjoining authorities with known and growing unmet housing needs. We contend this is particularly important given three of the adjoining LPAs have been reported on as failing to discharge their statutory duty to cooperate, with their Local Plan's either withdrawn or delayed as a consequence. In addition, the Secretary of State for Housing, Communities and Local Government has confirmed there are significant unmet and mounting housing needs requiring collaborative action with London within the next five years. All of which highlights how important it is for the emerging TWBC PSLP to be positively prepared.

Turning to the second issues, we outline concerns over the justification for, lead in times and annual yields purported for the two strategic sites. It is our contention that these are unrealistic, and are contrary to leading evidence bases published for sites of this scale. As a consequence, we suggest the quantum of growth envisaged will not come forward as fast or at the rates envisaged, nor will it be delivered within the plan period. We accordingly recommend additional allocations are made to compensate for this shortfall, in sustainable locations that are capable of being delivered in the first five years of the plan period. We outline concerns in relation to TWBC's land supply assumptions in this period to evidence such a need.

We also outline concerns over the quantum of growth directed to certain locations and settlements. We contend these proposals are unlikely to support the climate change objectives set out in Policy ST7 of the PSLP. Our client supports the justification for and benefits of strategic growth at Cranbrook, ranked 2nd in the Settlement Role and Function Study (TWBC, 2021). In this respect, our client's site (Site 25) represents a modest proposal for 70 homes that is well contained by woodland, is partly within the settlement, has good accessibility to the high street and other facilities by foot (far better than some of those chosen for allocation), and no other overriding constraints to development. We set out in detail the factual errors, inconsistencies and missing evidence in our comments on the SA and SHELAA process below, which has thus far led to the omission of this site for allocation.

Our client continues to respectfully purport the justification for and benefits of this site's allocation. This includes the sharing of an emerging vision for the future of this site (See Document A); and confirmation from Kent County Highways there are no overriding highway constraints to the delivery of the site (see Document B). The land required to deliver the proposed development, its accompanying infrastructure and community benefits is in the control of Taylor Wimpey. It is available for development now, can be delivered well within five years and is considered a suitable and logical location to direct some of the future growth needed at Cranbrook. The emerging vision document appended confirms there to be no known overriding constraints to the delivery of these proposals.

Given the nature and detail of our representations, specifically in relation to the plans legal compliance and soundness, we would respectfully request attendance to participate in the examination of the PSLP. In the interim, the following representations are made to assist the Council and Inspector in their examination of the PSLP.

Legal Compliance and Duty to Co-Operate

Sustainability Appraisal (TWBC, February 2021)

Table 12. Updated growth strategy options for the Local Plan considered by this SA.

This table summarises the reasonable alternative options TWBC have tested through the SA process to arrive at, '*an appropriate strategy.....based on proportionate evidence;*' (Paragraph 35, NPPF). Option 11 seeks to assess the implications for accommodating uncapped local housing need and the unmet needs from Sevenoaks District. The latter is acknowledged to be in the order of 1900 homes. However, rather than exploring the most sustainable options to distribute this additional growth, including to the main towns and large villages, TWBC assess a distribution consistent only with Option 9 (Dispersed Countryside). This understandably leads to a more negative consequence, as this leads to growth in less sustainable locations that run contrary to many of the sustainability objectives of the plan. At paragraph 6.2.7 of the SA, TWBC use this conclusion to dismiss this as a reasonable alternative. The same evidence is then used to justify why TWBC are unable to assist meeting acknowledged

unmet needs for housing in the area (see our comments on the Duty to Cooperate Statement below). Our client contends that distributing unmet needs solely in line with Option 9 is not a reasonable alternative. It appears only to support a pre-determined outcome to select Option 13 (Pre-Submission Local Plan) as an 'appropriate strategy'.

We contend the Council ought to have explored distribution options for unmet needs more objectively, including an assessment of the contribution that more sustainable settlements could make to this. For example at Cranbrook, which is ranked second only after Southborough in the Councils 'Settlement Role and Function Study' (TWBC, Feb 2021). The outcome of the SA process therefore cannot be relied upon to conclude Option 13 is an appropriate strategy, as it has not taken *'into account the reasonable alternatives'*, contrary to paragraph 35 of NPPF and the corresponding SEA Regulations requiring such alternatives to be 'reasonable'. In its current form therefore the Local Plan is not in our view legally compliant. The SA and Local Plan should be updated to address such matters, with an additional round of consultation held prior to its formal submission.

As we outline in our comments on the Duty to Cooperate Statement (TMBC, 2021), there are additional unmet needs that TWBC arguably ought to have accounted for in the reasonable alternatives, tested through the SA process. For example, in the SHMA the Council commissioned as far back as 2015, GL Hearn advised Sevenoaks and Tunbridge Wells Councils *'to engage with the Greater London Authority and London Boroughs in respect of any unmet needs arising from London.'* (Paragraph 2.72, Sevenoaks & Tunbridge Wells SHMA, GL Hearn, 2015). No mention is made to this in any of the reasonable alternatives tested through the SA process.

As we outline in our comments to Policy STR1, in addition to the unmet needs of adjoining LPAs, there are equally compelling grounds to test higher housing requirements as reasonable alternatives to SA Option 13. Firstly to help address affordable housing needs that are evidently not being met by the proposed PSLP housing requirement; and secondly to build in further contingency into the boroughs housing land supply to ensure a continuous supply of housing is delivered, particularly in the first five years of the plan period. We contend the delivery expectations for the two proposed strategic site allocations, which between them account for between 67-69% of new allocations proposed in the Local Plan, are wholly unrealistic and contrary to the evidence we reference. Additional allocations capable of being delivered within the first five years of the plan period are therefore strongly recommended to ensure the plan is both positively prepared and effective.

We suggest that TWBC revisits the SA process to objectively assess reasonable alternatives to meet such needs, including around more sustainable settlements such as Cranbrook. In this respect, we note at Table 53 of the SA, that SHELAA Ref: 25 is listed as a 'reasonable alternative site' at Cranbrook.

Table 53. List of reasonable alternative sites in Cranbrook and Sissinghurst Parish

If one compares the assessment of Site 25 at SA Appendix J (Page 317) with the assessments of the proposed allocation sites at Table 54 (SA Page 153), it is evident that Site 25 outperforms 4 of the 7 allocations proposed. The commentary provided at Table 54 states that, *'where sites were not allocated but had a better range of scores than the allocated sites, there were frequently reasons outside of the SA remit to consider for example highway problems, access issues or deliverability concerns within the plan period e.g. site 409. (our emphasis)*

Further commentary can be found in Appendix J.'

However, if one examines and compares the individual site assessments in SA Appendix J, the grounds for exclusion of Site 25 in favour of others is even less evident. No mention is made in the summary of Site 25 to any 'highway problems, access issues or deliverability concerns' (our emphasis) that would lead one to conclude that Site 25 is not suitable, or performed worse than those proposed for allocation and listed above. Indeed, as is evident at Figure 14 (Page 152) of the SA, and from site visits, Site 25 is well contained, is partially within the built up area and is well located to reduce the need to travel. Yet, as we elaborate on below, the accompanying SHELAA (TWBC, Jan 2021) has since added references to highway matters to justify the exclusion of this site without citing evidence or grounds to substantiate this.

As we highlight below, there are fundamental flaws and errors in the way TWBC have assessed SHELAA Site 25 as a reasonable alternative against others, particularly those proposed for allocation, through both the SA and SHELAA site selection process. This has led to the unjustified omission of Site 25 in our view. Rather than informing 'an appropriate strategy' for Cranbrook, the site selection process appears instead to have been designed with a pre-determined outcome in mind. This is even

more evident if one examines and compares the published SHELAA for 2019 and 2021, where factual errors, poorly evidenced statements and inconsistent assessments are noted. These are matters we have sought to highlight to TWBC throughout the drafting stages of the Local Plan; and as outlined below, in meetings with TWBC in February 2021.

In February 2021, our client met with Officers to discuss discrepancies and inconsistencies in the SA, SHELAA and site selection process at Cranbrook. Our firm conclusion was that Site 25 had been incorrectly categorised as unsuitable, particularly when assessed consistently with others that the LPA had classified as suitable.

This is particular evident if one compares the assessment of Site 25 at Appendix J of the SA (Feb 2021), with other sites selected as suitable in Table 54 of the SA. Site 25 performs better than 4 of the 7 sites selected. Site 25 represents a modest proposal for 70 homes that is well contained by woodland, is partly within the settlement, has good accessibility to the high street and other facilities by foot (far better than some of those chosen for allocation), and through pre-application engagement Kent County Council Highways have confirmed there to be no overriding highway access or capacity constraints to development (see Documents A and B). This is also supported by a Stage 1 Road Safety Audit undertaken by our client in respect of the proposed access. We therefore expressed surprise over why the Council had concluded Site 25 to be unsuitable. Moreover, why such a suitable and sustainable site had been overlooked in favour of less favourable options.

Officers confirmed in the meeting in February that they were in the process of updating the SHELAA (2019) prior to publication and would correct inconsistencies where necessary. One fundamental error Officers acknowledged needed updating, was the assertion the site did not have deliverable access via Frythe Way.

The comments we provided to the LPA in our email of 25th February (Document C) can be summarised as follows:

SHELAA (2019) – Site 25 Assessment Comments (By Sub-Header)

Potential Yield: The Council's assessment should be for 70 units, rather than the 85 units shown, as confirmed to Officers through site submissions to date.

Issues to consider:

Landscape Sensitivity Study (CR1):

The 'Landscape Sensitivity Assessment of additional settlements in Tunbridge Wells (LUC, 2018)' [LSS] included Site 25 within sub-area CR1 for assessment. This parcel as a whole was considered to comprise moderate – high sensitivity to small development scenarios; but importantly concluded at page 122 that the '*open field adjacent to Frythe Way is relatively well contained by tree cover and so has a more moderate level of sensitivity to development that is modest enough in scale to avoid appearing above tree lines.*' (Our emphasis).

It is evident from comparing the LSS parcel assessments (p.119-153) that Parcel CR1, specifically the part comprising Site 25, was concluded to be less sensitive to development than most of the other parcels proposed for allocation. No evidence is provided by TWBC to demonstrate why, despite performing better than others, Site 25 should therefore be concluded to be unsuitable on landscape grounds.

Our client referenced their representations to the Regulation 18 consultation plan, which included our own landscape submission and a vision document for the site (see Documents A and D). These concluded there was a strong case for development, and supported a conclusion of suitability for such a modest well screened and urban influenced site.

Heritage – Cumulative impact on setting of Conservation area in context of other 20th/21st century development – further loss of rural setting:

Unlike many of the proposed allocation sites, which abut or are in close proximity to the Conservation Area, Site 25 is well screened and well beyond the area likely to impact on the setting of the Conservation Area. Also on a point of consistency, the 'cumulative impact' comment raised for Site 25, had not been raised in the SHELAA assessments for sites within the zone of influence of the Conservation Area (such as sites 396 and 430). This did not therefore in our view justify a conclusion that Site 25 was unsuitable.

Highway matters:

In the meeting of 25th February, Officers acknowledged that the properties in Frythe Way formed part of Site 25, and that an appropriate means of access could be achieved in principle. Our client also shared correspondence of a meeting with Kent County Council Highways (see Document B), confirming there were no overriding highway constraints to the sites delivery in principle. The site is close to and has good footpath access to Cranbrook High Street, significantly reducing the need to use the car for some journeys. Our client therefore reasonably expected this to be accounted for in the revisions to the SHELAA, including a revised conclusion of site suitability.

Sustainability Assessment:

The SA concluded the site scored largely neutral, with some benefit to housing, and negatively on land use and landscape impact informed by the loss of a greenfield site in the AONB, which lies adjacent to an historic settlement and route ways. In light of the fact Site 25 scores better in landscape terms than most of the sites proposed for allocation, which are more peripheral in sustainability terms, and within the zone of influence of the Conservation Area, it is difficult to understand why this comment hasn't been added to any of the other sites proposed for allocation. It highlights an inconsistency of approach to assessment first and foremost.

Reason:

It is important to note that the reasons the LPA cite for unsuitability are limited to two grounds. Firstly, landscape concerns, which we address and contend are unjustified and inconsistent with conclusions reached with more landscape sensitive sites in the SA.

Secondly, the Council conclude there is '*concern about the ability to provide an appropriate means of vehicular access to the site, which is likely to require access through adjacent site*' (our emphasis). This was a factual error conceded by Officers, as the site did have an appropriate means of access to Frythe Way.

Accordingly, our client reasonably expected to see the SHELAA (2019) updated with a revised conclusion of the site being suitable. This being a fair and consistent approach to assessment with other sites the LPA had concluded to be suitable.

SHELAA (Jan 2021)

On release of the final SHELAA (Jan 2021) our client was surprised to see the suitability conclusion for Site 25 had not been revised. Instead, Officers had revised and added alternative and additional reasons to support the original conclusion reached.

In the SHELAA (2019) Officers concluded the site did not have an appropriate means of vehicular access, which our clients had shown to be factually incorrect. Rather than omitting this, Officers have instead changed the wording to now add in that this is from '*the wider road network*', referencing impacts from increased traffic movements on junctions from the site into the centre of Cranbrook. No evidence has been presented to substantiate this in the transport assessments accompanying the plan, or elsewhere we can find. Neither does it align with the advice of Kent County Council Highways in their response to such matters (see Document B).

Importantly, this traffic impact comment has not been added to proposed allocation CRS4, which arguably has the potential for greater traffic impacts on the same set of junctions. It is unclear therefore why the Council have retrospectively sought to update their conclusion by adding yet further grounds against suitability, other than to avoid altering the conclusion reached to date on this site. Our client is keen to elaborate on the inconsistent approach the Council have taken to such site assessment and SA matters at the Examination into the subsequently submitted version of this plan.

In conclusion, we contend the SA as drafted is not legally compliant, as it does not allow one to conclude the Local Plan strategy is an appropriate one, having been based on objective assessments of reasonable alternatives. This includes reasonable alternatives to the quantum of growth proposed (including unmet needs from adjoining LPAs) and to those sites proposed around Cranbrook. We would recommend the SA is updated to include 'reasonable' alternatives, with amendments made to the plan following a further round of consultation. In this respect, we note at Table 53 of the SA, our client's site (SHELAA Ref: 25) is listed as a 'reasonable alternative site' at Cranbrook. We would respectfully request this site is reassessed and allocated as a logical, modest and suitable allocation for around 70 homes, located a short walk from the heart of Cranbrook. This will assist in meeting local needs for housing, including affordable housing, and contribute to the contingency we contend is

needed to ensure a continuous supply of land for housing is delivered, particularly in the first five years of the plan period (see comments in relation to Policy STR1).

Duty-to-Cooperate Statement (TWBC, 2021)

Paragraph 60 of NPPF confirms that, *'In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.'*

'Figure 1: Local housing market area (from SHMA)' of the Housing Needs Assessment Topic Paper (Paragraph 2.36, TWBC, February 2021) is based on the travel to work area data for Tunbridge Wells within the SHMA (GL Hearn, 2015). This illustrates a strong functional and travel to work relationship with London. As a consequence, GL Hearn advised Sevenoaks and Tunbridge Wells Councils as far back as 2015 *'to engage with the Greater London Authority and London Boroughs in respect of any unmet needs arising from London.'* (Paragraph 2.72, Sevenoaks & Tunbridge Wells SHMA, GL Hearn, 2015). Yet, at Section 4 of the Duty to Co-operate Statement (TWBC, 2021) no mention is made of efforts to understand what such unmet needs may be, or the implications this may have for adjoining LPAs and TWBC over the plan period. This context we argue is key to understanding the extent of pressure adjoining authorities are likely to face over the plan period to assist in meeting such needs.

The Secretary of State for Housing, Communities and Local Government is on record saying there is a significant level of unmet housing need across London that needs to be addressed. The Panel examining the London Plan recommended the overall requirement for many boroughs be reduced to a capacity led figure to account for deliverability over the requisite 10 year period. Whilst initially interceding, the SoS has allowed the Mayor to progress the London Plan to adoption as an interim or transitional action. In his letter to the Mayor of London dated 29 January 2021, the SoS stated that following publication of the Local Plan, *'I fully expect you to start working to dramatically increase the capital's housing delivery and to start considering how your next London Plan can bridge the significant gap between the housing it seeks to deliver and the actual acute housing need London faces. I would again ask you to work closely with those authorities that surround London to develop a strategy to help alleviate the housing pressure that is faced both inside and immediately outside the capital.'* (our emphasis)

The revised standard method for calculating housing need, published by the government in December 2020, confirmed the housing requirements for the London Boroughs. Prior to the publication of Tunbridge Wells Local Plan Regulation 19 Consultation therefore, it seems likely there was an awareness of a growing likelihood of such significant unmet needs across this area; something that has been well documented in the SoS Directions on the London Plan over the last 12 months. In the context of NPPF Paragraph 35 requirement to ensure plans are positively prepared, we therefore find it surprising the Council has not sought with its neighbours to better understand the implications for emerging Local Plans. The London Plan requirement has now been confirmed as an interim figure for the next five years only, and will rise significantly thereafter as a consequence. This will occur within the first five years of the TWBC Local Plan period, which emphasises the importance of preparing a positive plan to face into such issues proactively.

TWBC note at paragraph 4.18 Duty to Co-operate Statement (TWBC, 2021) that SDC have made a formal request for assistance, to help meet a shortfall of 1900 homes. As has been well rehearsed in the recent Inspector's Reports into the Local Plans for both Tonbridge & Malling and Sevenoaks Councils, an identified shortfall of various magnitudes has been known about since at least 2018. At Paragraph 4.19 of the Duty to Cooperate Statement (TWBC, 2021), TWBC outline steps they have taken to conclude they are unable to assist SDC. This can be summarised into two broad points. Firstly, that TWBC have tested options through the SA process to accommodate 1900 additional homes and found this to be unsustainable. Secondly, that SDC may be able to meet more of this unmet need themselves.

Turning to the first point. As we set out in our comments to the SA itself, rather than assessing a reasonable alternative option to distribute this additional growth in a sustainable manner, including to the main towns and large villages, TWBC assess a distribution consistent only with SA Option 9 (Dispersed Countryside). This understandably leads to a more negative consequence, as this leads to growth in less sustainable locations that run contrary to many of the sustainability objectives of the plan. At paragraph 6.2.7 of the SA, TWBC use this conclusion to dismiss this option. The same evidence is then used to justify why TWBC are unable to assist meeting acknowledged unmet needs for housing in the area. Our client contends distributing unmet needs solely in line with Option 9 is not a reasonable

alternative. It appears only to support a pre-determined outcome to select Option 13 (Pre-Submission Local Plan) as the 'appropriate strategy'.

We contend the Council ought to have explored distribution options for unmet needs more objectively, including an assessment of the contribution more sustainable settlements could make to this. For example at Cranbrook, which is ranked second only after Southborough in the Councils 'Settlement Role and Function Study' (TWBC, Feb 2021). The outcome of the SA process therefore cannot be relied upon to conclude Option 13 is an appropriate strategy, as it has not taken '*into account the reasonable alternatives*', contrary to paragraph 35 of NPPF and the corresponding SEA Regulations requiring such alternatives to be 'reasonable'. Similarly, therefore, nor can the conclusion deduced from it that TWBC cannot assist SDC be relied upon. In its current form therefore the Local Plan is not in our view legally compliant in SA or Duty to Cooperate terms, as it has failed to test reasonable alternatives, and is not the product of constructive and ongoing engagement with SDC on options to assist meeting some or all of these needs.

Turning to the second point. It is clear that Sevenoaks district, arguably even more than TWBC, faces significant influence and housing need pressures from the London Boroughs. In the context of the scale of unmet needs evident in London, it is highly likely that SDC will be called upon themselves to explore even higher housing requirements to assist. The pressures on this area are not therefore likely to reduce, but are increasing, requiring adjoining authorities to work together to positively prepare emerging plans that face into such matters within the next five years.

The London Borough of Bexley (LBB), abutting the northern edge of Sevenoaks is just one example. Their draft Regulation 18 Local Plan in February 2019 noted they were planning for a target of 446 homes pa for 10 years. This has risen to 685pa in the confirmed London Plan, and will rise to 2404pa within the next five years once the transitional period ends. This is four times what is currently planned, and almost double the annual SHLAA capacity figure (1245pa) confirmed by Bexley in the London SHLAA (GLA, 2017) for the same 10 year period. Notably, many other London boroughs are also seeing significant rises. In light of this evidence, it is clear that Bexley and other London Boroughs will almost certainly need assistance to address such needs with neighbours in overlapping housing market areas. Indeed, it is notable that representatives of this London Borough were present in stated Duty-to-Cooperate meetings between TWBC and SDC (21 April 2019 entry at Appendix B6 of the Duty to Cooperate Statement (TWBC, 2021), yet no strategy or outcome is stated in relation to such matters.

It is also important to examine the context emerging with the adjoining authorities. In March 2020 Sevenoaks DC received the Inspectors Report into their submitted Local Plan. The Inspector concluded the Council had not discharged its statutory duty to cooperate and that the plan was not consequently legally compliant. SDC have been unsuccessful in challenging that decision, so the delivery of much needed homes for households in acute need will be delayed yet further.

In 2020, Wealden District Council also withdrew its emerging Local Plan following the Inspectors concerns the Council had not discharged its statutory duty to cooperate with adjoining authorities over unmet needs amongst other matters.

In March 2021, Tonbridge and Malling BC received a letter from the Planning Inspector also confirming the authority had not discharged its statutory duty to cooperate with adjoining authorities over unmet needs amongst other matters. TMBC requested the Inspectors issue their final report before confirming next steps, but since that request, SDC have received confirmation their own challenge had failed. We therefore wait to hear whether TMBC follow the same path, but either way, the plans housing strategy will be delayed.

As a consequence, three of the adjoining authorities are delayed in their plan preparation and housing delivery strategies; and the SoS has confirmed there are significant unmet and mounting housing needs requiring collaborative action in London within the next five years. All of which highlights how important it is for the emerging TWBC Local Plan to be as positively prepared as possible.

As we outline, the SA process and the nature of the authority's engagement with adjoining authorities is insufficient in our view to satisfy these statutory requirements. The strategic context highlighted above serves to illustrate just how important it is for TWBC to positively prepare their plan to assist adjoining authorities, particularly over the next five years, pending the removal of the transitional arrangements for the London Plan. As we set out, the justification for not assisting SDC with their unmet needs is not based on an assessment of 'reasonable alternatives' through the SA process. In light of this and the above context, we have significant concerns with TWBC claim they have a legally compliant Local Plan.

We would urge the Council to revisit the quantum of growth proposed and tested through the SA process, and put in place strategies to address this and unmet needs through the duty to co-operate. As we outline in our comments to Policy STR1 below, we contend there are strong grounds to suggest further growth is justified to ensure the plan is positively prepared and effective for the plan period envisaged. As a consequence, we would urge the Council to go further in quantifying what needs in the area are, and importantly devise the strategies needed to address these.

This should assist in ensuring the emerging plan does not meet the same fate as the plans recently examined for both Sevenoaks, Wealden and Tonbridge and Malling Councils, all of which about TWBC. The housing requirement should accordingly be adjusted and tested through the SA process to account for this and other factors we outline in respect of Policy STR1 below.

We trust these comments are useful and duly noted. We would welcome the opportunity to elaborate on such matters at the forthcoming Examination into the subsequently submitted version of this 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)

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 Coggles [REDACTED]
Company / Organisation	The Access Group
Address	[REDACTED] ROYAL TUNBRIDGE WELLS [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	The Access Group (Mr M Coggles - [REDACTED])
Comment ID	PSLP_34
Response Date	13/04/21 14:36
Consultation Point	Pre-Submission Local Plan (View)
Status	Processed
Submission Type	Letter
Version	0.4
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Michael Coggles, Royal Tunbridge Wells & Area Access Group

Question 3a

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

Comments on 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.

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

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

TUNBRIDGE WELLS BOROUGH LOCAL DEVELOPMENT PLAN:

My members have asked me to respond to this consultation as follows, stressing areas that directly affect disabled and elderly people.

Further to my letter dated 16th March 2021 to Stephen Baughen the recent statement made to the House by the Secretary of State for Communities & Local Government, that his department are:-

"Seeking a rethink on housing quotas in the south east to avoid it being concreted over and to rebalance the population and industry to the north to support the growth of the Northern Powerhouse".

The following remain our major concerns regarding the legitimacy of the Pre-Submission of the Local Development Plan:-There is a lack of clarity regarding the legal duties and enforcement to bring about inclusion and meet the complex independent access needs of all disabled people now a legal duty. In endeavouring to meet the needs of all groups you have failed to meet the complex and costly needs of disabled people within this document, breaching the legal duty imposed within the Equality Act 2010, which my members and a wider Campaigning for the Rights of all People with Disabilities group of disabled people resident within the Tunbridge Wells area see as a discriminatory fudge:-

1. There is no prominent statement setting out that all developments etc within the LDP must be "totally independently accessible to all". The requirement was imposed on the council at the original Planning Inspector's inquiry and made clear that:-

"Developers must have due regard for Articles 9, 19 & 28 of the UN Convention on the Rights of People with Disabilities, the legally binding UK Disability Strategy 2012 & Action Plan with particular reference to Part 6 to ensure that all newbuild and refurbished buildings, dwellings and workplaces are independently accessible to all."

1.1 The implications of the above statement will alter radically the design and unit size of all new-build dwellings, reducing dramatically the number of units on development sites as well as increasing cost.

1.2 This has been a legal duty imposed on all Local Planning Authorities since the introduction of the Equality Standards in Local Government Targets 2000, the forerunner of the Public Sector Equality Duty, which required "adoption and full compliance" with the said UN Convention and both the Borough and County Disability Policies introduced in 2001 as part of that legal duty.

1.2.1 The Cabinet Office reaffirmed in 2016, 2018 & 2020 that:-

"The articles of the said Convention are non negotiable and must be complied with by 2025, or sooner if resources permit. It is not normal for government to incorporate into UK Law international treaties, Tony Blair then Prime Minister, used the legal device of the Equality Standards in Local Government Targets 2000, the forerunner of the Public Sector Equality Duty to impose the legal requirement, at the lowest level of compliance, "to adopt and fully comply with the said UN Convention" bringing the UN Convention and all its articles into UK Law, together with the requirement for formal ratification by parliament in 2009, to produce regular reports and a UK Disability Strategy by 2012. Many flagship policies are predicated on the long held assumption by successive administrations of compliance, including Welfare to Work and the Personal Independence Payment Regulations."

1.3 Hence the acceptance by the UK Supreme Court in two separate cases of the "disability paper trail", that the UN Convention and the legally binding UK Disability Strategy 2012 were "stand alone not part of the Equality Act 2010 but additional to it". The Equality Act 2010 imposes a legal duty to:-

"Ensure that all disabled people are treated more favourably than other groups to enable and empower them to participate fully in society"

The failure to comply to the letter will have serious implications in the form of sanctions and litigation by all resident disabled people within the borough area against both county and borough for failures

which will doubtless impact upon all councillors and officers past and present directly tasked post 2001 with meeting the said legal duties unless radical changes are made within the EIA document.

2. 2. By 2025 all footways and townscapes must be "totally independently accessible to all", the townscapes must meet the complex requirements for those with visual impairment, having the appropriate tactile delineators and on all footways a wayfinding line, as the minimum requirement for their safety, as well as being independently accessible to all wheelchairs. All signage must be accessible to all, for example pictograms for those with learning or mental health impairments. All crossing points using traffic signals, including temporary ones, must have knurled nobs fitted to enable blind people to detect when it is safe to cross.

3. All cycle tracks must be totally segregated from the pedestrians to accord with the KCC "Vision Zero Road Safety Policy" on Safer Streets, Article 9 UN Convention and the Cycle Tracks Act 1984.

4. By 2025 all buildings and workplaces built or refurbished since 2009, must be totally independently accessible, failure to achieve this will fall on the local planning authorities and those responsible at the time for approving such plans.

Both TWBC & KCC disability equality policies since 2001 are based upon the above and should, if read in conjunction with all the legal duties, (well hidden) be complied with.

5. Whilst I am aware of the need to house people, I am also aware of the growing concerns made to the Secretary of State by the High Weald AONB team about development encroachment. Also the growing concerns of local people regarding the numbers of houses being constructed within Paddock Wood on the Medway water table, Capel, Matfield & Brenchley and the proposed expansion of Tudeley Village, which will affect already overburdened GP, NHS primary & acute services, schools and other local and rail and transport services. The later raised at the recent Local Transport Forum Virtual Meeting.

5.1 The other serious concern for all local planning authorities is that since we have left the EU we can no longer depend upon fresh food and other products coming to us from the EU countries and the UK must once again become an independent food producer, which means that we cannot afford to use up farmland which could and should be used to grow crops or for animal husbandry. The pandemic has indicated the need to retain green field sites within urban areas for recreational and health purposes as well as retaining corridors for wild life.

6. POPULATION CONTROL:

This is an emotive issue, but must be addressed. On a island like the UK which has a finite amount of land available to meet all our needs, it is crucial that we have a clear policy on land use and it is no good saying "this is an issue for the policymakers", it starts at the grass roots, with local people. There is a need locally to ensure that there is a population balance, the 2011 census is out of date, indicators of an imbalance are dear to see with the growing numbers of retirement flats and homes being built or planned within the borough and its wider area, which will, as already stated, affect and impact dramatically the ability of GP, NHS primary and acute services to deal with an aging population. The pandemic has already proved this to be the case. (Eastbourne and the Coastal South East - Report 1985) and later government reports made clear that this must be resisted at all costs to ensure a "balanced population". That unpleasant duty falls within the remit of planning policy and the LDP.

There is a need for an immediate rethink in the light of the Jenrick statement and the current LDP needs to enshrine the duties imposed by the abovementioned legal duties and requirements in full. The Access Group will be happy to provide further detail on the exact legal wording to ensure total compliance is met and enforced.

7. The UK government is committed to maximise the economic and environmental opportunities of zero carbon emission vehicles which will mean a radical redesigning of our townscapes by 2030. To this end the RNIB & Age UK survey on the "public realm" which requires all existing unsegregated shared facilities to be segregated, in the light of cycles, powered cycles, e-scooters, e- skateboards and electric pods, which are inherently silent and cannot be heard by blind, deaf/blind and many elderly people. The suggestion that these groups should be accompanied at all times is now illegal as it is discriminatory, all groups of disabled people have a legal right to independent access and it is the duty of the authority responsible, irrespective of the cost, to provide that safe independent access.

7.1 Until that difficult issue of this group of silent vehicles has been addressed by the Department for Transport (DfT), they remain illegal and their use restricted.

7.2 PLANNING EFFECTS OF ELECTRIC & HYBRID VEHICLES:

Regulations introduced from July 2021, will mean that all newly registered electric and hybrid electric cars, vans, HGV's and buses must have an Acoustic Vehicle Alerting System (AVAS), the regulations ensure that such vehicles produce a specific level of noise, however, the regulations do not cover the other electric vehicles mentioned; it is my understanding that such e-vehicles if permitted, they can only be used on totally segregated tracks. If on-footway cycle tracks, they must have a trapezoidal delineator (see Off's Guidance on Tactile Paving Surfaces) which is very costly; there is a cheaper version of the design which can be seen in Port Madoc, Wales, as the minimum requirement to segregate these electric vehicles from the pedestrian and meet the requirements of KCC's "Safer Mobility Strategy" and new Road Safety Policy.

7.3 The requirement will be enforced on all authorities, so I suggest that in future when planning authorities consider a new development application, one of the legally enforceable conditions they can impose is that all footways must comply with that design, thus saving the council and county council additional costs at a later date.

The document in its current form fails to meet these legal duties and needs to be reworded.

Question 7

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

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

Comment

Consultee	Mr Ian Bailey [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Tonbridge & Malling Borough Council
Address	Council Offices Gibson Building WEST MALLING ME19 4LZ
Event Name	Pre-Submission Local Plan
Comment by	Tonbridge & Malling Borough Council [REDACTED] [REDACTED]
Comment ID	PSLP_1495
Response Date	03/06/21 16:26
Consultation Point	Pre-Submission Local Plan (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Ian Bailey, Tonbridge & Malling Borough Council

Question 3a

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

[TWBC: Covering letter - see also representations PSLP_1496 (Policy STR/SS1), PSLP_1497-1501 (Policy STR/SS3), PSLP_1502 (Policy STR1) and PSLP_1503 (Policy STR/SS3 Maps 33 and 34)].

Question 4a

If 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.

Thank you for the opportunity to comment on the above consultation.

The consultation draft of the emerging Tunbridge Wells Local Plan was considered at an extraordinary meeting of this Council's Planning and Transportation Advisory Board on the 17th May 2021 and this response incorporates the views expressed by Members.

Tonbridge and Malling Borough Council welcomes the amendments made to the Regulation 18 draft of the Local Plan in response to the comments by this Council made in October 2019 and recognises the ongoing and pragmatic engagement in respect of the Duty to Cooperate to address the relevant cross-boundary issues and the continuing contributions to the infrastructure planning and master planning of the two strategic allocations at Tudeley and Paddock Wood.

However, the impact of these strategic sites, particularly on Tonbridge and the rural settlements of Hadlow, Golden Green and East Peckham, remains a serious concern. Having reviewed the Pre-Submission version of the Local Plan and the supporting evidence Members wish to make the specific comments set out below, which have also been included in this Council's on-line response. TMBC wishes to reiterate the importance of ensuring that the necessary infrastructure and mitigation measures are finalised and implemented in a timely and effective way. Continued close collaboration between the two authorities in respect of the master planning of both sites and the proposed Supplementary Planning Documents to refine the details is strongly encouraged.

The Local Plan has been prepared in accordance with the requirements of national policy as set out in the National Planning Policy Framework (2019) and Section 33A of the Planning and Compulsory Purchase Act 2004 in respect of the Duty to Cooperate. Please note that the Statement of Common Ground, which will reflect the matters raised in this Council's Regulation 19 response, will now be considered by the Planning and Transportation Advisory Board at its meeting on the 29th June 2021 before being agreed by Cabinet on 6th July.

Specific Comments

The transport evidence base documents underpinning the Local Plan are inconsistent, contradictory and unrealistically optimistic. There is therefore a lack of clarity regarding the infrastructure interventions required to deliver a sustainable plan.

To illustrate this point, the transport assessments, modelling assumptions and proposed mitigations do not take into account normal organic growth and planned development proposals in the Borough of Tonbridge & Malling or other neighbouring authorities and therefore do not adequately address the impacts on the local highway network and the consequential negative impacts on local communities.

Notwithstanding this, the mitigations proposed are considered to be insufficient to fully address all of the impacts on Tonbridge, for example, increased traffic flows into Tonbridge and surrounding villages causing increased congestion and a likely worsening of air quality.

The highway impacts on this Borough will extend beyond Tonbridge, Hadlow, Golden Green and East Peckham, for example additional traffic heading north along the A228 to access the M20 and A26 towards Maidstone and these should also be addressed.

The evidence for the impact on the landscape in the vicinity of the strategic site allocations and biodiversity is incomplete because the Landscape and Visual Impact Assessment only applies to sites located within the High Weald Area of Outstanding Natural Beauty.

The proposed closure of Hartlake Road to through traffic is a concern as it is a well-used route at peak times and it is not clear how the new accesses and internal road layout will provide an alternative north-south route. Whereas, if Hartlake Road were to remain open after the delivery of the Tudeley,

East of Capel Parish and Paddock Wood developments then this road and the lanes beyond would be inadequate for the significant new traffic being introduced and the wide reaching consequences described above would be even greater.

The strategic site allocations will increase the flood risk of the area to the north of Tudeley/Capel Parish, which is already prone to flooding, and this will have an adverse impact on the Medway flood plain.

As a result of this it is understood that the Upper Medway Internal Drainage Board will be seeking developer contributions. Has this been taken into account with regard to the whole plan viability study?

The Tudeley Garden Village master plan anticipates the delivery of new local service centres after phase 3 and the new secondary school will be delivered even later. This will put pressure on infrastructure in Tonbridge in the short to medium term, which the Local Plan seeks to avoid. Therefore, how will these impacts be mitigated?

Whilst recognising that there is not a requirement for a new railway station at Tudeley and that Network Rail has confirmed that the proposed growth in Tunbridge Wells borough does not require specific rail capacity interventions the omission of any mitigation of any impacts is a concern. TMBC encourages TWBC to continue to promote the opportunity for future provision with Network Rail and the rail operators and that this is revisited at the first review of the Plan. Without a new railway station undue pressure will be put on both Tonbridge and Hildenborough stations and TMBC members fear that the car parks serving both stations and the rail services themselves will be unable to cope with the increased demand created by the proposed development in Tudeley in particular.

The inclusion of cross-boundary walking and cycle routes both from the new settlement at Tudeley and associated with the Mabledon House Policy is a welcome contribution towards more sustainable means of transport, but concerns remain that this together with the proposed additional bus services will not result in the anticipated modal shift from private car use of 10%.

Paragraph 4.12 refers to the situation with respect to unmet housing need in neighbouring Sevenoaks District as being 'unclear' although it recognises that a potential shortfall of 1,900 dwellings may be further tested in the event the Local Plan Examination is allowed to continue. Since the Tunbridge Wells Local Plan was published for consultation on 26th March the request by Sevenoaks District Council to appeal the Judicial Review decision in respect of their Local Plan has been declined. Therefore, this contextual paragraph should now be updated.

Paragraph 4.13 recognises that there may be some unmet housing need and that it is therefore appropriate to assess the potential for also contributing to unmet needs. If this exercise has already been carried out, then there should be signposting to the relevant part of the evidence base. However, in light of the events described in paragraph 4.12, it may be more appropriate to update both paragraphs.

There appears to be a mapping error in respect of Map 33 and Map 34, which show the location of the new Secondary School as outside of the Garden Village site boundary, while Map 32 shows the school within the site boundary. For consistency, the maps should make clear that the site is inside the boundary, as the delivery of the school is now addressed by Policy STR/SS3.

I hope these comments are of assistance.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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	V Segall Jones [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Tunbridge Wells Older People's Forum (TWOPF)
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Tunbridge Wells Older People's Forum (TWOPF) [REDACTED] [REDACTED]
Comment ID	PSLP_1544
Response Date	04/06/21 14:32
Consultation Point	Pre-Submission Local Plan (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	PSLP_1544_TWOPF_Membership_Covid-19_isolation_report_Report_2020_SI.pdf

Data inputter to enter their initials here KJ

Question 1

Respondent's Name and/or Organisation Tunbridge Wells Older People's Forum (TWOPF)

Question 3a

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

Various comments on aspects of 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.

After this stage, 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.

TWOPF very much welcomes the opportunity to respond to the consultation on the comprehensive and in-depth Local Plan. TWOPF seeks to ensure that all residents enjoy the many natural, social, cultural and economic advantages Tunbridge Wells offers.

TWOPF focuses on such elements locally that benefit all people, and especially those who may be older and/or less able to be fully independent whether through, permanent or temporary limitation in their access to, interaction with and enjoyment of Tunbridge Wells' life, facilities and services.

TWOPF recognises the demographic profile and the forecast growth of an ageing population nationally and within the Tunbridge Wells Borough Council area. To that end, TWOPF wishes to flag some key practical aspects that can make a huge and positive impact on the well-being, integration and contribution of older people to the community.

Housing

1 Affordable

The proportion and category of affordable housing development should be in accordance with the local plan policy quota.

1 Older People's housing needs

- . More and appropriate choice of purpose built housing for older people.
- . All new housing to be built with adaptability for disabilities.

Infrastructure

Good infrastructure helps enable older people to have fulfilling independent lives for as long as possible. This should be a prerequisite of any new housing, civic or commercial development. For established communities, existing facilities should be protected or improved. The infrastructure should support people getting out and about safely, easily and in a timely manner.

Well-being, Exercise and Access

- 1 Outdoor space – all housing should have some outside space, whether a garden or a balcony.
- 2 Well maintained, wide and level pavements and dropped kerbs with safe, identifiable and visible crossing points.
- 3 Car parking that enables easily navigable pay systems.
- 4 Sufficient disabled parking bays in central or high demand locations.
- 5 Living in a “walkable town or village” – and as such any new housing and commercial development should be local and have easily access to daily life facilities including General Practitioner Surgeries, pharmacies, banks, post office, shops, library and community centre.
- 6 Public transport should have easily accessible vehicles, have multiple routes that link residential areas and the town and village centres, and services are frequent and give extensive timetables.

Local Green spaces

- 1 Safeguarding the number and overall volume of green areas, increasing the numbers and variety of trees and greenery in line with a greener and healthier vision.
- 2 Maintaining the extent, worth and value of nature and the local wildlife.
- 3 Promoting a litter free communities, green areas and park spaces.
- 4 Support rewilding of parks, verges and other spaces to promote enjoyment of the natural environment and an improved ambiance.
- 5 Introduce electric vehicle charging points in new housing and commercial developments.

Celebrating outdoor community life

1 Safe, widespread and freely accessible places to rest and/or socialise – actively encouraging people to mix in and benefit from their community; and actively combatting loneliness and isolation. New developments to have a proportion of outdoor space which is sheltered or undercover.

1 To have widespread, clean and well maintained civic amenities and facilities that invite and support people of all ages to retain their independence and confidence:

Specifically:

- 1 Public lavatories throughout the town and be adapted for people with disabilities.
- 2 Ample seating / resting areas – including park and street benches; bus stop seats and benches with IT connectivity.
- . Obstruction and clutter-free pavements which help older and disabled people to go where and when they choose (whether on foot, in a wheelchair, mobility scooter etc.)

For more detail please see TWOPF Covid-19 Report. [TWBC: see attached report]

Question 7

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

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

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

[PSLP 1544 TWOPF Membership Covid-19 isolation report Report 2020 SI.pdf](#)

Comment

Consultee	Mr James Webster [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Wealden District Council
Address	Council Offices Vicarage Lane Hailsham BN27 2AX
Event Name	Pre-Submission Local Plan
Comment by	Wealden District Council [REDACTED] [REDACTED]
Comment ID	PSLP_1504
Response Date	03/06/21 09:53
Consultation Point	Pre-Submission Local Plan (View)
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Wealden District Council
Question 3a	

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

PSLP

[TWBC: the section of this representation relating to the Ashdown Forest Special Protection Area and Special Area of Conservation has also been inputted against Policy EN 11 - please see Comment Number PSLP_1506]

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.

With respect to legal compliance and specifically duty to cooperate matters, Wealden District Council and Tunbridge Wells Borough Council have signed a Statement of Common Ground (SoCG) in March 2021. The overall aim of the SoCG between the two parties is to demonstrate that ongoing and appropriate engagement and co-ordination is taking place between the parties that includes planning for identified cross-boundary strategic planning issues that exist and/or likely to arise resulting from the emerging Tunbridge Wells Borough Pre-Submission Local Plan that has now been published for its representation stage under regulation 19 of the Town and Country Planning (Local Planning) Regulations 2012 (as amended). This was agreed by Wealden District Council's Portfolio Holder for Planning and Development on 12th March 2021.

The SoCG confirms that effective cooperation is taking place between the parties in relation to matters that includes development on the administrative boundary between the two local planning authorities, housing provision, economic development, cross boundary infrastructure issues and matters relating to the natural environment, including the Ashdown Forest Special Area of Conservation (SAC) and Special Protection Area (SPA).

With respect to development on the administrative boundary between Tunbridge Wells Borough and Wealden District, the local authorities have agreed to work cooperatively on such issues and have agreed a protocol and set of principles for dealing with development on or close to the border between Royal Tunbridge Wells and Wealden District. These are set out in the SoCG under paragraph 2.6. It is noted that the emerging Tunbridge Wells Local Plan has allocated land under Policy AL/RTW 16 (named as Land to the west of Eridge Road at Spratsbrook Farm) for 120 dwellings. The Council is satisfied that the policy addresses the impacts on the adjacent land within the Wealden District Council area, and in terms of infrastructure provision with the relevant highway authority's.

In terms of housing provision, it is clear that the emerging Tunbridge Wells Borough Pre-Submission Local Plan sets out to at least meet its own need under the 'standard methodology', which equates to 678 dwellings per annum, or 12,204 homes over the plan period for 2020-2038. Indeed, the total supply expected from the emerging Local Plan ranges from 13,059-13,444 net dwellings, which allows for a buffer to either meet the unmet housing needs from neighbouring local authorities (most notably Sevenoaks District Council) or to ensure the deliverability of the Local Plan if certain housing allocations are delayed or do not come forward. The emerging Wealden District Council Local Plan, although at an earlier stage in the plan-making process, is also intending to meet its own housing needs that equates to 1,225 dwellings per annum under the 'standard methodology'. Wealden District Council will need to test this through the production of its new Local Plan.

It should be noted that Tunbridge Wells Borough Council formally wrote in early October 2020 to Wealden District Council (amongst other neighbouring local planning authorities) to ask what capacity

we would have to assist in delivering housing given the requirement for local planning authorities to look beyond the Green Belt first before releasing such land for development (paragraph 137 of the National Planning Policy Framework (NPPF)), as well as limiting major developments in Areas of Outstanding Natural Beauty (AONB) to where there are exceptional circumstances and in the public interest (paragraph 172 of the NPPF). The Council responded to this request and this is detailed within the SoCG at paragraph 3.2.8.

It should be noted that both authorities are intending to meet their own economic development needs, retail needs and gypsy and traveller accommodation needs through their respective Local Plans. There has been no request from Tunbridge Wells Borough Council or Wealden District Council at this stage to meet each other's needs in this regard. Both Councils will continue to operate existing joint working arrangements, as detailed in the SoCG, to ensure that suitable provision can be made as appropriate.

With respect to the Ashdown Forest Special Area of Conservation (SAC) and Special Protection Area (SPA), it is noted that the Habitats Regulation Assessment (HRA) accompanying the Tunbridge Wells Borough Pre-Submission Local Plan concludes that at this point in time, the Development Plan Document (DPD) does not present any potential risks to European Sites that it is considered are not capable of being mitigated. Both local authorities will continue to work as part of the Ashdown Forest working group for air quality and the Strategic Access Management and Monitoring Strategy (SAMMS) partnership to address visitor pressure in order to secure a common understanding and agreement on effects, avoidance, mitigation and monitoring and where possible to agree and cost share future studies or surveys.

It is considered that the Regulation 19 Tunbridge Wells Borough Pre-Submission Local Plan does not raise any new cross-boundary strategic issues in relation to matters identified above and therefore the Council is satisfied that the legal requirements of the duty to cooperate have been met with respect to Wealden District Council.

Question 7

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

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

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

Future Notifications

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

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

Local Plan Regulation 19 representations in document order

Comments on Section 1: Introduction and Section 2: Setting the Scene

Comment

Consultee	Chris Gow [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Chris Gow [REDACTED]
Comment ID	PSLP_1200
Response Date	04/06/21 15:56
Consultation Point	Foreword (View)
Status	Processed
Submission Type	Web
Version	0.1
Question 1	

Respondent's Name and/or Organisation	Chris Gow
---------------------------------------	-----------

Question 3

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

Question 3a

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

Foreword

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

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

After this stage, 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 process for understanding the Local Plan is a matter of navigating through 140 separate documents, 400Mb of data and amounting to a total of 7,786 pages of documents. The process of understanding the intertwined nature of the documents for ordinary folk without training or experience of Town and Country Planning Laws is a challenge, and therefore difficult to conform to the expressed format of addressing particular policy, and thus this submission will be a more general assessment of the Local Plan.

I will attempt to put forward an overall suggestion that the plan should be returned to TWBC for a revision that takes account of some factors that I think are particularly relevant, and I suggest may expose significant flaws in the Local Plan as submitted.

The previous public consultation (Regulation 18 Consultation) resulted in some 8000 comments from some 2000 contributors. The plan was revised, and most of the objection were ignored, and the Plan was largely unchanged to the current submission here.

Once the Local Plan is accepted policy for development for the next decade is set out, and experience of the local planning process suggests that it is impossible to make any changes, even with the benefit of new evidence and opinion.

Thus it is vital for the Local Plan to be well thought out and consistent in applying the directing Policies, and setting out a plan that is able to deliver a fair and clear framework that has the best interests of the residents of Tunbridge Wells, rather than offering opportunity to land owners and developers.

The Local Plan should be returned for further consultation for the following reasons:

1

Many of the assumptions made that underpin the basis of the Local Plan are now out of date and irrelevant, and in light of changes to society and working and retail habits that will come about as a consequence of the pandemic these assumptions (data and common sense observations) should be re-assessed to provide a more realistic and up-to-date premises of the local plan. The post-pandemic effects are likely to cause great changes and the local plan must be delayed to take this into account.

2

The public consultation produced 8000 comments from 2000 respondents mostly against many parts of the local plan, and these objections have been swept aside and ignored. There is widespread opposition to the plans to build in Green Belt Land and building in the ANOB, and concerns over building in flood risk areas, and further concerns about the effects of climate change, sustainability, and other green issues. The response of the planning officers is to largely to ignore all opposing views and opinions, and commission further studies to bolster their case.

The recent local Council elections changed the balance of power in the Council, and the residents at Capel voted against the existing councillor in favour of an independent because of the opposition to the planned housing development in the Tudley Flood Plain.

3

The development on Green Belt Land and in the AONB should be the last resort, and all other location of available development land should be completely exhausted before any Green Belt Land is developed.

The Local Plan shows Green Belt Land and development in the AONB, and ignores many brown field sites, redevelopment of existing buildings, particularly retail and office buildings vacant because of changes in society due to post covid changes.

Development of Green Belt Land, provided -

1. to check unrestricted sprawl of large built up areas
2. to prevent neighbouring towns merging into one another
3. to assist in safeguarding the countryside from encroachment
4. to preserve the setting and special character of historic towns
5. to limit potential level of harm to the Green Belt associated with release

should not be included for development on the Local Plan.

Development in the AONB should not be included in the Local Plan.

4

The plan should be rejected and re-written to take account of a new assessment of the town centre and associated results of a post-pandemic economy where it is likely to be further shop and business closures, and where the availability of development opportunity and particularly change of use from commercial to residential occupancy must be considered as part of a whole local plan delivery.

5

The availability of brown field sites and change of use resulting from the post-pandemic economy, and changes in work patterns where office space is no longer required must change the assumptions that underpin the Local Plan, and thus the Local Plan should be rejected so these revised circumstances are reconsidered and incorporated in revised local plan.

6

The delivery of the local plan will so to speak lock the future development strategy of the town for the next decades and we must take more time to consider what sort of future we want for the town. Here is a chance to call a halt to pre-conceived ideas and generate a new and enlightened way to deal with development and progress in challenging times as we deliver a Local Plan for a post-pandemic society.

The Plan contains inconsistencies where the definitions of Green Belt and AONB are variously interpreted, in one location contradicting statements in another. It appears that this is an consistency that has been recognised by other comments.

The Plan ignores the value, aims and objectives of the Green Belt, and fails to protect Green Belt Land.

The Plan ignores the preservation of the AONB.

The Plan fails to deliver clear policy and direction for Carbon Emissions.

The plan fails to take account of the post covid pandemic economy and changes in work habits.

The Local Plan should be returned to the consultation stage so the Plan can be re-written to take account of the invasion of Green Belt Land and development in AONB, and re-consider existing brown field sites for development first, as the conversion of existing buildings for alternative use (housing) is less impact on carbon footprint. As the first principle the plan should develop brown field sites particularly if they are in central locations, where the impact on sustainable transport and the requirement for car ownership and use of public transport can be delivered.

The Plan should be returned for consultation to take account of the post pandemic developments and changes in work and leisure activities, and take account of changes in social activities. For example

offices and retail premises that are vacant should be the priority for redevelopment for housing, located in central areas where a sustainable transport policy can be delivered.

The Local Plan will shape the future of the borough for decades, and should be fit for purpose. The Plan is not sound in the current version and should be returned and re-submitted for consultation.

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 process of making and delivering a Local Plan is complex, and there is little opportunity to make a contribution in a way that allows the voice of the ordinary folk of the town heard, and where the principles of a fair and equitable society are delivered. I can make a contribution to the Inspector, and be a spokesperson for the ordinary citizen in Tunbridge Wells Borough.

The citizens of Tunbridge Wells should be fighting for a change in this process, and I am sure there will be support from the people once they realise consultation will make a change and deliver a fair and equitable society that delivers the needs and best interests of the ordinary folk of the borough.

The Plan is conceived to allow the developers to set the agenda, and the call for sites favours developers and land owners to select the easy (and cheap) sites to develop where the most important factor is the profit, rather than delivering housing that meets the needs of those folk who are attempting to make a start with a family for example, where low cost housing could be available in the centre of town where a car is not essential, and use of an affordable public transport system can be used for essential travel.

There is not much evidence this is a priority in the Local Plan, and particularly in the post pandemic economy, the Plan should be returned for a proper re-assessment.

The Local Plan should be a document that directs the development of the Borough for the next period, but must be in the control of the local council and be adaptable as the economic and social factors change, so it must be possible for change in the future life of the Local Plan. As it is now the Local Plan sets policy in such tight terms that a mistake made at the writing stage sets the framework for 15 or 20 years, and this surely is not in the best interests of the people of Tunbridge Wells.

The threat to Green Belt Land in the Local Plan is an erosion of land set aside and protected by Law as designated Green Belt and all developments on Green Belt Land should be removed from the Local Plan. There are alternative sites in the Call for Sites list that should be considered and developed, even if costs are higher than a green field site.

Also there should be no development on sites in the AONB, also protected areas.

The local plan cannot be sound if it fails to take account of the post covid circumstances.

If the Local Plan is returned to be rewritten, it is a great opportunity where Tunbridge Wells can be a council that takes the chance to re-think the Local Plan and deliver a Local Plan fit for purpose to build a structure for future development that reflects the importance of dealing with a post pandemic society, as well as taking account of local opinion, and re-assess a change of use in the town centre and commercial property 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)? . Yes, I wish to participate in hearing session(s)

Question 7a

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

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

The process of making and delivering a Local Plan is complex, and there is little opportunity to make a contribution in a way that allows the voice of the ordinary folk of the town heard, and where the principles of a fair and equitable society are delivered. I can make a contribution to the Inspector, and be a spokesperson for the ordinary citizen in Tunbridge Wells Borough.

The citizens of Tunbridge Wells should be fighting for a change in this process, and I am sure there will be support from the people once they realise consultation will make a change and deliver a fair and equitable society that delivers the needs and best interests of the ordinary folk of the borough.

Question 8

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

The Plan is conceived to allow the developers to set the agenda, and the call for sites favours developers and land owners to select the easy (and cheap) sites to develop where the most important factor is the profit, rather than delivering housing that meets the needs of those folk who are attempting to make a start with a family for example, where low cost housing could be available in the centre of town where a car is not essential, and use of an affordable public transport system can be used for essential travel.

There is not much evidence this is a priority in the Local Plan, and particularly in the post pandemic economy, the Plan should be returned for a proper re-assessment.

The Local Plan should be a document that directs the development of the Borough for the next period, but must be in the control of the local council and be adaptable as the economic and social factors change, so it must be possible for change in the future life of the Local Plan. As it is now the Local Plan sets policy in such tight terms that a mistake made at the writing stage sets the framework for 15 or 20 years, and this surely is not in the best interests of the people of Tunbridge Wells.

The threat to Green Belt Land in the Local Plan is an erosion of land set aside and protected by Law as designated Green Belt and all developments on Green Belt Land should be removed from the Local Plan. There are alternative sites in the Call for Sites list that should be considered and developed, even if costs are higher than a green field site.

Also there should be no development on sites in the AONB, also protected areas.

The local plan cannot be sound if it fails to take account of the post covid circumstances.

If the Local Plan is returned to be rewritten, it is a great opportunity where Tunbridge Wells can be a council that takes the chance to re-think the Local Plan and deliver a Local Plan fit for purpose to build a structure for future development that reflects the importance of dealing with a post pandemic society,

as well as taking account of local opinion, and re-assess a change of use in the town centre and commercial property 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	Mrs Carol Richards [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mrs Carol Richards [REDACTED]
Comment ID	PSLP_1837
Response Date	04/06/21 11:43
Consultation Point	Foreword (View)
Status	Processed
Submission Type	Email
Version	0.6
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Mrs Carol Richards
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.	
Foreword	
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 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.

Councillor Mc Dermott thanks people for their time in sending in comments at Reg 18, but has taken no notice of what has been contributed by local people, because Tunbridge Wells Borough Council (TWBC) are still pursuing with vigor -a Garden Settlement Approach in totally inappropriate sites -I might add. This is despite a huge outcry by many members of the public. The coronavirus pandemic has precipitated a faster change in home working and a change in retailing. If the last local plan is outdated this latest proposal most certainly is. I am horrified to see letters dated 2013 used for neighbourhood plans in this document and the outdated 2016 flood plain maps. While the planners were putting this proposal together over the winter of 2019/2020 the rain kept falling, flooding in the critical sites of Paddock Wood and the land below Tudeley -reached biblical proportions and still TWBC will not listen. This Local Plan needs to be updated with far more relevant recent studies and to take into consideration the changes in working habits and listen to the voice of locals. It has not been positively prepared with recent data and is therefore unsound

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.

Use of old data e.g. Paddock Wood Neighbourhood Plan Have not taken into account the National Policy Framework and National Modal Design code Consultation Proposals 8/2/21

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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	Juliet Andrew [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Juliet Andrew [REDACTED]
Comment ID	PSLP_990
Response Date	02/06/21 20:24
Consultation Point	Index of Policies Maps and Inset Maps (View)
Status	Processed
Submission Type	Web
Version	0.1

Question 1

Respondent's Name and/or Organisation	Juliet Andrew
---------------------------------------	---------------

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 - Paddock Wood

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 am a resident in Queens Street Paddock Wood and have lived here since 2010. Since the new developments in Mascalls Farm the traffic has already increased considerably since we have lived here. Further down Queens street bridges over the railway lines. These are effectively single lane and there has already been an increase of road traffic accidents since the Mascalls development due to the high volume of traffic travelling over these bridges and on the bends either side.

Our house flooded December 2013 from the downwards journey of the water across the neighbouring concreted yard of the farm adjacent to us. It was able to flow through our house and disperse into the lower ground which is current apple orchards. This will not be able to happen once the land is developed.

I am a resident in Queens Street Paddock Wood and have lived here since 2010. Since the new developments in Mascalls Farm the traffic has already increased considerably. Further down Queens street the bridges over the railway lines are effectively single lane and there has already been an increase of road traffic accidents since the Mascalls development due to the high volume of traffic travelling over these bridges and on the bends either side.

Our house flooded December 2013 from the downwards journey of the water across the neighbouring concreted yard of the farm adjacent to us. It was able to flow through our house and disperse into the lower ground which is currently apple orchards. This will not be able to happen once the land is developed.

We appreciate the government has a housing target to meet, however we strongly object to the disproportion allocation of development in Paddock Wood. Out of an overall housing target of 12000 dwellings. Paddock Wood is currently being allocated approximately 4000 of these, approximately 1/3 of the total borough's allocation. If we include our neighboring villages, Capel and Tudeley figures our joint allocation is over 6000 dwellings over half of the boroughs target.

The development should be spread across the borough using brown sites, expanding areas such as the Longfield site where millions of government funds has already been spent improving the road infrastructure and where there are community services are more opportunities of work available.

The plans should meet an economic objective– to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

Developing housing in Paddock Wood does not improve the local economy. There is no specific industry in the area and despite the rail link with London, the trains are unaffordable for many, overcrowded in peak times with insufficient parking for commuters. (Cost for annual season ticket to mainline terminals plus annual parking ticket is over £6K, however there is a waiting list for parking season tickets due to the lack of spaces).

There are limited options in terms of traffic management around the area. Many of the roads are narrow and unable to be widened due to the flood management ditches and the railway bridges. (We have confirmation from Network Rail that they will not be widening bridges to support more road traffic).

Our understanding is that parking is limited with the new developments and therefore people will end up parking in the already narrow roads leading to further congestion.

The current services such as our doctors, dentists and schools are over subscribed. The local police station has been sold off for development and therefore we would like evidence that these services including the fire services have realistic, plans to be sufficiently scaled to meet the additional demands of an increased population.

There are insufficient plans to meet **a social objective**— to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being;

Our experience so far is that our community high street is to be demolished to make way for further development. This is despite the opposition raised by the local community and the rationale of building a new community centre on green space instead of extending our local sports and leisure centre and turning that into a proper community hub rather than a tired sports hall with very little to offer the youth community of Paddock Wood. There are insufficient green spaces and developments in areas such as Foal Hurst Wood will make these over crowded. There is no parking at many of the local parks and the roads into Paddock Wood are too dangerous to allow children to walk along.

The new housing proposals are to be built on land that is subject to flooding. There are flood mapping plans that provide evidence of this. The long term strategy in previous developments around Paddock Wood has been to leave some areas of land for drainage however these have no long term maintenance strategies and in some cases have now been developed. It is clear these strategies are not working as residents across many parts of Paddock Wood are being flooded more than before. We have no confidence in the sweeping statements that flooding issues have been addressed and we would like to understand the compensation that will be provided to the existing and new residents of Paddock Wood when this occurs.

We cannot see how the development supports **an environmental objective**— to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimizing waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy

The development of the Church Farm site has already demonstrated the lack of respect for our natural environment. Trees that were subject to planning consent were 'inadvertently' destroyed by the developers.

As mentioned already flooding is of a major concern across Paddock Wood. Residents on the East side of Paddock Wood have had to purchase their pumps due to regularity of flooding down Castle Hill, Mile Oak Road and Queens Street. We are currently surrounded by apple orchards and they are assisting to disperse the run off but if these are developed the situation will be exacerbated.

We would also like to understand if Natural England have been consulted regarding the development proposals as required with a development. The government policy is to protect the best and most versatile (BMV) agricultural land from development. The proposed areas for development (Paddock Wood, Capel and Tudeley) TBWC are the most likely to meet this criteria:

Namely the agricultural land

- . gives the highest yield or output
- . has the widest range and versatility of use
- . produces the most consistent yield from a narrower range of crops
- . requires less input

and this is evidenced by our neighboring farm consistently and successfully growing asparagus see: <http://publications.naturalengland.org.uk/publication/6056482614804480>

Coupled with this is the government have promised to see hundreds of thousands of new trees planted, including in towns and cities and near rivers to reduce flood risk, and help meet the government's commitment to increase planting to 30,000 hectares per year across the UK by 2025.

A further £1.4 million has been awarded to the Environment Agency to fund 'woodlands for water' – 15 projects to plant over 850,000 trees that will protect around 160km of river and help to reduce the risk of flooding to over 500 properties. Tree planting can play a valuable role in reducing flood risk, slowing the flow of water to nearby communities.

It would seem that removing trees by developing our local orchards is counter productive to government policy.

<https://www.gov.uk/government/news/39-million-to-drive-innovative-tree-planting>

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 would suggest that the development across TBW Borough is more equitable therefore alleviating Paddock Wood from the issues raised above specifically:

Development of arable land when the government has specifically stated that farming must be preserved in the UK. - There are other options in Tunbridge Wells that do not consist of developing on farming land

Do not build on the orchards which is contrary to the government directive to plant more trees

Do not create an over populated area around Paddock Woods with poor infrastructure, transport links and public services and little job prospects.

Do not increase the flooding in and around Paddock Wood by concreting the countryside

Question 7

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

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

Comment

Consultee	Mr 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 (View)
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

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

After this stage, 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 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	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 (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	PSLP_1571-1623(not inclusive)_CRS NDP Steering Group Representation.pdf
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

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

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](#)

Comment

Consultee	Mr Jeff Fenton [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Jeff Fenton [REDACTED]
Comment ID	PSLP_919
Response Date	01/06/21 13:16
Consultation Point	Section 1: Introduction (View)
Status	Processed
Submission Type	Email
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Jeff Fenton
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 Number 1.26	
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.

Tonbridge BC, Sevenoaks BC & Wealden BC current Local Plans have been rejected by the Planning Inspector. How can TWBC commit to ANY new developments as they cannot reasonably calculate the housing requirement and infrastructure need. Maidstone BC has not yet submitted their Reg 19 Plan and their draft plan Reg 18 includes 2 new Garden Villages and may thousands more properties over a similar plan period.

All the above plans will place an excessive load on the current infrastructure in the whole of Mid & West Kent, far more than any KCC or TWBC Highways assessments has considered in the TWBC Plan.

Planning Inspectorate - Procedure Guide for Local Plan Examinations - Section 1.2 states:

"Particular attention should be given to the duty to cooperate"

TWBC has not co-operated as it has an unknown quantity and the impact upon the area MUST be considered in full. The documents do not reflect this at all. The plan is Unsound.

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.

TWBC needs to consider the impact of housing developments in ALL neighbouring areas that have yet to be approved and reflect upon the impact of these thousands of homes on the general highways infrastructure.

Given how limited the options are within Tonbridge and Capel due to AONB, river Medway and railway lines crossing the area, these are very difficult to adequately resolve due to engineering difficulties

and their potential costs. s106 contributions alone will not fund this type of engineering and TWBC have failed to demonstrate where any additional funding will come from or even if the proposed highway infrastructure adequately satisfies need.

Traffic is not bounded by Boroughs but by need to travel of its residents and visitors.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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 have spent many months examining the documents that TWBC have presented and they are so flawed that I feel I must be present to ensure the arguments presented are accurate.

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 Jeff Fenton [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Jeff Fenton [REDACTED]
Comment ID	PSLP_918
Response Date	01/06/21 13:16
Consultation Point	Section 1: Introduction (View)
Status	Processed
Submission Type	Email
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Jeff Fenton
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 Number 1.1	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No

Complies with the Duty to Cooperate

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.

In the PSLP Page 13, it states that the plan period is 2020-2038. It is already 2021 and will be 2022 at earliest before the plan is approved and possibly 2023 before any works started. Given the delay to the plan, (potentially 3 yrs), the build program will need to be escalated to a minimum of 770 homes per year and the Highways infrastructure forecasts cannot therefore be met within a reasonable timescale as they rely upon completion of some of the proposed homes for funding. KCC is the overall owner of ALL public highways in Kent and given their lax attitude to highways improvements in Capel over the past 40yrs and there is no evidence this has changed or budgets committed prior to 2025 onwards, it is inevitable that the safety and wellbeing of the current residents of Capel, in particular Five Oak Green and those living on B2017, will be severely impacted for many years before any relief is in sight. This is an unsafe position which will violate our human rights to have a safe and healthy environment to live in and therefore the plan is Unsound.

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.

If it were possible to revise plans and avoid any highways safety issues then we would advise revisiting the plan. However, Save Capel and Capel Parish Council, and their Consultants, have examined every detail of the plan regarding highways infrastructure and have proven the figures supplied by TWBC fall well short of the probable traffic counts and vehicle movements in the area. The PSLP promotes the building of new garden villages and estates in totally the wrong place. As such the PSLP is Unreliable and Unsound.

Question 7

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

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

Question 7a

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

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

The TWBC PSPLP has so many inaccuracies and false information that the Planning Inspector should be aware of these various issues. Residents in Capel have zero confidence in TWBC who we do not believe can be relied upon to offer clear and precise answers to questions accurately.

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 Farah Brooks-Johnson [REDACTED]

Email Address [REDACTED]

Address -
-
-

Event Name Pre-Submission Local Plan

Comment by Mrs Farah Brooks-Johnson [REDACTED]

Comment ID PSLP_544

Response Date 28/05/21 11:01

Consultation Point Section 1: Introduction ([View](#))

Status Processed

Submission Type Web

Version 0.1

Files GSP Friends of Tudeley Final.pdf

Question 1

Respondent's Name and/or Organisation Friends of Tudeley

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 1.2.9 Duty to Cooperate

Paragraph 1.3.1 Habitats Regulations Assessment

Paragraph 1.3.3 Sustainability Appraisal

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 1.2.9 Duty to Cooperate

TWBC has failed to present sufficient evidence that the Duty To Cooperate has been fulfilled.

A new settlement such as the proposed Tudeley Village is exactly the sort of strategic planning issue on which cooperation is mandatory. TWBC has failed to provide evidence of genuine cooperation with neighbouring local authorities on strategic matters.

A detailed description of TWBC's failure to present sufficient evidence is in Section 2.0 of the attached report by Graham Simpkin Planning.

Paragraph 1.3.1 Habitats Regulations Assessment

TWBC has not demonstrated that the plan (in combination with other plans and projects) will have no adverse effect on site integrity.

There are no public statements from Natural England or neighbouring Councils (including Wealden Forest District Council) that concur with the TWBC assessment that the impact of development in Tunbridge Wells Borough (in combination with development in other local authority areas) will not adversely affect the integrity of Ashdown Forest SAC through nitrogen deposition.

A detailed description of the lack of appropriate assessment is in Section 3.2 of the attached report by Graham Simpkin Planning.

Paragraph 1.3.3 Sustainability Appraisal

The likely environmental, social and economic effects of the Local Plan are not adequately nor accurately assessed in the Sustainability Appraisal. The reasoning for selecting the proposed Tudeley Village site is inadequate and TWBC have not given sufficient reasoning why the Local Plan is the most sustainable strategy when considered against the reasonable alternatives.

A detailed description of the flaws in TWBC's Sustainability Appraisal is in Section 3.0 of the attached report by Graham Simpkin Planning.

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 all references to the proposed Tudeley Village from 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)? 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:

Friends of Tudeley is an unincorporated association of local residents concerned about the soundness of TWBC's proposal to create a new settlement at Tudeley. We will make an important local contribution to the matters under discussion.

Question 8

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

The likely environmental, social and economic effects of the Local Plan are not adequately nor accurately assessed in the Sustainability Appraisal.

The reasoning for selecting the proposed Tudeley Village site is inadequate and TWBC have not given sufficient reasoning why the Local Plan is the most sustainable strategy when considered against the reasonable alternatives.

A detailed description of the flaws in TWBC's Sustainability Appraisal is in Section 3.0 of the attached report by Graham Simpkin 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

Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2164
Response Date	04/06/21 16:56
Consultation Point	Section 1: Introduction (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
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: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2 (PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2

(PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

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

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

Question 5

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

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

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

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

The County Council recognises that the Tunbridge Wells Borough Local Plan looks to deliver a sustainable future, making effective use of brownfield land across the Borough and ensuring that the necessary infrastructure is available to support development.

The County Council, as a key infrastructure provider, welcomes the incorporation of strategic policies such as Policy STR5 "Infrastructure and Connectivity" which set out the role of infrastructure in the delivery of sustainable new communities. This will help ensure that planned residential and commercial growth will be of high quality and delivered in a way that will help to create the places where people want to live. The detailed consideration of the infrastructure requirements to support development in each of the proposed site allocations is acknowledged and welcomed. Taking an "Infrastructure First" approach to growth is advocated by the County Council and is also embedded in the Kent and Medway Infrastructure Proposition; a proposed deal with Government for new infrastructure investment that will enable accelerated housing delivery, focussed on building the right homes in the right places and providing the public services, transport infrastructure, jobs and homes that residents will need, now and in the future. It is crucial for an infrastructure first approach to be applied to planned growth in the Borough - commitment to close collaboration between key partners will be essential to ensure that good growth is planned, funded and delivered in a timely manner.

Within this response, the County Council provides detailed commentary on the proposed policies and supporting paragraphs. However, the County Council, in its role as Local Highway Authority, has not taken this approach on highways and transportation matters. This is because it is considered that further modelling is needed to inform the assessment of specific strategic and site policies.

During the pandemic, a significant proportion of the population shifted to radically different ways of working, which has revealed the potential for long term changes in where people live and work and how they use infrastructure. It is too early to draw conclusions about long-term behavioural trends that may emerge as a result of the pandemic. However, it will be important to consider scenarios of how people's behavioural trends (that could impact infrastructure use) might change. As Local Highway Authority, the County Council would want to agree the assumptions for such scenario testing.

The County Council, as Local Highway Authority, is concerned that whilst there are a number of welcomed policy proposals with regard to promoting sustainable access and development, the consultation requires further highway evidence to justify the Local Plan's growth strategy.

The County Council, as Local Highway Authority, has worked closely with the Borough Council over the past years on the emerging growth strategy. Nevertheless, its current position is that it requires further supporting evidence, to an agreed methodology, that accurately reflects the proposed growth before KCC can make a fully informed set of comments on the proposals presented in the Local Plan consultation document. The County Council has reviewed the Local Plan and supporting documents, including the Transport Assessment, and identifies the following key issues that require further work:

1 Reference case validity (and therefore future scenario validity) 2 The trip rates used 3 Ambiguity regarding forecast modal shift 4 Deliverability and viability of the mitigation package

Therefore, a full assessment in respect of the impact of the growth strategy on highways and transportation matters cannot currently be carried out and commentary on the Local Plan policies and proposed allocations can be provided once the outstanding information is received.

KCC will look to continue working with the Borough Council over the coming months on the provision of accurate modelling and commensurate and viable mitigation and will aim to update the position as work commences on the Statement of Common Ground.

Question 6

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

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

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

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

Question 7

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

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

Question 7a

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

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

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

Future Notifications

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

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

Comment

Consultee	Mr C Mackonochie [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] TONBRIDGE [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr C Mackonochie [REDACTED]
Comment ID	PSLP_1134
Response Date	04/06/21 14:59
Consultation Point	Section 1: Introduction (View)
Status	Processed
Submission Type	Web
Version	0.2
Question 1	
Respondent's Name and/or Organisation	Charles Mackonochie
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.	
1.7	
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.

After this stage, 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.

Stonecastle Farm Quarry is in three Parishes - Hadlow, East Peckham and Capel. Capel Parish is within the Borough - note the plant area and access & egress is located in Capel Parish

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.

Omit "at Hadlow"

Add "Stonecastle Farm Quarry is in three Parishes - Hadlow, East Peckham and Capel. Capel Parish is within the Borough - note the plant area and access & egress is located in Capel Parish"

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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	Mr C Mackonochie [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] TONBRIDGE [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr C Mackonochie [REDACTED]
Comment ID	PSLP_1090
Response Date	04/06/21 16:50
Consultation Point	Section 1: Introduction (View)
Status	Processed
Submission Type	Web
Version	0.4
Question 1	

Respondent's Name and/or Organisation	Charles Mackonochie
---------------------------------------	---------------------

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.

1.7

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.

After this stage, 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.

Stonecastle Farm Quarry is in three Parishes - Hadlow, East Peckham and Capel, the latter being in the Borough. In addition the processing plant and the entrance and egress to the site is located in Capel. The omission of a statement giving the above information raises the question as to whether the implications of future quarrying together with Tudeley Garden Village and expansion in East Capel have been fully 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.

Wording in Para 1.7

Omit "at Hadlow"

Add new sentence "Stonecastle Farm Quarry is in three Parishes - Hadlow, East Peckham and Capel, the latter being in the Borough. In addition the processing plant and the entrance and egress to the site is located in Capel. "

An impact assessment is required to investigate the implications of the combined effects of the proposed quarrying, building and the associated infrastructure upon:

Travel including active travel routes, ramblers, horse riders

Landscape and vistas

Biodiversity

Flooding

Pollution – sound, water and air

Question 7

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

I have been actively involved in the whole question of the quarrying at the request of local residents including chairing liaison meetings between the quarry operator, local representatives and residents and attending public mineral hearing

Question 8

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

Please see Question 6

[TWBC: comments below for ease of reference]

Wording in Para 1.7

Omit "at Hadlow"

Add new sentence "Stonecastle Farm Quarry is in three Parishes - Hadlow, East Peckham and Capel, the latter being in the Borough. In addition the processing plant and the entrance and egress to the site is located in Capel. "

An impact assessment is required to investigate the implications of the combined effects of the proposed quarrying, building and the associated infrastructure upon:

Travel including active travel routes, ramblers, horse riders

Landscape and vistas

Biodiversity

Flooding

Pollution – sound, water and air

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	Lee Prebble [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Lee Prebble [REDACTED]
Comment ID	PSLP_68
Response Date	28/04/21 15:17
Consultation Point	Section 1: Introduction (View)
Status	Processed
Submission Type	Web
Version	0.1
Question 1	
Respondent's Name and/or Organisation	Lee Prebble
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.	
1.19, 2.16, 2.32, 4.10, 4.47	
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.

Pre-Submission Local Plan Introduction – Draft Local Plan – para 1.19 - p.15 The list of issues is incomplete. Representations made in response to the Regulation 18 consultation referred to the failure to undertake proper assessments of the proposed Tudeley Village site before including it in the Draft Plan. This meant that the largest housing area in the plan didn't go through most of the plan preparation process. There was no Green Belt Study for the site, no Landscape and Visual Impact Assessment, no Biodiversity Assessment. I made representations that the Draft Local Plan was not complete enough to be ready for public consultation when the land for such a big proportion of the housing had not had the same level of assessment as the rest of the plan. The Issues and Options process led to most people (60%) wanting a growth corridor led approach. Less than half wanted a garden settlement and that was when no one knew that the garden settlement would involve destruction of Green Belt and attractive countryside. Protecting Green Belt was a key priority for people who participated in the Issues and Options consultation.

PSLP Population Projections –para 2.16 p.23 Table 1 shows that, by and large the population is shrinking apart from the over 65s. The projected overall increase is due entirely to a rise of 9450 in the 65+ group. For the overall increase of 6155 the Plan proposes to build some 12200 new dwellings and a range of house types (more than one per person for the projected population increase). Clearly the intention is not to meet local needs but to cater for significant inward migration.

PSLP Natural, built and historic environment – para 2.32 p.26 This is a key point. It says that it is recognised that there will be direct impacts on landscape and environmental assets and their settings. It is confirmed that “full account needs to be taken of the landscape and environmental sensitivities of each site, as well as respecting local distinctiveness and providing for enhancements”. It will be demonstrated in this submission that the Plan fails to do this, in particular in relation to the proposed Tudeley Village and its associated infrastructure. For this reason the PSLP is unsound.

PSLP The Development Strategy Housing Needs para 4.10 p.35 The figure for local needs does not acknowledge the projected reduction in population in all sectors apart from the age group 65+. The Plan has taken the housing need figure calculated using a standard method despite having strong grounds to lower it due to the population projections as well as the large amount of Green Belt and AONB land in the borough. The NPPF makes provision for councils to have a choice in the provision of the standard calculation. If provision of these houses is really only possible by sacrificing Green Belt land and harm to the identified local environment then the NPPF makes it perfectly possible for TWBC to say that this is not achievable. TWBC have chosen not to do so. The number of houses delivered by the Local Plan should be reduced by removing any houses planned for Green Belt and sites where the environmental impact, when properly assessed, is not adverse.

PSLP Formulating the Development Strategy para 4.47 p.40 This fails to acknowledge the impact on the local environment in the vicinity of the proposed garden settlement, the landscape and rural character of the area, and is contrary to the vision and strategic objectives. In this respect the Plan is unsound and should not proceed. Furthermore the Council failed to reassess the Strategy in the light of the damage that it would do to the local environment. There is no evidence that there was any reconsideration of the Strategy.

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 the policies and sections proposing the new garden settlement at Tudeley and the proposed Five Oak Green By-Pass.

This comment and objection has concentrated on the proposed garden settlement at Tudeley and in particular on the failure to properly assess the impact of the development especially in relation to landscape and visual amenity. That should not be taken to mean that other aspects of the PSLP are considered acceptable. As an individual with limited resources there may well be significant concerns regarding other aspects but the fact that the Plan is unsound as demonstrated should mean that it is withdrawn and the whole strategy reconsidered.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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 would like the opportunity to ask Council officers to respond to the points and objections i have raised.

Question 8

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

The Sustainability Appraisal adds little or nothing. The summary for the Capel garden settlement site at Tudeley demonstrates that there was no landscape and visual amenity assessment only that it ticked a box for being outside the AONB. In relation to Air Quality the high risk for deterioration is recorded yet a mixed score is given on the possibility of discouraging private car use. Landscape is scored negatively but only apparently because of impact on the AONB. There is no visual impact assessment or assessment of impact on rural character and amenity or the features identified in the Council's own Landscape Character Assessment.

The score in relation to biodiversity should be very negative. For example; in the garden settlement of 2800 dwellings there could be hundreds of cats. Cats have a strong intrinsic hunting urge, even those that are well fed, and in a rural environment prey items will be more abundant. A cat will roam to hunt; farm and country cats will range anywhere from 100m to 3km. A recent Mammal Society study found that 987 cats over a period of 5 months brought home 11,537 items of prey including a minimum of 20 species of wild mammal, 44 species of wild birds, furs species of reptile and three species of amphibians. The RSPB nature reserve at Tudeley Woods is 750m from the proposed garden settlement. The following specifically protected species are on site CA1: Noctule, serotine, brown long-eared, common pipistrelle and soprano pipistrelle bats (recorded flying). There is evidence of BAP, KRDB or other notable species on site: House sparrow (red list & KRDB), Peregrine falcon (KRDB), Spotted flycatcher (red list & KRDB). Kent Ornithological Society Records show that 70 species of birds regularly rely upon the area within the proposed Tudeley site boundary either over winter or during the breeding season. 53 bird species are considered to breed within the proposed site. 12 of the breeding species are Species of Principle Importance as listed under section 41 (England) of the NERC Act (2006). These species need to be taken into consideration by a public body when performing any of its functions with a view to conserving biodiversity. 10 of the species breeding within the proposed site are also red list Birds of Conservation Concern (BoCC), largely due to significant population decline as a result of habitat loss and change in agricultural practices. Yellowhammer, linnet and skylark (all Species of Principle Importance and Red List BoCC) occur within the proposed site in high densities and all three species are undergoing significant population declines. Four species of owl also occur in the area – Tawny, Little, Barn and Long-eared - itself an unusually high number. There are only a few breeding pairs of Long eared owls recorded in Kent, two of which may be resident in the area. This would represent a significant number and would be a serious consideration for developers. There is no up-to-date Biodiversity Assessment of the site to support this allocation. This should be completed and assessed before such a large development is included.

Climate Change The score in relation to the impact on Climate Change is given as slightly negative. This is incorrect. The impact on Climate Change should be "Very Negative" as soils, mature hedgerows and mature trees will be destroyed during the development to be replaced by housing consuming energy in their construction and subsequent use. This will happen regardless of the green spaces and clusters of mature trees retained in masterplanning. To facilitate the development link roads and road within the settlements will result in soils being covered in hard surfaces and mature trees and hedgerows being destroyed. If Tunbridge Wells Borough Council really is in a "Climate Change emergency" then building thousands of houses on open countryside, including new roads is contrary to that declaration. Travel The score for the impact on Travel is given as Positive. This is incorrect. The score for Travel should be Negative. 58% of Capel residents have 2 or more cars (according to the Transport Evidence Base). The site is at least a 45 minute walk from the nearest train station. Network Rail have ruled out building a train station at Tudeley. Many of the new households will have 2 private cars. Many residents will commute to London. Very few commuters (less than 1%) use bikes and buses to get them to the station each day. This won't change. Their behaviour is based on anxiety over missing their trains (they can control private car use more easily than bus timetables/capacity) and the weather (riding a bike in January? Clothing, footwear and bags?).

It is maintained that the site is unsuitable for a garden settlement because it has a main railway line running through the middle of it. No amount of crossings can join the garden settlement in to one settlement. The proposal is for two settlements divided by a railway line, neither of which satisfy garden settlement principles.

The NPPF states "Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting (my emphasis), should require clear and convincing justification". (Paragraph 194). In its consideration of planning applications, TWBC

requires an assessment of the impact of the proposed development on all heritage assets within a kilometre. Applying its own metric to its own development proposals the following approximate numbers of heritage assets in, or within a kilometre of CA1 are; 2 Grade 1, 1 Grade 2* and 70 Grade 2 listed heritage assets. This is a high number of assets that should be protected. Tudeley is particularly sensitive in terms of heritage around All Saints Church, which is a Grade I listed building and the only church in the world with all of its stained glass windows designed by Marc Chagall. Significant consideration should have been given to the heritage and conservation impact of the development proposed in this area on the setting of this unique global heritage asset.

There are clearly a significant number of considerations that need to be taken into account when deciding on a significant allocation for a garden settlement but the evidence set out above demonstrates that the PSLP has failed to comprehensively assess the site at Tudeley. For this reason the Plan is unsound.

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
--------------------------	---

Comment

Consultee	Mrs Carol Richards [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mrs Carol Richards [REDACTED]
Comment ID	PSLP_1840
Response Date	14/06/21 11:43
Consultation Point	Section 1: Introduction (View)
Status	Processed
Submission Type	Email
Version	0.12
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Mrs Carol Richards
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 1: Introduction	
Issues and Options paragraph 1.17	
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

Question 5

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

After this stage, 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.

Purpose of the plan

1.1 The local plan spatial vision is to put 85% of the 2020-2038 homes in two locations Paddock Wood(including East Capel) and Tudeley. Nothing spatial about this -it is concentration. Statement untrue and therefore unsound

The Local Plan Process

1.12 As TWBC are still pursuing 2 large settlements as their proposed plan. I do not believe there has been any change to their ideas as a result of the covid 19 outbreak. The main thrust of their proposals to build 85% of their requirement in Paddock Wood and Tudeley remains.

The two public consultations have been duly carried out, but I do not think progress has been made until they listen to the views of local people as they continue to doggedly keep to their original 'so called plan'. If TWBC ignore the community it is hardly a consultation.

Issues and Option 1.17

Early views were sort in 2017. This process included the expansion of Paddock Wood but wholly and entirely excluded any mention of a garden settlement at Tudeley.

Given that one of the key issues raised as a result of the Issues and Options consultation was the protection of the green belt, the exclusion of the large amount of development in Tudeley (on Green Belt) from the Issues and Options process undermines the soundness of this plan and undermines the effectiveness of this current public consultation.

I would also like to raise the issue that since so many objections and concerns have been raised since Reg 18 the communities in the TWells borough have voted to change their representatives in their areas, in the elections of May 2021 -which just highlights how poor the original consultative documents and process was in 2017. If TWBC ignore the community it is hardly a consultation. It has therefore not been positively prepared.

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.

Introduction

TWBC would need to not concentrate 85% of the housing need on 3 sites. More attentionshould be made to look at further sites to the East of the borough outside ANOB and Greenbelt More agile thinking is required and less of what is easy. A deluge of data has been accumulated to get the data to fit the desired 'Plan'.

Issue and Options

TWBC need to take on board what the local population are saying and not ignore these grave concerns.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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	[REDACTED]
Email Address	[REDACTED]
Company / Organisation	Sevenoaks District Council
Address	Council Offices Argyle Road Sevenoaks TN13 1HG
Event Name	Pre-Submission Local Plan
Comment by	Sevenoaks District Council [REDACTED]
Comment ID	PSLP_1510
Response Date	03/06/21 15:42
Consultation Point	Section 1: Introduction (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Sevenoaks District Council
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 1: Introduction	
Paragraph No(s) 1.29	
<i>[TWBC: for further comments by Sevenoaks District Council, please see Comment Numbers PSLP_1508 and PSLP_1509]</i>	
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.

Through our duty to co-operate discussions and regular meetings, it is clear that SDC and TWBC share similar issues and ambitions, including:

- . Providing high quality and well-designed development that meets identified needs.
- . Encouraging the re-use of previously developed brownfield land in sustainable locations.
- . Providing infrastructure to support sustainable growth.
- . Conserving and enhancing the AONB.
- . Protecting the Green Belt.

SDC continues to work with TWBC to address strategic cross boundary issues. Engagement has been constructive, active and on-going during the production of our respective Local Plans. In this regard, SDC is content that TWBC has met the requirements of Section 33A of the Planning and Compulsory Purchase Act 2004. We look forward to further engagement in relation to strategic matters and the possible production of a revised Statement of Common Ground.

Question 7

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

At this stage, SDC is content to rely on written submissions to express its views on TWBC's emerging Local Plan. Officers will inform you as soon as possible should this position change.

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 Hilary Andrews [REDACTED]
Email Address [REDACTED]
Address [REDACTED]
Whetsted
Tonbridge
[REDACTED]
Event Name Pre-Submission Local Plan
Comment by Hilary Andrews [REDACTED]
Comment ID PSLP_971
Response Date 03/06/21 11:25
Consultation Point Section 2: Setting the Scene ([View](#))
Status Processed
Submission Type Web
Version 0.1
Question 1

Respondent's Name and/or Organisation Hilary and Nick Andrews

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.

Para 2.16 Population Forecasts

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.

An estimated population increase of 6155 over the plan period 2020-2038 does not necessitate the building of nearly 13,000 new homes 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.

After this stage, 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.

Revise its house building targets

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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	Lady Elizabeth Akenhead [REDACTED]
Email Address	[REDACTED]
Company / Organisation	British Horse Society
Address	[REDACTED] [REDACTED] TONBRIDGE TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	British Horse Society ([REDACTED]) [REDACTED]
Comment ID	PSLP_1511
Response Date	04/06/21 11:58
Consultation Point	Section 2: Setting the Scene (View)
Status	Processed
Submission Type	Email
Version	0.2
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	British Horse Society
Question 3	
To which part of the Local Plan does this representation relate?	Paragraph(s)
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	
Paragraph number: 2.39	
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: . 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.

Active travel should include horse riding, since the alternative to riding a horse to a venue is to transport it in a horsebox.

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 this paragraph after walking, delete "and cycling" and insert "cycling and horse riding".

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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_1896
Response Date	03/06/21 14:12
Consultation Point	Section 2: Setting the Scene (View)
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.

After this stage, 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 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

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

After this stage, 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.

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	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 (View)
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

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

After this stage, 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 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.

After this stage, 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.

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	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 (View)
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

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

After this stage, 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.

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

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

No, but other members of the CCAAC may wish to do so.

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 James Dawes [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Goudhurst [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr James Dawes [REDACTED]
Comment ID	PSLP_331
Response Date	21/05/21 15:04
Consultation Point	Section 2: Setting the Scene (View)
Status	Processed
Submission Type	Email
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	James Dawes
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 Numbers: 2.24 - 2.31	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Yes
Is sound	No

Complies with the Duty to Cooperate

Yes

Question 4a

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

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

- . It is not effective
- . It is not 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 Local Plan claims precedence over Neighbourhood Plans if they are superseded by strategic or non-strategic policies that are adopted subsequently or they conflict with the Council's strategy.

If the council want to retain the support of local people they must give precedence to the neighbourhood plans otherwise the council will not take the population with them. The people who live in a parish know best the problems associated with housing costs, traffic and schooling and if the council is able to only adopt the aims of the neighbourhood plan when it coincides with their wishes but ignore it when it does not, then the neighbourhood plan is a useless document – advisory at best.

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 2.26 and 2.27 need to be re-drafted in the following terms:

2.26 As explained at paragraphs 29 and 30 of the NPPF, neighbourhood planning gives communities the power to develop a shared vision for their area, ~~but that neighbourhood plans must not promote less development than set out in strategic policies for the area, or undermine those strategic policies.~~

2.27 The NPPF also clarifies that once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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 the local council should not be able to over-rule a neighbourhood plan and they will always attempt to garner more power to themselves if allowed.

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 Jeff Fenton [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Jeff Fenton [REDACTED]
Comment ID	PSLP_899
Response Date	01/06/21 13:16
Consultation Point	Section 2: Setting the Scene (View)
Status	Processed
Submission Type	Email
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Jeff Fenton
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 Number 2.33 (Flooding)	
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.

2.33 identifies that to the north and west of Paddock Wood the land is “*particularly prone to flooding*”. The last major flood (2019) covered all of the area north of the railway line to a depth of almost 1m in places and generally to at least 0.75m overall. This link gives an indication of how serious it was.

<https://www.kentlive.news/news/kent-news/incredible-drone-footage-shows-flooding-3673436>

This is just one of several major floods experienced in the Medway Valley over just a couple of decades. In all cases serious property damage occurred and no amount of “ditch or drain clearing” has made any difference at all. In fact, by building even more in the Medway valley, the situation has worsened and so the next major flood may cost lives. Building another 30,000 homes in the Medway Valley is criminal. (TWBC 11k + Tonbridge & Malling Council 6.4k + Maidstone Borough Council (2 new garden villages) + developments already approved in Yalding.

The proposals to control flooding are quite simply ridiculous. North of the railway in Paddock Wood will require the movement of over 20 million tons of earth (brought in from elsewhere!) to raise homes in that area by 1m above current ground level.

The Plan is Unsound.

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.

Limit building in the Medway Valley to areas that have NOT experiencing flooding in the past 4 decades.

There are plenty of other sites that are brownfield, not in the green belt or simply away from the Medway Valley, but TWBC seems far too determined to destroy existing homes and then place new builds at risk of flooding too.

The original TWBC Call for Sites identified sufficient areas around the various parishes of Tunbridge Wells Borough to avoid any risk of flooding and to meet the housing need targets. TWBC, quite by surprise to Capel Parish Council, chose 2 sites for 95% of their targets in the full knowledge that flooding was a major issue.

The whole plan is Unsound.

Question 7

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

TWBC cannot be trusted to reveal the truth about the sites they have chosen, and the ones they have deliberately crossed off as being unsuitable. Too much data is inaccurate.

Eg. Our plot (which we offered for building just 3 houses) is 200m from the railway line and was considered unsuitable as "too close to the railway line". By contrast, the proposed Tudeley Garden Village of 2,800 homes has a railway line running through the middle of it that takes diesel trains almost hourly and nuclear waste from Dungeness power station, yet that site is considered a perfect location. The Plan is utter nonsense.

TWBC consultants claim that there are NO diesel trains on that route to pollute the air. That is a clear demonstration of how little the consultants actually researched the facts to form a conclusion which is totally inaccurate.

One Capel Parish Council Councillor is a train driver on that route. I think his word is more reliable than those of desktop consultants.

What is even more annoying is that TWBC paid for that consultation out of our Council Tax funds, adding to their recent money wasting projects that they are more than a little embarrassed about.

Question 8

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

There is no sustainability in the proposals regarding Tudeley Garden Village, Capel Parish East and Paddock Wood West as the destruction of animal habitats and the impact upon the heritage in the area is totally unsustainable.

The PSLP is Unsound.

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	Strategic Planning ()
Email Address	
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning -)
Comment ID	PSLP_2168
Response Date	04/06/21 16:56
Consultation Point	Section 2: Setting the Scene (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
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

General Commentary

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2 (PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic

Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

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

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

Question 5

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

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

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

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

Waste Management

Paragraph 2.22

The County Council welcomes the inclusion of waste in the list of types of infrastructure that will need to be delivered alongside growth. KCC recommends that the sentence that states 'local waste collection, recycling and disposal, waste' is altered to facilities to support local waste collection, bulking, recycling and disposal.

Public Rights of Way

Paragraph 2.23 / 2.39

The County Council supports the reference to walking and cycling and the promotion of Active Travel within this chapter. However, KCC requests specific mention of the Public Rights of Way (PRoW) network and the opportunities for its enhancement through 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.

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

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

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

Question 7

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

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

Question 7a

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

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

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

Future Notifications

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

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

Comment

Consultee	Mr Raymond Moon ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] Paddock Wood TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Raymond Moon ([REDACTED])
Comment ID	PSLP_2280
Response Date	02/06/21 14:54
Consultation Point	Section 2: Setting the Scene (View)
Status	Processed
Submission Type	Web
Version	0.3

Data inputter to enter their initials here HB

Question 1

Respondent's Name and/or Organisation Raymond Moon

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 2: Setting the Scene

Pg21. Paragraphs: 2.4, 2.17-2.19, 2.21-2.27, 2.33, 2.34, 2.41

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.

Section 2 Setting the Scene.

The settlements of the borough

Pg21 2.4 Paddock Wood. This opening statement highlights the many reasons why the amount of the proposed new dwellings 3,590+ are not sustainable within the area of Paddock Wood (PW). This number represents over 50% of the proposed Borough allocation and disproportionate to the allocation to other parishes and Towns in the Borough. Its is unfair and unjustified and damages the environment. There is no present bus station in Paddock Wood and the present mainline station has no direct link with the provision of bus routes needed to tempt present and future motor vehicle users to use public transport or cycles as we lead into a Zero carbon future. Our present secondary school Mascals can not sustain the present developments in PW and neither 3,590 new houses. Our present sports centre at Putlands is not adequate and the proposed new centre appears to serve Capel rather than the new residents of PW. We need a new police station to replace our present one which was demolished to make way for more housing in the town.

The strategy of the North of PW serving Large employment appears to have been abandoned in favour of new residential development. These new houses are in a high flood risk area and would create a pinch point over the present railway bridge if residents wish to use the present towns services ie. retail and access to schools, surgery's the present sports centre. There is a present HGV weight restriction on the bridge in appreciation of the increased traffic over the years. More houses North of PW will only make matters worse.

Housing affordability:

2.17 this paragraph highlights the worsening provision of the affordability of housing in PW where present house prices make many new houses in PW unaffordable to local residents. Present new 1 bed apartments in PW are priced at £252k to £275k beyond the reach of local residents. Social housing at 60% of market value is basically non existent and the social housing allocation should be nearer 100% to cope with future housing needs after the economic consequences of the pandemic start to kick in over the nest few years in PW and the Borough. Paragraphs 2.17 – 2.19 give the evidence that the affordable housing is far from affordable! The Draft Local plan does not adequately address this problem in the Borough and unfairly burdens PW with the new housing allocation.

Housing Types.

2.21. No mention is made to the new provision of any suitable bungalow type houses in the plan for PW. With have an ageing population and to reduce pressure on all our health services we should be planning for more of these types of houses. We have a real shortage in PW.

Infrastructure Key Issue/ challenge.

This particular serious issue in PW only warrants two paragraphs 2.22- 2.23.

2.22. The present 3 new developments approved in PW are seriously lacking in new infrastructure to sustain them in the future and the proposed new 3,590 dwellings need a new integrated network for the present residents and new residents in the years ahead covered in the plan.. The present incompetence of the provision provided by Southern Water (SW) for these new developments gives no one in the Town the confidence that SW will deliver on these new houses. Table 2. Lists some fine promises of the types of infrastructure to be delivered but the residents are still waiting on previous promises. Words are not enough, we have been failed and will not accept failure again. We need guarantees in the plan that the Utilities will deliver before any more houses are built in PW.

2.24 -2.26. The present borough council has not worked with our present developers in delivering the conditions imposed at the last public enquiry and the present Councils Infrastructure Delivery Plan only glosses over the need **“It is recognised that there are different infrastructure needs for different settlements and parishes across the borough, such as flood mitigation, sport and recreation provision, and internet accessibility, especially in rural areas; these will need to be considered and addressed accordingly”** There are no concrete proposals in the plan to address these complex issues and problems.

Natural, built, and historic environment Key issue/challenge: Green Belt, conserving and enhancing the borough’s recognised heritage and environmental assets, and achieving net gains for nature.

2.27. Much of the land around PW is designated Green Belt Land (GBL) including land surrounding our local villages such as Capel, Horsmonden, Brenchley , Matfield. The prospect of PW linking directly with Tonbridge via Capel is a real possibility and unsustainable. Urban sprawl is a real possibility and 407.576Ha of GBL will be de designated. 148.194Ha of this in the borough will be allocated for PW and East Capel. Foal Hurst Wood owned by Paddock Wood Town Council has resident Dormouse and other wildlife and a natural habitat for plants which has no mention of future protection in the plan. Coup[led with the present unfair allocation of new dwellings represents a massive destruction of our present Green and Open spaces and existing footpaths in the surrounding countryside.

Flooding Key issue/challenge: ensuring growth can be accommodated without further risk to areas vulnerable to flooding and, if possible, to provide betterment.

A key element of objection in this statement is the suggestion **“if possible to provide betterment”**. If you are providing new housing on high Flood risk areas in PW and the Borough than it is only logical that it is not sustainable unless improvements are made in the infrastructure.

2.33. Much of the allocated land especially North of the railway line has been put in Hgh Flood Risk areas category 2 and 3a. The present 3 developments in PW have added to the flooding issues and the proposed mitigation for the new houses is again unstainable. A promised masterplan at the last public enquiry to co ordinate flood protection and mitigation was not implemented. In stead of bland promises the residents of PW need actions and real infrastructure.

Transport Key issue/challenge: promoting different transport options to accommodate future growth, ease congestion, and where possible, improve air quality

Again a key element of objection to this statement is **“and where possible, improve air quality”**. If any potential road improvements in PW to sustain the new 3,590 dwellings are proposed then our existing air quality should not be reduced but improved.

2.34. How will TWBC address these **“The borough faces significant transport challenges, particularly in terms of managing existing congestion and future growth, as well as needing to respond to the impacts of air quality and climate change”**. The existing pinch point over the railway line bridge is not addressed and no proposal put forward that make sense or provision for the future. HGV traffic around our local lanes and roads is causing present massive congestion and air pollution and with the projected increase of commuters in the Town will also mean more congestion and air pollution and inadequate parking at the PW mainline station. More housing in our local villages will put more pressure on the present parking in PW.

Economy Key issue/challenge: supporting the needs of the local economy so that it can continue to be competitive, and creating a range of local job opportunities

2.41 As we come out of a pandemic our National and Local economy has been devastated and this aspect needs to be seriously addressed in the plan. To put it bluntly we have plenty of words but no detail or how we intend to create more local jobs in the PW area or rebuild the High Street (Commercial Road). A user friendly High Street has not been addressed for the future and with the recent approval of a new area behind the Commercial Road for housing places the whole future of the High Street in jeopardy. The best place to improve the economy is North of the railway line and this has been ignored in the plan.

In short Section 2. Setting the Scene, creates its own statement and doubts to question the sustainability of the new 3590 houses in PW and the size of the unfair allocation. The whole plan regarding PW should be revisited and provide more detail and sustainability for the future 30 years.

Question 7

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

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

Comment

Consultee	Mr Raymond Moon ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Paddock Wood Labour Party (PWLP)
Address	[REDACTED] TONBRIDGE TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Paddock Wood Labour Party (PWLP) (Mr Raymond Moon - [REDACTED])
Comment ID	PSLP_2303
Response Date	02/06/21 15:02
Consultation Point	Section 2: Setting the Scene (View)
Status	Processed
Submission Type	Web
Version	0.3
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Paddock Wood Labour Party
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 2: Setting the Scene

Pg21. Paragraphs: 2.4, 2.17-2.19, 2.21-2.27, 2.33, 2.34, 2.41

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.

Section 2 Setting the Scene.

The settlements of the borough

Pg21 2.4 Paddock Wood. This opening statement highlights the many reasons why the amount of the proposed new dwellings 3,590+ are not sustainable within the area of Paddock Wood (PW). This number represents over 50% of the proposed Borough allocation and disproportionate to the allocation to other parishes and Towns in the Borough. Its is unfair and unjustified and damages the environment. There is no present bus station in Paddock Wood and the present mainline station has no direct link with the provision of bus routes needed to tempt present and future motor vehicle users to use public transport or cycles as we lead into a Zero carbon future. Our present secondary school Mascals can not sustain the present developments in PW and neither 3,590 new houses. Our present sports centre at Putlands is not adequate and the proposed new centre appears to serve Capel rather than the new residents of PW. We need a new police station to replace our present one which was demolished to make way for more housing in the town.

The strategy of the North of PW serving Large employment appears to have been abandoned in favour of new residential development. These new houses are in a high flood risk area and would create a pinch point over the present railway bridge if residents wish to use the present towns services ie. retail and access to schools, surgery's the present sports centre. There is a present HGV weight restriction on the bridge in appreciation of the increased traffic over the years. More houses North of PW will only make matters worse.

Housing affordability:

2.17 this paragraph highlights the worsening provision of the affordability of housing in PW where present house prices make many new houses in PW unaffordable to local residents. Present new 1 bed apartments in PW are priced at £252k to £275k beyond the reach of local residents. Social housing at 60% of market value is basically non existent and the social housing allocation should be nearer 100% to cope with future housing needs after the economic consequences of the pandemic start to kick in over the nest few years in PW and the Borough. Paragraphs 2.17 – 2.19 give the evidence that

the affordable housing is far from affordable! The Draft Local plan does not adequately address this problem in the Borough and unfairly burdens PW with the new housing allocation.

Housing Types.

2.21. No mention is made to the new provision of any suitable bungalow type houses in the plan for PW. With have an ageing population and to reduce pressure on all our health services we should be planning for more of these types of houses. We have a real shortage in PW.

Infrastructure Key Issue/ challenge.

This particular serious issue in PW only warrants two paragraphs 2.22- 2.23.

2.22. The present 3 new developments approved in PW are seriously lacking in new infrastructure to sustain them in the future and the proposed new 3,590 dwellings need a new integrated network for the present residents and new residents in the years ahead covered in the plan.. The present incompetence of the provision provided by Southern Water (SW) for these new developments gives no one in the Town the confidence that SW will deliver on these new houses. Table 2. Lists some fine promises of the types of infrastructure to be delivered but the residents are still waiting on previous promises. Words are not enough, we have been failed and will not accept failure again. We need guarantees in the plan that the Utilities will deliver before any more houses are built in PW.

2.24 -2.26. The present borough council has not worked with our present developers in delivering the conditions imposed at the last public enquiry and the present Councils Infrastructure Delivery Plan only glosses over the need "It is recognised that there are different infrastructure needs for different settlements and parishes across the borough, such as flood mitigation, sport and recreation provision, and internet accessibility, especially in rural areas; these will need to be considered and addressed accordingly" There are no concrete proposals in the plan to address these complex issues and problems.

Natural, built, and historic environment Key issue/challenge: Green Belt, conserving and enhancing the borough's recognised heritage and environmental assets, and achieving net gains for nature.

2.27. Much of the land around PW is designated Green Belt Land (GBL) including land surrounding our local villages such as Capel, Horsmonden, Brenchley, Matfield. The prospect of PW linking directly with Tonbridge via Capel is a real possibility and unsustainable. Urban sprawl is a real possibility and 407.576Ha of GBL will be de designated. 148.194Ha of this in the borough will be allocated for PW and East Capel. Foal Hurst Wood owned by Paddock Wood Town Council has resident Dormouse and other wildlife and a natural habitat for plants which has no mention of future protection in the plan. Coup[led with the present unfair allocation of new dwellings represents a massive destruction of our present Green and Open spaces and existing footpaths in the surrounding countryside.

Flooding Key issue/challenge: ensuring growth can be accommodated without further risk to areas vulnerable to flooding and, if possible, to provide betterment.

A key element of objection in this statement is the suggestion "if possible to provide betterment". If you are providing new housing on high Flood risk areas in PW and the Borough than it is only logical that it is not sustainable unless improvements are made in the infrastructure.

2.33. Much of the allocated land especially North of the railway line has been put in Hgh Flood Risk areas category 2 and 3a. The present 3 developments in PW have added to the flooding issues and the proposed mitigation for the new houses is again unsustainable. A promised masterplan at the last public enquiry to co ordinate flood protection and mitigation was not implemented. In stead of bland promises the residents of PW need actions and real infrastructure.

Transport Key issue/challenge: promoting different transport options to accommodate future growth, ease congestion, and where possible, improve air quality

Again a key element of objection to this statement is "and where possible, improve air quality". If any potential road improvements in PW to sustain the new 3,590 dwellings are proposed then our existing air quality should not be reduced but improved.

2.34. How will TWBC address these "The borough faces significant transport challenges, particularly in terms of managing existing congestion and future growth, as well as needing to respond to the impacts of air quality and climate change". The existing pinch point over the railway line bridge is not addressed and no proposal put forward that make sense or provision for the future. HGV traffic around

our local lanes and roads is causing present massive congestion and air pollution and with the projected increase of commuters in the Town will also mean more congestion and air pollution and inadequate parking at the PW mainline station. More housing in our local villages will put more pressure on the present parking in PW.

Economy Key issue/challenge: supporting the needs of the local economy so that it can continue to be competitive, and creating a range of local job opportunities

2.41 As we come out of a pandemic our National and Local economy has been devastated and this aspect needs to be seriously addressed in the plan. To put it bluntly we have plenty of words but no detail or how we intend to create more local jobs in the PW area or rebuild the High Street (Commercial Road). A user friendly High Street has not been addressed for the future and with the recent approval of a new area behind the Commercial Road for housing places the whole future of the High Street in jeopardy. The best place to improve the economy is North of the railway line and this has been ignored in the plan.

In short Section 2. Setting the Scene, creates its own statement and doubts to question the sustainability of the new 3590 houses in PW and the size of the unfair allocation. The whole plan regarding PW should be revisited and provide more detail and sustainability for the future 30 years.

Question 7

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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	Mrs Carol Richards ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tonbridge TN11 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mrs Carol Richards ([REDACTED])
Comment ID	PSLP_1843
Response Date	04/06/21 11:43
Consultation Point	Section 2: Setting the Scene (View)
Status	Processed
Submission Type	Email
Version	0.10
Files	C Richards - Supporting Information - table and graph.JPG

Data inputter to enter their initials here KH

Question 1

Respondent's Name and/or Organisation Mrs Carol Richards

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 2: Setting the Scene

Demographic and housing

Question 4a

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.

The joint Sevenoaks and Tunbridge Wells Strategic Housing Market Assessment (Sep 2015) (Table 14) identifies a projected 37% increase in the size of the 60-74 age group and an 83% increase in the size of the over 75 age group (both for the TWBC area). By 2033, those over 60 will account for just over 30% of the population (joint area) Recent research by KCC (Strategic Commissioning Statistical Bulletin Jul 2019 - http://www.kent.gov.uk/__data/assets/pdf_file/0018/14724/Mid-year-population-estimates-totalpopulation-of-Kent-bulletin.pdf) identifies a significant increase in the proportion of females in the 80+ age group. Noting that many females will have been affected by the recent pension age increase, there is therefore likely to be a greater need to provide social housing for elderly females.

In conclusion, more consideration should be given to developing 20/30 groups of appropriate homes—typically 2 bed bungalows - to accommodate the over 60s in many rural village locations with good bus routes to T. Wells., Retired people often contribute to volunteer work within a community and make a very valuable contribution they could also revitalize shop in the villages. Building large greenfield settlements is the wrong answer to solving the problem of an ageing population. Planning the correct housing for the elderly could reduce costs to the KCC social services budget and also reduce NHS costs by keeping the elderly population more independent. I would look to plan more homes for these individuals near Benenden too, taking advantage of the hospital there. TWBC have been so focused on pushing through two main sites they are not focusing on the demographic need. By moving an aging population into more appropriate homes for them (and not just blocks of MacCarthy and Stone)- as this will not 'encourage' older people to leave their large homes- to release their family homes for others. I shall be one of those individuals and I am not going to move out of my 5 bedroom home unless I have a choice like the above. TWBC and all councils need to be more agile in their thinking and planning for an aging demographic society.

(TWBC Comment - table and graph included within comment have been appended to this comment)

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.

More bungalows are required in rural locations in pockets of 10/20

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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	Christine Spicer [REDACTED]
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Christine Spicer [REDACTED]
Comment ID	PSLP_809
Response Date	01/06/21 12:13
Consultation Point	Section 2: Setting the Scene (View)
Status	Processed
Submission Type	Web
Version	0.2
Question 1	
Respondent's Name and/or Organisation	Mrs Christine Spicer
Question 2	
Agent's Name and Organisation (if applicable)	N/A
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.

Key issues in the PSLP:

Page 26 paragraph 2.33

Also

SFRA

2016s4793 - Appendix C - Flood Zones (A3 tiles - 31 to 38) – RevB

Pages 1,2, 6, 7 & 8 in particular (composite picture shown below)

Compare the proposed development area with the flood zones:

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.

Under key issues in the PSLP:

Page 26 section 2.33

SFRA

2016s4793 - Appendix C - Flood Zones (A3 tiles - 31 to 38) – RevB

Pages 1,2, 6, 7 & 8 in particular (composite picture shown below)

Compare the proposed development area with the flood zones:

Of particular concern are the dark blue and lilac areas, flood zones 3a and 3b. In the PSLP it rightly notes that the key issue/challenge is “ensuring growth can be accommodated without further risk to areas vulnerable to flooding and, to provide **betterment**.”

Mitigation against flooding has been poor in the area in the past. Parts of Paddock Wood continue to flood regularly, with surface water flooding particularly an issue. Flood mitigation wasn't sufficient in the recent Persimmon development off Green Lane to stop the field earmarked for a new school to flood this January. It wasn't even a very wet winter. Drainage across Paddock Wood is inadequate, but it also has to be said that with the water table so high, there is nowhere for water to go. You can dig a pond as deep as you like. The water will fill it and the water table will not decrease. It may be possible to mitigate against flooding but at what cost? The inspector needs to look very carefully about the financial viability of building on this land, including careful examination of the green field runoff rates. In particular, the land to the West of Paddock Wood (that is East Capel plots 309, 141, 142), south of railway (the northern parts of plots 79 and 20 in Paddock Wood) and north of the railway (plots 51, 315, 316, 318, 319, 340, 347, 402, 216 and 218) is not suitable for building on, in my opinion. Thus this part of the plan is not sound. I call on the inspector to pay particular attention to this aspect of the plan. Regarding flooding, there has to be **betterment** or no building at all.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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	Joshua Boyle [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Joshua Boyle [REDACTED]
Comment ID	PSLP_1001
Response Date	02/06/21 22:42
Consultation Point	Figure 4 Median earnings to house prices ratio (Source: ONS data, 2019) (View)
Status	Processed
Submission Type	Web
Version	0.3

Question 1

Respondent's Name and/or Organisation Joshua Boyle

Question 3

To which part of the Local Plan does this 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 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 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.

I am a young person, who is a soon-to-be university graduate. I have lived in Paddock Wood for 13 years, and in that time, I have not seen any chance for me to rent in Paddock Wood. I am a university student, and even with a graduate job, I could not afford the so-called affordable housing; how will someone who is not a graduate afford a house? Average rentals for a 1 bedroom apartment in Paddock Wood are £825 per month, 4 bedroom is £1,850 per month. This median average does take into consideration the grossly inflated wages of commuters travelling to London; what it does not do is consider the average wages of those who live and work in Paddock Wood, and what is affordable for the current residents within 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.

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 2020 Planning White Paper states that 10% of all housing should be affordable. I would suggest upping this, and also placing caps on the maximum price for these units, as well as assessing the income of those interesting in buying or renting from TWBC.
<https://commonslibrary.parliament.uk/research-briefings/cbp-7747/>

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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 as I would provide a younger voice that wants to move back to Paddock Wood once graduating, and being able to afford my own home.

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	Joshua Boyle [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Joshua Boyle [REDACTED]
Comment ID	PSLP_1009
Response Date	02/06/21 23:51
Consultation Point	Table 2 Types of infrastructure to be delivered (View)
Status	Processed
Submission Type	Web
Version	0.2

Question 1

Respondent's Name and/or Organisation	Joshua Boyle
---------------------------------------	--------------

Question 3

To which part of the Local Plan does this 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 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 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.

Short of the few jobs that will be generated by the few corner shops, there is 0 considering for employment options. TWBC has always neglected the needs of 16-25 year olds in Paddock Wood. Additionally, there are plans for several new primary schools; why are there no plans for secondary schools?

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.

Create more diverse employment opportunities with more retail units, as well as investigate creating an annex for Mascalls, or an entirely new Secondary school.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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: No, I do not wish to be notified of future stages of the Local Plan

Local Plan Regulation 19 representations in document order

Comments on Section 3: The Vision and Strategic Objectives

Supporting Information File Ref No: SI_148

Comment

Agent	Mr Jonathan Buckwell ()
Email Address	
Company / Organisation	DHA Planning Ltd
Address	Eclipse House Eclipse Park MAIDSTONE ME14 3EN
Consultee	Axiom Developments ()
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Axiom Developments ()
Comment ID	PSLP_2104
Response Date	03/06/21 11:33
Consultation Point	Section 3: Vision and Objectives (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	DHA Planning for Axiom Developments-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Axiom Developments 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/RTW1 (PSLP_2099), Vision and Strategic Objectives (PSLP_2104), Policies STR3 (PSLP_2106), STR9 (PSLP_2107), and AL/RTW17 (PSLP_2108).

Question 4a

If 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 Axiom Developments Limited (hereafter referred to as Axiom) in respect of the Tunbridge Wells Borough Council Regulation 19 Local Plan consultation.

1.1.2 These representations relate to land at Colebrooke Park, which Axiom is promoting for employment-generating development 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 Our client has been promoting land at Colebrooke House for a business park within an attractive parkland campus setting. The site was promoted via the original Call for Sites process in 2016 (site 101) and representations were made at the previous Reg 18 consultation. The site boundary is shown in Figure 1.

1.2.2 The site lies outside of the current settlement boundary for Royal Tunbridge Wells and within both the High Weald Area of Outstanding Natural Beauty (AONB) and the Green Belt.

1.2.3 As a result of the recent A21 dualling project, the site benefits from direct access onto the A21 via the Fairthorne junction. This now provides the site with excellent access to the national road network, whilst also being well-located in relation to the existing employment areas along Longfield Road. The A21 improvements present an excellent opportunity for the site to make a substantial contribution to the local economy through development of the site.

1.2.4 The 8.5ha site comprises a large 19th century residential property set in parkland grounds. Whilst being habitable, the property is currently in need of repairs following a period of under-investment. Its value as a residential property has been substantially affected as a result of the A21 dualling works.

[TWBC: see full representation attached for Figure 1: Proposed allocation site boundary].

1.2.5 There is a unique opportunity to provide employment-generating development which makes the most of the existing characteristics of the site. For example, this could take the form of a high-quality business park, or other employment-generating use set within an established parkland setting and based around the existing 19th century Colebrooke House.

1.2.6 The site provides an opportunity to provide an attractive business location, accessible to the A21 as well as local businesses and services. A Vision Document has been prepared and was submitted with our Regulation 18 representations previously which shows that the site would be capable of delivering around 11,750 sqm of employment-generating floorspace, which would be capable of supporting between 885 and 1,437 jobs if in office use.

1.2.7 The Council's Economic Needs Study (ENS) demonstrates the need for good quality economic development land locally. This was also backed up by responses from stakeholders identifying Tunbridge Wells as a good office and industrial location. ENS paragraph 9.66 in particular identifies demand for offices, and especially higher quality Grade A accommodation in accessible locations, which is the type of development proposed at Colebrooke House. It would score well against all of the bullet points set out in ENS paragraph 10.29, i.e. excellent accessibility; public transport and parking availability; and it being an area with a critical mass of employment use and amenities which would be attractive to investors.

1.2.8 The development would have excellent strategic transport links to the newly upgraded A21 as well as providing opportunities to create and improve existing pedestrian, cycle and public transport links to North Farm, Tunbridge Wells and Tonbridge. Pedestrian, cycle and emergency access links could also be provided into the land to the west, which is also proposed for development as part of the Local Plan proposals.

1.2.9 In respect of deliverability, the site has no planning history of relevance nor a history of unimplemented permissions, and there are no known impediments to the sites being phased for potential development. There is an excellent opportunity to deliver a high-quality employment development scheme during the plan period.

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. In particular, we especially welcome the recognition that the planned increase in housing should also be matched by a proportionate expansion in employment and other supporting opportunities across the borough.

1.5.9 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.

1.5.10 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 borough-wide needs will actively be pursued in full and in a manner that best complements the distinctive qualities of the borough'.

1.5.11 With the above modification, 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 Axiom Developments 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 generally support the Council's overall strategy and do not object to the proposal for the site to be removed from the Green Belt and safeguarded for future employment uses. However, for the reasons set out in these representations, we believe there are strong arguments in favour of allocating the land for development now.

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

1.5.8 We broadly support the general thrust of the vision and these objectives. In particular, we especially welcome the recognition that the planned increase in housing should also be matched by a proportionate expansion in employment and other supporting opportunities across the borough.

1.5.9 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.

1.5.10 Indeed, we would suggest some minor modification to ensure that 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 borough-wide needs will actively be pursued in full and in a manner that best complements the distinctive qualities of the borough'.

1.5.11 With the above modification, 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_136

Comment

Agent	Mr Jonathan Buckwell ()
Email Address	
Company / Organisation	DHA Planning Ltd
Address	Eclipse House Eclipse Park MAIDSTONE ME14 3EN
Consultee	()
Company / Organisation	Barth-Haas UK Ltd
Address	 Paddock Wood TN12
Event Name	Pre-Submission Local Plan
Comment by	Barth-Haas UK Ltd ()
Comment ID	PSLP_2022
Response Date	03/06/21 12:06
Consultation Point	Section 3: Vision and Objectives (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	DHA Planning for Barth-Haas-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Barth-Haas Uk 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 Policies STR/SS1 (PSLP_2019), STR/SS2 (PSLP_2020), Policy ED2 (PSLP_2021), Vision and Strategic Objectives (PSLP_2022), Policies STR1 (PSLP_2023), STR3 (PSLP_2024) and STR4 (PSLP_2025)]

Question 4a

If 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 Barth-Haas UK Ltd (herein 'BarthHaas') in respect of the Tunbridge Wells Borough Council Pre-Submission (Regulation 19) Local Plan (PSLP) consultation.

1.1.2 These representations relate to BarthHaas' existing site at Hop Pocket Lane, Paddock Wood.

1.2 The site

1.2.1 The site comprises the Barth Haas UK headquarters and production facility, which is located east of Hop Pocket Lane in Paddock Wood.

1.2.2 Barth Haas UK forms part of the Barth Haas Group – who are the world's largest supplier of hop products and services. It operates across all continents and provides support to its customers and partners throughout the production and sale cycle. This includes research and development, breeding /growing and marketing. As is recognised in PSLP paragraph 5.236, Paddock Wood evolved around the production of hops, and so as a company who continue to trade in hop products, BarthHaas provides an important link with the history of the town, as well as being an important local employer in its own right.

1.2.3 Our client is currently considering options to expand their facilities. This is likely to require relocation, with an alternative location in or close to Paddock Wood preferred, which will then free up the site. The existing premises are dated and no longer suit the needs of modern businesses – especially being an imposing five storey building – it is likely that the site would need to be redeveloped in order to be attractive to future occupiers.

1.2.4 The extent of the site is shown in Figure 1 overleaf.

[TWBC: for Figure 1: Site Location Plan see full representation attached]

1.2.5 The site was promoted for development through a response to the Regulation 18 consultation draft Local Plan.

1.2.6 The site is very close to both the town centre and the railway station, the latter being accessible via a pedestrian access point immediately south of the site.

1.2.7 The site was assessed by the Council as part of the Strategic Housing and Economic Land Availability Assessment (SHELAA). This concluded that the site could be suitable to be redeveloped to accommodate between 40 and 140 dwellings. The SHELAA concludes that the site is suitable, available and deliverable for such a use, and is in a sustainable location. It is therefore suitable to be allocated for this form of development.

1.2.8 Strategic Sites Masterplanning and Infrastructure Main Report paragraph 4.152 also recognises that some other town centre uses (e.g. retail and leisure) may also be appropriate in this location.

1.3 Local Plan 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 as well as wider legal compliance.

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, 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.

1.5 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 Local Plan (PSLP) is underpinned by vision and strategic objectives.

1.5.5 The vision is set out below:

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

Response

1.5.7 BarthHaas broadly support the general thrust of the vision and these objectives. In particular, we especially welcome the recognition that the planned increase in housing should also be matched by a proportionate expansion in employment and other supporting opportunities across the borough, including new high quality employment floorspace which would be suitable for local companies such as BarthHaas to relocate to.

1.6 Summary and Conclusions

1.6.1 In summary, this representation has been prepared on behalf of BarthHaas 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 fully support the proposed expansion of Paddock Wood to create a balanced mix of housing and employment development, and especially the identification of the existing BarthHaas site as being suitable for residential-led development.

1.6.3 However, we object to the wording of Policy ED2 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_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_2005
Response Date	04/06/21 11:29
Consultation Point	Section 3: Vision and Objectives (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	DHA Planning for Caenwood Estates Ltd - full representation and supporting documents.pdf
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?	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

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 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.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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
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 (View)
Status	Processed
Submission Type	Email
Version	0.8
Files	DHA Planning for Cedardrive - full representation.pdf
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

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

After this stage, 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.

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.

After this stage, 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

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.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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])
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 (View)
Status	Processed
Submission Type	Email
Version	0.9
Files	DHA Planning for Countryside Properties-full representation AL-CRS2.pdf
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

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

After this stage, 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.

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.

'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.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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])
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_2263
Response Date	02/06/21 11:41
Consultation Point	Section 3: Vision and Objectives (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	DHA Planning for Countryside Properties-full representation Pembury.pdf
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.

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.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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 (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	DHA Planning for Countryside Properties-full representation Hawkhurst.pdf
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.

'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.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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])
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_2161
Response Date	03/06/21 11:02
Consultation Point	Section 3: Vision and Objectives (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	DHA Planning for Countryside Properties-full representation STR-SS1.pdf
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.

After this stage, 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.

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 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 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.

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.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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 (View)
Status	Processed
Submission Type	Email
Version	0.3
Files	PSLP_1962_DHA Plg for Countryside Properties_full representation.pdf
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.

After this stage, 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.

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 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 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.

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.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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	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 (Mrs Hilary Hosford [REDACTED])
Comment ID	PSLP_750
Response Date	31/05/21 11:35
Consultation Point	Section 3: Vision and Objectives (View)
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 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

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

After this stage, 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.

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

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

No, but other members of the CCAAC may wish to do so

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 ()
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 (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	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-2 Appendix 2 Flood Risk & Drainage Overview 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-14 Review of Sustainability Appraisal PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-6 Appendix 3 Fig.1 Site Context Plan 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-4 Appendix 3A.1 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-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 Base² 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

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing 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

Comment

Agent	Andy Pearce [REDACTED]
Email Address	[REDACTED]
Company / Organisation	CBRE Limited
Address	[REDACTED] [REDACTED] London [REDACTED]
Consultee	[REDACTED]
Email Address	[REDACTED]
Company / Organisation	Dandara Ltd
Address	[REDACTED] [REDACTED] Hemel Hempstead [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Dandara Ltd [REDACTED]
Comment ID	PSLP_1685
Response Date	04/06/21 16:55
Consultation Point	Section 3: Vision and Objectives (View)
Status	Processed
Submission Type	Email
Version	0.8
Files	PSLP_1685-1711(not inclusive)_CBRE(Dandara)_LandscapeConcept_SI.pdf PSLP_1685-1711(not inclusive)_CBRE(Dandara)_Representation_SI.pdf PSLP_1685-1711(not inclusive)_CBRE(Dandara)_Letter_SI.pdf PSLP_1685-1711(not inclusive)_CBRE(Dandara)_S'borough Concept_SI.pdf
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Dandara

Question 2

Agent's Name and Organisation (if applicable) CBRE Ltd

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

Paragraph Numbers: 3.1 - 3.16

[TWBC: Covering letter, Full Written Representation, Landscape Concept and Southborough Vision Document attached as Supporting Information. This representation has been input against Section 3 - Vision & Objectives, Section 4 - The Development Strategy, Policies STR/SS 1, STR/HA 1, AL/RTW 5 and STR/CRS 1 – see Comment Numbers PSLP_1685, PSLP_1688, PSLP_1689, PSLP_1697, PSLP_1703 and PSLP_1711]

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: . 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.

[TWBC: Covering letter/email as follows - copy also attached as Supporting Information]

CBRE is appointed by Dandara Ltd. to submit representations relating to the Regulation 19 Pre-Submission Draft version of the Tunbridge Wells Borough Local Plan.

Dandara hold specific land interests in respect of the following sites as set out in our representations:

- . STR/PW1 / STR/SS1 – Badsell Farm, Paddock Wood ('Paddock Wood');
- . STR/HA1 / AL/HA4 – Land off Copthall Avenue and Highgate Hill, Hawkhurst ('Hawkhurst');
- . STR/RTW1 / AL/RTW5 – Land at Speldhurst Road, Southborough ('Southborough');
- . AL/RTW 16 – Land to the west edge of Eridge Road at Spratsbrook Farm ('Spratsbrook Farm');
- and
- . Omission Site – Land east of Camden Lodge, adjacent to Mill Lane and Sissinghurst Road ('Sissinghurst');

The above sites are located within the administrative area of Tunbridge Wells Borough Council ('TWBC'). The Paddock Wood, Hawkhurst, Southborough and Spratsbrook Farm sites are all allocated in the Pre-Submission Draft Local Plan.

Separate written representations have been submitted by Barton Willmore LLP in respect to Dandara's land interests at AL/RTW 16 – Land to the west edge of Eridge Road at Spratsbrook Farm ('Spratsbrook Farm'). CBRE's written representations have been fully coordinated with Barton Willmore LLP's representations for Spratsbrook Farm.

Accordingly, please find the following enclosed representations which will be sent via email and secure electronic file transfer:

- . This cover letter;
- . Completed Local Plan Response Forms; and
- . Written Representations Report dated June 2021.

Dandara will continue to engage with TWBC as well as key stakeholders, to feed into and inform later stages of the plan-making process including the Examination hearings in due course.

Dandara will also continue to monitor the progress of the emerging Local Plan and will also look to make written representations on the next stage, Examination hearings in due course.

[TWBC: End of covering letter/email]

4.3 Dandara supports the overall vision of the Pre-Submission Local Plan and the specific aspirations for the expansion to Paddock Wood and Royal Tunbridge Wells, and also welcomes the focus on sustainable development and achieving high quality design.

4.4 The Council's strategic objectives are centred around delivering sustainable development, boosting housing supply (including affordable housing), endorsing garden village principles, high quality design, investment and delivery of infrastructure, active and sustainable travel, promoting economic growth, protecting and conserving the historic environment and natural landscapes, controlled release of Green Belt land, commitment to reducing carbon dioxide emissions and addressing climate change and working with local communities as part of the neighbourhood planning process.

4.5 The planned expansion of Paddock Wood is identified as being a key component of the Vision and Strategic Objectives.

4.6 Dandara supports these strategic objectives but suggests these objectives should be expanded, with further emphasis made on promoting healthy lifestyles, specific reference to tackling poor air quality and the regeneration of town centres in the interests of ensuring the Local Plan is positively prepared and consistent with national policy as set out by Paragraph 35 (a and d) of the NPPF.

4.7 Dandara also supports the Council's aspiration for high quality development at other settlements across the Borough which responds to the distinctive and particular character of their locations. The combination of strategic and smaller allocations form a critical component of the Council's housing strategy and are capable of being delivered in the short, medium and long-term within the Plan period.

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.

4.6 Dandara supports these strategic objectives but suggests these objectives should be expanded, with further emphasis made on promoting healthy lifestyles, specific reference to tackling poor air

quality and the regeneration of town centres in the interests of ensuring the Local Plan is positively prepared and consistent with national policy as set out by Paragraph 35 (a and d) 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:

Dandara wish to participate in the hearing session to discuss their representations and to provide further evidence to assist the Inspector where necessary in the interests of ensuring the emerging Local Plan, its strategic allocation policies and all other strategic and development management policies can be found to be sound and meet all the specific soundness tests set out at Paragraph 35 of the NPPF.

Question 8

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

4.9 The Council's supporting Sustainability Appraisal (SA) sets out the preferred growth strategy of securing a planned strategic extension at Paddock Wood based on garden village principles, supplemented by the creation of a new garden village at Tudeley Village and promotion of new growth at existing settlements.

4.10 The production of the SA is a key evidenced based document in understanding whether or not the approach to the spatial strategy is sound. The NPPF (2019) introduced a subtle but important change to the definition of 'justified' with the requirement now for 'an appropriate strategy' rather than 'the most appropriate strategy'.

4.11 The SA (February 2021) includes the assessment of 8 alternative options for the spatial strategy. In presenting a robust approach the SA (February 2021) correctly considers the implications for the spatial strategy in including Paddock Wood in some options and excluding it from others.

4.12 Paragraph 6.2.13 of the SA (February 2021) succinctly summarises the consequences for sustainable development if an alternative spatial strategy was pursued which sought to focus growth exclusively in the main town and main town and villages. In the assessment it is noted that the exclusion of Paddock Wood (and in turn the additional pressure that this would place on other areas to accommodate growth) would have a detrimental impact upon 8 of the SA objectives including: objectives of business growth, climate change, deprivation, employment, health, services, travel and water. The assessment work undertaken provides a sound basis to inform the proposed spatial strategy with the approach representing an appropriate strategy (as required by the NPPF).

4.13 At the more detailed policy level, the SA provides a rigorous and robust testing of the 11 Local Plan strategic objectives against the 19 SA objectives and confirms there are no sustainability objectives that are more incompatible than compatible with the Local Plan objectives.

4.14 The SA explains the Council's assessment of their growth strategy options as set out in the Issues and Options stage SA (2017).

4.15 The Council's site assessment review includes assessment of potential development sites and reasonable alternative sites. Dandara support the scoring for Land to the north of Badsell Road, Five

Oak Green, Paddock Wood (Site ref. 142) as part of strategic allocation STR/SS1 and TN12 Land off Copthall Avenue and Highgate Hill, Hawkhurst (Site ref. 78); and Land at Speldhurst Road, Southborough (Site ref. 100). Dandara consider the review of these development sites to be accurate, robust and informed by proportional evidence in accordance with Paragraph 35(b) of the NPPF.

4.16 However, Dandara disagree with the findings of the reasonable alternatives site assessment, land east of Camden Lodge, adjacent to Mill Lane and Sissinghurst Road (Site ref. 120). This is discussed further on in this submission, however, this site was a largely neutral scoring site and comprises a small greenfield site within the settlement boundary and not located in the AONB and is proposed for medium scale residential redevelopment.

4.17 Dandara support the Council's SA subject to the above comments on the Council's strategic objectives, consider it to be robust and satisfies the relevant legal requirements including SEA in accordance with Paragraph 32 of the NPPF.

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_34

Comment

Agent	Mr David Bedford [REDACTED]
Email Address	[REDACTED]
Company / Organisation	DHA Planning Ltd
Address	Eclipse House Eclipse Park MAIDSTONE ME14 3EN
Consultee	Fernham Homes [REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Fernham Homes [REDACTED]
Comment ID	PSLP_509
Response Date	26/05/21 09:24
Consultation Point	Section 3: Vision and Objectives (View)
Status	Processed
Submission Type	Email
Version	0.9
Files	PSLP_509-511_DHA Planning for Fernham Homes.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Fernham Homes
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

Question 4a

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

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

Question 5

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

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

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

[TWBC: this part of the response has been separated from the full response submitted by DHA Planning. See full representation attached. See also PSLP_509 (Vision and Objectives), PSLP_510 (Section 4: Policy STR1 - the Development Strategy), PSLP_511 - Section 5: Cranbrook & Sissinghurst Policy STR/CRS1: The Strategy for Cranbrook & Sissinghurst parish; PSLP_532 - Development Management Policies and PSLP_533 - Legal Compliance and Duty to Cooperate].

1.1 Introduction

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

1.1.2 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.

1.1.3 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.

1.1.4 This submission comments on the plan having regard to these tests of soundness as well as wider legal compliance. However, for context, we first provide an overview of the land within Fernham's control, which was included in the Regulation 18 Draft Local Plan as an allocation (draft policy AL/CRS 6) for residential development (Known as 'Gate Farm, adjacent to Hartley Road and Glassenbury Road, Hartley (plus Bull Farm) (SHELAA reference: Sites 59, 70, 323 & 345, and Late Site 53)' but subsequently omitted from the pre-submission draft.

1.1.5 Based on the current national and local planning context, we object to the site's omission, which was not based on sound planning grounds but as a basis to help defend against a s78 planning appeal. The outcomes of that appeal, and the commentary of the Inspector, provides a clear basis to conclude that the land is a suitable location for proportionate plan led growth.

1.1.6 Fernham Homes hope to work with the Council to agree a revised proposal. In the interim, these comments explain why we are concerned about the manner in which some sites have been omitted from the plan making process.

1.2 Land at Gate Farm, Hartley Road, Hartley (Cranbrook)

1.2.1 The site to which this representation relates is located on the northern side of Hartley Road/A229 and is approximately 1.48 hectares in area. It is located to the south west of Cranbrook outside built confines but adjacent to the built up area of Hartley.

[TWBC: to view site plan see full representation attached].

1.2.2 The land sits immediately adjacent to residential development to the north and commercial buildings are located on the west side of Glassenbury Road. The site falls entirely within the High Weald Area of Outstanding Natural Beauty AONB.

1.2.3 There are several listed buildings in the vicinity of the site, including:

(i) Hartley Gate Farmhouse (Grade II listed);(ii) Hartley Farmhouse (Grade II listed);(iii) Bull Farm House (Grade II listed); and(iv) Barn 50 Yards North of Bull Farmhouse (Grade II listed).

1.2.4 The surrounding area is characterised by the settlements of Hartley and Cranbrook, residential development with in and around those settlements, commercial developments, farmsteads and agricultural buildings as well as open agricultural land.

1.2.5 To the northeast are residential properties. Opposite the site is the well-established Hartley Dyke Commercial Centre, consisting of Juniors Day Nursery, the Hartley Dyke Coffee House and Farm Shop and several other commercial premises.

1.2.6 In terms of public transport, there are two bus stops located approximately 160m to the east of the site providing a service to Maidstone Town Centre, Loose, Staplehurst, Cranbrook and Hawkhurst. Staplehurst, approximately 10km to the north of the site, provides a regular train service to London, with up to 3no. trains per hour in peak periods (travel time under 1 hour to London Charing Cross and Cannon Street).

1.2.7 The site is not subject to any wider policy designations. The Environment Agency mapping also confirms that the site does not fall within a flood risk zone.

1.2.8 A high pressure water main and overhead power lines run through the site and represent design constraints.

1.2.9 The Hartley Road frontage of the site has been subject to previous smaller scale development proposals as follows:

- 84/00175/OUT - Outline application for 8 semi detached dwellings -Refused; and• 96/00283/FUL - 3 Detached dwellings – Refused. • 17/00795/FULL - Demolition of four derelict agricultural buildings and construction of four detached dwellings with associated parking, landscaping and access from Hartley Road (Withdrawn 08/02/18 following publication of officer's recommendation to refuse in advance of Planning Committee meeting).

1.2.10 The area immediately east of the site, between the built up area and Hartley Gate Farmhouse, has been subject to a planning appeal (APP/M2270/W/18/3203543) for the erection of 8 homes. The appeal was dismissed, but in doing so the Inspector narrowed the sole issue to the effect of the proposed vehicular access on highway safety (i.e. it was suitable in all other respects). The Inspector endorsed the principal of development and had no issue with the impacts of that scheme on the AONB, the character and appearance of the area and on settlement morphology.

1.2.11 Given the suitability of Fernham's land, an outline planning permission was progressed for 27 new homes and registered under Tunbridge Wells planning application reference 19/02170/OUT. However, this application was refused by Tunbridge Wells Borough Council for seven reasons:

(1) The development would cause significant harm to the rural character of the area, would have more than a minimal impact on the landscape character of the locality, would have a detrimental impact on the landscape setting of Cranbrook and would fail to conserve and enhance the special character of the High Weald Area of Outstanding Natural Beauty. It is therefore contrary to Policies LBD1, EN1 and EN25 of the Tunbridge Wells Borough Local Plan 2006, Core Policies 4 and 14 of the Tunbridge Wells Borough Core Strategy 2010, the aims and objectives of the Borough Landscape Character Area Assessment 2017 and the National Planning Policy Framework 2019(2) The application fails to

demonstrate that safe and suitable access to the site can be achieved for all users. It is thereby in conflict with Part 9 of the National Planning Policy Framework 2019, and saved policy TP4 of the Tunbridge Wells Local Plan 2006.(3) There is insufficient evidence to demonstrate that the proposal can result in a net gain in biodiversity. The proposal is thus contrary to Para 170 the National Planning Policy Framework 2019(4) The proposal would harm the setting of nearby listed buildings. It is not considered that there are sufficient public benefits, or any other material considerations, that outweigh this harm. The proposal is thus contrary to saved policy EN1 of the Tunbridge Wells Borough Local Plan 2006, Core Policy 4 of the Tunbridge Wells Borough Core Strategy 2010 and the National Planning Policy Framework 2019(5) The proposal would not provide developer contributions towards Secondary Education, Youth Provision and the Cranbrook Hub projects to mitigate the impact of the proposal. It would therefore conflict with the National Planning Policy Framework 2019, the Planning Practice Guidance, Core Policy CP1 of the Tunbridge Wells Core Strategy 2010 and Policies CS4 and R2 of the Tunbridge Wells Borough Local Plan 2006.(6) The proposal would not provide affordable housing within the proposed development. It would therefore conflict with the National Planning Policy Framework 2019, Core Policy 6 of the Tunbridge Wells Core Strategy 2010 and the Affordable Housing Supplementary Planning Document.(7) The proposal would not provide developer contributions towards new single premises for the three General Practices located in Cranbrook to mitigate the impact of the proposal. It would therefore conflict with the National Planning Policy Framework 2019 and Core Policy CP1 of the Tunbridge Wells Core Strategy 2010.

1.2.12 Not only did the Council refuse this application, but in seeking to defend the appeal the site was also removed from the Local Plan pre-submission draft.

1.2.13 An appeal was subsequently lodged (Appeal Ref: APP/M2270/W/20/3247977) during the life of which reasons for refusal 5 to 7 were resolved prior to determination (through the provision of a suitably worded Section 106 Legal Agreement). Reason for refusal 3 was also overcome as a result of providing further ecology information and a further commitment within the Section 106.

1.2.14 The main issues for the appeal (and so wider site suitability) were narrowed to:

(1) The impact of the proposed development on the character and appearance of the area including landscape character and the AONB;(2) Highways safety; and(3) Heritage harm.

1.2.15 The appeal was dismissed in February 2021, but in doing so the Inspector provided clear findings on a number of key matters that were in dispute and formed the basis for deleting the allocation. We summarise these findings below. A full copy of the appeal is included as Appendix 1.

Heritage

1.2.16 Paragraphs 50 to 64 directly responded to the heritage evidence, with the Inspector ultimately endorsing the appellant's evidence that heritage harm would be restricted to Hartley Gate Farmhouse only and in the less than substantial range. The Inspector rejected harm to wider assets. At paragraph 150 he concluded:

'Given the relatively low level of harm I have found in relation to the farmhouse and the significant housing and other positive attributes I have identified from the scheme, I find the heritage harm arising would be outweighed by the public benefits identified. Accordingly, the Framework does not provide a clear reason for refusing the development proposed in this specific regard'.

1.2.17 In our opinion, the Inspector provided a very clear conclusion that reason for refusal 4 was not a reasonable basis to withhold consent, nor did it provide a clear basis for disengaging the presumption in favour of sustainable development. As such, we consider the over estimation of heritage impacts contributed to an otherwise suitable allocation being omitted from the pre-submission plan.

Access and Highway Safety Matters

1.2.18 Paragraphs 65 to 88 of the appeal directly responds to the highway evidence. The Inspector's summary of highway matters stated:

'86. The A229 is a busy classified road. It reflects the accompanying dangers and relatively harsh pedestrian environment that might be expected, and improvements can always be made. Nevertheless, the evidence presented demonstrates the local highway network has no particular design flaws, and is capable of withstanding the relatively modest increase in vehicle and pedestrian movements that would arise from the scheme without incurring further undue additional risks or inconvenience. I also note possibilities for further detailed refinements to the scheme, particularly in terms of facilities for

pedestrian movement, and which were discussed at the Inquiry in relation to a possible planning condition should the appeal be allowed.

87. The Framework requires that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The evidence against the proposed scheme falls significantly short of such a threshold.

88. I therefore conclude that the proposal would provide safe and suitable access for all users and would not be contrary to Policy TP4 of the Local Plan to the extent that it seeks, amongst other things, to ensure that proposals provide a safely located access with adequate visibility and that the traffic generated by the proposal would not compromise the safe and free flow of traffic or the safe use of the road by others'.

1.2.19 In our view, the Inspector provided a very clear conclusion that reason for refusal 2 was not supportable nor a reasonable basis to withhold consent and that the access was suitable for the quantum of development proposed. As such, we consider the dismissal of the site on highways grounds also wrongly contributed to the site being omitted from the pre-submission plan.

Location

1.2.20 At paragraph 117 the Inspector confirmed that the scheme enjoys a moderately sustainable location. Paragraph 124 also acknowledges that the Framework requires that, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and that planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. The scheme was deemed to be consistent with this aim and so modest weight was attached to these economic factors as a benefit.

Major Development

1.2.21 At paragraph 155 the Inspector confirms that the appeal scheme was not 'major' development.

Landscape Impact

1.2.22 Having regard to the above, reasons for refusal 2 to 7 were either overcome or dismissed by the Inspector. The only matter between parties relates to reason for refusal 1 and the associated impact upon the AONB.

1.2.23 In considering the conclusions, at paragraph 42, the Inspector is clear that the site may have potential for reintroduction of some sensitive built form, albeit a better balance has to be struck in relation to the legibility and distinctiveness of the AONB.

1.2.24 At paragraph 49 he concludes that the scheme would, by virtue of the extent of built development proposed (rather than principle) would be significantly harmful to the character and appearance of the appeal site and its surroundings.

1.2.25 In summary, all of the above commentary provides a clear basis to suggest that a revised scheme could integrate within the AONB setting. The Inspector stopped well short of concluding the site was unsuitable for development per se and as such we consider the deletion of the site, and subsequent impact it has had on evidence base and thus it is neither justified nor positively prepared.

1.2.26 We explain the wider relevance of the site being wrongly omitted in the context of the wider strategy within the subsequent sections of this representation.

1.3 Wider Assessment of Soundness

1.3.1 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.

1.3.2 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.

1.3.3 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*

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

1.3.5 The vision is set out below:

'Growth in new homes, jobs, and supporting infrastructure will be achieved over the plan period in a manner that respects the distinctive qualities of the borough.'

The Council will work with stakeholders to maintain and improve overall living standards and access to employment, leisure, and cultural opportunities for all the borough's residents. In particular, the Council will improve access to suitable, especially affordable, housing, including for local young people and older households, and will develop the borough's economic strengths and range of accessible job opportunities.*

Important local services, infrastructure, and amenities will be retained and, where necessary, improved, in line with community needs.

Development should help achieve the Council's goal of carbon neutrality for the borough by 2030. It should also help to conserve and enhance the borough's recognised heritage and environmental assets. All development should be of high-quality design that respects local identity and character.

Local ambitions are:

• for Royal Tunbridge Wells and Southborough, to maintain their role as the main urban area, with a mix of housing, employment, leisure, and cultural developments, including by making effective use of urban land, whilst protecting their respective distinctive natural and built environmental qualities; • for Paddock Wood, to provide for comprehensive planned strategic growth (including on land in east Capel parish) that is fully aligned with timely infrastructure provision and which delivers significant improvements in local employment, town centre, leisure and other services/community facilities commensurate with its enhanced role, as well as ensuring that it is not vulnerable to flooding; • for a garden settlement, to establish the potential for a new village to contribute to sustainable growth, that is: based on garden settlement principles; comprehensively planned and reflecting local character; well connected with nearby towns; providing local job opportunities, services and all necessary supporting infrastructure; with exemplary development of sustainable design; • 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'.

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

(1) To ensure sustainable development that contributes to both meeting housing, economic, and social needs and to conserving and enhancing the highly valued environmental qualities and amenities of the borough; (2) To significantly boost the supply of affordable housing and ensure suitable housing for all sections of the population; (3) To establish the role that garden settlements can make to the future delivery of development in the borough and to ensure such proposals create very high-quality living environments; (4) To promote high-quality and well-designed development that contributes to the local identity and character and creates attractive environments; (5) To achieve the timely delivery of all forms of infrastructure that meets the needs of development and supports the vitality of communities;

(6) To ensure good, safe access to jobs and services, with priority to active travel and public transport, as well as embracing new technology; (7) To ensure that the borough is vibrant, culturally rich, and economically buoyant; (8) To conserve and enhance the valued historic, built, and natural environments of the borough, including the High Weald Area of Outstanding Natural Beauty, and to achieve net gains for nature; (9) To ensure that the Green Belt continues to meet its purposes, only releasing land where strict tests are met; (10) To support the goal to make the borough carbon neutral by 2030, and minimise the impact of climate change on communities, the economy, and the environment; (11) To work with local communities to secure sustainable development to meet local needs, with due regard to neighbourhood plans where appropriate.

1.3.7 Response

1.3.8 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.

1.3.9 Indeed, we would suggest some minor modification to ensure that 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'.

1.3.10 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'

1.3.11 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 Fernham Homes in response to the Tunbridge Wells Borough Council Pre-submission Local Plan 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 the late stage of the process, the deletion of which is unsubstantiated and based on unsound conclusions. Furthermore, we object to the reduced growth promoted around Cranbrook and Hartley.

1.5.3 Finally, 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 of soundness and such additional sites should be directed to sustainable locations such as Cranbrook and Hartley.

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.

1.3.7 Response

1.3.8 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.

1.3.9 Indeed, we would suggest some minor modification to ensure that 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'.

1.3.10 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’

1.3.11 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_37

Comment

Consultee	Mrs Farah Brooks-Johnson [REDACTED]
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Mrs Farah Brooks-Johnson [REDACTED]
Comment ID	PSLP_553
Response Date	28/05/21 11:05
Consultation Point	Section 3: Vision and Objectives (View)
Status	Processed
Submission Type	Web
Version	0.3
Files	GSP Friends of Tudeley Final.pdf (1)
Question 1	

Respondent's Name and/or Organisation	Friends of Tudeley
---------------------------------------	--------------------

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 3.2 Vision and Objectives

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.

The Local Plan 'Vision' is unusual. Rather than inspirational and focused on the ambitions of a community, meeting development needs and protecting the environment, it instead includes direct references to development at Paddock Wood and an unnamed garden village. TWBC has not demonstrated that the plan is the most appropriate strategy. It is not justified by the evidence base and the evidence base was not proportionate.

The Vision and Objectives are not clearly articulated and their evolution (and relationship to strategic policies) has been confusing. The proposed garden village itself was named in the Objectives of an earlier version of the plan. Now it is unnamed in the Pre-Submission Local Plan version of the Vision and Objectives, which relies on a broad reference to 'establishing the role' that a garden settlement can make. Evolution of the plan (and Sustainability Appraisal) through the consultations is difficult to understand and the manner in which a garden village emerged as a preferred strategy seemed abrupt, such that the process was subject to retrospective justification. The evolution of the Vision and Objectives illustrates this. It is important to point out that, because the proposed garden settlement at Tudeley was listed as a plan objective at Reg 18, there would have been very few 'reasonable alternatives'. Indeed, none were identified.

A detailed description of the deficiencies in TWBC's Vision is in Section 4.2 of the attached report by Graham Simpkin Planning.

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 all references to the proposed Tudeley Village from 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)? 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:

Friends of Tudeley is an unincorporated association of local residents concerned about the soundness of TWBC's proposal to create a new settlement at Tudeley. We will make an important local contribution to the matters under discussion

If you would like to attach a file in support of your comments, please upload it here. [GSP Friends of Tudeley Final.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

Supporting Information File Ref No: SI_143

Comment

Agent	Mr Jonathan Buckwell ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	DHA Planning Ltd
Address	Eclipse House Eclipse Park MAIDSTONE ME14 3EN
Consultee	([REDACTED])
Company / Organisation	Gallagher Properties Ltd
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Gallagher Properties Ltd ([REDACTED])
Comment ID	PSLP_2062
Response Date	02/06/21 17:52
Consultation Point	Section 3: Vision and Objectives (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	DHA Planning for Gallagher Properties - full representation and appendix.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Gallagher Properties 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 Policy STR/SS1 (PSLP_2061), Vision and Strategic Objectives (PSLP_2062), Policy STR1 (PSLP_2063), Policy STR4 (PSLP_2065) and Development Management Policies (PSLP_2075)]

Question 4a

If 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 Gallagher Properties Ltd (hereafter referred to as Gallagher) in respect of the Tunbridge Wells Borough Council Regulation 19 Pre-Submission Local Plan (PSLP) consultation.

1.1.2 These representations relate to land at Swatlands Farm, Lucks Lane that forms part of the employment allocations proposed for the expansion of Paddock Wood.

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

1.2 The Site

1.2.1 Our client is promoting employment development at Swatlands Farm, Lucks Lane, which formed site 347 of the Strategic Housing and Employment Land Availability Appraisal (SHELAA). The site location is shown on the plan overleaf. *[TWBC: see full representation attached]*

1.2.2 The site is located to the south-east of Maidstone Road and south of Lucks Lane. It lies adjacent to, but outside, the defined Limits to Built Development (LBD) boundary of Paddock Wood in the adopted Local Plan, but within the proposed Paddock Wood strategic development area and within the proposed LBD in the PSLP.

1.2.3 The site comprises an undeveloped parcel of agricultural land. It has a largely grassed surfaced with boundaries are marked by hedgerows and trees. A small wooded area lies to the west, adjacent to Maidstone Road, and a central tree/hedge line which partially divides the site. There is also a water course running along the rear boundary of the site and a small stream that runs across part of the site from Lucks Lane.

1.2.4 Gallaghers are proposing to develop the site for employment development. It is currently anticipated that a range of size and types of employment units could be provided on the site, providing up to 18,500 sqm of employment floorspace within up to seven buildings.

1.2.5 The Council's SHELAA site assessment confirms that the site is suitable for economic uses, and is available and deliverable. It is therefore identified as being suitable for an allocation in the Local Plan as a logical extension to a key employment area.

[TWBC: for site location plan see full representation attached]

1.2.6 The site is deliverable in the short term and therefore represents an excellent opportunity to deliver meaningful new employment, and by providing the type of units for which there is currently the highest level of demand. It is important that, whilst constraints clearly need to be respected, the Local Plan allows the best use to be made of what is a key employment growth opportunity.

1.3 Local Plan 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 as well as wider legal compliance.

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, 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.

1.5 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 Local Plan (PSLP) is underpinned by vision and strategic objectives.

1.5.5 The vision is set out below:

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

Response

1.5.7 We broadly support the general thrust of the vision and these objectives. In particular, we especially welcome the recognition that the planned increase in housing should also be matched by a proportionate expansion in employment opportunities across the borough.

1.5.8 The master-planned approach to the strategic expansion of Paddock Wood is also welcomed. However, please note our comments on Policy EN3 in the relevant section below.

1.6 Summary and Conclusions

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

1.6.2 We fully support the proposed expansion of Paddock Wood to create a balanced mix of housing and employment development, including employment development at Swatlands Farm.

1.6.3 We do however object to the detailed wording of certain aspects of Policy STR/SS1 as set out above, although the general principles are supported. We also have concerns about 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)?

Comment

Agent	Mr David Bedford [REDACTED]
Email Address	[REDACTED]
Company / Organisation	DHA Planning Ltd
Address	Eclipse House Eclipse Park MAIDSTONE ME14 3EN
Consultee	Mr and Mrs B Gear [REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Mr and Mrs B Gear [REDACTED]
Comment ID	PSLP_452
Response Date	26/05/21 09:31
Consultation Point	Section 3: Vision and Objectives (View)
Status	Processed
Submission Type	Email
Version	0.10
Files	PSLP_452-454_DHA Planning for Mr
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Mr and Mrs Gear
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

Question 4a

If 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 Mr & Mrs Gear in respect of the Tunbridge Wells Borough Council Regulation 19 pre-submission Local Plan consultation.

1.1.2 Mr and Mrs Gear own Uphill, Benenden, which is identified as an allocation for potential residential development within the pre-submission Local Plan (Policy AL/BE 1). It is an established residential dwelling situated on the outer edge of the village. It lies outside of the defined 'limits to built development' (LBD), but adjacent to a predominantly residential area close to village services

1.1.3 The site is located within the High Weald Area of Outstanding Natural Beauty (which washes over the whole village). However, it is otherwise free from any restrictive planning designations.

1.1.4 Based on the current national and local planning context, we agree with the Council that the site is suitable for formal allocation and we consider there to be a sound basis to allow development within the High Weald Area of Outstanding Natural Beauty ('AONB'). However, we consider the proposed policy requires modification for the reasons set out within this representation.

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 will comment on each of the above, highlighting where we believe modification is needed for soundness purposes.

1.2.4 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.

1.2.5 Given our client's narrow interests, we have no comment to make on matters of legal compliance.

1.3 Vision and Strategic Objectives

1.3.1 The pre-submission plan is underpinned by vision and strategic objectives. The vision states:

'Growth in new homes, jobs, and supporting infrastructure will be achieved over the plan period in a manner that respects the distinctive qualities of the borough.

The Council will work with stakeholders* to maintain and improve overall living standards and access to employment, leisure, and cultural opportunities for all the borough's residents.

In particular, the Council will improve access to suitable, especially affordable, housing, including for local young people and older households, and will develop the borough's economic strengths and range of accessible job opportunities.

Important local services, infrastructure, and amenities will be retained and, where necessary, improved, in line with community needs.

Development should help achieve the Council's goal of carbon neutrality for the borough by 2030. It should also help to conserve and enhance the borough's recognised heritage and environmental assets. All development should be of high-quality design that respects local identity and character.

Local ambitions are:

- for Royal Tunbridge Wells and Southborough, to maintain their role as the main urban area, with a mix of housing, employment, leisure, and cultural developments, including by making effective use of urban land, whilst protecting their respective distinctive natural and built environmental qualities;
- for Paddock Wood, to provide for comprehensive planned strategic growth (including on land in east Capel parish) that is fully aligned with timely infrastructure provision and which delivers significant improvements in local employment, town centre, leisure and other services/community facilities commensurate with its enhanced role, as well as ensuring that it is not vulnerable to flooding;
- for a garden settlement, to establish the potential for a new village to contribute to sustainable growth, that is: based on garden settlement principles; comprehensively planned and reflecting local character; well connected with nearby towns; providing local job opportunities, services and all necessary supporting infrastructure; with exemplary development of sustainable design;
- 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'.

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

(1) To ensure sustainable development that contributes to both meeting housing, economic, and social needs and to conserving and enhancing the highly valued environmental qualities and amenities of the borough;(2) To significantly boost the supply of affordable housing and ensure suitable housing for all sections of the population;(3) To establish the role that garden settlements can make to the future delivery of development in the borough and to ensure such proposals create very high-quality living environments;(4) To promote high-quality and well-designed development that contributes to the local identity and character and creates attractive environments;(5) To achieve the timely delivery of all forms of infrastructure that meets the needs of development and supports the vitality of communities;

(6) To ensure good, safe access to jobs and services, with priority to active travel and public transport, as well as embracing new technology;(7) To ensure that the borough is vibrant, culturally rich, and economically buoyant;(8) To conserve and enhance the valued historic, built, and natural environments of the borough, including the High Weald Area of Outstanding Natural Beauty, and to achieve net gains for nature;(9) To ensure that the Green Belt continues to meet its purposes, only releasing land where strict tests are met;(10) To support the goal to make the borough carbon neutral by 2030, and minimise

the impact of climate change on communities, the economy, and the environment;(11) To work with local communities to secure sustainable development to meet local needs, with due regard to neighbourhood plans where appropriate.

1.3.3 Response

1.3.4 Our client supports 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.

1.3.5 Indeed, we would suggest some minor modification to ensure that 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'.

1.3.6 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'

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

1.8 Summary and Conclusions

1.8.1 This representation has been prepared on behalf of Mr and Mrs B Gear 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 and the associated policies.

1.8.2 In this respect, 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 inclusion of our client's site in Benenden, but the detailed policy requires modification if the site is to be deemed deliverable and the allocation is to be found part of a sound strategy.

1.8.3 We trust the contents of this representation are clear and hope that the comments are useful in guiding the forthcoming stage of the plan making process.

[TWBC: this part of the response has been separated from the full representation submitted by DHA Planning. See full representation attached. See also PSLP_453 (Section 4 Policy STR1: the Development Strategy) and PSLP_454 (Section 5: Benenden - Policy AL/BE1)]

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.

1.3.3 Response

1.3.4 Our client supports 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.

1.3.5 Indeed, we would suggest some minor modification to ensure that 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'.

1.3.6 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'

1.3.7 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)?

Comment

Consultee	Chris Gow [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Chris Gow [REDACTED]
Comment ID	PSLP_1227
Response Date	04/06/21 15:54
Consultation Point	Section 3: Vision and Objectives (View)
Status	Processed
Submission Type	Web
Version	0.1
Question 1	

Respondent's Name and/or Organisation	Chris Gow
---------------------------------------	-----------

Question 3

To which part of the Local Plan does this 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 ObjectivesVision

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

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

After this stage, 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.

Here in particular the Local Plan is unsound as it does not take account to recent developments, and assumptions made that underpin the data used to build the Local Plan are out of date and are leading to false assumptions.

The Local Plan should be returned and rewritten with further consultation to take account of the post pandemic economy and social change, and the requirement to reassess priorities.

If the Local Plan is returned to be rewritten, it is a great opportunity where Tunbridge Wells can be a council that takes the chance to re-think the Local Plan and deliver a Local Plan fit for purpose to build a structure for future development that reflects the importance of dealing with a post pandemic society, as well as taking account of local opinion, and re-assess a change of use in the town centre and commercial property 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.

After this stage, 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 returned and rewritten with further consultation to take account of the post pandemic economy and social change, and the requirement to reassess priorities.

The local plan cannot be sound if it fails to take account of the post covid circumstances.

Question 7

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

If the Local Plan is returned to be rewritten, it is a great opportunity where Tunbridge Wells can be a council that takes the chance to re-think the Local Plan and deliver a Local Plan fit for purpose to build a structure for future development that reflects the importance of dealing with a post pandemic society, as well as taking account of local opinion, and re-assess a change of use in the town centre and commercial property in the borough.

The process of making and delivering a Local Plan is complex, and there is little opportunity to make a contribution in a way that allows the voice of the ordinary folk of the town heard, and where the principles of a fair and equitable society are delivered.

I can make a contribution to the Inspector, and be a spokesperson for the ordinary citizen in Tunbridge Wells 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

Supporting Information File Ref No: SI_138

Comment

Agent	Jack Harley ()
Email Address	
Company / Organisation	DHA Planning Ltd
Address	- Maidstone -
Consultee	()
Company / Organisation	Heyworth Properties Ltd
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Heyworth Properties Ltd ()
Comment ID	PSLP_2034
Response Date	04/06/21 11:30
Consultation Point	Section 3: Vision and Objectives (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	DHA Planning for Heyworth Properties-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Heyworth Properties 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 Policy STR/CRS1 (PSLP_2032), Vision and Strategic Objectives (PSLP_2034) and Policy STR1 (PSLP_2036)]

Question 4a

If 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 Heyworth Properties Ltd in respect of the Tunbridge Wells Borough Council Regulation 19 pre-submission Local Plan consultation.

1.1.2 Heyworth Properties Ltd have an option and "promotion agreement" on the land at Quaker Lane, which was allocated within the Reg 18 Draft Local Plan, but not carried forward within the Reg 19 Local Plan. This is a matter in which we return to. The land is owned by KCC and the County Authority are looking to replace the existing nursery building/facility and to generate a capital receipt for re-investment in other facilities locally.

1.1.3 In addition to this, Heyworth Properties are looking to deliver a high quality scheme that accords with the draft Policy in the Regulation 18 Plan, including the delivery of much needed affordable housing.

[TWBC: for Figure 1: Site Location (Courtesy of Kent Design Partnership) see full representation attached]

1.1.4 The 2.3hectare site is located some 630 metres to the north of the centre of Cranbrook, with residential development to the north and west, a school to the south and school sports fields to the east. The site appears as part of the somewhat "sub-urban" character of this part of Cranbrook and is a very natural extension to the settlement that can be achieved without material harm to the character and appearance of the AONB.

1.1.5 The surrounding area to the north contains the Cranbrook Rugby Club and beyond that open agricultural land. To the south lies the main built-up area of Cranbrook.

1.1.6 According to Tunbridge Wells Borough Council Policy Map, the site falls entirely within the High Weald Area of Outstanding Natural Beauty (AONB) and currently lies outside the Limits to Built Development.

1.1.7 Based on the current national and local planning context, we consider the site to be suitable for formal allocation and we consider there to be a sound basis to allow development within the High

Weald Area of Outstanding Natural Beauty ('AONB'). Moreover we consider that deletion at Regulation 19 stage was without reason, and that the site was removed from the Local Plan, and other "replacement" sites, included without evidential base and justification. Such action has meant that sites have not been selected on a consistent basis and that the replacement sites have been added at Regulation 19 stage without due consideration.

1.1.8 We also take this opportunity to comment on wider aspects of the Local Plan, a plan which we consider fails the tests of "soundness".

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 will comment on each of the above, highlighting where we believe modification is needed for soundness purposes. On the face of it we consider it unlikely that the plan should be able to be considered "sound".

1.2.4 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 Vision and Strategic Objectives

1.3.1 The pre-submission plan is underpinned by a "vision and strategic objectives". The vision states:

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

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

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

1.3.3 Response

1.3.4 Our client supports the general thrust of the vision and these objectives, which seek to meet identified housing needs and boost the supply of new affordable homes.

1.8 Summary and Conclusions

1.8.1 This representation has been prepared on behalf of Heyworth Properties 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 and the associated policies.

1.8.2 In this respect, we support the aspiration to meet housing need in full and consider that a dispersed growth strategy represents the optimum means to achieve this.

1.8.3 We trust the contents of this representation are clear and hope that the comments are useful in guiding the forthcoming stage of the plan making process.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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_132

Comment

Agent	Mr Jonathan Buckwell [REDACTED]
Email Address	[REDACTED]
Company / Organisation	DHA Planning Ltd
Address	Eclipse House Eclipse Park MAIDSTONE ME14 3EN
Consultee	[REDACTED]
Company / Organisation	Inter-Leisure Ltd
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Inter-Leisure Ltd [REDACTED]
Comment ID	PSLP_1990
Response Date	02/06/21 15:17
Consultation Point	Section 3: Vision and Objectives (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	DHA Planning for Inter-Leisure Ltd full representation and SI.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Inter-Leisure 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/PW1 (PSLP_1988), Policy STR/SS1 (PSLP_1989), Vision and Objectives ((PSLP_1990), Policies STR1 (PSLP_1991), STR3 (PSLP_1992), STR4 (PSLP_1993), EN1 (PSLP_1994), EN3 (PSLP_1995) and ED2 (PSLP_1996)

Question 4a

If 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 Inter-Leisure Ltd in respect of the Tunbridge Wells Borough Council Pre-Submission (Regulation 19) Local Plan (PSLP) consultation.

1.1.2 These representations relate to land at Paddock Wood Garden Centre that forms part of the proposed strategic expansion area of Paddock Wood.

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

1.2 The site

1.2.1 Our client controls Paddock Wood Garden Centre, Maidstone Road (herein 'the Garden Centre' or 'the Site') and it was promoted for development through the response to the Regulation 18 draft Local Plan. It is available for development and will contribute toward meeting identified development needs.

1.2.2 The site is an established and operational retail Garden Centre located on the northern periphery of Paddock Wood (see figure 1).

[TWBC: for Figure 1 Location of Paddock Wood Garden Centre see full representation attached].

1.2.3 It consists of a mix of hardstanding, permanent buildings, glass houses and temporary structures. It constitutes previously developed land but is situated outside of the existing Tunbridge Wells 'limits to built development' ('LBD'), but within the new LBD as proposed in the PSLP.

1.2.4 The site is not located within the Metropolitan Green Belt or within an Area of Outstanding Natural Beauty.

1.2.5 The site falls within the administrative area of TWBC, albeit close to the borough boundary with Maidstone Borough Council, which is demarked by Wagon Lane.

1.2.6 The existing built up area of Paddock Wood is located approximately 400m to the south of the site, whilst the town centre is situated approximately 1km in the same direction. Immediately north of the site is a commercial plant hire yard, whilst railway station is Paddock Wood (1km) to the south.

1.2.7 We have included an illustrative masterplan with this representation (Appendix 1) to show how the site could be developed to provide additional retail provision to support the new housing and employment uses proposed. An extract is provided below for ease of reference.

[TWBC: for Figure 3: Illustrative site layout plan (Appendix 1) see full representation attached].

1.2.8 The proposals highlight the potential to provide additional comparison or convenience retail development (circa 1,895 sqm) by making efficient use of the extensive and underutilised parking areas.

1.2.9 The site could also be made available for other employment generating uses should there be a greater unmet need.

1.3 Local Plan 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 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 as well as wider legal compliance.

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, 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.

1.5 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 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 Local Plan (PSLP) is underpinned by vision and strategic objectives.

1.5.5 The vision is set out below:

[TWBC: PSLP Vision duplicated - 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 duplicated - see full representation attached].

1.5.7 Response

1.5.8 We broadly support the general thrust of the vision and these objectives. In particular, we especially welcome the recognition that the planned increase in housing should also be matched by a proportionate expansion in employment and other supporting opportunities across the borough.

1.5.9 The master-planned approach to the strategic expansion of Paddock Wood is also welcomed.

1.6 Summary and Conclusions

1.6.1 In summary, this representation has been prepared on behalf of Inter Leisure 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 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 retail/employment development is supported at Paddock Wood Garden Centre.

1.6.3 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.

1.6.4 Finally we object to the wording of Policy ED2.

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.

1.6 Summary and Conclusions

1.6.1 In summary, this representation has been prepared on behalf of Inter Leisure 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 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 retail/employment development is supported at Paddock Wood Garden Centre.

1.6.3 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.

1.6.4 Finally we object to the wording of Policy ED2.

Question 7

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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_32

Comment

Agent	Mr David Bedford [REDACTED]
Email Address	[REDACTED]
Company / Organisation	DHA Planning Ltd
Address	Eclipse House Eclipse Park MAIDSTONE ME14 3EN
Consultee	Mr N Wickham [REDACTED]
Email Address	[REDACTED]
Company / Organisation	John Wickham (Cranbrook) Ltd
Address	[REDACTED] [REDACTED] CRANBROOK [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	John Wickham (Cranbrook) Ltd [REDACTED] [REDACTED]
Comment ID	PSLP_500
Response Date	26/05/21 09:24
Consultation Point	Section 3: Vision and Objectives (View)
Status	Processed
Submission Type	Email
Version	0.7
Files	PSLP_500-502_DHA Planning for N Wickham.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Mr N Wickham
Question 2	
Agent's Name and Organisation (if applicable)	DHA

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.

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

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

[TWBC: this part of the response has been separated from the full response submitted by DHA Planning. See full representation attached. See also PSLP_500 (Vision and Objectives), PSLP_501 (Section 4: Policy STR1 - the Development Strategy and PSLP_502 - Section 5: Cranbrook & Sissinghurst Policy STR/CRS1: The Strategy for Cranbrook & Sissinghurst parish].

1.1 Introduction

1.1.1 These representations have been prepared by DHA Planning on behalf of Mr N Wickham in respect of the Tunbridge Wells Borough Council Regulation 19 Local Plan consultation. Mr Wickham is a local landowner with various interests, including land at Gate Farm, Hartley which is within the control of Fernham Homes.

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 Wider Assessment of Soundness

1.3.1 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.

1.3.2 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.

1.3.3 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

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

1.3.5 The vision is set out below:

'Growth in new homes, jobs, and supporting infrastructure will be achieved over the plan period in a manner that respects the distinctive qualities of the borough. The Council will work with stakeholders to maintain and improve overall living standards and access to employment, leisure, and cultural opportunities for all the borough's residents. In particular, the Council will improve access to suitable, especially affordable, housing, including for local young people and older households, and will develop the borough's economic strengths and range of accessible job opportunities. Important local services, infrastructure, and amenities will be retained and, where necessary, improved, in line with community needs. Development should help achieve the Council's goal of carbon neutrality for the borough by 2030. It should also help to conserve and enhance the borough's recognised heritage and environmental assets. All development should be of high-quality design that respects local identity and character. Local ambitions are: • for Royal Tunbridge Wells and Southborough, to maintain their role as the main urban area, with a mix of housing, employment, leisure, and cultural developments, including by making effective use of urban land, whilst protecting their respective distinctive natural and built environmental qualities;*

• for Paddock Wood, to provide for comprehensive planned strategic growth (including on land in east Capel parish) that is fully aligned with timely infrastructure provision and which delivers significant improvements in local employment, town centre, leisure and other services/community facilities commensurate with its enhanced role, as well as ensuring that it is not vulnerable to flooding; • for a garden settlement, to establish the potential for a new village to contribute to sustainable growth, that is: based on garden settlement principles; comprehensively planned and reflecting local character; well connected with nearby towns; providing local job opportunities, services and all necessary supporting infrastructure; with exemplary development of sustainable design; • 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'.

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

(1) To ensure sustainable development that contributes to both meeting housing, economic, and social needs and to conserving and enhancing the highly valued environmental qualities and amenities of the borough; (2) To significantly boost the supply of affordable housing and ensure suitable housing for all sections of the population; (3) To establish the role that garden settlements can make to the future delivery of development in the borough and to ensure such proposals create very high-quality living environments; (4) To promote high-quality and well-designed development that contributes to the local identity and character and creates attractive environments; (5) To achieve the timely delivery of all forms of infrastructure that meets the needs of development and supports the vitality of communities; (6) To ensure good, safe access to jobs and services, with priority to active travel and public transport, as well as embracing new technology; (7) To ensure that the borough is vibrant, culturally rich, and economically buoyant;

(8) To conserve and enhance the valued historic, built, and natural environments of the borough, including the High Weald Area of Outstanding Natural Beauty, and to achieve net gains for nature; (9) To ensure that the Green Belt continues to meet its purposes, only releasing land where strict tests

are met;(10) To support the goal to make the borough carbon neutral by 2030, and minimise the impact of climate change on communities, the economy, and the environment;(11) To work with local communities to secure sustainable development to meet local needs, with due regard to neighbourhood plans where appropriate.

1.3.7 Response

1.3.8 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.

1.3.9 Indeed, we would suggest some minor modification to ensure that 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'.

1.3.10 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'

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

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.

1.3.7 Response

1.3.8 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.

1.3.9 Indeed, we would suggest some minor modification to ensure that 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'.

1.3.10 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'

1.3.11 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_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2169
Response Date	04/06/21 16:56
Consultation Point	Section 3: Vision and Objectives (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
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

General Commentary

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2 (PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic

Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

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

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

Question 5

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

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

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

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

Public Rights of Way

Tunbridge Wells has historical, attractive and well used routes that draw visitors to the area and as such these should be maintained and enhanced to a high-quality standard. The County Council requests specific mention of the 594km of PRoW within the Borough and the role of the County Council and its Rights of Way Improvement Plan within this section.

Question 6

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

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

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

examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

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

Question 7

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

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

Question 7a

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

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

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

Future Notifications

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

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

Supporting Information File Ref No: SI_31

Comment

Agent	Mr David Bedford [REDACTED]
Email Address	[REDACTED]
Company / Organisation	DHA Planning Ltd
Address	Eclipse House Eclipse Park MAIDSTONE ME14 3EN
Consultee	Mr David Masters [REDACTED]
Address	Eclipse House Eclipse Park MAIDSTONE ME14 3EN
Event Name	Pre-Submission Local Plan
Comment by	Mr David Masters [REDACTED]
Comment ID	PSLP_481
Response Date	26/05/21 09:28
Consultation Point	Section 3: Vision and Objectives (View)
Status	Processed
Submission Type	Email
Version	0.9
Files	PSLP_481-483_DHA Planning for D Masters.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Mr D Masters
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

Question 4a

If 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 Mr D Masters in respect of the Tunbridge Wells Borough Council Regulation 19 pre-submission Local Plan consultation.

1.1.2 Mr Masters owns Triggs Farm, Goudhurst, which is identified as an allocation for potential residential development within the pre-submission Local Plan (Policy AL/GO 2).

1.1.3 The site is located within the High Weald Area of Outstanding Natural Beauty (which washes over the whole village). However, it benefits from outline planning permission for the erection of 12 dwellings granted at appeal in January 2019.

1.1.4 Based on the current national and local planning context, we agree with the Council that the site to be suitable for formal allocation and we consider there to be a sound basis to allow development within the High Weald Area of Outstanding Natural Beauty ('AONB'). However, we consider the proposed policy requires modification for the reasons we set out within this representation.

1.1.5 We also take this opportunity to comment on wider aspects of the strategy.

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 will comment on each of the above, highlighting where we believe modification is needed for soundness purposes.

1.2.4 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.

1.2.5 Given our client's narrow interests, we have no comment to make on matters of legal compliance.

1.3 Vision and Strategic Objectives

1.3.1 The pre-submission plan is underpinned by vision and strategic objectives. The vision states:

'Growth in new homes, jobs, and supporting infrastructure will be achieved over the plan period in a manner that respects the distinctive qualities of the borough.

The Council will work with stakeholders to maintain and improve overall living standards and access to employment, leisure, and cultural opportunities for all the borough's residents.*

In particular, the Council will improve access to suitable, especially affordable, housing, including for local young people and older households, and will develop the borough's economic strengths and range of accessible job opportunities.

Important local services, infrastructure, and amenities will be retained and, where necessary, improved, in line with community needs.

Development should help achieve the Council's goal of carbon neutrality for the borough by 2030. It should also help to conserve and enhance the borough's recognised heritage and environmental assets. All development should be of high-quality design that respects local identity and character.

Local ambitions are:

- for Royal Tunbridge Wells and Southborough, to maintain their role as the main urban area, with a mix of housing, employment, leisure, and cultural developments, including by making effective use of urban land, whilst protecting their respective distinctive natural and built environmental qualities;
- for Paddock Wood, to provide for comprehensive planned strategic growth (including on land in east Capel parish) that is fully aligned with timely infrastructure provision and which delivers significant improvements in local employment, town centre, leisure and other services/community facilities commensurate with its enhanced role, as well as ensuring that it is not vulnerable to flooding;
- for a garden settlement, to establish the potential for a new village to contribute to sustainable growth, that is: based on garden settlement principles; comprehensively planned and reflecting local character; well connected with nearby towns; providing local job opportunities, services and all necessary supporting infrastructure; with exemplary development of sustainable design;
- 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'.

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

*(1) To ensure sustainable development that contributes to both meeting housing, economic, and social needs and to conserving and enhancing the highly valued environmental qualities and amenities of the borough;**(2) To significantly boost the supply of affordable housing and ensure suitable housing for all sections of the population;**(3) To establish the role that garden settlements can make to the future delivery of development in the borough and to ensure such proposals create very high-quality living environments;**(4) To promote high-quality and well-designed development that contributes to the local identity and character and creates attractive environments;**(5) To achieve the timely delivery of all forms of infrastructure that meets the needs of development and supports the vitality of communities;*

*(6) To ensure good, safe access to jobs and services, with priority to active travel and public transport, as well as embracing new technology;**(7) To ensure that the borough is vibrant, culturally rich, and economically buoyant;**(8) To conserve and enhance the valued historic, built, and natural environments of the borough, including the High Weald Area of Outstanding Natural Beauty, and to achieve net gains for nature;**(9) To ensure that the Green Belt continues to meet its purposes, only releasing land where strict tests are met;**(10) To support the goal to make the borough carbon neutral by 2030, and minimise*

the impact of climate change on communities, the economy, and the environment;(11) To work with local communities to secure sustainable development to meet local needs, with due regard to neighbourhood plans where appropriate.

1.3.3 Response

1.3.4 Our client supports the general thrust of the vision and these objectives, which seek to meet identified housing needs and boost the supply of new affordable homes.

1.8.1 This representation has been prepared on behalf of Mr D Masters 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 and the associated policies.

1.8.2 In this respect, 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 inclusion of our client's site in Goudhurst, but the detailed policy requires modification if the site is to be deemed deliverable.

1.8.3 We trust the contents of this representation are clear and hope that the comments are useful in guiding the forthcoming stage of the plan making process.

[TWBC: DHA's representation on behalf of Mr D Masters has been split into three separate areas: PSLP_481 - Vision and Objectives, PSLP_482 - Section 4: The Development Strategy, and PSLP_483 - Section 5: Goudhurst Policy AL/GO 2. See also full representation attached]

Question 7

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

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

Comment

Consultee	Mr Raymond Moon ()
Email Address	
Address	<div></div> <div>Paddock Wood</div> <div>TN12 </div>
Event Name	Pre-Submission Local Plan
Comment by	Mr Raymond Moon ()
Comment ID	PSLP_2281
Response Date	02/06/21 14:54
Consultation Point	Section 3: Vision and Objectives (View)
Status	Processed
Submission Type	Web
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Raymond Moon
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	
pg29. Paragraphs: 3.3 and 3.8	
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.

Section 3. Vision and Objectives.

Pg29. Vision.

3.3 section 2.

This section highlights the many reasons why Paddock Wood cannot sustain the proposed new dwellings in the plan. With the present new dwellings being built in the Town the infrastructure capacity **“general concerns about the infrastructure capacity (water supply, sewerage, schools, health, and leisure facilities, etc.) to support growth”** cannot cope now and any further new houses with compound the problem. If the TWBC cannot get it right with these present new houses how can it give the residents the confidence that it will get it right for 2030. Can the phrase “active travel” be explained in relation to reduce carbon emissions by 2030 a target set by TWBC.

3.8. Paddock wood is picked out **“It has a distinct identity and the potential to enhance these and its supporting services and facilities through growth, subject to due care in relation to connectivity and flood risk matters”**This very sentence gives a sound argument that these various points are a very good reason why the new dwellings in PW are unsustainable. The character of Paddock Wood will disappear and the flood risk will increase so how on ever can PW be suitable for so many more new houses. TWBC are just attempting to justify their quota at the detriment of the residents of PW.

Question 7

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

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

Comment

Consultee	[REDACTED]
Email Address	[REDACTED]
Company / Organisation	Natural England
Address	International House Dover Place ASHFORD TN23 1HU
Event Name	Pre-Submission Local Plan
Comment by	Natural England [REDACTED]
Comment ID	PSLP_1478
Response Date	04/06/21 13:41
Consultation Point	Section 3: Vision and Objectives (View)
Status	Processed
Submission Type	Email
Version	0.3
Files	PSLP_1444_Natural England_SI.pdf
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Natural England
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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

Section 3: Vision and Objectives

[TWBC - Full representation attached as Supplementary Information]

[TWBC: This representation has been input against Policies PSTR1, AL/RTW17, AL/CRS 1, AL/CRS 2, AL/CRS 3, AL/HA 4, AL/BM 1, AL/PE 1, AL/PE 2, AL/PE 3, AL/RTW 16, STR/SS1, STR/SS3, EN11, Section 3, STR 8, Section 5, EN1, EN9, EN10, EN12, EN13, EN14 AND EN19 – see Comment Numbers

PSLP_1444, PSLP_1459, PSLP_1460, PSLP_1462, PSLP_1489, PSLP_1463, PSLP_1464, PSLP_1465, PSLP_1466, PSLP_1467, PSLP_1468, PSLP_1469, PSLP_1470, PSLP_1472, PSLP_1478, PSLP_1480, PSLP_1481, PSLP_1482, PSLP_1483, PSLP_1484, PSLP_1485, PSLP_1486, PSLP_1487, PSLP_1488]

Question 4

Do you consider that the Local Plan:

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

Question 4a

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

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

Question 5

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

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

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

Appendix 6: Pre-submission Local Plan Policies

Section 3: Vision and objectives

As stated at our Regulation 18 response, we support the strategic objective to 'conserve and enhance the valued historic, built, and natural environments of the borough, including the High Weald Area of Outstanding Natural Beauty, and to achieve net gains for nature' However, our advice regarding the proposed allocations still apply as they do not fully contribute to protecting the natural environment of the Borough. Natural England's advice on landscape issues and specific allocations in relation to the High Weald AONB are provided in other sections of this letter.

Question 6

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

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

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

or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

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

Question 7

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

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

Question 7a

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

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

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

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

Question 8

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

Appendix 3: Sustainability Appraisal

There are several alternative growth strategy options within the Sustainability Appraisal (SA) and the Council has chosen a growth strategy with significant negative landscape impacts. Natural England's view is that the preferred approach should afford sufficient weight to environmental factors. This is supported by NPPF Paragraph 8 which states that economic, environmental and social objectives need to be pursued in mutually supportive ways to support net gains across each of these objectives. Paragraph 32 also states that (emphasis added):

'Local plans and spatial development strategies should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements (The reference to relevant legal requirements refers to Strategic Environmental Assessment. Neighbourhood plans may require Strategic Environmental Assessment, but only where there are potentially significant environmental effects.)'. This should demonstrate how the plan has addressed relevant economic, social and environmental objectives (including opportunities for net gains). Significant adverse impacts on these objectives should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts

should be pursued. Where significant adverse impacts are unavoidable, suitable mitigation measures should be proposed (or, where this is not possible, compensatory measures should be considered). However, the SA appears to prioritise social and economic considerations over environmental ones as Section 6.2.19 states:

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

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

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

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

Given the provisions of paragraph 11 (and consequently paragraph 172), we consider that the weight afforded to protecting nationally designated landscapes has not been sufficiently considered as part of exploring alternative options and the environmental value of the AONB has been underestimated. It is our view that significant impacts have not been avoided as far as possible and, as outlined in other sections, we advise that major development within the AONB has not been appropriately justified.

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

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

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

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

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

Finally, point 3.2.8 does not reflect the findings of the HRA and mitigation proposed for Ashdown Forest SPA (see the HRA section below). We advise this section of the SA is amended to reflect the findings of the HRA.

Future Notifications

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

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

Supporting Information File Ref No: SI_145

Comment

Agent	Mr Jonathan Buckwell ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	DHA Planning Ltd
Address	Eclipse House Eclipse Park MAIDSTONE ME14 3EN
Consultee	([REDACTED])
Company / Organisation	Owners of Land East of Transfesa
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Owners of Land East of Transfesa ([REDACTED])
Comment ID	PSLP_2078
Response Date	02/06/21 17:26
Consultation Point	Section 3: Vision and Objectives (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	DHA Planning for owners of Land east of Transfesa - full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Owners of Land east of Transfesa, Paddock Wood
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/SS1 (PSLP_2076), Vision and Strategic Objectives (PSLP_2078), Policy STR1 (PSLP_2079), Policy STR4 (PSLP_2080) and Development Management Policies (PSLP_2081)]

Question 4a

If 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 the owner of land at Land East of Transfesa in respect of the Tunbridge Wells Borough Council Regulation 19 Local Plan consultation.

1.1.2 These representations relate to a 20 acre parcel of land at land East of Transfesa, Lucks Lane (part of Call for Sites site 218) that forms part of the employment allocations proposed for the expansion of Paddock Wood.

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

Vision and Strategic Objectives

1.4.4 The Pre-Submission Local Plan (PSLP) is underpinned by vision and strategic objectives.

1.4.5 The vision is set out below:

[TWBC: PSLP Vision 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 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. In particular, we especially welcome the recognition that the planned increase in housing should also be matched by a proportionate expansion in employment opportunities across the borough.

1.4.9 The master-planned approach to the strategic expansion of Paddock Wood is also welcomed. However, please also note our comments on Policy EN3 in the relevant section below.

1.5 Summary and Conclusions

1.5.1 In summary, this representation has been prepared 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 fully support the proposed expansion of Paddock Wood to create a balanced mix of housing and employment development, including employment development at Land East of Transfesa. We confirm that our client's land is available, much of it is in Flood Zone 1, and that they are also willing to allow necessary expansion of the sewage works on the site.

1.5.3 We do however 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)?

Comment

Consultee	Mr Raymond Moon ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Paddock Wood Labour Party (PWLP)
Address	[REDACTED] TONBRIDGE TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Paddock Wood Labour Party (PWLP) (Mr Raymond Moon - [REDACTED])
Comment ID	PSLP_2304
Response Date	02/06/21 15:02
Consultation Point	Section 3: Vision and Objectives (View)
Status	Processed
Submission Type	Web
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Paddock Wood Labour Party
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 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.

Section 3. Vision and Objectives.

Pg29. Vision.

3.3 section 2.

This section highlights the many reasons why Paddock Wood cannot sustain the proposed new dwellings in the plan. With the present new dwellings being built in the Town the infrastructure capacity “general concerns about the infrastructure capacity (water supply, sewerage, schools, health, and leisure facilities, etc.) to support growth” cannot cope now and any further new houses with compound the problem. If the TWBC cannot get it right with these present new houses how can it give the residents the confidence that it will get it right for 2030. Can the phrase “ active travel” be explained in relation to reduce carbon emissions by 2030 a target set by TWBC.

3.8. Paddock wood is picked out “It has a distinct identity and the potential to enhance these and its supporting services and facilities through growth, subject to due care in relation to connectivity and flood risk matters” This very sentence gives a sound argument that these various points are a very good reason why the new dwellings in PW are unsustainable. The character of Paddock Wood will disappear and the flood risk will increase so how on ever can PW be suitable for so many more new houses. TWBC are just attempting to justify their quota at the detriment of the residents of PW.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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	Emma Palmer [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Emma Palmer [REDACTED]
Comment ID	PSLP_89
Response Date	06/05/21 12:44
Consultation Point	Section 3: Vision and Objectives (View)
Status	Processed
Submission Type	Web
Version	0.1

Question 1

Respondent's Name and/or Organisation	Emma Palmer
---------------------------------------	-------------

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.

3.6

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

Question 5

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

After this stage, 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 object to the plan on the grounds that it is unsound. My main concerns are that the plan presents a disingenuous picture of Tunbridge Wells as the cultural, commercial and retail hub of the county and does not do enough to protect the distinct nature of the smaller towns and villages and the local countryside from over development.

I believe the plan is unsound in its argument that the bulk of the housing development should be located in Tudeley, East Capel and around Paddock Wood, whilst failing to address the considerable planning issues facing Tunbridge Well's town centre (locally referred to as the grot spot) and the traffic jams that regularly stifle the area.

The hub and spoke model this strategy advocates will not deliver the type and location of housing needed by the young, old and affordable demographic identified in the objectives.

The use of greenbelt and flood risk land is an unacceptable solution to a poorly conceived vision that fails to grasp what the people of the whole Borough want, namely unspoilt countryside and a vibrant and accessible cultural hub where there is affordable housing within walking distance of cafes, shops railways and employment.

Please find referenced points below:

I believe the Local Plan should be rejected on the grounds that it is unsound for three main reasons:

1) The plan is built on a faulty presentation of Tunbridge Wells being a vibrant hub to the Borough

The strategy puts forward the model of a central commercial, leisure and cultural hub (Royal Tunbridge Wells Ref Point 3.6) and housing developments in villages and a new settlement, whilst at the same time protecting the character and countryside of the Borough (Points 2.27) and the Green Belt which helps it retain its distinctive character. (Point 2.28)

However, Tunbridge Wells, far from a vibrant centre, has increasingly become a provincial backwater due to poor planning and traffic management dating back to at least 2014 when the town's cinema and retail outlets, connecting the station to the centre of town, were demolished. (Ref Page 80: "A prominent site which has been vacant for many years and in need of redevelopment".) This site in the centre of the town has remained behind hoardings and is well known as the town's grot spot.

The conceptual use for the town centre is not at the heart of the plan, as it should be, to support the whole strategy, but is relegated to an afterthought (ref point 5.26.) The idea that people will want to travel into Tunbridge Wells as a retail and cultural hub are flawed. Why would we want to encourage more car use on already congested and polluting roads to sit in traffic jams in and out of a town where you have to pay to park, when it is easier to go to the North Farm industrial estate locally or Bluewater for a far superior retail provision? The Royal Victoria shopping centre is past its useful function and in light of increased online shopping trends this is only likely to increase, with more outlets becoming vacant.

2) The plan will not meet the housing needs of the groups it aims to provide for

The plan states that the council will improve access to suitable, affordable housing including for local young people and older households. (ref Vision and Strategic Objectives 1 para 3.)

However, this strategy places the vast majority of the housing development for the Borough in a new 'garden settlement' (that has little infrastructure and none of the amenities young and older people will

need) or in what will be great swathes of concrete estates encircling Paddock Wood, which already has limited amenities. Affordable housing, suitable for the demographics described, need to be placed close to shops and cafes and well within walking distance of a town centre and mainline railway. Young and older people do not want to live in isolated 'garden settlements' or sprawling community-less estates, where they are reliant on a car for access to shops, entertainment, cafes and culture and work.

3) The plan does not protect the natural environment and specific characters of the landscape and smaller towns and villages

The plan states that it wants to protect the character of the Borough which includes areas of outstanding Natural Beauty, greenbelt and a living and working countryside (ref point 3.12.)

One of the Boroughs most beautiful and ancient landscapes is Tudeley and Capel. My friends, on a visit from Australia a few years ago, stood transfixed by what they described as stepping back in time into a countryside narrative, worthy of special status. To build on this area would be a terrible act not just for the current community but for future generations. Likewise, the encircling of Paddock Wood, which is in a flood risk zone and building on the greenbelt that maintains its character, whilst preserving car parks in Tunbridge Wells (Ref point 5.11) is planning gone mad!

Question 6

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

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

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

To make this plan sound in meeting it's vision and objectives it should be modified to accommodate a much greater proportion of the accommodation required close to the main centre of Tunbridge Wells, where there is access to amenities and car ownership is not essential. The civic centre site, currently proposed for redevelopment, the 'grot spot' and the underused Royal Victoria Centre are all sites which could be considered. A new vision putting urban living opportunities in the heart of Tunbridge Wells will both revitalise the town and preserve the natural beauty of the surrounding countryside.

Question 7

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

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_129

Comment

Agent	Jack Harley [REDACTED]
Email Address	[REDACTED]
Company / Organisation	DHA Planning Ltd
Address	- Maidstone -
Consultee	Pickhill Developments Ltd [REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Pickhill Developments Ltd [REDACTED]
Comment ID	PSLP_1957
Response Date	04/06/21 11:28
Consultation Point	Section 3: Vision and Objectives (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	DHA Planning for Pickhill Developments Ltd full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Pickhill Developments 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

Question 4a

If 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 Pickhill Developments Ltd in respect of the Tunbridge Wells Borough Council Regulation 19 Local Plan consultation.

1.1.2 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.

1.1.3 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.

1.1.4 This submission comments on the plan having regard to these tests of soundness as well as wider legal compliance. However, for context, we first provide an overview of the land within Pickhill Developments Ltd control, which was included in the Regulation 18 Draft Local Plan as an allocation (draft policy AL/CRS 6) for residential development (Known as 'Gate Farm, adjacent to Hartley Road and Glassenbury Road, Hartley (plus Bull Farm) (SHELAA reference: Sites 59, 70, 323 & 345, and Late Site 53)' but subsequently omitted from the pre-submission draft. The Pickhill land is site 70.

1.1.5 Based on the current national and local planning context, we object to the site's omission, which was not based on sound planning grounds but as a basis to help defend against a s78 planning appeal. The outcomes of that appeal, and the commentary of the Inspector, provides a clear basis to conclude that the land is a suitable location for proportionate plan led growth.

1.3 Wider Assessment of Soundness

1.3.1 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.

1.3.2 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.

1.3.3 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.

1.3.4 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

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

1.3.6 The vision is set out below:

[TWBC: PSLP Vision was duplicated here - see full representation].

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

[TWBC: PSLP Strategic Objectives were duplicated here - see full representation].

1.3.8 Response

1.3.9 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.

1.3.10 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 compliments the distinctive qualities of the borough'.

1.3.11 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'

1.3.12 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 Pickhill Developments 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.

1.5.2 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 the late stage of the process, the deletion of which is unsubstantiated and based on unsound conclusions. Furthermore, we object to the reduced growth promoted around Cranbrook and Hartley.

1.5.3 Finally, 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 Cranbrook and Hartley.

[TWBC: for further representations on Policy STR/CRS 1 and Policy STR1, please see PSLP_1957 and PSLP_1958 respectively].

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.

1.3.10 Indeed, we would suggest some minor modification to ensure that 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 compliments the distinctive qualities of the borough'.

1.3.11 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'

1.3.12 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)?

Comment

Consultee	Lee Prebble [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Lee Prebble [REDACTED]
Comment ID	PSLP_69
Response Date	28/04/21 15:20
Consultation Point	Section 3: Vision and Objectives (View)
Status	Processed
Submission Type	Web
Version	0.1
Question 1	

Respondent's Name and/or Organisation	Lee Prebble
---------------------------------------	-------------

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.

3.13 and 3.15 Vision and Strategic Objectives

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.

PSLP Vision and Strategic Objectives 1(Section 3) p.30 The Vision is not consistent. It does not respect the distinctive qualities of the Borough that are identified in the Council's own studies. The proposed garden settlement does not reflect local character in particular as identified in the Borough Landscape Character Assessment SPD. The actual impact on the landscape and visual amenity has not been assessed. Moreover the new settlement will not be well connected with nearby towns and will adversely impact on the rural character and amenities of the area. The countryside in the vicinity of the proposed Tudeley development will not retain the landscape, biodiversity and historic character of the area. It is entirely unclear why there is this inconsistency in treatment between the proposed garden settlement and other settlements – why is Tudeley chosen as a place not to retain the essential local character and why is the countryside in the vicinity not to have its landscape, biodiversity and historic character retained?

PSLP Vision and Strategic Objectives 2 p31 Objective 3 is not consistent with the remainder of the Plan. There is no apparent concern at the possible impact on the existing settlement of Tudeley and its highly valued environmental qualities and amenities. There is no apparent intention to conserve and enhance the historic, built and natural environment of the locality where the proposed garden settlement and its associated infrastructure will have such a significant and devastating impact. The objective should be revised to ensure that if there is to be a garden village full and proper account is taken of the impact on the existing settlement and surrounding countryside and landscape.

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 proposal to include the new garden settlement and its associated infrastructure should be removed and all policies relating to it unless and until a full and proper assessment of the effects and implications are undertaken. Proposals should be consistent with the policies and strategy for protection of the countryside, landscape and other assets.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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 question the officers to ascertain how the proposals are considered to be consistent with the 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	Mr David Hanes ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	The Pembury Society
Address	[REDACTED] [REDACTED] Tunbridge Wells TN2 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	The Pembury Society (Mr David Hanes - [REDACTED])
Comment ID	PSLP_1998
Response Date	03/06/21 22:38
Consultation Point	Section 3: Vision and Objectives (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	PSLP_1997-2001_The Pembury Society_SI(not inclusive).pdf
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	The Pembury Society
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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

Section 3: Vision and Objectives

[TWBC: this representation has been input against Policies PSTR/PE 1, Section 3 - Vision & Objectives, STR 5 and STR 6 – see Comment Numbers PSLP_1997, PSLP_1998, PSLP_2000 and PSLP_2001. Full response attached as Supporting Information]

Question 4a

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

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

Question 5

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

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

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

Considering the wider context, of the Borough and Tunbridge Wells in particular, we make the further observations, with reference to the Local Plan headings and numbering:

Section 3

Visions and Objectives

- a. Despite some points made in the Local Plan 3.1 to 3.5 we dispute that there is any Vision about “what sort of place we want the borough to be in the future”, ie what it should look like, the facilities available, recreational and creative aspects. Where is the Vision relating to the visual features, enhancement of beauty and the artistic and, in terms of heritage, anything in the documents about enhancing the “Spa” aspect of Royal Tunbridge Wells by the provision of water features? (Note: Tunbridge Wells is twinned with Wiesbaden in Germany, another spa town.)
- b. The Local Plan appears to be defined by development, building sites and commensurate infrastructure, but there is more to quality of life than this. We note the degree of attention and finance over recent years to road changes and hard features in the centre of Tunbridge Wells – hardly a tourist attraction.
- c. Little reference is made in the Local Plan to actions necessary to be taken to enhance the historic and cultural side of Tunbridge Wells. (Note – cessation of “The Day at the Wells”)
 - 1 For example, the failure to move forward with the derelict site of the old cinema, the failure of a plan to enhance the Assembly Hall which would not be ruinous or fail to capture the support of the people of TW.
 - 2 Lack of inspiration to market the town in its Spa context through the use of water features, and soft visual features, together with road congestion, all leading to declining tourism.
 - 3 We note “The Water in the Wells Working Group” report c2012 sets out to promote the installation of high quality water features at key locations in and around the town to:
 - 1 Create landmarks and meeting points,
 - 2 Provide modern play places,
 - 3 Refresh the environment,
 - 4 Emphasis the unique TW spa brand, and
 - 5 Raise the profile of TW and thus visitors/tourism.

Nothing in the Local Plan picks up these ideas or follows this thinking. The contrast between Tunbridge Wells and Wiesbaden is noted in the report as “could not be more stark”.

SUMMARY

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

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

Question 7

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

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

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 (View)
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

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 (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	PSLP_1571-1623(not inclusive)_CRS NDP Steering Group Representation.pdf
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

If 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 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

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

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](#)

Comment

Consultee	Mr Raymond Moon ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] Paddock Wood TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Raymond Moon ([REDACTED])
Comment ID	PSLP_2284
Response Date	02/06/21 14:54
Consultation Point	Vision and Strategic Objectives 1 Vision (View)
Status	Processed
Submission Type	Web
Version	0.3

Data inputter to enter their initials here HB

Question 1

Respondent's Name and/or Organisation Raymond Moon

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

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.

Vision and Strategic Objectives 1

Vision (Statement)

“Local ambitions are: “

“for Paddock Wood, to provide for comprehensive planned strategic growth (including on land in east Capel parish) that is fully aligned with timely infrastructure provision and which delivers significant improvements in local employment, town centre, leisure and other services/community facilities commensurate with its enhanced role, as well as ensuring that it is not vulnerable to flooding”

“for a garden settlement, to establish the potential for a new village to contribute to sustainable growth, that is: based on garden settlement principles; comprehensively planned and reflecting local character; well connected with nearby towns; providing local job opportunities, services and all necessary supporting infrastructure; with exemplary development of sustainable design”

Once again this statement appears to be purely designed to justify the number of houses to be allocated to PW and Capel and no real detail in the Plan to inform the residents how it will be achieved without harm to the present character of the present communities and indeed the new residents. PW and Capel are just filling the TWBC quota and the provision not being balanced across 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)?

Comment

Consultee	Mr Raymond Moon ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Paddock Wood Labour Party (PWLP)
Address	[REDACTED] TONBRIDGE TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Paddock Wood Labour Party (PWLP) (Mr Raymond Moon - [REDACTED])
Comment ID	PSLP_2305
Response Date	02/06/21 15:02
Consultation Point	Vision and Strategic Objectives 1 Vision (View)
Status	Processed
Submission Type	Web
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Paddock Wood Labour Party
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

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.

Vision and Strategic Objectives 1

Vision (Statement)

“Local ambitions are: “

“for Paddock Wood, to provide for comprehensive planned strategic growth (including on land in east Capel parish) that is fully aligned with timely infrastructure provision and which delivers significant improvements in local employment, town centre, leisure and other services/community facilities commensurate with its enhanced role, as well as ensuring that it is not vulnerable to flooding”

“for a garden settlement, to establish the potential for a new village to contribute to sustainable growth, that is: based on garden settlement principles; comprehensively planned and reflecting local character; well connected with nearby towns; providing local job opportunities, services and all necessary supporting infrastructure; with exemplary development of sustainable design”

Once again this statement appears to be purely designed to justify the number of houses to be allocated to PW and Capel and no real detail in the Plan to inform the residents how it will be achieved without harm to the present character of the present communities and indeed the new residents. PW and Capel are just filling the TWBC quota and the provision not being balanced across 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)?

Supporting Information File Ref No: SI_78a-c

Comment

Agent	Mr Troy Hayes [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Troy Planning & Design
Address	[REDACTED] [REDACTED] London [REDACTED]
Consultee	Mrs Nichola Reay [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Paddock Wood Town Council
Address	The Podmore Building St Andrews Recreation Ground TONBRIDGE TN12 6HT
Event Name	Pre-Submission Local Plan
Comment by	Paddock Wood Town Council [REDACTED] [REDACTED]
Comment ID	PSLP_1448
Response Date	04/06/21 16:11
Consultation Point	Vision and Strategic Objectives 1 Vision (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	PSLP_1448-1479(not inclusive) Troy Planning for PWTC SI-1 Cover Letter Redacted.pdf PSLP_1448-1479(not inclusive) Troy Planning for PWTC SI-3 PW TC Response to Reg. 18.pdf PSLP_1448-1479(not inclusive) Troy Planning for PWTC SI-2 Representation.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Paddock Wood Town Council

Question 2

Agent's Name and Organisation (if applicable) Troy Planning & Design

Question 3

To which part of the Local Plan does this 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 Vision

[TWBC: for other comments by Paddock Wood Town Council, please see Comment Numbers PSLP_1448-1456, PSLP_1461, PSLP_1471, PSLP_1474, PSLP_1475-1477 and PSLP_1479]

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.

Tunbridge Wells Pre-Submission Local Plan – Paddock Wood Town Council Representation

Please find enclosed our representations to the Council's Pre-Submission Local Plan. These Representations are prepared and submitted on behalf of Paddock Wood Town Council (PWTC) and the representations are supported by the Paddock Wood Neighbourhood Plan Steering Group.

We also enclose the Council's Representation Form with our signature confirming that we do wish to take part in the Local Plan Examination Hearings.

We would like to point out that the majority of PWTC's representations to the Regulation 18 consultation were not addressed by TWBC. Given that the Local Plan has changed very little between that earlier consultation and the current period of representations on the Regulation 19 Local Plan we enclose these earlier representations and request that TWBC takes these into account and ensures they are supplied to the Secretary of State if the Council decides to proceed to submission stage.

We request that you please include this letter as part of our formal representations.

Our representations conclude that the Local Plan and its evidence base fail all the tests of soundness set out in the National Planning Policy Framework (NPPF) and that the Local Plan is not legally compliant.

Our representations go to the heart of the soundness and legality of the Local Plan, its policies, and the process TWBC has undertaken in preparing its Local Plan. We therefore consider that the entirety of the Local Plan is unsound as it is not legally compliant. Whilst we have singled out a number of specific policies that we consider to be unsound it would simply not be possible to comment on every single policy in the Local Plan which is a 515-page document.

We trust that TWBC appreciates the importance of the Local Plan proposals to the Paddock Wood community in terms of the inappropriateness of the proposals which would, if the Local Plan in its current form were to be implemented, have irreversible negative impacts on Paddock Wood and the wider area.

We urge TWBC to reconsider its development strategy which is set to fail at Local Plan Examination in Public and to restart the Local Plan process using an evidence base led approach which would conclude that Paddock Wood is an unsuitable and unsustainable location for strategic housing growth. Such an approach would save TWBC, the taxpayers and all the stakeholders involved in the Local Plan process an enormous amount of time and resources debating a Local Plan which is clearly unsound and not legally compliant.

1 Vision and Objectives

4.1. The Local Plan Vision and Objectives section of the Local Plan is confusing, lacks local distinctiveness and lacks ambition.

4.2. The opening line of the Vision states that "growth in new homes, jobs and supporting infrastructure will be achieved over plan period in a manner that respects the distinctive qualities of the borough". We question what it means by 'respect' and it is entirely unclear from this statement what the Council considers to be the 'distinctive qualities of the borough' that should be respected.

4.3. Following the first line, the second line states that "*the Council will work with stakeholders to maintain and improve overall living standards and access to employment, leisure and cultural opportunities for all the borough's residents*". This is quite a generic statement about how the Council will work with stakeholders which it is obliged to do in any case. There is nothing locally distinctive about this statement and could be about 'anyplace'.

[TWBC: for full representation, please see supporting documents]

Question 7

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

Paddock Wood Town Council confirms that it wishes to participate in the Local Plan Examination hearing sessions. Given the scale of strategic development proposed at Paddock Wood and nearby at the proposed new settlement, its extensive representations, and its role as a statutory consultee, PWTC considers it critical that it has the opportunity to provide further input into the Local Plan Examination process including the hearing sessions to respond to other evidence and arguments put forward.

If you would like to attach a file in support of your comments, please upload it here. [PSLP_1448-1479\(not inclusive\)_Troy Planning for PWTC SI-1 Cover Letter Redacted.pdf](#)

If you would like to attach a file in support of your comments, please upload it here. [PSLP_1448-1479\(not inclusive\)_Troy Planning for PWTC SI-2 Representation.pdf](#)

If you would like to attach a file in support of your comments, please upload it here. [PSLP_1448-1479\(not inclusive\)_Troy Planning for PWTC SI-3 PW TC Response to Reg. 18.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	[REDACTED]
Email Address	[REDACTED]
Company / Organisation	Royal Tunbridge Wells Town Forum
Address	- - - -
Event Name	Pre-Submission Local Plan
Comment by	Royal Tunbridge Wells Town Forum [REDACTED]
Comment ID	PSLP_825
Response Date	01/06/21 08:15
Consultation Point	Vision and Strategic Objectives 1 Vision (View)
Status	Processed
Submission Type	Email
Version	0.2
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Royal Tunbridge Wells Town Forum
Question 3	
To which part of the Local Plan does this 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 Vision	
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.

We broadly support the vision and objectives 1 policy so far as Royal Tunbridge Wells and Southborough are concerned but are unable to judge its soundness across the whole of 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)

Supporting Information File Ref No: SI_35

Comment

Consultee Dr P Whitbourn [REDACTED]
Address [REDACTED]
[REDACTED]
ROYAL TUNBRIDGE WELLS
[REDACTED]
Event Name Pre-Submission Local Plan
Comment by Dr P Whitbourn [REDACTED]
Comment ID PSLP_534
Response Date 27/05/21 09:59
Consultation Point Vision and Strategic Objectives 1 Vision ([View](#))
Status Processed
Submission Type Other
Version 0.5
Files [PSLP_534, 535, 540, 543, 546, 549, 551 Dr P Whitbourn SI-1 Evidence supporting representation.pdf](#)

Data inputter to enter their initials here HB

Question 1

Respondent's Name and/or Organisation Dr Philip Whitbourn

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 number 3.13

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

Question 5

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

After this stage, 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.

To be sound, the Plan needs separate and worthwhile "Local Ambitions" for the historic town and regional centre of Royal Tunbridge Wells

Paragraph 3.6 recognises Royal Tunbridge Wells as the main commercial centre in the Borough, serving a wider catchment, reference also being made to its particular environmental qualities, and to its cultural role, while paragraph 3.7 refers to the distinctive character of Southborough, with its own services and facilities. Thus it is not sound for these two distinct towns, which differ greatly in size and nature, to be lumped together for the purposes of "local ambitions" within a shared and unworthy "vision" for their futures, and shared nebulous "local ambitions".

Royal Tunbridge Wells is a major historic town of national importance; it is a regional shopping centre; a tourist destination; and it is a transport node. Thus, its "local ambitions" should relate to those characteristics, and be separately set out from the probably rather different ambitions that may apply to the different characteristics of Southborough, a town that like Paddock wood has its own Town Council and, like Paddock Wood should be separately listed, rather than "dovetailing" with Royal Tunbridge Wells to form some amorphous sounding "main urban area" of mixed uses.. (For "Local ambitions" for Royal Tunbridge Wells, please see overleaf) [TWBC: For "Local ambitions" please see Question 6]

[TWBC: For evidence supporting this representation, please see pages 1-3 of the supporting document]

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.

Local ambitions for Royal Tunbridge Wells should include:

- . a priority for the preservation and enhancement of the town's unique and nationally important historic centre when considering planning proposals

- . strengthening Royal Tunbridge Wells' role as a destination town, supporting its tourist industry, and increasing its cultural offering
- . maintaining its position as a regional shopping centre
- . improving its function as a transport node

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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 concerning my evidence and representations, as necessary

If you would like to attach a file in support of your comments, please upload it here. [PSLP 534, 535, 540, 543, 546, 549, 551 Dr P Whitbourn SI-1 Evidence supporting representation.pdf](#)

Future Notifications

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

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 (View)
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

Comment

Consultee	Mr Raymond Moon ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] Paddock Wood TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Raymond Moon ([REDACTED])
Comment ID	PSLP_2285
Response Date	02/06/21 14:54
Consultation Point	Vision and Strategic Objectives 2 Strategic Objectives (View)
Status	Processed
Submission Type	Web
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Raymond Moon
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 2 - Strategic Objectives

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.

Vision and Strategic Objectives 2

Strategic Objectives (Statement)

- 1 Where is the evidence for this that it is achievable in PW? The present approved development in the town is not sustainable now, so what hope in the future with this plan.
- 2 We need more Social Housing in the Borough and the proposed affordable housing in relation to present prices in PW supplied by TWBC figures will make any future affordable housing out of the range of local residents and Key workers such as those working in the NHS.
- 3 The proposed garden settlement in Capel is not sustainable as regards the new infrastructure required and the threat to our Green and Open spaces in the Borough. Where is the justification to dump it on Capel's residents and not to consider other locations in the Borough.
- 4 Every new development "chops" down existing trees and they should be incorporated into the design layouts. Cough Cooper houses built in the 1960's in PW where all built on orchards but many of the trees were saved and left in the new houses back gardens. We should demand that happens now and not see houses crammed in to meet the financial needs of the developers.
- 5 Over the years in PW with all the new housing the infrastructure has never been completed before the houses are built! The failure to achieve this threatens the very "vitality" of the communities.
- 6 With the proposed new residents our present road networks will not cope and the suggested proposals are impractical. The very presence of a Railway Line bridge at the heart of the town limits the number of houses PW can sustain without overcrowding the Town centre and making it a transport nightmare.
- 7 Please explain how?
- 8 Please explain how TWBC proposes to protect Foal Hurst Wood (FHW) our local Nature reserve owned by PWTC with the proposed new development surrounding it. Has light pollution been considered and the threat to wildlife migration across our Green and Open spaces. What threat is there to the present Dormouse population in FHW?
- 9 GB land is being released in this plan to solely meet the quota for TWBC. Show us where these tests have been made to justify it.
- 10 Climate change is making the risk of flooding more likely in PW so why build houses on the existing flood plain and enhance the impact of Climate change in the future and the residents pay the price for the Boroughs allocation.
- 11 This objective has been totally ignored to this day with past development in the town with the PWTC and residents ignored on many issues such as future surface water management and waste water management.

Everyone of these objectives are unachievable within the supporting documents in the DLP and seem only designed to support the plan and not address the real issues associated with the new development. Decide where we can put the new houses then adjust the objectives to suit that proposal. Its not honest or sustainable.

Question 7

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

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

Comment

Consultee	Mr Raymond Moon ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Paddock Wood Labour Party (PWLP)
Address	[REDACTED] TONBRIDGE TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Paddock Wood Labour Party (PWLP) (Mr Raymond Moon - [REDACTED])
Comment ID	PSLP_2306
Response Date	02/06/21 15:02
Consultation Point	Vision and Strategic Objectives 2 Strategic Objectives (View)
Status	Processed
Submission Type	Web
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Paddock Wood Labour Party
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 2 - Strategic Objectives

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.

Vision and Strategic Objectives 2

Strategic Objectives (Statement)

- 1 Where is the evidence for this that it is achievable in PW? The present approved development in the town is not sustainable now, so what hope in the future with this plan.
- 2 We need more Social Housing in the Borough and the proposed affordable housing in relation to present prices in PW supplied by TWBC figures will make any future affordable housing out of the range of local residents and Key workers such as those working in the NHS.
- 3 The proposed garden settlement in Capel is not sustainable as regards the new infrastructure required and the threat to our Green and Open spaces in the Borough. Where is the justification to dump it on Capel's residents and not to consider other locations in the Borough.
- 4 Every new development "chops" down existing trees and they should be incorporated into the design layouts. Cough Cooper houses built in the 1960's in PW where all built on orchards but many of the trees were saved and left in the new houses back gardens. We should demand that happens now and not see houses crammed in to meet the financial needs of the developers.
- 5 Over the years in PW with all the new housing the infrastructure has never been completed before the houses are built! The failure to achieve this threatens the very "vitality" of the communities.
- 6 With the proposed new residents our present road networks will not cope and the suggested proposals are impractical. The very presence of a Railway Line bridge at the heart of the town limits the number of houses PW can sustain without overcrowding the Town centre and making it a transport nightmare.
- 7 Please explain how?
- 8 Please explain how TWBC proposes to protect Foal Hurst Wood (FHW) our local Nature reserve owned by PWTC with the proposed new development surrounding it. Has light pollution been considered and the threat to wildlife migration across our Green and Open spaces. What threat is there to the present Dormouse population in FHW?
- 9 GB land is being released in this plan to solely meet the quota for TWBC. Show us where these tests have been made to justify it.
- 10 Climate change is making the risk of flooding more likely in PW so why build houses on the existing flood plain and enhance the impact of Climate change in the future and the residents pay the price for the Boroughs allocation.
- 11 This objective has been totally ignored to this day with past development in the town with the PWTC and residents ignored on many issues such as future surface water management and waste water management.

Everyone of these objectives are unachievable within the supporting documents in the DLP and seem only designed to support the plan and not address the real issues associated with the new development.

Decide where we can put the new houses then adjust the objectives to suit that proposal. Its not honest or sustainable.

Question 7

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

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

Comment

Consultee	[REDACTED]
Email Address	[REDACTED]
Company / Organisation	Royal Tunbridge Wells Town Forum
Address	- - - -
Event Name	Pre-Submission Local Plan
Comment by	Royal Tunbridge Wells Town Forum [REDACTED]
Comment ID	PSLP_826
Response Date	01/06/21 08:15
Consultation Point	Vision and Strategic Objectives 2 Strategic Objectives (View)
Status	Processed
Submission Type	Email
Version	0.2
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Royal Tunbridge Wells Town Forum
Question 3	
To which part of the Local Plan does this 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 2 Strategic Objectives

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.

We broadly support the vision and objectives 2 policy. We consider that paragraph 4 of the policy should also refer to building at a density which makes efficient use of land as required by 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)?

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

Comment

Consultee	Mr Brian Lippard [REDACTED]
Email Address	[REDACTED]
Company / Organisation	RTW Civic Society
Address	[REDACTED] ROYAL TUNBRIDGE WELLS [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	RTW Civic Society [REDACTED]
Comment ID	PSLP_1534
Response Date	03/06/21 11:58
Consultation Point	Vision and Strategic Objectives 2 Strategic Objectives (View)
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Brian Lippard, Vice Chairman, RTW Civic Society
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 2 Strategic Objectives

Paragraph 3.15

Question 4

Do you consider that the Local Plan:

Is sound 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.

These principles are sound but incomplete for a historic town with an exceptional setting. With the emphasis on growth and new development they do not fully recognise the distinct needs to protect and enhance the present built and natural environment, and the deficiencies of existing infrastructure.

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.

Reword item 8. - To work to upgrade the existing environment, particularly heritage assets and the High Weald Area of Outstanding Natural Beauty, in relation to traffic, parking, and the provision of infrastructure.

Reason: The Strategic Objectives do not adequately reflect the sustainability principles expressed elsewhere in the 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

Agent	[REDACTED]
Email Address	[REDACTED]
Company / Organisation	Sigma Planning Services
Address	[REDACTED] [REDACTED] ROYAL TUNBRIDGE WELLS [REDACTED]
Consultee	Kevin Willcox [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Rydon Homes
Address	[REDACTED] [REDACTED] FOREST ROW [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Rydon Homes [REDACTED]
Comment ID	PSLP_1705
Response Date	03/06/21 13:25
Consultation Point	Vision and Strategic Objectives 2 Strategic Objectives (View)
Status	Processed
Submission Type	Email
Version	0.8
Files	Sigma Planning for Rydon Homes RYDON 6.pdf Sigma Planning for Rydon Homes RYDON 7.pdf Sigma Planning for Rydon Homes - covering letter.pdf Sigma Planning for Rydon Homes RYDON 2.pdf Sigma Planning for Rydon Homes Composite Representations.pdf Sigma Planning for Rydon Homes RYDON 9.pdf Sigma Planning for Rydon Homes RYDON 5.pdf Sigma Planning for Rydon Homes RYDON 16.pdf Sigma Planning for Rydon Homes RYDON 3.pdf Sigma Planning for Rydon Homes RYDON 11.pdf Sigma Planning for Rydon Homes RYDON 14.pdf Sigma Planning for Rydon Homes RYDON 17.pdf Sigma Planning for Rydon Homes RYDON 15.pdf

[Sigma Planning for Rydon Homes RYDON 13.pdf](#)
[Sigma Planning for Rydon Homes RYDON 18.pdf](#)
[Sigma Planning for Rydon Homes RYDON 10.pdf](#)
[Sigma Planning for Rydon Homes RYDON 12.pdf](#)
[Sigma Planning for Rydon Homes RYDON 8.pdf](#)
[Sigma Planning for Rydon Homes RYDON 1.pdf](#)
[Sigma Planning for Rydon Homes List of Appendices TWBC LP.docx](#)
[Sigma Planning for Rydon Homes RYDON 4.pdf](#)

Data inputter to enter their initials here KJ

Question 1

Respondent's Name and/or Organisation Rydon Homes Ltd

Question 2

Agent's Name and Organisation (if applicable) Sigma Planning Services

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

Paragraph 3.15

[TWBC: see also representation numbers PLSP_1629, 1702, 1705, 1707, 1708, 1709, 1710, 1713, 1714, 1715, 1717, 1721, 1729, 1732, 1733, 1734, 1737, 1739, 1741, 1743, 1744, 1745 & 1746]

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.

[TWBC: see supporting documents attached, including composite of all representations].

Vision and Strategic Objectives

Unlike the Strategic Objectives set out in the Draft Reg 18 version of the Plan, the objective is not stated to be to deliver the housing needs identified for the Borough by the end of the plan period but only to contribute to meeting housing need. This diluted objective is inconsistent with a Plan that should be positively prepared and ambitious in order to accord with Government policy. The objective No. 2 seeks only to significantly boost the supply of affordable housing and is therefore inconsistent with Government policy that seeks to significantly boost the supply of all types of homes. The dumping down of the Government's priority of the delivery of a significantly greater number of new homes than in the past, infers a reluctance on behalf of the Council to grapple with the problems of meeting housing needs in full. It is imperative that each local planning authority across the South-East region plays a full part in increasing housing provision, if issues of current and worsening lack of adequate housing provision and levels of affordability are to be improved. There is conflict between the Council's approach and the Guidance set out in Paragraph 11a of the NPPF which requires Plans to positively seek opportunities to meet the development needs of their area and be sufficiently flexible to adapt to rapid change. As a result the Strategic Objectives are not positively prepared and the Plan is unsound.

Question 7

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

Local Plan Regulation 19 representations in document order

Comments on Section 4: The Development Strategy and Strategic Policies

Supporting Information File Ref No: SI_91a-d

Comment

Agent	Andy Pearce [REDACTED]
Email Address	[REDACTED]
Company / Organisation	CBRE Limited
Address	[REDACTED] [REDACTED] London [REDACTED]
Consultee	[REDACTED]
Email Address	[REDACTED]
Company / Organisation	Dandara Ltd
Address	KD Tower Cotterells Hemel Hempstead HP1 1FW
Event Name	Pre-Submission Local Plan
Comment by	Dandara Ltd [REDACTED]
Comment ID	PSLP_1688
Response Date	04/06/21 16:55
Consultation Point	Section 4: The Development Strategy and Strategic Policies (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	PSLP_1685-1711(not inclusive)_CBRE(Dandara)_Representation_SI_.pdf PSLP_1685-1711(not inclusive)_CBRE(Dandara)_Letter_SI_.pdf PSLP_1685-1711(not inclusive)_CBRE(Dandara)_LandscapeConcept_SI.pdf PSLP_1685-1711(not inclusive)_CBRE(Dandara)_S'borough Concept_SI.pdf
Data inputter to enter their initials here	AT
Question 1	

Respondent's Name and/or Organisation Dandara

Question 2

Agent's Name and Organisation (if applicable) CBRE Ltd

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

[TWBC: Covering letter, Full Written Representation, Landscape Concept and Southborough Vision Document attached as Supporting Information. This representation has been input against Section 3 - Vision & Objectives, Section 4 - The Development Strategy, Policies STR/SS 1, STR/HA 1, AL/RTW 5 and STR/CRS 1 – see Comment Numbers PSLP_1685, PSLP_1688, PSLP_1689, PSLP_1697, PSLP_1703 and PSLP_1711]

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.

[TWBC: Covering letter/email as follows - copy also attached as Supporting Information]

CBRE is appointed by Dandara Ltd. to submit representations relating to the Regulation 19 Pre-Submission Draft version of the Tunbridge Wells Borough Local Plan.

Dandara hold specific land interests in respect of the following sites as set out in our representations:

- . STR/PW1 / STR/SS1 – Badsell Farm, Paddock Wood ('Paddock Wood');
 - . STR/HA1 / AL/HA4 – Land off Cophall Avenue and Highgate Hill, Hawkhurst ('Hawkhurst');
 - . STR/RTW1 / AL/RTW5 – Land at Speldhurst Road, Southborough ('Southborough');
 - . AL/RTW 16 – Land to the west edge of Eridge Road at Spratsbrook Farm ('Spratsbrook Farm');
- and

- . Omission Site – Land east of Camden Lodge, adjacent to Mill Lane and Sissinghurst Road ('Sissinghurst');

The above sites are located within the administrative area of Tunbridge Wells Borough Council ('TWBC'). The Paddock Wood, Hawkhurst, Southborough and Spratsbrook Farm sites are all allocated in the Pre-Submission Draft Local Plan.

Separate written representations have been submitted by Barton Willmore LLP in respect to Dandara's land interests at AL/RTW 16 – Land to the west edge of Eridge Road at Spratsbrook Farm ('Spratsbrook Farm'). CBRE's written representations have been fully coordinated with Barton Willmore LLP's representations for Spratsbrook Farm.

Accordingly, please find the following enclosed representations which will be sent via email and secure electronic file transfer:

- . This cover letter;
- . Completed Local Plan Response Forms; and
- . Written Representations Report dated June 2021.

Dandara will continue to engage with TWBC as well as key stakeholders, to feed into and inform later stages of the plan-making process including the Examination hearings in due course.

Dandara will also continue to monitor the progress of the emerging Local Plan and will also look to make written representations on the next stage, Examination hearings in due course.

[TWBC: End of covering letter/email]

4.30 The Pre-Submission Local Plan confirms there are exceptional circumstances to alter the boundaries of the Green Belt to remove land from the designation for the proposed development at Tudeley Village, Paddock Wood (including land at east Capel), at a few sites around Royal Tunbridge Wells (particularly at North Farm/Kingstanding Way), and at Pembury.

4.31 The approach taken in Pages 58 – 60 of the Development Strategy (2021) is consistent with the well-established process that has been established through the Courts (notably *Calverton*) in the application of Exceptional Circumstances.

4.32 More recently, the case of Compton Parish Council is also relevant with Sir Duncan Ousley commenting (*inter alia*):

1. "Exceptional circumstances" is a less demanding test than the development control test for permitting inappropriate development in the Green Belt, which requires "very special circumstances".
2. The phrase does not require at least more than one individual "exceptional circumstance". The "exceptional circumstances" can be found in the accumulation or combination of circumstances, of varying natures, which entitle the decision-maker, in the rational exercise of a planning judgment, to say that the circumstances are sufficiently exceptional to warrant altering the Green Belt boundary.
3. General planning needs, such as ordinary housing, are not precluded from its scope; indeed, meeting such needs is often part of the judgment that "exceptional circumstances" exist; the phrase is not limited to some unusual form of housing, nor to a particular intensity of need.

4.33 Fundamentally, the borough is heavily constrained – aside from the 22% of the borough designated as Green Belt, 69% is AONB, with 5,321 ha of Green Belt land (out of 7,134 ha) also being within the AONB. This means that 74.5% of the Green Belt land is also within the AONB. Moreover, the majority of the Green Belt wraps around the main urban area of Royal Tunbridge Wells and Southborough, around Pembury and the area to the east of Tonbridge/west of Paddock Wood (located within Capel parish), the eastern boundary immediately adjoining the existing western developed boundary of Paddock Wood.

4.34 With the clear need in the NPPF (2019) to promote sustainable development, to do this without the release of land from the Green Belt would result in significant development being inappropriately located in lower tier settlements (such as Frittenden, Goudhurst) which either do not have the necessary infrastructure to support such growth and/or are located in sensitive landscape contexts.

4.35 The need to ensure that sustainable development is encouraged as part of the review and consideration of Green Belt release is firmly established in Paragraph 138 of the NPPF which states: "When drawing up or reviewing Green Belt boundaries, the need to promote sustainable patterns of development should be taken into account. Strategic policymaking authorities should consider the consequences for sustainable development of channelling development towards urban areas inside

the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary”.

4.36 Through the Development Strategy Topic Paper (Feb 2021) TWBC has clearly articulated what the consequences for sustainable development would be if it was to not include Green Belt release as part of its proposed released.

4.37 At the Plan Wide level, the case for Exceptional Circumstances is fully justified. In the next section we have provided comment on what the relevant Local Exceptional Circumstances are to support the proposed release of allocated sites to which Dandara has an interest in.

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.

N/A – no amendments proposed.

Question 7

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

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

Dandara wish to participate in the hearing session to discuss their representations and to provide further evidence to assist the Inspector where necessary in the interests of ensuring the emerging Local Plan, its strategic allocation policies and all other strategic and development management policies can be found to be sound and meet all the specific soundness tests set out at Paragraph 35 of the NPPE.

Question 8

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

4.9 The Council's supporting Sustainability Appraisal (SA) sets out the preferred growth strategy of securing a planned strategic extension at Paddock Wood based on garden village principles, supplemented by the creation of a new garden village at Tudeley Village and promotion of new growth at existing settlements.

4.10 The production of the SA is a key evidenced based document in understanding whether or not the approach to the spatial strategy is sound. The NPPF (2019) introduced a subtle but important change to the definition of 'justified' with the requirement now for 'an appropriate strategy' rather than 'the most appropriate strategy'.

4.11 The SA (February 2021) includes the assessment of 8 alternative options for the spatial strategy. In presenting a robust approach the SA (February 2021) correctly considers the implications for the spatial strategy in including Paddock Wood in some options and excluding it from others.

4.12 Paragraph 6.2.13 of the SA (February 2021) succinctly summarises the consequences for sustainable development if an alternative spatial strategy was pursued which sought to focus growth exclusively in the main town and main town and villages. In the assessment it is noted that the exclusion of Paddock Wood (and in turn the additional pressure that this would place on other areas to accommodate growth) would have a detrimental impact upon 8 of the SA objectives including: objectives of business growth, climate change, deprivation, employment, health, services, travel and water. The assessment work undertaken provides a sound basis to inform the proposed spatial strategy with the approach representing an appropriate strategy (as required by the NPPF).

4.13 At the more detailed policy level, the SA provides a rigorous and robust testing of the 11 Local Plan strategic objectives against the 19 SA objectives and confirms there are no sustainability objectives that are more incompatible than compatible with the Local Plan objectives.

4.14 The SA explains the Council's assessment of their growth strategy options as set out in the Issues and Options stage SA (2017).

4.15 The Council's site assessment review includes assessment of potential development sites and reasonable alternative sites. Dandara support the scoring for Land to the north of Badsell Road, Five Oak Green, Paddock Wood (Site ref. 142) as part of strategic allocation STR/SS1 and TN12 Land off Copthall Avenue and Highgate Hill, Hawkhurst (Site ref. 78); and Land at Speldhurst Road, Southborough (Site ref. 100). Dandara consider the review of these development sites to be accurate, robust and informed by proportional evidence in accordance with Paragraph 35(b) of the NPPF.

4.16 However, Dandara disagree with the findings of the reasonable alternatives site assessment, land east of Camden Lodge, adjacent to Mill Lane and Sissinghurst Road (Site ref. 120). This is discussed further on in this submission, however, this site was a largely neutral scoring site and comprises a small greenfield site within the settlement boundary and not located in the AONB and is proposed for medium scale residential redevelopment.

4.17 Dandara support the Council's SA subject to the above comments on the Council's strategic objectives, consider it to be robust and satisfies the relevant legal requirements including SEA in accordance with Paragraph 32 of the NPPF.

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_37

Comment

Consultee	Mrs Farah Brooks-Johnson [REDACTED]
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Mrs Farah Brooks-Johnson [REDACTED]
Comment ID	PSLP_555
Response Date	28/05/21 11:10
Consultation Point	Section 4: The Development Strategy and Strategic Policies (View)
Status	Processed
Submission Type	Web
Version	0.3
Files	GSP Friends of Tudeley Final.pdf (2)
Question 1	
Respondent's Name and/or Organisation	Friends of Tudeley
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 4.2 The Development Strategy	
Paragraph 4.8 Housing Need	
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 4.2 The Development Strategy

The spatial strategy is not justified and not sustainable, and therefore the plan is unsound. The review of options available to TWBC (including the omission of one of the strategic sites) and a proactive search for settlement edge sites and previously developed/urban sites would have sustainability benefits. This would reduce the reliance on large sites to deliver housing and avoid the need to rely on a new settlement in the Green Belt. The sustainability impacts of the proposed Tudeley Village are significant and it is quite clear that the Sustainability Appraisal process was not the key driver for selecting the spatial strategy.

A detailed description of errors in the Development Strategy is in Section 4.5 of the attached report by Graham Simpkin Planning.

Paragraph 4.8 Housing Need

TWBC has not identified the most appropriate strategy to meet the identified housing need. The value of growth option 7 forming part of the preferred development option, perhaps with a large urban extension, was dismissed without adequate assessment. It could contribute to housing needs in a manner that is sensitive to the settlements at which it is located. The proposed strategy which includes a new settlement at Tudeley Village is not justified, nor consistent with achieving sustainable development.

If TWBC had fulfilled their Duty to Cooperate, it is possible that the proposed new settlement at Tudeley Village (and associated harm to the Green Belt) would not be required. This demonstrates the importance of discussing this issue with nearby Local Authorities with determination. Demonstrating that such discussions have occurred is essential to the Exceptional Circumstances case for alterations to Green Belt boundaries.

A detailed description of the issues caused (and opportunities missed) by TWBC's approach to Objectively Assessed Need is in Section 4.3 of the attached report by Graham Simpkin Planning

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 all references to the proposed Tudeley Village from 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)? . 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:

Friends of Tudeley is an unincorporated association of local residents concerned about the soundness of TWBC's proposal to create a new settlement at Tudeley. We will make an important local contribution to the matters under discussion

If you would like to attach a file in support of your comments, please upload it here. [GSP Friends of Tudeley Final.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

Comment

Consultee	Chris Gow [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Chris Gow [REDACTED]
Comment ID	PSLP_1279
Response Date	04/06/21 15:53
Consultation Point	Section 4: The Development Strategy and Strategic Policies (View)
Status	Processed
Submission Type	Web
Version	0.1
Question 1	
Respondent's Name and/or Organisation	Chris Gow
Question 3	
To which part of the Local Plan does this 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 4: The Development Strategy and Strategic Policies	
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

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

After this stage, 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 policy must reflect a post covid pandemic factors, enconomic and social, where the Local Plan should be returned for this evaluation to take place, and further consultation to define policy where the post pandemic thinking can be considered for a revised Local Plan.

Local Plan fails to take any account of the post pandemic encomonic and social conditions, and superseeds the assumptions made in the data forming the base of the current 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.

Local Plan should be returned for further consultation and revision to consider post pandemic conditions.

Question 7

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

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

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

Question 7a

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

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

The process of making and delivering a Local Plan is complex, and there is little opportunity to make a contribution in a way that allows the voice of the ordinary folk of the town heard, and where the principles of a fair and equitable society are delivered.

I can make a contribution to the Inspector, and be a spokesperson for the ordinary citizen in Tunbridge Wells Borough.

Comment

Consultee	Cynthia Kirk [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Cynthia Kirk [REDACTED]
Comment ID	PSLP_1172
Response Date	04/06/21 08:27
Consultation Point	Section 4: The Development Strategy and Strategic Policies (View)
Status	Processed
Submission Type	Web
Version	0.8
Question 1	
Respondent's Name and/or Organisation	Cynthia Kirk
Question 3	
To which part of the Local Plan does this 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/HO 1 The Strategy for Horsmonden 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 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.

I am not against some expansion of house building, but the Government's National Planning policy allows for "limited infilling in villages" which I would not oppose (although the proposed development across the area is not fairly distributed.) However, I am strongly opposed to the scale of the proposed developments in Horsmonden which would increase the number of houses potentially by 320 and would completely alter the character of our village and make the traffic problems much more severe. As Horsmonden already has a notable danger spot at the crossroads in its centre (with many near misses as outlined on the SE News) the substantial increase in traffic necessitated by the huge influx in residents living in the proposed housing developments could cause significant health and safety issues.

The infrastructure is not suitable to support the proposed increase of properties. The roads leading from the centre of Horsmonden village are minor roads, which are narrow and have many dangerous bends with poor sight lines. E.g. Access onto the Goudhurst Road by potential residents and school traffic at the site HO3 would be problematical. The inadequate roads simply cannot safely sustain the amount of traffic which would be generated if all these houses were built. Further health and safety issues would be caused by the lack of continuous footpaths (especially on blind bends) along the roads out of Horsmonden village to the proposed new developments at HO2 and HO3 with little availability to develop these.

The proposed developments at HO2 and HO3 would involve a significant loss of trees with HO3 in particular having a significant number of established and mature trees. The natural open countryside views in these sites would be lost forever to the detriment of us and our future generations.

Both of these developments are mostly planned to be built on good quality agricultural land. HO2 is next to Sprivers which is an area of natural beauty designated for the local people ~ providing them with essential recreational opportunities and is an important habitat for wildlife. It would be greatly affected by the development of the significant number of houses proposed to be built adjacent to it.

The plan to ensure that 40% of the new houses would be affordable housing is meaningless if recent developments are anything to go by. The Foundry was a recent development in Maidstone road and comprised mostly of detached houses with a few semi-detached houses. The average house price in this development is £458,166 and the semi-detached houses are selling between £374,500 and £430,000 which are not affordable for ordinary people especially young people who have been born and brought up in the local area and who have to move away in order to rent or buy cheaper properties.

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.

Proposals for building at HO2 and HO3 need to be reconsidered in the light of the difficulties outlined above.

Question 7

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

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

Question 8

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

The issue that Horsmonden does not have an adequate public transport system has to be considered. This with limited employment opportunities mean that any additional residents living in the new developments would be dependent on traveling anywhere by car which is unacceptable in so many ways, especially environmentally.

The bulk of the housing development in the plan will not contribute to Horsmonden's economic growth as people will have to work away from the village. The proposal of building a new primary school at the eastern edge of the village to cope with the increased number of children does not appear to have fully examined other options for the better use of the existing 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	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 (View)
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

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

After this stage, 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 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	Christine Latter ([REDACTED])
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Christine Latter ([REDACTED])
Comment ID	PSLP_1301
Response Date	04/06/21 16:15
Consultation Point	Section 4: The Development Strategy and Strategic Policies (View)
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Respondent's Name and/or Organisation	Christine Latter
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 4 – Pre Submission Local 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.

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.

Housing development is already taking place on three sites surrounding Paddock Wood, at least one of which (Church Road) is known to flood in periods of high rainfall.

With these three current new developments the population of Paddock Wood is likely to rise by more than 40%. The existing infrastructure is inadequate to deal with this increase in population, let alone the further increase generated by the proposed development of areas on the fringes of the town.

Maidstone's Borough Council's proposals to develop sites in the Beltring area will also impact heavily on Paddock Wood, it being the nearest town to the developments (consultation with neighbouring authorities?).

The Capel development will have huge implications for Tonbridge and Malling Borough Council (consultation with neighbouring authorities?) and will put further strain on infrastructure throughout the geographical region. The road network is not suitable for increased volumes of traffic. The health services are already under strain.

A number of retail premises in Commercial Road, Paddock Wood have been forced to close to make way for the new Churchill retirement apartment complex. The former police station has just been demolished and police presence in the area is negligible.

The proposal under consideration to close the road over Paddock Wood railway bridge to all traffic except buses will generate longer journeys and increase air pollution in surrounding areas. The traffic reduction proposal at the station end of Commercial Road is unworkable because of the configuration of surrounding roads.

The proposed cycle path network between outlying new developments and Paddock Wood town centre are unworkable, particularly in areas used by schoolchildren. Footpaths which are redesignated shared use cycle tracks but which don't have any markings to differentiate between the pedestrian lane and the cycle lane (because they're not wide enough to accommodate two lanes) are potentially dangerous to users. Example: Green Lane, TN12 6BF

New schools will not be built until the numbers justify it. What happens in the meantime to those who can't find school places locally?

Where are all these new residents going to work? If there are no local jobs this will put further strain on transport infrastructure.

How will TWBC cope with increased demand for local services: refuse collection, parking, road maintenance.

Will targets for affordable housing be strictly enforced on new developments?

In non Covid times parking facilities in Paddock Wood are just about adequate. Residents of Mascalls Grange and Foalhurst Green are likely to travel into town by car, particularly if planning a supermarket

weekly shop. Will new parking places be created? And which route will traffic take if Commercial Road is closed at the northern end?

A bus service was promised when the Hunters Chase development was built, but didn't happen. Will history repeat itself?

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 spread more evenly across the TWBC region. At the moment far too much is concentrated in the North West corner, putting too much strain on the infrastructure and changing the nature of the area from semi-rural to urban. Whilst some of these changes may be beneficial in terms of improved and updated services, some are potentially harmful in terms of the environment and public safety, as in the case of flooding and high traffic volumes. Smaller areas of development spread across TWBC would be more easily assimilated, would put less strain on existing resources and would be cheaper and less disruptive. They would also make developments more attractive to potential purchasers.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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 Raymond Moon ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] Paddock Wood TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Raymond Moon ([REDACTED])
Comment ID	PSLP_2286
Response Date	02/06/21 14:54
Consultation Point	Section 4: The Development Strategy and Strategic Policies (View)
Status	Processed
Submission Type	Web
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Raymond Moon
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

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.

Section 4: The Development Strategy and Strategic Policies

Introduction

4.2 “One of the principal functions of the Local Plan is to set out the amount of future development being planned for, where it is to be located, and its nature, following the Vision and Strategic Objectives”By considering the failures in the plan in Section 3 Vision and Objectives this section logically is therefore flawed and unsustainable for the same reasons mentioned in the last section. Decide where we can put the new houses then build the argument with the attached documents to provide them. This approach is not sustainable for the future growth of PW.

The Development Strategy

Housing needs.

4.10 The figures provided by the TWBC are potentially over stated and the evidence is not conclusive with the need for 12,200 new dwellings in the Borough and an unfair proportion for PW and Capel.

4.11. The Council states it has considered alternative approaches and alternative locations so if the present allocation is unsustainable then it must object to the national default standard method. We need more houses for our children and grand children but with out the improved infrastructure before any houses are built it is unsustainable for the future. Draft local Plans are designed to achieve this and this one fails on so many levels.

Economic needs.

4.19. There is no mention of the effects of Covid on the local economy and unemployment is likely to rise. There should be no new residential housing North of the railway only retail as in previous Local Plans. The flood risk a very good reason with the real threat of Climate change in the future.

4.39. Where is the real evidence that all of the Brownfield sites have been considered. In the Borough and real note made of the windfall sites.

4.44. PW is not a a logical choice for strategic growth and the previous comments made concerning the sustainability of the allocation in PW reinforce this view. The very presence of the railway bridge hinders this growth so only retail development North of the railway is the logical choice. No mention of a possible new bridge?

Infrastructure and Connectivity

4.88 Mention is made that the Infrastructure has been separated into 3 main catogories:

“Physical infrastructure (such as highways and public realm improvements); community infrastructure (such as schools, adult social services, and cultural facilities); and green, grey, and blue infrastructure (such as play spaces, natural and semi-natural open space, and sports pitches, as well as other essential infrastructure such as flood mitigation, utilities, and digital connectivity)”

All of the three colour designations mention aspects of the infrastructure to be implemented but no reference to the utilities that will monitor or police, that these improvements are actioned within the plan.

4.91 “The Local Plan Vision is clear”The local plan **Vision** is far from clear, rather than expected **“expected that future infrastructure to mitigate the impact of development, or in the case of the strategic sites at Paddock Wood to deliver 'betterment' in flooding terms to particular areas, should be largely funded by development to ensure that the development is acceptable in planning terms.”**It must read **“it will ensure by legal means”–that future infrastructure etc.** To date in PW, TWBC and the utilities have failed on this objective relating to improving the infrastructure by betterment. The present situation regarding the utility Southern Water provision is late and totally inadequate for the present and future needs of the Town. This must not happen in the future with this DLP.

4.95.This paragraph mentions critical and essential projects to be in place before development takes place, but how do TWBC intend to implement this , rather than just “words”? Transport and Education has not been detailed and the present proposals have not been fully agreed with KCC. What legal powers do TWBC have against developers and utilities and the ability to challenge when they do not deliver key aspects of this plan.

Health

This mentions provision of new medical facilities or expansion in PW but where is the guarantee that it will happen to sustain the new houses. It is a must!!

Water

Who is going to pay for additional capacity at the present water treatment works to accommodate the new houses in PW and Capel? Where are the plans for new locations and funding requirements. Words are not enough we need concrete commitments not empty promises.

Sport and Recreation: Where is mention made of a new sports hub in PW as it appears it will serve PW and Capel of which they should have their facilities within the DLP. Sharing will cause access problems on our already congested roads travelling between the two locations to a shared sports hub. There is also no mention of the present proposed PW NHP provision currently in negotiation with TWBC.

Transport and Parking

4.98 The present NPPF states that significant development should be focused on locations that can be made sustainable by limiting travel and offering choice of transport modes. With the Railway bridge playing a significant pinch point to access to the town it is not feasible or practical to limit access to South of the railway just to justify the sustainability of the new housing within in the plan. There is at present a petition asking residents to object to the proposals concerning restricted access to the town and its lack of consultation with PW residents. It's a clear case of implementing solutions to just get the end result, more houses in PW that are just not sustainable.

Question 7

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

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

Comment

Consultee	Mr Raymond Moon ()
Email Address	
Company / Organisation	Paddock Wood Labour Party (PWLP)
Address	 TONBRIDGE TN12
Event Name	Pre-Submission Local Plan
Comment by	Paddock Wood Labour Party (PWLP) (Mr Raymond Moon -)
Comment ID	PSLP_2307
Response Date	02/06/21 15:02
Consultation Point	Section 4: The Development Strategy and Strategic Policies (View)
Status	Processed
Submission Type	Web
Version	0.6
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Paddock Wood Labour Party
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

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.

Section 4: The Development Strategy and Strategic Policies

Introduction

4.2 “One of the principal functions of the Local Plan is to set out the amount of future development being planned for, where it is to be located, and its nature, following the Vision and Strategic Objectives”By considering the failures in the plan in Section 3 Vision and Objectives this section logically is therefore flawed and unsustainable for the same reasons mentioned in the last section. Decide where we can put the new houses then build the argument with the attached documents to provide them. This approach is not sustainable for the future growth of PW.

The Development Strategy

Housing needs.

4.10 The figures provided by the TWBC are potentially over stated and the evidence is not conclusive with the need for 12,200 new dwellings in the Borough and an unfair proportion for PW and Capel.

4.11. The Council states it has considered alternative approaches and alternative locations so if the present allocation is unsustainable then it must object to the national default standard method. We need more houses for our children and g

rand children but with out the improved infrastructure before any houses are built it is unsustainable for the future. Draft local Plans are designed to achieve this and this one fails on so many levels.

Economic needs.

4.19. There is no mention of the effects of Covid on the local economy and unemployment is likely to rise. There should be no new residential housing North of the railway only retail as in previous Local Plans. The flood risk a very good reason with the real threat of Climate change in the future.

4.39. Where is the real evidence that all of the Brownfield sites have been considered. In the Borough and real note made of the windfall sites.

4.44. PW is not a a logical choice for strategic growth and the previous comments made concerning the sustainability of the allocation in PW reinforce this view. The very presence of the railway bridge hinders this growth so only retail development North of the railway is the logical choice. No mention of a possible new bridge?

Infrastructure and Connectivity

4.88 Mention is made that the Infrastructure has been separated into 3 main catogories:

“Physical infrastructure (such as highways and public realm improvements); community infrastructure (such as schools, adult social services, and cultural facilities); and green, grey, and blue infrastructure (such as play spaces, natural and semi-natural open space, and sports pitches, as well as other essential infrastructure such as flood mitigation, utilities, and digital connectivity)”

All of the three colour designations mention aspects of the infrastructure to be implemented but no reference to the utilities that will monitor or police, that these improvements are actioned within the plan.

4.91 “The Local Plan Vision is clear”The local plan Vision is far from clear, rather than expected “expected that future infrastructure to mitigate the impact of development, or in the case of the strategic sites at Paddock Wood to deliver 'betterment' in flooding terms to particular areas, should be largely funded by development to ensure that the development is acceptable in planning terms.”It must read “it will ensure by legal means”—that future infrastructure etc. To date in PW, TWBC and the utilities have failed on this objective relating to improving the infrastructure by betterment. The present situation regarding the utility Southern Water provision is late and totally inadequate for the present and future needs of the Town. This must not happen in the future with this DLP.

4.95. This paragraph mentions critical and essential projects to be in place before development takes place, but how do TWBC intend to implement this, rather than just “words”? Transport and Education has not been detailed and the present proposals have not been fully agreed with KCC. What legal powers do TWBC have against developers and utilities and the ability to challenge when they do not deliver key aspects of this plan.

Health

This mentions provision of new medical facilities or expansion in PW but where is the guarantee that it will happen to sustain the new houses. It is a must!!

Water

Who is going to pay for additional capacity at the present water treatment works to accommodate the new houses in PW and Capel? Where are the plans for new locations and funding requirements. Words are not enough we need concrete commitments not empty promises.

Sport and Recreation: Where is mention made of a new sports hub in PW as it appears it will serve PW and Capel of which they should have their facilities within the DLP. Sharing will cause access problems on our already congested roads travelling between the two locations to a shared sports hub. There is also no mention of the present proposed PW NHP provision currently in negotiation with TWBC.

Transport and Parking

4.98 The present NPPF states that significant development should be focused on locations that can be made sustainable by limiting travel and offering choice of transport modes. With the Railway bridge playing a significant pinch point to access to the town it is not feasible or practical to limit access to South of the railway just to justify the sustainability of the new housing within in the plan. There is at present a petition asking residents to object to the proposals concerning restricted access to the town and its lack of consultation with PW residents. It's a clear case of implementing solutions to just get the end result, more houses in PW that are just not sustainable.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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	Lee Prebble [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Lee Prebble [REDACTED]
Comment ID	PSLP_70
Response Date	28/04/21 15:24
Consultation Point	Section 4: The Development Strategy and Strategic Policies (View)
Status	Processed
Submission Type	Web
Version	0.1
Question 1	
Respondent's Name and/or Organisation	Lee Prebble
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
4.19, STR1, STR9	
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.

PSLP Economic Needs p36 There is no acknowledgement of the sea change arising from the Covid pandemic in working patterns. In this respect the 2016 Study is significantly out of date and cannot have anticipated the dramatic changes that have taken place in 2020. (There is a parallel in commercial premises which was acknowledged to some extent in the RCLTCU Study Updates 2020/1). For this reason the Local Plan is unsound and needs to be reconsidered.

PSLP The Development Strategy Policy STR1 p.41 As set out above the Strategy is wrong to seek to develop so many houses without proper consideration of actual local needs and the impact on the high quality landscape and environment of the Borough. The Strategy is inconsistent with the vision and inconsistent in the treatment of the land in the vicinity of Tudeley compared with the approach of the Plan to the remainder of the countryside. This policy is not consistent with Policy STR2 1 in that the development at Tudeley will not respond positively to the local character and preserve and enhance the quality of the existing community and its environs. It is not consistent with Policy STR 3 in that it will not conserve and enhance assets of historic, landscape or biodiversity value in the vicinity of the Tudeley development. The policy is not consistent with Policy STR8 in that the development at Tudeley will not conserve or enhance the natural, built and historic environment of the borough. It does not conserve or enhance the landscape assets, biodiversity geodiversity or habitats of the area. It does not retain or enhance key characteristics or valued landscape features and qualities identified in the Borough Landscape Character SPD. It does not accord with the objectives of that SPD. The allocation of the garden settlement at Tudeley, together with the associated infrastructure, has not been informed by a clear understanding of the landscape context, either on or off-site. There is no demonstration of how the characteristics and landscape features of the area have been incorporated or how harm to the landscape has been avoided or minimised. In these respects the Policy is unsound.

PSLP Policy STR9 p.70 It is not accepted that proper justification has been provided for the removal of areas of Green Belt. For much of the land identified for removal there has been no proper landscape, visual amenity or other environmental impact assessment.

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 proposals for a new garden village at Tudeley and its associated infrastructure should be removed. Before any plan is adopted a full assessment of the landscape and visual impact should be undertaken and detailed impact studies relating to impact on biodiversity and heritage assets should be carried out.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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 wish to ask officers about the processes undertaken and why no proper LVIA was carried out in relation to large housing site allocations including the proposals for Tudeley Village

Question 8

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

This comment and objection has concentrated on the proposed garden settlement at Tudeley and in particular on the failure to properly assess the impact of the development especially in relation to landscape and visual amenity. That should not be taken to mean that other aspects of the PSLP are considered acceptable. As an individual with limited resources there may well be significant concerns regarding other aspects but the fact that the Plan is unsound as demonstrated should mean that it is withdrawn and the whole strategy reconsidered.

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 Tim Hickling [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Rother District Council
Address	Town Hall London Road BEXHILL-ON-SEA TN39 3JX
Event Name	Pre-Submission Local Plan
Comment by	Rother District Council [REDACTED]
Comment ID	PSLP_120
Response Date	06/05/21 14:59
Consultation Point	Section 4: The Development Strategy and Strategic Policies (View)
Status	Processed
Submission Type	Email
Version	0.5
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Rother District Council
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.

4.12, 4.13

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.

Rother District Council (RDC) has had regular and continued Duty to Cooperate meetings with Tunbridge Wells Borough Council (TWBC) to discuss the progress of our respective local plans and to address any emerging or evolving cross-boundary strategic planning matters. RDC are content that these have been addressed in the Pre-Submission Local Plan.

At this moment in time, RDC is not at a significantly advanced stage in the production of its new Local Plan to determine whether it will require neighbouring planning authorities to assist in helping meet any unmet local development (housing and employment) needs. We acknowledge in para 4.13 of the Tunbridge Wells Pre-Submission Local Plan, that reference is made to changing circumstances in relation to the position of neighbouring planning authorities, which would apply to RDC. We also appreciate that the development strategy has built in a certain degree of flexibility, in seeking to deliver a quantum of housing development above the calculated standard method for local housing need for the Borough.

Within this section of the Local Plan there are two minor typographical errors to note:

Para. 4.8 refers to the current year (rather than the start of the planning period) as 2020; and

Para 4.17 refers to a figure of 7,721 rather than 7,221 as stated in Table 3.

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.

RDC do not consider any major modifications are required.

Question 7

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

RDC have no comments to make on the SA/SEA.

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_84a-u

Comment

Agent	[REDACTED]
Email Address	[REDACTED]
Company / Organisation	Sigma Planning Services
Address	[REDACTED] [REDACTED] ROYAL TUNBRIDGE WELLS [REDACTED]
Consultee	Kevin Willcox [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Rydon Homes
Address	[REDACTED] [REDACTED] FOREST ROW [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Rydon Homes [REDACTED]
Comment ID	PSLP_1707
Response Date	03/06/21 13:25
Consultation Point	Section 4: The Development Strategy and Strategic Policies (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	Sigma Planning for Rydon Homes_RYDON 17.pdf Sigma Planning for Rydon Homes_RYDON 6.pdf Sigma Planning for Rydon Homes_RYDON 12.pdf Sigma Planning for Rydon Homes_RYDON 11.pdf Sigma Planning for Rydon Homes_RYDON 8.pdf Sigma Planning for Rydon Homes_RYDON 13.pdf Sigma Planning for Rydon Homes_Composite Representations.pdf Sigma Planning for Rydon Homes - covering letter.pdf Sigma Planning for Rydon Homes_RYDON 2.pdf Sigma Planning for Rydon Homes_RYDON 9.pdf Sigma Planning for Rydon Homes_RYDON 5.pdf Sigma Planning for Rydon Homes_RYDON 18.pdf

[Sigma Planning for Rydon Homes List of Appendices TWBC LP.docx](#)
[Sigma Planning for Rydon Homes RYDON 7.pdf](#)
[Sigma Planning for Rydon Homes RYDON 4.pdf](#)
[Sigma Planning for Rydon Homes RYDON 10.pdf](#)
[Sigma Planning for Rydon Homes RYDON 15.pdf](#)
[Sigma Planning for Rydon Homes RYDON 1.pdf](#)
[Sigma Planning for Rydon Homes RYDON 16.pdf](#)
[Sigma Planning for Rydon Homes RYDON 3.pdf](#)
[Sigma Planning for Rydon Homes RYDON 14.pdf](#)

Data inputter to enter their initials here

KJ

Question 1

Respondent's Name and/or Organisation

Rydon Homes Ltd

Question 2

Agent's Name and Organisation (if applicable)

Sigma Planning Services

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

Paragraph 4.41

[TWBC: see also representation numbers PLSP_1629, 1702, 1705, 1707, 1708, 1709, 1710, 1713, 1714, 1715, 1717, 1721, 1729, 1732, 1733, 1734, 1737, 1739, 1741, 1743, 1744, 1745 & 1746]

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.

[TWBC: see supporting documents attached, including composite of all representations].

Limiting the scale of development in the AONB

The specific references in this paragraph to the need to limit the scale of development in the AONB is unwarranted. Protection of the AONB is only one of a range of important elements to be considered in a Sustainability Assessment. Great weight must be afforded to its protection but that is also the case with a number of other planning policy considerations such as Heritage, Ecology and Green Belt. The specific reference suggests that AONB has been given particular priority emphasis in preparing the SA, which would not be good planning practice. The relevant sentence 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)?

☐ 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_84a-u

Comment

Agent	[REDACTED]
Email Address	[REDACTED]
Company / Organisation	Sigma Planning Services
Address	[REDACTED] [REDACTED] ROYAL TUNBRIDGE WELLS [REDACTED]
Consultee	Kevin Willcox [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Rydon Homes
Address	[REDACTED] [REDACTED] FOREST ROW [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Rydon Homes [REDACTED]
Comment ID	PSLP_1709
Response Date	03/06/21 13:25
Consultation Point	Section 4: The Development Strategy and Strategic Policies (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	Sigma Planning for Rydon Homes RYDON 18.pdf Sigma Planning for Rydon Homes - covering letter.pdf Sigma Planning for Rydon Homes RYDON 12.pdf Sigma Planning for Rydon Homes RYDON 15.pdf Sigma Planning for Rydon Homes RYDON 17.pdf Sigma Planning for Rydon Homes RYDON 6.pdf Sigma Planning for Rydon Homes RYDON 4.pdf Sigma Planning for Rydon Homes RYDON 2.pdf Sigma Planning for Rydon Homes RYDON 5.pdf Sigma Planning for Rydon Homes RYDON 11.pdf Sigma Planning for Rydon Homes RYDON 13.pdf Sigma Planning for Rydon Homes RYDON 1.pdf Sigma Planning for Rydon Homes RYDON 16.pdf

[Sigma Planning for Rydon Homes Composite Representations.pdf](#)
[Sigma Planning for Rydon Homes RYDON 14.pdf](#)
[Sigma Planning for Rydon Homes RYDON 8.pdf](#)
[Sigma Planning for Rydon Homes RYDON 7.pdf](#)
[Sigma Planning for Rydon Homes RYDON 10.pdf](#)
[Sigma Planning for Rydon Homes RYDON 3.pdf](#)
[Sigma Planning for Rydon Homes List of Appendices TWBC LP.docx](#)
[Sigma Planning for Rydon Homes RYDON 9.pdf](#)

Data inputter to enter their initials here KJ

Question 1

Respondent's Name and/or Organisation Rydon Homes Ltd

Question 2

Agent's Name and Organisation (if applicable) Sigma Planning Services

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

Paragraph 4.48

[TWBC: see also representation numbers PLSP_1629, 1702, 1705, 1707, 1708, 1709, 1710, 1713, 1714, 1715, 1717, 1721, 1729, 1732, 1733, 1734, 1737, 1739, 1741, 1743, 1744, 1745 & 1746]

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.

[TWBC: see supporting documents attached, including composite of all representations].

Changes from the Draft Local Plan (Reg 18)

The “refinement” of the Draft Local Plan referred to in this paragraph was not justified by the additions to the evidence base in the period between the publication of the Draft and Pre-Submission versions of the Local Plan. In particular it was not justified by the Hankinson Duckett Associates appraisal of the proposed allocations in the Draft Plan which only suggested the removal of one housing allocation at Cranbrook. The Plan is poorer as a result of those changes from the Reg 18 version and needs to be modified to make it sound by reinstating the remaining allocations proposed in the Draft Plan, suitably modified in accordance with the Hankinson Duckett Associates advice. This paragraph needs to be removed as part of the modifications to the Plan and are necessary to make it sound.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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_84a-u

Comment

Agent	[REDACTED]
Email Address	[REDACTED]
Company / Organisation	Sigma Planning Services
Address	[REDACTED] [REDACTED] ROYAL TUNBRIDGE WELLS [REDACTED]
Consultee	Kevin Willcox [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Rydon Homes
Address	[REDACTED] [REDACTED] FOREST ROW [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Rydon Homes [REDACTED]
Comment ID	PSLP_1708
Response Date	03/06/21 13:25
Consultation Point	Section 4: The Development Strategy and Strategic Policies (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	Sigma Planning for Rydon Homes RYDON 16.pdf Sigma Planning for Rydon Homes RYDON 14.pdf Sigma Planning for Rydon Homes RYDON 10.pdf Sigma Planning for Rydon Homes Composite Representations.pdf Sigma Planning for Rydon Homes RYDON 9.pdf Sigma Planning for Rydon Homes RYDON 5.pdf Sigma Planning for Rydon Homes RYDON 3.pdf Sigma Planning for Rydon Homes RYDON 8.pdf Sigma Planning for Rydon Homes RYDON 15.pdf Sigma Planning for Rydon Homes RYDON 7.pdf Sigma Planning for Rydon Homes RYDON 17.pdf Sigma Planning for Rydon Homes RYDON 12.pdf Sigma Planning for Rydon Homes RYDON 6.pdf

[Sigma Planning for Rydon Homes RYDON 18.pdf](#)
[Sigma Planning for Rydon Homes List of Appendices TWBC LP.docx](#)
[Sigma Planning for Rydon Homes RYDON 4.pdf](#)
[Sigma Planning for Rydon Homes RYDON 2.pdf](#)
[Sigma Planning for Rydon Homes RYDON 11.pdf](#)
[Sigma Planning for Rydon Homes RYDON 13.pdf](#)
[Sigma Planning for Rydon Homes RYDON 1.pdf](#)
[Sigma Planning for Rydon Homes - covering letter.pdf](#)

Data inputter to enter their initials here KJ

Question 1

Respondent's Name and/or Organisation Rydon Homes Ltd

Question 2

Agent's Name and Organisation (if applicable) Sigma Planning Services

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

Paragraph 4.46

[TWBC: see also representation numbers PLSP_1629, 1702, 1705, 1707, 1708, 1709, 1710, 1713, 1714, 1715, 1717, 1721, 1729, 1732, 1733, 1734, 1737, 1739, 1741, 1743, 1744, 1745 & 1746]

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.

[TWBC: see supporting documents attached, including composite of all representations].

Development Potential of Hawkhurst and Cranbrook

Whilst this paragraph is factually correct, it is unbalanced and does not give an accurate assessment of the potential of Hawkhurst and Cranbrook as main towns to play an important part in the spatial strategy and to deliver meaningful levels of housing, particularly in the early part of the plan period. The paragraph should be more balanced and confirm the potential for both settlements to accommodate sustainable growth without unacceptable harm to the integrity of the AONB and to address localised issues of traffic congestion and air quality in the case of 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)?

☐ 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	Ms Margaret Borland [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Southborough [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Ms Margaret Borland [REDACTED]
Comment ID	PSLP_1181
Response Date	04/06/21 15:19
Consultation Point	Section 4: The Development Strategy and Strategic Policies (View)
Status	Processed
Submission Type	Web
Version	0.1
Question 1	
Respondent's Name and/or Organisation	M Borland
Question 3	
To which part of the Local Plan does this 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 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.

After this stage, 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 seems incredible that, when 75% of the borough is AONB and/or Green Belt, the Council doesn't consider that it cannot meet its housing requirement in full but instead chooses to allocate greenfield sites for development within these protected areas.

The MHCLG highlighted again on 25 May 2021 that the Local Housing Need numbers are "...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. (See <https://mhclgmedia.blog.gov.uk/>)

This development strategy also appears to conflict with the requirements of the NPPF, particularly paragraph 11(b) which states 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."

How do these Local Plan allocations meet the requirements of Policy STR 7 and the Council's target of achieving net zero emissions across the borough by 2030? The preamble to policy STR7 quotes the Town and Country Planning Association and Royal Town Planning Institute 2018 report *Rising to the Climate Crisis – A Guide for Local Authorities on Planning for Climate Change* states that "*climate adaptation must be understood as the main priority for long-term planning to secure climate resilience, and must be accepted as equally as important as meeting housing need.*" Yet the Plan seems to take the opposite view.

I'm also very concerned that, while the Council's stated aim is optimise density to minimise the loss of green fields, this doesn't seem to stand up to examination in the housing allocations made. The Brownfield and Urban Land Topic Paper (Jan 2021) indicates that the density used in the SHELLA for potential yield is 30dph and potential yield of a small number of urban brownfield sites have been re-calculated at 45dph. While such low densities may be prudent for the Council to use in its overall assessment of its ability to meet housing need, in the real world they will not result in developments that make the effective use of land required by the NPPF.

Agricultural land on the edge of or outside village settlements is being put forward for development. This has a vital role to play in feeding the nation, absorbing carbon and preserving biodiversity, including the biodiversity in soils. But once it is built on, it is lost forever. This could be avoided by increasing

density on urban and brownfield sites. 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 more compact forms of development - terraces, maisonettes and other three to four storey developments forming an attractive part of the development.

Such housing may also better meet local housing need in an area where ONS data (25 Mar 2021) shows that house prices in Tunbridge Wells are now more than 12 times median earnings.

The draft National Model Design Code suggests that even suburban areas should aim for net housing densities of 40-60dph, with more compact forms of development - a mix of short terraces short terraces and semi-detached units. Instead, the Council appears to be happy to promote sprawling outer-suburb-level density developments, at 30dph or less, where there are currently green fields. The draft NMDC also proposes that urban neighbourhoods should have net densities of 60-120dph and a mix of uses. Again, it looks like there is a serious disconnect between this and the expectations set in the Plan for developments at the urban areas of 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.

After this stage, 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 above

Question 7

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

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

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

Comment

Agent	[REDACTED]
Email Address	[REDACTED]
Company / Organisation	Sigma Planning Services
Address	[REDACTED] [REDACTED] ROYAL TUNBRIDGE WELLS [REDACTED]
Consultee	Kevin Willcox [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Rydon Homes
Address	[REDACTED] [REDACTED] FOREST ROW [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Rydon Homes [REDACTED]
Comment ID	PSLP_1702
Response Date	03/06/21 13:25
Consultation Point	Section 4: The Development Strategy and Strategic Policies (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	Sigma Planning for Rydon Homes_RYDON 13.pdf Sigma Planning for Rydon Homes_RYDON 1.pdf Sigma Planning for Rydon Homes_RYDON 11.pdf Sigma Planning for Rydon Homes_RYDON 14.pdf Sigma Planning for Rydon Homes_RYDON 18.pdf Sigma Planning for Rydon Homes_RYDON 17.pdf Sigma Planning for Rydon Homes_RYDON 16.pdf Sigma Planning for Rydon Homes_RYDON 10.pdf Sigma Planning for Rydon Homes_RYDON 3.pdf Sigma Planning for Rydon Homes_RYDON 15.pdf Sigma Planning for Rydon Homes_RYDON 8.pdf Sigma Planning for Rydon Homes_RYDON 5.pdf Sigma Planning for Rydon Homes_Composite Representations.pdf

[Sigma Planning for Rydon Homes - covering letter.pdf](#)
[Sigma Planning for Rydon Homes RYDON 12.pdf](#)
[Sigma Planning for Rydon Homes RYDON 2.pdf](#)
[Sigma Planning for Rydon Homes RYDON 6.pdf](#)
[Sigma Planning for Rydon Homes RYDON 9.pdf](#)
[Sigma Planning for Rydon Homes RYDON 7.pdf](#)
[Sigma Planning for Rydon Homes RYDON 4.pdf](#)
[Sigma Planning for Rydon Homes List of Appendices TWBC LP.docx](#)

Data inputter to enter their initials here KJ

Question 1

Respondent's Name and/or Organisation Rydon Homes Ltd

Question 2

Agent's Name and Organisation (if applicable) Sigma Planning Services

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

[TWBC: see also representation numbers PLSP_1629, 1702, 1705, 1707, 1708, 1709, 1710, 1713, 1714, 1715, 1717, 1721, 1729, 1732, 1733, 1734, 1737, 1739, 1741, 1743, 1744, 1745 & 1746]

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.

[TWBC: see supporting documents attached, including composite of all representations].

Spatial Strategy

Overview

1 It is agreed that the main towns in the Borough are:-

Royal Tunbridge Wells

Southborough

Paddock Wood

Cranbrook

Hawkhurst

The most sustainable spatial strategy would be one of focussing most development in or adjoining these settlements to take advantage of existing Infrastructure and public transport services and to provide finance and opportunity to be a catalyst for the improvement of the services available at these settlements for the benefit of both existing and future residents. Growth should be proportionate with the size of the settlement and the existing level of services. This is a conventional approach but is also the most effective, sustainable and deliverable option.

1 The Issues and Options document in 2017 set out 5 alternative strategies of which none of the options reflected this strategy – the nearest being Option 1 – Focussed Growth on the main towns and Option 3 – Proportional development across all settlements. A combination of these two options was never properly tested and the option remains a sustainable and effective one in the event that the current strategy is found to be flawed.

1 The options selected for the Draft Local Plan (2019) were a combination of Option 3 and 5, introducing the risky, highly contentious and, as yet, unproven, concept of a new settlement at Tudeley. The proportion of housing numbers directed to the Tudeley/Capel/Paddock Wood proposed conurbation compared to other locations was as follows:-

Tudeley/Capel/Paddock Wood - 60%

Royal Tunbridge Wells - 13%

Main Towns - 20.5%

Smaller Settlements - 6.5%

1 In the Pre-Submission Local Plan these proportions changed to:-

Tudeley/Capel/Paddock Wood - 66.5%

Royal Tunbridge Wells - 16%

Main Towns - 11%

Smaller Settlements - 6.5%

This adjustment is significant. The proportion of housing directed to smaller settlements remains the same and there is a modest increase at the main town of Tunbridge Wells. However, the main change is a significant reduction, 9.5% at the main towns of Cranbrook and Hawkhurst and a significant increase of 6.5% at the new settlement of Tudeley/Capel/Paddock Wood, meaning that it is now expected to provide over two-thirds of the housing need for the District over the plan period and beyond.

1 The Head of Planning's Report to Cabinet of 21st January (Rydon 1) claimed that this was a more robust strategy on 5 counts (Paragraph 3.18) but in fact there are only three because the same points are duplicated:-

1 **Fewer allocations** in the AONB – but the consequence is more development in the Green Belt.

1 **Reduced development at some smaller settlements** – but increases at others because the % remains the same.

1 **More provision for urban intensification at Tunbridge Wells** – but brownfield land is a finite resource and already the first point of call. It is difficult to see how deliverable brownfield sites

suddenly emerged in Tunbridge Wells between the Draft Plan and the Pre-Submission Plan. The numbers were not significant in any event.

- 1 The change in those proportions is also questioned because it was not supported by any new evidence. The Draft Plan included major development in the AONB and so does the Pre-Submission version. The Hankinson Duckett Associates LVIA of proposed Allocation Sites within the High Weald AONB (November 2020) suggested some alterations to the proposed housing allocations, mainly sensitive landscaping and design to mitigate impact, but there was no general finding of unacceptable harm to the integrity of the AONB. The assessment of cumulative effects (Chapter 7) suggested that the removal of one site at Cranbrook and the reduction of built development at a further site at Cranbrook and three sites at Hawkhurst would reduce the intensity of development along the A229 and would provide localised improvements to the AONB which, if developed positively in more detail, could mitigate against the predicted cumulative effects. There is therefore no finding of unacceptable cumulative harm to the AONB.
 - 1 It is puzzling why, if unacceptable AONB harm was not identified by the LVIA appraisal, TWBC felt compelled to change their spatial strategy between Draft and Pre-Submission versions of the Plan. (See Officer Report to Cabinet 3rd February 2021). It is also puzzling that they chose not to release this document when it was completed in November 2020 but held it back until March 2021, after the Pre-Submission Plan had been finalised.
 - 1 Ultimately they have executed a trade-off between Green Belt and AONB constraints, exercising their decision in favour of the AONB over the Green Belt constraint. This was despite the fact that the Hankinson Duckett Associates report was positive about the potential for mitigation of impact upon the AONB. Both policies are of national importance but Green Belt is an absolute policy that seeks to prevent development in principle, irrespective of individual harm to local surroundings. AONB impact, on the other hand, must be given great weight but is capable of mitigation by design and landscaping in the circumstances of the individual case. The more logical and robust planning response to the Draft Plan would therefore be to follow the Hankinson Duckett Associates advice, retaining the housing allocations in the AONB but modifying them and therefore retaining the sustainability and deliverability advantages of proportionate growth at the main locations of Cranbrook, Hawkhurst and Pembury.
 - 1 The Inspector should ask TWBC to explain why options for a new settlement in the northern part of the District to the south-east of Paddock Wood, where there are no Green Belt or AONB designations, have not been tested and evaluated.
10. The conclusion is that the proposed Spatial Strategy is not justified by the evidence base or effective, in that too much reliance is placed upon the punctual delivery of major development at Tudeley/Capel/Paddock Wood. This puts the delivery of the plan objectives at serious risk because of the uncertainty surrounding the timely delivery of front-loaded infrastructure needed to support those proposals. It is also inconsistent with National policy that seeks the certainty of the prompt delivery of housing to significantly boost the supply of homes and to protect the Green Belt. A strategy which placed greater emphasis on utilising and enhancing existing infrastructure and services at main towns whilst mitigating impact upon the AONB to acceptable levels, is to be preferred. The strategy of the Draft Local Plan achieved a better balance of minimising impact upon the Green Belt, providing sustainable growth at main towns and securing more certainty about the delivery of new housing. The Pre-Submission Plan represents a retrograde step and the strategy should have either not changed or moved in the other direction, placing less reliance on the new settlement concept.

Question 7

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

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

After this stage, 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

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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	Nick Burbidge [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Nick Burbidge [REDACTED]
Comment ID	PSLP_1255
Response Date	04/06/21 12:11
Consultation Point	Table 4 Distribution of housing allocations (View)
Status	Processed
Submission Type	Web
Version	0.2

Question 1

Respondent's Name and/or Organisation	Nick Burbidge
---------------------------------------	---------------

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.

4.52, 4.95

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.

Referring specifically to the proposed development of Tudeley, inspite of overwhelming rejection of the plan at Consultation stage the proposed number of houses has increased dramatically (from 440 to 2,800). Most of this development is on a flood plain and entirely against green belt principles - in fact creating urban sprawl by linking Paddock Wood to Tonbridge, as well as increasing traffic pollution. There has been a total lack of transparency and scrutiny and it doesn't seem as if due process has been followed. There hasn't been proven pursuit of Brownfield alternatives.

I believe the proposal is fundamentally unsound as the suggested infrastructure is woefully inadequate and doesn't address the fundamental issue with the plan - that this is building a town on the outskirts of Tonbridge and therefore to suggest changes to Tunbridge Wells infrastructure, wholly misses the point. All infrastructure challenges (schools, traffic, increased train travel, doctor's surgeries) will be a Tonbridge issue - though Tunbridge Wells will receive the council tax - this is wrong.

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.

Look at alternative options - Castle Hill, Blantyre etc and in particular pursue Brownfield options closer to current Tunbridge Wells town infrastcuture.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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	Nigel Exall [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Nigel Exall [REDACTED]
Comment ID	PSLP_1122
Response Date	03/06/21 22:20
Consultation Point	Table 6 Green Belt Sites (View)
Status	Processed
Submission Type	Web
Version	0.2

Question 1

Respondent's Name and/or Organisation	Nigel Exall
---------------------------------------	-------------

Question 3

To which part of the Local Plan does this 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.

After this stage, 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 been a resident in Tudeley since 1984 & write in respect of the above consultation to express my deepest concerns about the proposed land use planning strategy for Capel/Tudeley.

The policies referenced above promote a comprehensive mixed use development for Capel/Tudeley, in the form of a 'garden settlement', and encompassing approximately 2,800 dwellings; employment provision, a range of local services and facilities to serve such a settlement; and open space, leisure and recreation uses.

Also proposed is a new six form entry secondary school & primary school – which are to be located within the 'garden village'.

There are a number of very obvious, and very serious, problems with this proposed strategy, including (but not limited to):

- . Green Belt,
- . Infrastructure/deliverability,
- . Area of Outstanding Natural Beauty/Heritage Assets/visual impact,
- . Flooding,
- . Ecology, and
- . Major traffic issues
- . Noise, light & air pollution
- . Loss of prime agricultural land
- . Disproportionate allocation of new housing within the Capel Parish

These shall be briefly addressed in turn as follows:

Green Belt– The site for the new garden settlement falls within the Green Belt, wherein the primary aim of planning policy is to keep land permanently open. In terms of Local Plan preparation this means not releasing land from the Green Belt except in exceptional circumstances. I understand that exceptional circumstances cannot exist if there are alternative, non-Green Belt sites that might be available to accommodate the proposed development. In this case only a small proportion of Tunbridge Wells Borough is washed over by the Green Belt. There is a significant swathe of land to the east of the Borough that is not within the Green Belt, and is therefore free of such constraint. Has it genuinely and robustly been demonstrated that there are no alternative sites available that are outside of the Green Belt? If the answer to this is no, then exceptional circumstances simply cannot exist.

The intended expansion of Paddock Wood together with the new Tudeley Village Development, if allowed, would lead to a corridor of urban sprawl from Tonbridge to Paddock Wood effectively destroying the green belt buffer that currently exists & separates these areas.

Infrastructure/Deliverability –Clearly the delivery of a new garden settlement will be entirely dependent upon the provision, up front, of the infrastructure to serve such. The provision of such infrastructure is likely to be complicated by the fact that the proposed site is dissected by a railway line. In this context, timescales become important. For instance, by the time a (very large scale) planning application has

been determined, conditions have been discharged, and sufficient infrastructure works been undertaken to enable housing and other development to be delivered, it seems incredibly likely that it will be a number of years down the line. As such the strategy does nothing to alleviate housing and employment needs in the short to medium term; and does nothing to meet the stated objectives of producing a Local Plan.

There appears to have been very limited consultation with the major service providers for sewerage, water & power services in connection with the scheme.

These services are currently already stretched within the local area with poor water supply & inadequate foul & storm water services for the current population.

Area of Outstanding Natural Beauty/Heritage Assets –The site of the proposed garden village lies outside of, but adjacent to, the Area of Outstanding Natural Beauty. The National Planning Policy Framework (paragraph 172) states that ‘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’. Similarly, there are a number of Listed Buildings located around the perimeter of the proposed allocation, including my own home. The current (and historic) setting of those Listed Buildings is one of a distinctly rural environment, characterised by open fields, interspersed with historic field boundaries and other historic buildings. There is simply no way that the introduction of 2,800 new homes, employment, and associated facilities, on a large swathe of attractive, undeveloped, rural land cannot have a significant and detrimental visual impact upon the adjacent Area of Outstanding Natural Beauty, and upon the setting of the surrounding Listed Buildings.

Flooding –The site itself might not be subject to significant areas of flood risk, but adjoining areas certainly are. Surface water flooding has proven repeatedly to be an issue of serious local concern. Providing a new garden settlement on currently undeveloped, free draining, greenfield land – with the inevitable (considerable) increase in areas of hard surfacing and built form, will simply increase the prevalence of surface water flood risk on the areas of land that adjoin the proposed allocation.

Ecology –Given the extensive scale, and rural/undeveloped nature of the site of the proposed garden settlement, it seems inconceivable that it will not be home to protected species. With such a large scale development it is impossible to fully mitigate against such wholesale destruction of habitat.

Major traffic issues - I have concerns as to whether the traffic modelling that has been carried out to assess the impact of traffic generated by the new development has been fully substantiated & is accurate. There appears to be no consideration given to improving junctions with the major road system that the road between Five Oak Green & Tonbridge links into.

The existing road system during peak periods is often congested & the additional traffic both from & to the new development will exacerbate the current issues. The introduction of a new Secondary & primary School will lead to additional traffic from pupils attending the School from outside the new village development.

Noise, Light & Air pollution - Due to the size of the existing population within the Tudeley area there is very little noise, light or air pollution. This will not be the case once an additional 2,800 houses have been built together with the additional shops, offices & Schools that the plan refers to.

Loss of agricultural land - the proposed site for the new development currently consists of good grade quality agricultural land. Agricultural land has already been lost within the vicinity of the proposed development with land being allocated for additional mineral extraction / quarries. Recent experience has proved that once the material workings have been exhausted the quarries have been abandoned with very little landscaping / reinstatement works carried out & left inaccessible for local people to enjoy.

The extensive solar farm adjacent to the proposed village development that has been installed in recent years has also removed a large area of land from agriculture & has created a visual impact that is out of keeping with the general agricultural nature of the local area.

Both quarries & PV Farm have been created by the owners of the land that the proposed new village development is sited on.

Disproportionate allocation of new housing within the Capel Parish - It would appear that approximately 50% of the new housing requirement within this Local Plan has been allocated to this new Village Development which, bearing in mind the size of the current population of Tudeley & the

surrounding area, is disproportionate to the new housing numbers allocated elsewhere within the Borough.

This is not fair to the current inhabitants of the area whose needs have not been considered & who generally oppose the scheme.

In light of the foregoing matters, the proposed allocation of land at Capel/Tudeley must be removed from the emerging Local Plan, and an alternative, and more sustainable means of meeting housing and employment needs must be identified.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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	Ashley Saunders [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Ashley Saunders [REDACTED]
Comment ID	PSLP_1278
Response Date	04/06/21 13:56
Consultation Point	Table 6 Green Belt Sites (View)
Status	Processed
Submission Type	Web
Version	0.1

Question 1

Respondent's Name and/or Organisation	Ashley Saunders
---------------------------------------	-----------------

Question 3

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

Question 3a

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

4.123 to 4.131 Green belt

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
	.	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.

There is a huge proposal to remove the green belt protection to large areas that are currently protected by green belt. If councils can remove green belt as they see fit then one has to ask what is the point of green belt. Tunbridge Wells BC have not shown that this is unavoidable as there are many areas outside of the green belt that could be used. Green belt was set up to protect rural areas from the urban spread but this is clearly not protecting the green belt in Capel.

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.

This can be changed to use up areas which are not protected by Green belt of which there are many in the eastern areas of the Tunbridge Wells 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
--	---

Local Plan Regulation 19 representations in document order

Comments on Section 4: The Development Strategy (general) and Policy STR1

Supporting Information File Ref No: SI_159

Comment

Consultee	Jacqui Avery ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] Tunbridge Wells TN4 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Jacqui Avery ([REDACTED])
Comment ID	PSLP_2272
Response Date	04/06/21 09:31
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Residents Against Ramslye Development whole submission redacted.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Jacqui Avery
Question 3	
To which part of the Local Plan does this 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

Submitted sites not included in the Pre-Submission Local Plan

[TWBC: see also further comments on individual sections and policies - PSLP_2269 and 2272-2279. The whole representation form (personal details redacted) has also been attached as it contains plans and images]

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.

This response is made on behalf of the 669 signatories on the petition submitted in response to Regulation 18 which was delivered to TWBC Planning Services in 2019 and the Facebook group 'Residents Against Ramslye Development' whose membership is currently 247 (names can be provided if required). We have noted guidance 4.3 and have encouraged the people opposed to the development of site 137/ Policy AL/RTW 16 'Land to the west of Eridge Road at Spratsbrook Farm' not to make separate responses repeating the same points as those made here; some however will no doubt have submitted individual responses.

The broad development strategy "...is to ensure that a minimum of 12,204 dwellings and 14 hectares of employment (Use Classes B and E) land are developed, together with supporting infrastructure and services."

In January 2021 the Times of Tunbridge Wells reported that "17 per cent of retail space in and around Tunbridge Wells is currently lying vacant". It has been well documented that the impact of the Covid lockdowns on the retail sector is that many shops will be lost from the high street forever (e.g. Arcadia Group shops) and others will consolidate (e.g. John Lewis which is closing its RTW store). Last year the Courier reported that nearly a third of the Royal Victoria Place units were empty. As set out above there are still numerous empty shops so there is little point planning to build more until the current supply is exhausted. TWBC needs to think more carefully about what the future of retail and office work will be in an increasingly digitalised and flexible world rather than catering for the turn of the century's shopping and working patterns.

Policy STR 1 – The Development Strategy – Table 4 Distribution of housing allocations

As set out in our Regulation 18 representations to the draft local plan we challenge the need for such a large number of new dwellings in the Borough. Office for National Statistics data predicts the population of Tunbridge Wells will grow from 118,848 in 2020 to 123,003,092 in 2038 (Table 1 section 2.16 of the draft pre-submission plan); that is growth in the population of 6,155. TWBC reports that housing stock in 2016 was 49,880. If the occupancy rate of dwellings remains at the 2016 level (i.e. 2.35 people per dwelling) then the need by 2038 will be a further 2,620 dwellings to the stock. Even if one were to

allow for a decrease in the occupancy rate to say 2 people per dwelling, the need would still only be c.3,000 dwellings, i.e. about a quarter of the number of dwellings the plan allows for. Instead, there is an absurd situation where the plan appears to be proposing more than 2 new dwellings per person.

The Housing Supply and Trajectory Topic paper (February 2021) states there are 3,313 dwellings with extant planning permission which by any reasonable calculation will meet the need of the borough's projected population to 2038.

While we appreciate the housing requirement is set by national policy, we do not consider TWBC has appropriately represented the interests of its residents. The policy is eminently challengeable because it is fundamentally flawed. It effectively only considers supply side solutions to housing affordability. Much of the house price inflation experienced in the last 10 years is a consequence of the macro-economic environment (principally interest rates at an historic low for over 10 years driving a search for yield in assets) and other policy decisions such as 'help to buy' and the stamp duty holiday. It is clear there are external demand side issues that do not relate to population growth. By accepting the allocation, TWBC has not acted to protect the rural nature and the associated landscape of the borough that is valued by its residents and is protected under law. We remain of the view the approach to date has been supine and cavalier with our environment and interests. Indeed it is at odds with the Vision and Strategic Objectives by surrendering so much green space and the plan in its current form is not one that "respects the distinctive qualities of the borough". TWBC must take steps to challenge the allocation on our behalf so as to protect our interests.

We welcome the policy wording in respect of the Limits to Built Development (LBD) (section 2, 8 and 9).

While commenting on this section we note that RTW is presented as a whole. There appears to be no analysis or consideration of the distribution of sites within RTW itself. In the Broadwater ward the plan currently proposes c.500 new dwellings on six separate sites (RTW11, 12, 13, 14, 15 and 16). If this approach is adopted then the Broadwater ward will account for c.35% of the overall allocation to RTW. We consider this is unsustainable in terms of the available infrastructure, road network and the appropriate use of land in the case of site RTW16. The total allocation to the Broadwater ward is disproportionate (some wards are hardly affected at all) and inappropriate.

Appendix: Submitted sites not included in the Pre-Submission Local Plan

Rusthall

146 Tunbridge Wells Golf Club, Langton Road, Tunbridge Wells TN4 8XH

We wish to challenge the 'unsuitable' decision for this site because the sustainability scores are inconsistent. We consider this site is suitable for housing development.

In addition, we consider the Green Belt assessment of this site is incorrect. The score of "Strong" contribution to "preserving the special character of historic towns" is too high given the land is not visually prominent and is only adjacent to the common. The score should therefore be adjusted to "relatively strong".

RTW

73 Land at Pembury Road (south), Tunbridge Wells

We wish to challenge the 'unsuitable' decision for this site because the sustainability scores are inconsistent.

99 Land at Pembury Road, Tunbridge Wells TN2

We wish to challenge the 'unsuitable' decision for this site because the sustainability scores are inconsistent. We consider this site is suitable for housing development.

We note the site is assessed as being in the setting of the AONB whereas in Regulation 18 it was incorrectly assessed as being in the AONB – we would further challenge the setting point. We consider this land to be separate and distinct from the AONB as the A264 creates a barrier and it is not visually in the setting of the AONB.

114 Land at Sandown Park, west of A21, Royal Tunbridge Wells TN2 4RT

We wish to challenge the 'unsuitable' decision for this site because the sustainability scores are inconsistent. We consider this site is suitable for housing development.

We note the site is assessed as being in the setting of the AONB whereas in Regulation 18 it was incorrectly assessed as being in the AONB – we would further challenge the setting point. We consider this land to be separate and distinct from the AONB as Blackhurst Lane creates a barrier and it is not visually in the setting of the AONB. The land is further split and separated by Sandown Park so that parcel is not even adjacent to the AONB.

116 Land south of Pembury Road, Tunbridge Wells

We wish to challenge the 'unsuitable' decision for this site because the sustainability scores are inconsistent.

280 Land at The Midway, Nevill Court, Tunbridge Wells, Kent

We wish to challenge why this site was omitted from the sustainability appraisal – the purpose of the appraisal process is to fully consider the positives and negatives, in a structured and documented way. This site appears to have been rejected because it is "within the AONB and landscape impacts were considered too severe to warrant consideration". Other sites within the AONB with equally adverse landscape impacts have been taken forward and without a full suite of sustainability assessments it is not possible to make properly evidenced based policy. As such this omission renders the sustainability appraisal unsound as a whole.

Our response to Regulation 18 identified this site had been inaccurately assessed, for example, it is listed as being in the High Weald AONB when it is not. The site assessment sheet no longer lists the AONB as an issue to consider but the site is considered unsuitable as there is concern over the impact on the Green Belt. This site needs reassessment (sustainability objective scores and site assessment/SHELAA) and the assessment documented and published.

384 Land at Great Bayhall, Tunbridge Wells, Kent

We wish to challenge the 'unsuitable' decision for this site because the sustainability scores are inconsistent.

411 Land at Sandown Park between Pembury Grange and A21, Royal Tunbridge Wells, Kent

We wish to challenge the 'unsuitable' decision for this site because the sustainability scores are inconsistent. We consider this site is suitable for housing development.

434 Tutty's Farm, Hawkenbury, Royal Tunbridge Wells, Kent

We wish to challenge the 'unsuitable' decision for this site because the sustainability scores are inconsistent. We consider this site is suitable for housing development.

Our response to Regulation 18 identified this site has also been inaccurately assessed, for example, it is listed as having an AONB component part when this is not the case. As such the sustainability assessment is unsound.

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 site 137/ AL/RTW 16 'Land to the west of Eridge Road at Spratsbrook Farm' from the 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 G Ayers [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr G Ayers [REDACTED]
Comment ID	PSLP_216
Response Date	19/05/21 12:00
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Other
Version	0.9

Data inputter to enter their initials here AT

Question 1

Respondent's Name and/or Organisation Mr G Ayers

Question 3

To which part of the Local Plan does this 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 1 The Development Strategy

Policies PSTR/SS1, PSTR/SS3 & PSTR/BM1

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.

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 – comments

The comments below focus on the integrity and how sound the Local Plan (LP) has been assembled, having regard to its overall deliverability. In affect, not necessarily questioning its constitute parts (although some of these inevitably come into question - notably the sheer scale of new housing projected without corresponding highways infrastructure improvements) but how sound the thinking has been applied to knitting these together to achieve the overall strategic outcome for the Borough? In so doing, this is not merely looking at the results at the very end of the Plan Period after some 15 years but critically :-

i) at the very dawn of implementation in 2022 and

ii) followed closely in the formative years of its implementation (circa 2022 - 2028) when in stark contrast, unparalleled numbers of new homes (Expected Completions within Plan Period table) are being planned and yet highway infrastructure, classified as 'critical' by TWBC themselves, necessary to unlock the housing development, is worryingly not implemented until beyond year 10 into the overall 15 year plan period thereby leading to:-

- 1 increased volume of residents in the Borough which in turn multiples car usage exacerbating congestion, &
- 2 as a consequence, a reduction in air quality; &
- 3 a detrimental impact on the environment and residents well being in those parts of the Borough most effected during the transition phase.

Whilst recognising pressures and concerns by residents elsewhere in the Borough, the comments below focus on the impact locally to the Parish of Brenchley and Matfield even though many of the problems to be encountered arise outside of the immediate vicinity of the two villages.

There are three key areas to consider - housing, highway infrastructure and air quality. The thrust of the problem is that at no stage in the Local Plan, does it appear that deliverability has been baselined against existing conditions? For example, have the key highway routes to unlock the 'sustainable' housing developments been modelled against *origin & destination* traffic criteria to establish the extent of spare capacity on the **existing** highway network?

Further, to what extent has TWBC demonstrated how deliverable the Local Plan is under scrutiny? particularly at the interplay between the sizeable local housing development along with the A21 and A228 infrastructure improvements required to unlock them?

It is evident sections of the LP have been 'reviewed' individually but less apparent is the extent to which TWBC has undertaken due diligence and executive scrutiny to the critical path weaving its way through spine of the Local Plan? Without a CPA (Critical Path Analysis) or simple bar chart, it is impossible to form a view as to how deliverable or robust the LP is in this sense? Not the minutiae or stand alone

subjects but the big bite sized bits of the Local Plan that have undeniable strategic links and dependencies with each other.

One of the tests for soundness within NPPF (National Planning Policy Framework) is whether the Local Plan is Justified, or not. To support this an acceptable LP should contain " ... *an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence.*"

I cannot claim to have read every section of the Local Plan but I am convinced that there is little to no evidence that supports the the LP is based upon proportionate evidence. Similarly, I have no feeling studying the LP, that the strategies adopted are underpinned by any number of various alternatives options. Surely if such alternative scenarios had been interrogated and contrasted in the LP, it would illustrate the current version as the preferred option.

Moving from generic commentary to specifics, my doubt to the soundness of the LP looks at the strategic interplay between the three subject groups below and the impact specifically on Brenchley and Matfield Parish (BAMP) along with nearby Paddock Wood:-

- . The order of magnitude increase in new housing for Paddock Wood, Capel Garden Village and BAMP, generating more traffic leading to congestion and lower air quality on 82160 running through Matfield; and
- . The impact of extra traffic through Matfield until such time as Highways England acquire ring fenced funding for the £1.5m in their 10 year capital programme to implement the enhanced A21 highway & roundabout modelling planned at Kipping Cross and Blue Boys; plus
- . The impact of extra traffic through Matfield (and surrounding village / rural areas) until such time in the future financial contributions from housing developers (via S106, CIL etc) achieve the £20 million necessary to fund the new A228 Colts Hill bypass works.

Item

Hazard

Risk

Consequence

Increased housing and number of residents at Capel Village, Paddock Wood and Matfield

Extra residential car journeys made by new residents within the Boroughs hotspots and extra HGV's continuing to use B2160 & avoid the dedicated HGV A228 route to join A21

1) additional vehicle trips heading to & from A21 Kipping Cross

2) HGV's continuing to avoid designated HGV route up A228 Colts Hill due to congestion at and poor junction configuration to join the A21

1) Vehicular congestion backing up from Kipping Cross into Matfield village, especially during summer and peak times of the day

2) Additional vehicle traffic and HGV's using B2160 through Matfield village

3) lowering of air quality 4) lowering of residents wellbeing, health and increased journey times.

For the first 6 years, the Boroughs' housing projections (Expected Completions Within Plan Period - Housing Supply and Trajectory Topic Paper for the Pre-Submission) are at the highest level across the whole of the Plan Period to 2038. Yet, the highway infrastructure deemed critical (Infrastructure Delivery Plan) by TWBC themselves to address 1) existing baseline transport problems and 2) unlock the spatial needs for projected housing targets " does not reach even the feasibility/ planning stage until at least year 10 of the 15 year programme (10 years for A21 and beyond year 10 for A228 Colts Hill bypass).Q - what happens to transport congestion, environment, air quality and residents health during the first 10 years of the Local Plan when this critical highway infrastructure is not available?

Q - do the contributions and improvements made in latter years exceed the detrimental impact upon residents wellbeing in the first 10 years?

Under Section 3:Vision and Objectives the following statements are made by TWBC :-

Vision - "general concerns about the infrastructure capacity " ...

Vision and Strategic Objectives 1 - Vision " and supporting infrastructure will be **achieved over the plan period** (this claim reinforces a lack of deliverability during the plan period.) " and under Local ambitions: for Paddock Wood with timely infrastructure provision'

Vision and Strategic Objectives 2 - " To achieve the timely delivery of all forms of infrastructure that meets the needs of development... .. "

How and **when** the Local Plan assures residents these bold claims are supportable not clear, especially when housing is forging ahead in the early years and hard infrastructure doesn't emerge until 2/3rds of the plan period has passed.

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.

Section 6 - Recommendations for update to Local Plan

Scale and rate of additional housing plus realisation of A21 and A228 highway improvements

Recommendation 1 - Housing development

- explore to what extent the volume of new housing developments between 2022 and 2028 can be skewed to later in the plan period until such time as A21 and A228 highway improvements are realised.
- Tailor housing development projections to meet existing A21 and A228 highway capacity until future improvements of A21 and A228 fully funded and implemented.

Recommendation 2 - Traffic modelling

- using traffic modelling against housing projections and locations, quantify the existing spare highway capacity available on A21 (Kipping Cross and Blue Boys) and A228 to establish if the extra generated journeys made by new residents (in formative LP years) are tenable, or not.
- enforce dedicated HGV routes to service new housing development sites
- Undertake HGV traffic study at junction of B2017 and A228 to establish why, as the KCC preferred HGV route, instead of continuing up Colts Hill A228, HGV lorries divert through Matfield along B2160 to join A21.

Recommendation 3 - Highway Infrastructure

- Notwithstanding LP safeguarding, explore alternative measures to secure gap funding (reference is made within the LP) A21 & A228 improvements in order to pull forward and thereby retain existing LP year housing projections in the early years 2021 - 2031.
- Ensure A264 Pembury junction **and** A228 Colts Hill bypass improvements are dealt with holistically as one overall highway improvement solution.
- Explore traffic calming technology and improved pedestrian safety in Brenchley and Matfield villages.

Recommendation 4 - Air quality

- adopt air quality monitoring points between 1) The Star and The Poet on B2160 Matfield, 2) A21 Kipping Cross and 3) Eldon Way and Rosemary PI B2160 at Paddock Wood.

Recommendation 5 - National Planning Policy Framework

- Along with any supporting evidence trail, highlight to what alternative scenarios have been considered in drafting the LP and methodology employed leading to the option selected in the current version of the Local Plan.

- . Demonstrate how TWBC have assessed the Local Plan as 'deliverable' , what they identify as tier 1 unavoidable adverse impacts to residents, businesses and visitors and the mitigation measures (or compensatory measures) to be adopted.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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_136

Comment

Agent	Mr Jonathan Buckwell ()
Email Address	
Company / Organisation	DHA Planning Ltd
Address	Eclipse House Eclipse Park MAIDSTONE ME14 3EN
Consultee	()
Company / Organisation	Barth-Haas UK Ltd
Address	 Paddock Wood TN12
Event Name	Pre-Submission Local Plan
Comment by	Barth-Haas UK Ltd ()
Comment ID	PSLP_2023
Response Date	03/06/21 12:06
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	DHA Planning for Barth-Haas-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Barth-Haas Uk 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 1 The Development Strategy

[TWBC: the full representation attached has been divided into Policies STR/SS1 (PSLP_2019), STR/SS2 (PSLP_2020), Policy ED2 (PSLP_2021), Vision and Strategic Objectives (PSLP_2022), Policies STR1 (PSLP_2023), STR3 (PSLP_2024) and STR4 (PSLP_2025)

Question 4a

If 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 Barth-Haas UK Ltd (herein 'BarthHaas') in respect of the Tunbridge Wells Borough Council Pre-Submission (Regulation 19) Local Plan (PSLP) consultation.

1.1.2 These representations relate to BarthHaas' existing site at Hop Pocket Lane, Paddock Wood.

1.2 The site

1.2.1 The site comprises the Barth Haas UK headquarters and production facility, which is located east of Hop Pocket Lane in Paddock Wood.

1.2.2 Barth Haas UK forms part of the Barth Haas Group – who are the world's largest supplier of hop products and services. It operates across all continents and provides support to its customers and partners throughout the production and sale cycle. This includes research and development, breeding /growing and marketing. As is recognised in PSLP paragraph 5.236, Paddock Wood evolved around the production of hops, and so as a company who continue to trade in hop products, BarthHaas provides an important link with the history of the town, as well as being an important local employer in its own right.

1.2.3 Our client is currently considering options to expand their facilities. This is likely to require relocation, with an alternative location in or close to Paddock Wood preferred, which will then free up the site. The existing premises are dated and no longer suit the needs of modern businesses – especially being an imposing five storey building – it is likely that the site would need to be redeveloped in order to be attractive to future occupiers.

1.2.4 The extent of the site is shown in Figure 1 overleaf.

[TWBC: for Figure 1: Site Location Plan see full representation attached]

1.2.5 The site was promoted for development through a response to the Regulation 18 consultation draft Local Plan.

1.2.6 The site is very close to both the town centre and the railway station, the latter being accessible via a pedestrian access point immediately south of the site.

1.2.7 The site was assessed by the Council as part of the Strategic Housing and Economic Land Availability Assessment (SHELAA). This concluded that the site could be suitable to be redeveloped to accommodate between 40 and 140 dwellings. The SHELAA concludes that the site is suitable, available and deliverable for such a use, and is in a sustainable location. It is therefore suitable to be allocated for this form of development.

1.2.8 Strategic Sites Masterplanning and Infrastructure Main Report paragraph 4.152 also recognises that some other town centre uses (e.g. retail and leisure) may also be appropriate in this location.

1.3 Local Plan 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 as well as wider legal compliance.

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, 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.

1.5 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

1.5.8 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.

Policy STR 1: The Development Strategy

1.5.9 We **SUPPORT** the aims and objectives of Policy STR 1, especially in relation to the proposed major, transformational expansion of Paddock Wood.

1.6 Summary and Conclusions

1.6.1 In summary, this representation has been prepared on behalf of BarthHaas 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 fully support the proposed expansion of Paddock Wood to create a balanced mix of housing and employment development, and especially the identification of the existing BarthHaas site as being suitable for residential-led development.

1.6.3 However, we object to the wording of Policy ED2 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_97

Comment

Agent	David Murray-Cox [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Turley
Address	[REDACTED] [REDACTED] Reading [REDACTED]
Consultee	[REDACTED]
Company / Organisation	Bellway Homes Strategic
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Bellway Homes Strategic [REDACTED]
Comment ID	PSLP_1747
Response Date	04/06/21 12:23
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.7
Files	PSLP_1747-1748, 1750-1756, 1758_Turley for Bellway Homes_Representation_Redacted.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Bellway Homes Strategic
Question 2	
Agent's Name and Organisation (if applicable)	Turley
Question 3	

To which part of the Local Plan does this 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 Bellway Homes Strategic, please see Comment Numbers PSLP_1747-1748, PSLP_1750-1756, PSLP_1758]

Question 4a

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

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

Question 5

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

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

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

TUNBRIDGE WELLS PRE-SUBMISSION LOCAL PLAN – REPRESENTATIONS ON BEHALF OF BELLWAY

We write on behalf of our client, Bellway Homes Strategic, in relation to the Pre-Submission draft Local Plan for Tunbridge Wells Borough which is currently subject to public consultation. This letter provides the background to Bellway's interest in the Borough and sets out representations on their behalf.

BACKGROUND

Bellway has a legal interest in the land to the north and south of High Woods Lane (Mouseden Farm) on the eastern edge of the built up area of Tunbridge Wells/Hawkenbury which it is promoting for residential led development. The site is separated by High Woods Lane. The area south of High Woods Lane is currently in agricultural use and bordered to the east by woodland, to the south by existing sports uses and to the west by existing residential development. The area north of High Woods Lane is also within agricultural use, with further agricultural uses/woodland to the east and an indoor bowls club and allotments to the west.

The adopted Proposals Map indicates that both parts of the site are within the Green Belt and AONB.

On the basis of the Proposals Map published as part of this consultation indicates that the southern part of the land (south of High Woods Lane) is to be designated under Policy RTW1923 with that area to adjoin the 'Proposed Limited to Built Development'. The northern part of the land promoted by Bellway is not subject to any other proposed allocations. The draft Proposals Map appears to indicate that both parts of the site will continue to be located within the Green Belt and AONB.

REPRESENTATIONS

The following section of this letter sets out Bellway's representations on the draft Local Plan.

Housing Requirement and Supply

Paragraph 4.10 of the draft Local Plan indicates that a total of 12,200 dwellings are required in the Borough between 2020 -2038 calculated on the basis of 678 dwellings per annum to reflect the 'standard method' (over 18 years we calculate this to be 12,204 dwellings). Although we agree that the standard method should be the starting point for calculating the Local Housing Need figure, we also note that this should be a 'minimum requirement', not a minimum 'target' as suggested by paragraph 4.10

Table 3.3 shows how the requirement is to be achieved via the following sources:

- . Extant planning permissions at 1 April 2020: 3,313 dwellings
- . A windfall allowance on small sites of 1,310 dwellings
- . A windfall allowance on large urban sites of 360 dwellings
- . Outstanding SALP/Local Plan site allocations of 276 dwellings
- . Minimum additional allocations to meet need of 6,945 dwellings

As paragraph 4.17 explains, at least 7,221 dwellings need to be identified (a combination of the outstanding and additional allocations). However that figure assumes that 1,670 dwellings will be delivered during the Plan-period from windfall sources. As we note elsewhere, the draft Local Plan has become increasingly reliant upon those sources.

We welcome the Council's recognition (paragraph 4.18) that:

"In practice, aside from the need also to consider the potential for unmet needs elsewhere to be accommodated, it should also be borne in mind that the total capacity of allocated sites would need to be somewhat greater than the above figures, to make allowance for the potential delay and/or non-delivery of a proportion of the sites. In essence, this is to ensure the robustness of the Plan's housing provisions in order to meet the housing need."

Affordability

The Housing Needs Assessment Topic Paper (February 2021) itself therefore acknowledges that the level of growth planned in the emerging Local Plan is not at a level which would address the inherent issues of affordability due to the following commentary:

"With its relatively high house prices, application of the affordability uplift to the borough produces a figure of 741 dwellings/year. However, due to the substantial increase above household growth projections, the above-mentioned 40% increase cap is applied. (i.e. 484 dwellings/year multiplied by 1.4)

Hence, applying the Standard Method, the local housing need for Tunbridge Wells borough is 678 dwellings/year, or 12,204 net additional dwellings over a plan period 2020 - 2038.

It can be seen that this target under the Standard Method is a little, 8.5%, less than the uncapped figure (678/741=91.5%). Further consideration of whether the Council should plan for the uncapped figure, or another level of need than set by the Standard Method, is given in the following section."

Notably the Topic Paper explains that:

"With its relatively high house prices, application of the affordability uplift to the borough produces a figure of 741 dwellings/year. However, due to the substantial increase above household growth projections, the above-mentioned 40% increase cap is applied. (i.e. 484 dwellings/year multiplied by 1.4)."

However the Topic Paper also explains that:

"It also finds that the higher, uncapped need may also be achievable, notwithstanding this would involve a further significant increase over recent building rates. However, it concludes that it would not be unreasonable for the Council to adopt the capped standard method need, having regard to the concentration of growth potential in the west of the borough, the fact that it will be a 'minimum' requirement, and the benefits to housing delivery of getting an up-to-date plan in place as soon as possible."

Bellway consider that the housing requirement should be increased in order to help tackle the identified issues of housing affordability in the Borough. In the event that the housing requirement is not increased in this manner then this only heightens the imperative of ensuring that the Local Plan establishes a planning policy context, by virtue of the sources of supply, allocations and distribution strategy which ensures that the planned level of growth can be achieved. Despite the Topic Paper explaining that the uncapped figure could be achieved, the LPA has not made any steps to address these issues.

Reliance on Windfall Sites

1,670 dwellings from windfall sources represents 13.14% of the total minimum requirement. It also represents 18.78% of the supply still to be met once extant permissions at 1 April 2020 are discounted. In our submission that is a very substantial component of the overall housing requirement, particularly given the recognition at paragraph 4.18 of the draft Plan and the reliance upon large sites.

The reliance on windfalls is also of concern since this has increased, rather than decreased compared to the Council's expectations at the Regulation 18 stage. In our submission, this places greater uncertainty that the minimum housing requirements will be achieved and address local issues such as affordability.

Notwithstanding the comments set out above, Bellway have significant concerns regarding the approach which the Council is pursuing to meet the housing needs in the Borough.

Extent of the 'Buffer'

Paragraph 4.53 and 454 of the draft Local Plan state that:

"It can be seen that the total capacity of all allocated sites, excluding those that already have planning permission at the base date, is 8,076-8,461 dwellings. This compares to the anticipated residual requirement, after sites with planning permission and windfall sites allowances are made, of 7,221 dwellings. In overall terms, the allocated sites, together with these other sources of supply yield 13,059-13,444 dwellings, relative to the Plan's overall target of 12,204 net additional dwellings."

"Taking the mid-point of dwelling ranges, there is a 'buffer' of approximately 1,000 dwellings, equivalent to some 14.6% of the need from allocated sites and 8.6% of overall need. While there is a high level of confidence regarding the achievability and availability of identified sites, and very high for those that have already the benefit of planning permission, and the windfall allowances are robust, it is accepted that it is prudent to provide this degree of flexibility in the actual housing supply, particularly having regard to the high contributions from the strategic sites."

The position set out in the draft Local Plan is therefore that the LPA expects there to be a 'buffer' of around 1,000 dwellings to the minimum housing requirement.

For the reasons set out in these representations, Bellway consider that this is insufficient.

Housing Trajectory

The 'Housing Supply and Trajectory' Topic Paper (February 2021) explains that the Local Plan makes provision for 13,257 dwellings during the Plan period (including existing commitments) (a buffer of 1,053 (or 8.63%) compared to the standard method requirement of 12,204). We assume that this figure is calculated on the assumption that all extant permissions, existing site allocations, windfall sites and new allocations deliver as expected in the trajectory.

As an initial comment, we note that despite the recognition at paragraph 4.18 of the draft Local Plan and the increased reliance upon windfall sources, we note that at the Regulation 18 stage, a buffer of 1,216 dwellings was proposed. The Council has therefore increased its reliance on uncertain sites, but decreased the degree of flexibility.

The 'Housing Supply and Trajectory Topic Paper for Pre-Submission Local Plan' (February 2021) indicates that the 3,540 dwellings at Paddock Wood/Capel are expected to be delivered from 2025/2026 and at a consistent rate of between 240 – 300 dwellings per annum until 2036. We consider that the Council has been overly optimistic over the lead in time before this scheme is delivered and then the subsequent rate of housing completions for the reasons set out below:

- Lead in: the 'Housing Supply and Trajectory Topic Paper' envisages that development would commence on this site in 2025/2026. We understand that the Council's Local Development Scheme envisages that the new Local Plan will be adopted in June 2022. That means that there would be less than 4 years between the adoption of the Local Plan and the delivery of housing at this site. However Policy STR/PW 1 establishes that there is a significant amount of work to be undertaken in relation to this allocation. That work includes comprehensive masterplanning and the creation and adoption of one or more Supplementary Planning Documents. The Policy indicates that compulsory purchase powers may be utilised to ensure comprehensive development. The Lichfield report 'From Start to Finish' identifies average 'lead in times' of close to 7 years for sites larger than 2,000 dwellings. The LPA's assumptions are that the site delivers less 4 years from when they expect the Local Plan to be adopted. This lead in time is extremely optimistic and fails to reflect

the complexities of delivering large scale strategic residential sites including land assembly, the preparation of SPDs, the preparation and determination of (complex) applications, reserved matters, conditions and infrastructure delivery. In opinion, the lead in time should therefore be extended. If the delivery of housing from the Paddock Wood/Capel allocation were delayed until 7 full years after the adoption of the Plan, that would suggest the first dwellings would be completed in 2029/30. The effect of this would be to remove 1,200 dwellings from the supply. Removing 1,200 dwellings from the housing trajectory would remove any degree of buffer to the minimum overall housing requirement given the comments at paragraph 4.54 of the draft Local Plan.

- . Completions rate: The Topic Paper explains that the assumed delivery rates are greater than demonstrated through the 'Letwin Review'. Furthermore, there is no analysis as to how matters such as the requirement for phasing/infrastructure delivery would affect the completions rate. In any event, we consider that the expected completions rate is likely to be excessive

The fact that there is such uncertainty regarding the deliverability and timescales for the strategic scale development envisaged at Paddock Wood/Capel is of significance since 3,540 dwellings represents more than a quarter (29%) of the total minimum requirement to 2036 and even on the Council's own calculations they claim an oversupply of 1,000 dwellings (compared to the minimum requirement. Simply delaying the site until 2029/30 removes 1,200 units from the overall supply and therefore more than the claimed buffer. Reducing the annual delivery rate would further reduce the contribution from this site during the Plan period.

The 'Housing Supply and Trajectory' Topic Paper indicates that 2,100 dwellings at Tudeley Village are expected to be delivered from 2025/2026 and at a rate of between 150 – 200 dwellings per annum until 2036. We consider that the Council has been overly optimistic over the lead in time before this scheme is delivered and then the subsequent rate of housing completions for the reasons set out below:

- . Lead in: the 'Housing Supply and Trajectory' envisages that development would commence on this site in 2025/2026. We understand that the Council's Local Development Scheme envisages that the new Local Plan will be adopted in June 2022. That means that there would be less than 4 years between the adoption of the Local Plan and the delivery of housing at this site. However Policy STR/CA 1 establishes that there is a significant amount of work to be undertaken in relation to this allocation. That work includes comprehensive masterplanning and the creation and adoption of one or more Supplementary Planning Documents. The Policy indicates that compulsory purchase powers may be utilised to ensure comprehensive development.

The Lichfield report 'From Start to Finish' identifies average 'lead in times' of close to 7 years for sites larger than 2,000 dwellings. The LPA's assumptions are that the site delivers less than 5 years from when they expect the Local Plan to be adopted. This lead in time is extremely optimistic and fails to reflect the complexities of delivering large scale strategic residential sites including land assembly, the preparation of SPDs, the preparation and determination of (complex) applications, reserved matters, conditions and infrastructure delivery.. In opinion, the lead in time should therefore be extended. If the delivery of housing from the Tudeley Village allocation were delayed until 7 full years after the adoption of the Plan, that would suggest the first dwellings would be completed in 2029/30, two years later than expected by the Council. The effect of this would be to remove 300 dwellings from the supply.

- . Completions rate: Whilst the Council appears to have applied more reasonable completion rates to this site, we consider that evidence will still need to be provided in order to support the claimed figures. Given the overall contribution that this site makes towards housing supply to 2036, it is imperative that the Local Plan is based upon a justified housing trajectory.

In isolation the alterations referred to above to Tudeley Village scheme may result in housing delivery falling below the overall requirements, assuming that it does indeed come forward and at the rate envisaged by the Council. More significant alterations to those referred to above (for example to the delivery rates or other sites) could have dramatic consequences on the achievement of the overall housing requirement (irrespective of any other alterations made to supply).

Simply by delaying these two sites until 2029/30, 1,300 dwellings are removed from the housing supply, and therefore the overall supply is less than the minimum requirement.

These comments demonstrate that, without evidence to support the claimed lead in times or completion rates, the Council is overly reliant upon two sites to achieve the planned housing requirement to 2036. Additional flexibility and sources of supply are therefore required. Revising the current housing trajectory to reflect fairly modest amendments alone results in a significant undersupply of housing against the capped figure derived from the standard method. Other alterations, such reductions in the windfall

allowance or reductions in the supply from other allocations/commitments would increase the extent of that shortfall.

As currently prepared, the Local Plan does not represent a vehicle by which the planned housing requirements will be achieved. In contrast, the Plan will result in an undersupply of housing. This is likely to have severe consequences for the Council's ability to demonstrate a rolling five year supply of deliverable housing sites. This is compounded by the reliance on two large sites (2,100 at Tudeley Village and 3,540 at Paddock Wood delivering 5,640 in combination) represents 78.12% of the remaining level of housing required during the Plan period (7,221 dwellings).

Accordingly, we consider that it is essential that the Council allocate a greater range and diversity of sites for residential development to ensure that the housing requirement of the Plan can be achieved.

Bellway reserve the opportunity to comment on the Council's housing trajectory, including the other sites proposed for residential allocation, in more detail as the Local Plan progresses.

Meeting Affordable Housing Needs

The Housing Needs Assessment Topic Paper (paragraph 3.8) explains that (based on the conclusions of the SHMA, 2015):

"the borough would need 341 affordable homes per annum to meet their housing needs and be eligible for affordable housing (see SHMA, 2015 Table 39, page 90). This includes need arising from concealed and homeless households, as well as from overcrowded households, and those who seek an alternative tenure of accommodation, but would release a home for other households should a new affordable home be provided. This estimate is sensitive to assumptions on spending on housing costs relative to income. It assumes 30%, but the figure falls by about a quarter if 35% is assumed, or about 50% if 40% rent to income ratio is assumed (see SHMA, 2015 Figures from Table 40, page 91).

The Housing Needs Assessment Topic Paper (paragraph 3.9) explains that:

"A separate Housing Needs Study in 2018 (see Housing Needs Study), 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. Against a gross need for affordable housing of 662 dwellings each year, when the likely annual affordable supply is taken into account, the overall net imbalance is 443 affordable dwellings each year. This is considerably higher than the SHMA estimate of 341 dwellings, but includes significant numbers due to overcrowding, based on the bedroom standard. However, this may not represent actual demand in practice. Furthermore, this, and similar needs due to unsuitable housing, are assumed to be met within five years. The calculation includes meeting all the backlog within five years, but then applies the resulting annualised need for the first five years over the longer period of 15 years that the Local Plan covers. If the backlog is spread over the full 15-year period, based on the HNS estimate, the need is actually 391 dwellings per year."

391 dwellings over 15 years results in 5,865 affordable dwellings being required.

Policy H4 of the draft Local Plan expects all greenfield sites over more than 9 dwellings to deliver a minimum of 40% affordable housing (with PDL sites expected to provide 40%). Even if 40% of all 8,461 dwellings which could be delivered (see paragraph 4.54) were delivered as affordable housing, that would provide 3,384 affordable dwellings (significantly fewer than need acknowledged by the Council). However that approach misrepresents the supply of affordable housing bearing in mind the different requirements applied by Policy H5. In addition, this approach also misrepresents the level of affordable housing which will be delivered, as it is based upon an assumption that all allocations deliver the total maximum (i.e. upper end) level of housing referred to in paragraph 4.54.

On the basis of these comments alone, we consider that the Local Plan fails to represent a positive approach to addressing the need for affordable housing in the Borough. It should also be noted that the provision of affordable housing to 2036 would also be reduced in the event that the strategic allocations at Paddock Wood/Capel or Tudeley are delayed, do not achieve the delivery rates envisaged by the Council or if the further work in support of the Local Plan/CIL indicates that the sites themselves should provide fewer affordable dwellings than might otherwise be expected.

Policy STR1: The Development Strategy

Policy STR1 is accompanied by Table 1 of the draft Local Plan which sets out the scale and distribution of development. That table identifies Tunbridge Wells as the Main Urban Area where allocations are

expected to deliver 1,416-1,536 dwellings. Notably Tunbridge Wells is expected to accommodate significantly fewer dwellings than Tudeley Village during the Plan period despite the clear and obvious disparity between the two settlements/areas. Fundamentally, Tunbridge Wells is a sustainable location for growth now, Tudeley Village is not and will never be in a position where it exhibits the same overall sustainability credentials as Tunbridge Wells.

Overall we note that the quantum of development directed to Tunbridge Wells is disproportionately low compared to the levels of development expected to be provided at other, less sustainable, settlements within the Borough. This is despite the availability of sites at Tunbridge Wells which have been assessed as being suitable, sustainable and logical.

SUMMARY

These representations set out **significant concerns** regarding the draft Local Plan for Tunbridge Wells Borough. In summary, the level of housing required to address issues of affordability and does not provide any realistic opportunities to make a meaningful contribution to meeting affordable housing needs. Whilst the Council claims that the housing supply represents a buffer over the planned requirement, this is based on extremely optimistic assumptions and short lead in times before the key sites deliver. In the case of Paddock Wood the Plan then relies upon very high delivery rates.

A more diverse and greater range of sites are required to address affordability, provide affordable housing and to help ensure that the housing requirement is achievable.

The Plan also provides a disproportionately low level of new housing at Tunbridge Wells despite the sustainability of this settlement, in comparison to other, less sustainable locations. This is borne out by the selection of the Tudeley Village site as a location for a new garden village in a remote location where the extent of measures to support sustainable travel is extremely unclear. Alternative options are available which would direct development to the most sustainable settlement (i.e. Tunbridge Wells) and which are in sustainable locations.

This conclusion is supported by the Council's own evidence which demonstrates the availability and suitability, sustainability and logic of alternative sites on the edge of Tunbridge Wells (including the land promoted by Bellway which is subject to these representations).

The Council's own evidence has overstated the contribution that certain sites, including the land promoted by Bellway which is subject to these representations) makes to the Green Belt. When the land is assessed in a more robust manner (and when assessed independently rather than as part of wider Broad Areas), the contribution is significantly reduced.

The southern part of the land promoted by Bellway (i.e. the land south of High Woods Lane) is subject to a planning permission for recreational uses. That application was submitted by the Borough Council, despite it having no interest in the land. In contrast, Bellway has a legal interest in the land and is promoting this area, as part of a wider site, for residential development. Bellway would be willing to work with the Borough Council to explore opportunities for bringing forward the approved recreational facilities in the area, which residential development on the site could help deliver.

Whilst the Council is pursuing (by allocating and seeking planning permission) land outside of its control for sports and recreation uses, it is concurrently planning to release a number of sites which are already within those uses for residential development which the Council does own. As a matter of general principle this approach appears unjustified.

As it is currently drafted the Local Plan is unsound. It relies on unsustainable and undeliverable solutions to housing needs and is partly premised on releasing the Council's own land for housing whilst proposing land it does not own for compensatory sports and recreation purposes. These fundamental issues of unsoundness are compounded by a lack of documentary evidence to explain why the Council has selected the approaches and proposed allocations in the emerging Local Plan.

Bellway would be willing to enter in to dialogue regarding the land north and south of High Wood Lane and the extent to which this site could deliver housing (delivering the greater range and diversity of sites) in a sustainable location. Bellway would be willing to discuss the manner in which such housing could assist in delivering additional recreational facilities in the area.

[TWBC: for full representation, please see supporting documents]

Question 7

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

If you would like to attach a file in support of your comments, please upload it here. [PSLP 1747-1748, 1750-1756, 1758 Turley for Bellway Homes Representation Redacted.pdf](#)

Comment

Agent	Isabella Tidswell [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Lichfields
Address	
Consultee	Berkeley Homes [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Lichfields
Address	- - - -
Event Name	Pre-Submission Local Plan
Comment by	Lichfields (Berkeley Homes [REDACTED])
Comment ID	PSLP_1027
Response Date	03/06/21 09:42
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Web
Version	0.1
Question 1	
Respondent's Name and/or Organisation	Berkeley Homes
Question 2	
Agent's Name and Organisation (if applicable)	Lichfields
Question 3	
To which part of the Local Plan does this 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 Development Strategy

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.

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 the principle of meeting housing need in full is supported, the strategy for doing so is overly reliant on the strategic sites of Tudeley Garden Village and the Strategic Expansion of Paddock Wood. This policy is therefore neither effective nor justified in this regard. These two strategic allocations have been allocated a total in excess of 5,500 dwellings representing over 60% of all dwellings that are expected to come forward on allocated sites. Furthermore, the Council have applied an optimistic development trajectory for the delivery of these sites. Any delay in the delivery of these strategic sites could have a large impact on the ability of TWBC to meet their housing targets. As such, we recommend that more small and medium sites are allocated within the Local Plan, towards the most sustainable settlements within the Borough such as Cranbrook and Tunbridge Wells. This will provide greater flexibility and confidence that the housing target will be met over the plan period.

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 Council should allocate more small and medium sites for housing to reduce reliance on the two large strategic sites. These should be located towards sustainable settlements such as Cranbrook and 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:

It is important that TWBC are able to meet their housing targets over the plan period. There may be important matters to discuss to ensure that this plan is sound in this regard.

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_90

Comment

Consultee	[REDACTED]
Email Address	[REDACTED]
Company / Organisation	Berkeley Strategic Land Ltd
Address	Berkeley House 19 Portsmouth Road COBHAM KT11 1JG
Event Name	Pre-Submission Local Plan
Comment by	Berkeley Strategic Land Ltd ([REDACTED])
Comment ID	PSLP_1678
Response Date	04/06/21 11:48
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.13
Files	PSLP_1678-1682 Berkeley Strategic Land Ltd. Representation Redacted.pdf

Data inputter to enter their initials here HB

Question 1

Respondent's Name and/or Organisation Berkeley Strategic Land 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 STR 1 The Development Strategy

Question 4

Do you consider that the Local Plan:

Is sound

No

Question 4a

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

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

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

Question 5

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

After this stage, 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 refer to paragraphs 3.1 – 3.12 of the attached representations.

[TWBC: for full representation with appendices, please see supporting documents]

3.0 The Development Strategy and Strategic Policies

Distribution of Growth

3.1 Berkeley raises a number of objections to the Plan's development strategy and strategic policies, specifically Policy STR 1 which proposes a large proportion of housing growth at Tudeley Village and Paddock Wood and Capel.

3.2 Berkeley believes that the planned distribution of growth within the Borough should be reflective of Table 13 at Policy ED 8 of the Plan. Development should be prioritised at those settlements at the top of the settlement hierarchy, particularly Royal Tunbridge Wells (RTW) and other settlements such as Cranbrook, where RTW has been classified as the only Primary Regional Town Centre in the Borough.

3.3 Even though the Council acknowledges RTW as the largest settlement within the Borough, the settlement should be recognised as a principle settlement for future growth, as it is the most accessible town, containing the greatest range of facilities and services.

3.4 Furthermore, paragraphs 5.7 to 5.14 of the Plan demonstrate that RTW is a sustainable location for development, located close to major public highways, and well served by public transport networks, including main line train stations within the town centre.

3.5 However, Table 4 at Policy STR 1 of the Plan allocates a relatively small proportion of housing at RTW, with a total of up to 1,536 dwellings allocated within the Plan period. However, there is an over-reliance on the strategic allocation at Tudeley Garden Village and the settlements of Paddock Wood and Capel in which the Plan allocates up to 4,200 dwellings in Capel Parish (includes Tudeley Village and East Capel allocations) and up to 4,032 dwellings at Paddock Wood.

3.6 These major strategic allocations for Capel Parish consist of rural locations classified as lower order settlements within the settlement hierarchy at Policy ED 8, whereby Tudeley Village, Paddock Wood, including land at east Capel have been classified as Neighbourhood Centres at Table 13 of the Plan. As such, we believe that there is a disproportionate level of growth towards Tudeley Garden Village and Paddock Wood and therefore object to the development strategy at Policy STR 1 on this basis.

3.7 Berkeley acknowledges that the Plan limits the growth capacity at RTW based on the constraints posed by the surrounding AONB and Green Belt but feel that further capacity can be accommodated sustainably at RTW and therefore object to Policy STR 1 The Development Strategy and STR/RTW 1 The Strategy for Royal Tunbridge Wells which only plans to allocate approximately 1,416-1,536 dwellings at RTW within the plan period.

3.8 Therefore, Berkeley support's Policy STR 9 of the Plan in principle which proposes the removal of land from the Green Belt which is supported by exceptional circumstances. However, Berkeley feel that additional Green Belt land should be allocated on the edge of sustainable settlements such as RTW and Cranbrook to increase the Council's ability to meet their housing needs in full within the Plan period.

3.9 It is clear that the spatial strategy for the Borough is not reflective of the growth strategy set out within the SA which proposes more urban intensification, especially at RTW. As such, the Council will need to allocate more deliverable sites in sustainable locations in addition to their current supply in order to meet their housing needs in full and have a sound adopted Local Plan.

3.10 Additional sites located at the most sustainable settlements in the Borough should be prioritised, such as Tutty's Farm. The site is in a highly sustainable location which can come forward early in the plan period and deliver the type of homes that the Borough needs without the need for major upfront infrastructure.

3.11 Therefore the overarching development strategy and objective of the Plan should be to maximise delivery of sustainable development in and around Tunbridge Wells, and therefore Berkeley objects to Policy STR 1 and Policy STR/RTW 1.

3.12 In summary, the Spatial Strategy as presented in the Plan has not been positively prepared nor is it justified and therefore does not meet the tests of soundness as set out by paragraph 35 of the NPPF.

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 refer to paragraphs 3.1 – 3.12 of the attached representations.

[TWBC: for full representation with appendices, please see supporting documents]

3.10 Additional sites located at the most sustainable settlements in the Borough should be prioritised, such as Tutty's Farm. The site is in a highly sustainable location which can come forward early in the plan period and deliver the type of homes that the Borough needs without the need for major upfront infrastructure.

3.11 Therefore the overarching development strategy and objective of the Plan should be to maximise delivery of sustainable development in and around Tunbridge Wells, and therefore Berkeley objects to Policy STR 1 and Policy STR/RTW 1.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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 refer to paragraphs 3.1 – 3.12 of the attached representations.

Question 8

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

Please refer to paragraphs 7.1 – 7.14 of the attached representations.

7.0 Sustainability Appraisal

7.1 The Council's SHELAA site assessment has been supported by an updated SA, included as part of the Regulation 19 consultation.

7.2 The Council's assessment of Tutty's Farm remains unchanged from the previous 2019 SA, however the Council has included additional constraints to development within the SHELAA.

7.3 Berkeley would like to refer the Council to the technical work undertaken in support of the SHELAA submission which has been provided to the Council. This work demonstrates that development will be located outside the area of ancient woodland and the Local Wildlife Site which will be sensitively located to limit potential harm to the AONB.

7.4 Berkeley has provided a re-appraisal of the Council's SA assessment which rescores the site in response to the technical work undertaken to date.

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

Biodiversity

7.5 Berkeley commits to providing a net biodiversity gain on all new developments. The masterplan has been designed to be landscape-led through enhanced planting and management of significant landscape features within the site.

7.6 On this basis we consider that the site would have no negative impacts on biodiversity and therefore a positive scoring against this SA objective has been applied.

Heritage & Landscape

7.7 Within the SA, the Council's negative heritage and landscape score has been informed by the likely impact on the settlement edge and landscape setting of Tunbridge Wells.

7.8 The 2021 SHELAA assessment is contradictory, whereby the site is referred to as being "adjacent to the LBD of RTW" and has later been discounted as a suitable site for allocation due to being "outside of the LBD". However, the Council's 2019 SHELAA assessment of the site notes that Tutty's Farm would form a "logical extension to the existing allocation adjacent to the site" which adjoins the built up settlement edge of RTW.

7.9 Therefore, the proposed development would be consistent with the existing character and form of RTW and the neighbouring allocation at Hawkenbury Farm and would not cause a negative impact on the settlement edge of RTW.

7.10 As specified at paragraph 5.5 of this submission, the site is well enclosed by vegetation on its northern, eastern and southern boundaries, providing a strong defensible boundary within the landscape setting of Tunbridge Wells.

7.11 Therefore, to reflect the above, the heritage and landscape SA objective scores have been amended to neutral.

Land Use

7.12 Tutty's Farm has an agricultural land classification of Grade 3 which has informed the Council's negative score for land use.

7.13 However, the positive social impacts of the proposed development in the form of a new

purpose-built community building, affordable housing for local people and provision of a variety of natural green spaces would constitute a lower negative scoring of the site against this SA Objective. 7.14 Therefore, the land use SA scoring has been adjusted to a single negative to reflect this.

If you would like to attach a file in support of your comments, please upload it here. [PSLP 1678-1682 Berkeley Strategic Land Ltd. Representation Redacted.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_68

Comment

Consultee	Lynne Butler [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Brenchley & Matfield Parish Council
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Brenchley & Matfield Parish Council [REDACTED] [REDACTED]
Comment ID	PSLP_1139
Response Date	03/06/21 17:19
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Web
Version	0.6
Files	B&M comments Local Plan.docx
Question 1	
Respondent's Name and/or Organisation	Brenchley & Matfield Parish Council
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
STR1, STR5, STR6, STR, STR8, STR10, PSTR/BM1, AL/BM1, AL/BM2, EN1, EN19, OSSR1, OSSR2.	
<i>[TWBC: relevant parts of this representation have been duplicated against the above policies: see PSLP_1775-1786 inclusive]</i>	
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.

The language is not sufficiently robust in some of the policies and introduces ambiguity. Small rural parishes have very different requirements to the larger settlements, having less housing allocations, limited facilities and poor public transport. Consequently some policies have no relevance in rural areas and include no provision of additional facilities. Although the parish has a small housing allocation, the quality of life will be significantly affected by development in Paddock Wood/Capel/Horsmonden/Pembury. There should be some provision for the mitigation of the effects within other parts of the borough of increased traffic on safety, noise and air quality.

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.

Pre-submission Comments from Brenchley and Matfield Parish C council

TWBC Pre-Submission Local Plan

STR1: The Development Strategy

It is noted that at every stage of the TWBC Local Plan the base and end date has changed and been pushed on. Draft Local Plan Reg 18 covered 2018 – 2026 and now the Reg 19 is 2020 – 2038. The Parish Council (PC) questions how the data of completed house builds in the borough from 2016 are incorporated into TWBC's housing calculations. It remains disappointing to note that the twenty units constructed by Rydon Homes in 2019 had been excluded from any projected numbers for the parish. The number of houses from solely the Rydon and Fernham developed sites already sits at 65 new

dwellings for Matfield. It is noted in “Table 4 – Distribution of housing allocations” that 56-60 dwellings distributed within the parish is a high number and yet the parish has already exceeded that number.

It is noted that Southborough rated as an urban area only has 42 dwellings allocated and this does not support point 1 of Policy STR 1. The PC is not convinced that the case for the approach of dispersed growth across the borough has been soundly made, and Matfield village in the TWBC Settlement Role and Function Study 2017 was deemed one of the least sustainable settlements in the borough.

In a Borough such as Tunbridge Wells, with nearly 70% of its land in the AONB and 22% in the Green Belt, with a high proportion of ancient woodland and a vast number of listed buildings and other heritage assets, the housing numbers surely need to be moderated to take account of all these constraints.

Housing Need and Supply

The Office of National Statistics estimates that the population of the borough is likely to increase by 6,155 over the plan period, with a reduction in the 0-14 age group of 11% and an increase in the over-65s age group of 26%. These projections are linked to past rates of development and are not forecasts.

In contrast the NPPF expects Local Plans to use the ‘Standard Method’, set out in national planning policy guidance. Using the standard method has determined a need for 678 dwellings a year in the borough and some 12,200 dwellings over the plan period. This a factor of approximately four times the number of dwellings required by a population predicted to grow by only 6,155! The standard method also concentrates new housing in areas of the country of the least affordability, refuting the government’s aspiration to create a Northern Powerhouse.

The Government is currently undergoing a consultation on changes to the standard method formula as set out by the NPPF 2019 for assessing local housing need, and revisions could be proposed in due course. The consultation commenced in August 2020 and there are wider reforms proposed in the “Planning for the Future” consultation. There has been general support for incorporating housing stock into future methodology and targeting more homes into areas where they are less affordable. Hopefully the any new homes proposed will be dispersed more evenly throughout the UK.

MHCLG has asserted that the ‘Objectively Assessed Need’ is not a target but a starting point, stating on May 25th, “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, considering factors including land availability and environmental constraints such as Green Belt”.

The PC questions if it is appropriate for TWBC to adopt the figure of building 678 homes per year into its policy framework when Government policy might possibly change in the future? Since the introduction of the standard method the country has experienced Brexit and the Covid pandemic, which may have significant effects on the future population of the borough. So much has changed since the 2014 population figures, which was the starting point for the standard method. These figures will surely be difficult or possibly impossible to reduce once the Local Plan has been submitted for inspection.

STR5: Infrastructure and Connectivity

It is felt there are insufficient plans on infrastructure in the parish and surrounding area. This matter has not been addressed and the language used is ambiguous. There is a lack of information about the funding of infrastructure and its timing in relation to development.

The borough is in a high stress water area and there is concern about the adequacy of the water supply for additional housing and whether planning policies reduce consumption and conserve grey water sufficiently.

The OSSR policies do not meet the needs of small rural communities like Brenchley and Matfield Parish where the size of developments falls below the threshold for the provision of facilities or funding contributions.

STR6: Transport and Parking

The proposals are inadequate to prevent further major deterioration of the quality of life in the parish from traffic and rat running through rural lanes whenever there are problems on the A21 or other main roads. The current problems will be exacerbated by the major developments planned for Paddock Wood and East Capel, unless the A228 improvements have already been made.

There is no provision for highways improvements within the parish to mitigate against the effects of increased traffic from the developments planned for the north and east of the parish. The situation is already hazardous for pedestrians and cyclists, with no safe crossing points on Maidstone Road or Brenchley Road. While the Borough Council appears to be encouraging active travel there appears to be no real and effective action included in the plan to provide safe cycle routes within our parish or connections to nearby settlements. A safe off-road travel route for schoolchildren in the parish to reach Mascalls Secondary School and Brenchley and Matfield Primary School would be desirable. The provision of cycle parking spaces in developments is welcome but people will not be able to cycle unless there are safe routes to use them.

The strategy of active travel and public transport within STR6 is ambitious and encouraging but to date the PC sees little evidence of TWBC being proactive to provide any improved measures in the parish to date. The PC finds this disappointing and is of the opinion single occupancy car-based trips within the Borough will prevail.

STR7: Climate Change

The PC supports this policy but it will only be effective if TWBC is 100% committed to implementing it. In the IDP section 3.178 it is stated that "Borough -wide new developments will require new gas supply". This is in direct conflict with the stated aim that the entire Borough will be carbon neutral by 2030.

-
-

STR8: Conserving and Enhancing the Natural, Built and Historic Environment

Residents' contributions to the Parish Plan Survey and the Neighbourhood Development Plan have shown the great importance they attach to conserving and enhancing these assets.

STR10: Neighbourhood Plans

The Parish Council is currently conducting its Regulation 14 consultation on a Neighbourhood Plan for the parish and trusts that TWBC will make every effort to avoid any delay in the later stages for which TWBC will be responsible. It is hoped that the Neighbourhood Plan will have been made (adopted) before this new Local Plan reaches adoption

PSTR/BM1: The Strategy of Brenchley and Matfield

Changes and improvements are noted from the DLP Reg 18 especially in the number of residential dwellings reducing to 56-60. The changed LBD's are noted, and it is recognised that there will be a number of windfall applications in the parish. It should be considered these applications will not result in harm to the parish's character and setting. There have already been a number of windfall TWBC granted applications in the parish. Naturally with all these sites having 8/9 dwellings there are no affordable houses included: Tibbs Court Farm, Brenchley Garage and The Old Piggeries in Chantlers Hill.

Questions are raised about the reinstatement of the Hop Pickers Line for recreation, cycling and walking as it is understood parts of the line are covered by new development and numerous different landowners are involved. The PC questions how this route will be viable. Less than 5% of the route lies in Brenchley and Matfield Parish.

Recreation/sport provision in Paddock Wood as referred to in Policy STR/SS 1 is vital and an indoor swimming pool is required. Robust language is required from TWBC in confirming these decisions and not the use of language as "potentially or possibly".

AL/BM1: Land between Brenchley Road, Coppers Lane and Maidstone Road has been approved with 45 dwellings. In view of the new total required number, it would have been favourable to reduce number of houses on this site and have an increased green open space and buffer around the perimeter. At present it will be impossible for any schoolchildren to walk or cycle safely to primary/secondary schools and residents will be predominantly relying on private car transport for day-to-day living.

Some of the planning conditions yet to be implemented lack sufficient detail. The relocation of the 30 mph speed limit northwards on Maidstone Road is a priority and its new location should coincide the new LBD designated in the PCLP. The speed sign referred to in AL/BM1 should be a speed indicator

sign, preferably with number recognition. The policy seeks an improvement in pedestrian permeability through the site to link with the surrounding footway network. This could be achieved by a pedestrian link onto Coppers Line, by retaining the gap in the hedge that will be created during the installation of utilities to the site.

AI/BM2: Land at Maidstone Road. 11-15 dwellings allocated for this site with community use around Matfield Village Hall together with a buffer zone. There are many trees on this site and as many as possible must be retained.

The PSLP has suggested that a children's play space be delivered within the green area on the site map in the PSLP. The view of the Parish Council and the Trustees of Matfield Village Hall Charity is that a large fully equipped children's play area should be sited in the purple area marked for community use in the PSLP. MVH Trustees have agreed that an open green area to the rear of the hall and a playground would be a more effective use of this community area than additional car park spaces.

With speeding and increasing traffic being serious problems along Maidstone Road, the community also seeks a speed indicator sign to the south of the proposed site, to replace the sign previously situated outside MVH.

EN1: Sustainable Design

Highway safety and access: "Traffic from new developments should not result in severe residual cumulative impacts on the road network". Traffic queueing at the Hawkurst junction of the A21 with the A268 will impact on Matfield and Brenchley parish and the draft Local Plan states that the increased amount of traffic will hopefully "establish an acceptable impact". The impact is already unacceptable and this language is not sufficiently robust.

As soon as there are traffic hold-ups on the A21, the parish of Brenchley and Matfield is used as a cut through/rat run. It is agreed that the parish is mainly served by minor rural roads, many of which are designated as Rural Lanes, as referred in the Rural Lane Supplementary Planning Guidance. It is noted that this document is dated 1998 but is viewed as a relevant paper. The lanes are narrow with blind bends, often with insufficient space for vehicles to pass each other. Natural verges are an important feature of the rural lane and these get eroded away to deep mud.

The PC urges TWBC to quantify the cumulative impact of traffic in the parish from the proposed developments in Paddock Wood, (especially to the east), Horsmonden, Capel and Pembury. The number of proposed new homes is noted in Horsmonden and some 300 new households will mostly need to go through Brenchley and Matfield parish to go anywhere to the north or west.

Details of the A228 Colts Hill Bypass are vague and disappointing with wording such as "potentially" and "mitigate the impact of strategic growth" when it is obvious how much this infrastructure is required. The same situation is said for the dualling of the A21 Kippings Cross to Lamberhurst with no immediate plans for improvement.

The PC points out the significant weaknesses within this policy, and requests confirmed information on funding and timing for the planned infrastructure.

EN19: The High Weald Area of Outstanding Natural Beauty

Open land below Brenchley Memorial playing fields was designated EN23 in 2006, an important Landscape Approach which was taken out of the DLP in 2016. The land is currently designated EN19 Area of Outstanding Natural Beauty. The High Weald AONB must be at the forefront of all planning decisions and TWBC should resist the temptation to encroach upon the protections provided by the NPPF.

E19 must be rewritten. The importance of AONB is covered in point 6.234 but it is not mentioned again in Policy EN19. The PC would have expected the wording of (para 172) NPPF 2019 to be highlighted and it was mentioned in the final paragraph of Policy EN 21 of DLP Reg 18 2019. The PC would like to see this reinstated in EN19. TWBC has a statutory duty to conserve and enhance the AONB, but this is constantly undermined by TWBC's unproven justification for major development of meeting housing needs and targets. The loophole of "exceptional circumstances" will without doubt be interpreted by developers as "may be possible".

To have the designation of HWAONB should give the highest status of protection in relation to the landscape and scenic beauty but to be given the designation of EN19 from TWBC certainly appears to dilute the protection and is a far cry from the "highest planning protection" that AONB's are meant

to enjoy. The actual policy requires robust language giving this highest planning protection rather than the wording in EN19 majoring on development details.

OSSR1

On Inset Map 20 (Brenchley) two areas are still designated as OSSR1, even though these areas have been in private ownership for many years.

- 1 A large area north of the parish, formerly occupied by Moatlands Golf Club, which was sold in 2008 and is now owned by several private landowners.
- 2 The former allotments on Tibbs Court Lane, north west of Southfield Cottages.

OSSR2

The proposed provision of publicly accessible open space and recreation on new housing or mixed use development sites falls below the standard recommended by Fields in Trust in its 'Guidance for Outdoor Sport and Play', which is adopted by many local authorities. The thresholds for facilities required in new developments in the PSLP are relatively high. OSSR2 Table 16 indicates that sites with less than 20 homes are not required to provide any facilities, with sites between 20 and 49 dwellings only required to provide an amenity or natural green space.

For parishes that lie within the HWAONB, developments tend to be smaller. The consequence in protected rural areas, which generally have limited facilities, is that developers will have no obligation to provide much needed sports or recreation facilities under the PCLP. Windfalls sites of nine homes or less, which have formed a significant proportion of new housing in Brenchley & Matfield Parish, also have no obligation to provide OSSR facilities.

Developers should have an obligation to either provide OSSR facilities or a contribution towards them, regardless of the size of a development. Perhaps there should be a standard levy based on the number of 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)?

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 Parish Council supports the overall negative scores of the sites in Brenchley and Matfield that were put forward in the Call for Sites. There are very few positive scores for any of the sites and a significant number of high negative scores. Many of the sites involve the loss of high-grade agricultural land and would have a negative impact on biodiversity, landscape and heritage. Sustainability is also a factor for many of the sites, which lack a proximity to facilities and public transport.

The villages of Brenchley and Matfield have limited sustainability, with poor facilities in Matfield but a reasonable bus service to Paddock Wood and Tunbridge Wells. Brenchley has more facilities but three bus services to Paddock Wood on only two days during the week. There are no bus services in the evenings that would allow commuters to use public transport.

If you would like to attach a file in support of your comments, please upload it here. [B&M comments Local Plan.docx](#)

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_2006
Response Date	04/06/21 11:29
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	DHA Planning for Caenwood Estates Ltd - full representation and supporting documents.pdf
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 1 The Development Strategy

[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.

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_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 (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	APP07H~1.PDF APP04S~1.PDF APP10E~1.PDF APP14A~1.PDF APP09U~1.PDF APP03S~1.PDF APP14D~1.PDF APP14E~1.PDF APP21T~1.PDF Castle Hill TWBC Reg 19 Reps June 2021 Written Statement (003).pdf APP01L~1.PDF APP14B~1.PDF APP11R~1.PDF APP16W~1.PDF App 20 Castle Hill A21 Appraisal.pdf APP14C~1.PDF APP13S~1.PDF

App 18 Castle Hill Masterplan.pdf

APP05C~1.PDF

APP02I~1.PDF

APP08T~1.PDF

APP11C~1.PDF

APP121~1.PDF

APP17A~1.PDF

APP19C~1.PDF

APP06S~1.PDF

APP15S~1.PDF

KJ

KJ

Castle Hill Developments Ltd

Castle Hill Developments Ltd

Woolf Bond Planning

Woolf Bond Planning

Policy

Policy

Policy

Policy

Policy

Policy

Policy

No

No

No

No

No

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

. It is not positively prepared

It is not effective

. It is not justified

It is not consistent with national policy

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

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

After this stage, 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 x 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 the 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'¹. 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 dwellings². 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)) 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

dwelling) 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 74,000m² 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

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_2005
Response Date	04/06/21 11:29
Consultation Point	Section 3: Vision and Objectives (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	DHA Planning for Caenwood Estates Ltd - full representation and supporting documents.pdf
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?	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

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 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.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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_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 (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	PSLP_1014_Charterhouse Strategic Land Representation SI.pdf
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

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

After this stage, 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.

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

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

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

After this stage, 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 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.

After this stage, 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 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	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 (View)
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

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

After this stage, 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 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

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 (View)
Status	Processed
Submission Type	Email
Version	0.8
Files	DHA Planning for Countryside Properties-full representation Hawkhurst.pdf
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

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

After this stage, 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 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])
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_2162
Response Date	03/06/21 11:02
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	DHA Planning for Countryside Properties-full representation STR-SS1.pdf
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.

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. Furthermore, Paddock Wood represents a suitable location for strategic growth owing to the strategies applied to date. Nonetheless, we have concerns regarding the deliverability of the approach to a new settlement.

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.

1.4.26 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.

1.4.27 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.

1.4.28 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]
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_1972
Response Date	03/06/21 11:02
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.3
Files	PSLP_1962_DHA Plg for Countryside Properties_full representation.pdf
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:

[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.

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. Furthermore, Paddock Wood represents a suitable location for strategic growth owing to the strategies applied to date. Nonetheless, we have concerns regarding the deliverability of the approach to a new settlement.

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.

1.4.26 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.

1.4.27 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.

1.4.28 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

Agent	Mr Jonathan Buckwell ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	DHA Planning Ltd
Address	Eclipse House Eclipse Park MAIDSTONE ME14 3EN
Consultee	([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Countryside Properties
Address	Countryside House The Drive BRENTWOOD CM13 3AT
Event Name	Pre-Submission Local Plan
Comment by	Countryside Properties ([REDACTED])
Comment ID	PSLP_2264
Response Date	02/06/21 11:41
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	DHA Planning for Countryside Properties-full representation Pembury.pdf
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.

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 terms 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.

Green Belt vs AONB Release

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

1.4.36 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.

1.4.37 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.'

1.4.38 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.

1.4.39 From a Green Belt perspective, *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'.

1.4.40 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.

1.4.41 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.

1.4.42 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 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)?

Supporting Information File Ref No: SI_150

Comment

Agent	Mr David Bedford ()
Email Address	
Company / Organisation	DHA Planning Ltd
Address	Eclipse House Eclipse Park MAIDSTONE ME14 3EN
Consultee	()
Email Address	
Company / Organisation	Countryside Properties
Address	Countryside House The Drive BRENTWOOD CM13 3AT
Event Name	Pre-Submission Local Plan
Comment by	Countryside Properties ()
Comment ID	PSLP_2121
Response Date	26/05/21 16:30
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	DHA Planning for Countryside Properties-full representation AL-CRS2.pdf
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

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.

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 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.

Green Belt vs AONB Release

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

1.4.36 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.

1.4.37 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.'

1.4.38 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.

1.4.39 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'.

1.4.40 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 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.

1.4.41 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.

1.4.42 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_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 (View)
Status	Processed
Submission Type	Web
Version	0.5
Files	Jenrick Gale letter 210421.pdf
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 areas⁵, 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 area⁶, 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

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 (View)
Status	Processed
Submission Type	Email
Version	0.3
Files	PSLP_1571-1623(not inclusive) CRS NDP Steering Group Representation.pdf
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

If 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 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

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

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_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 (View)
Status	Processed
Submission Type	Email
Version	0.8
Files	PSLP 1814-1817 K LW for Cranbrook School SI-7 Rammell Field Summary Sheet.pdf PSLP 1814-1817 K LW for Cranbrook School SI-8 Rammell Landscape Report Redacted.pdf PSLP 1814-1817 K LW for Cranbrook School SI-1 Cover Letter Redacted.pdf PSLP 1814-1817 K LW for Cranbrook School SI-6 Jaegers Landscape Report Redacted.pdf PSLP 1814-1817 K LW for Cranbrook School SI-4 Cranbrook School Masterplan.pdf PSLP 1814-1817 K LW for Cranbrook School SI-3 Draft Community Use Agreement.pdf PSLP 1814-1817 K LW for Cranbrook School SI-5 Jaegers Field Summary Sheet.pdf PSLP 1814-1817 K LW for Cranbrook School SI-2 Coloured Masterplan.pdf

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 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_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 (View)
Status	Processed
Submission Type	Email
Version	0.8
Files	PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-6 Appendix 3 Fig.1 Site Context 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-9 Appendix 3 Fig. 4 Site 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-5 Appendix 3A.2 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-4 Appendix 3A.1 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-10 Appendix 3 Fig. 5 Visual Appraisal 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-1 Representation & Appendix 1 Site Plan](#)
[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-11 Appendix 3 Fig. 6 Opportunities & Constraints Plan](#)
[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 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

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

After this stage, 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]

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.*

After this stage, 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 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

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

Comment

Consultee	Gillian Douglass [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Gillian Douglass [REDACTED]
Comment ID	PSLP_286
Response Date	23/05/21 18:19
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Web
Version	0.2

Question 1

Respondent's Name and/or Organisation	Gillian Douglass
---------------------------------------	------------------

Question 3

To which part of the Local Plan does this 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 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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 8

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

There is a site off Medway Road in St. James where Trident Trailers used to be located. This building has been boarded up for over a decade and should be subject, in my view, to a compulsory purchase order. The area has several blocks of flats and this land is an eyesore. It could be developed into housing, parking or a number of other uses.

Comment

Consultee	Richard Dowse ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Benenden TN17 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Richard Dowse ([REDACTED])
Comment ID	PSLP_2147
Response Date	03/06/21 11:56
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Other
Version	0.4
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Richard Dowse
Question 3	
To which part of the Local Plan does this 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
Policy STR 2 Place Shaping and Design
Policy STR 3 Brownfield Land
Policy STR 5 Infrastructure and Connectivity
Policy STR 6 Transport and Parking
Policy STR 7 Climate Change

Policy STR 8 Conserving and Enhancing the Natural, Built, and Historic Environment

Policy PSTR/BE 1 The Strategy for Benenden parish

Policy AL/BE 1 Land adjacent to New Pond Road (known as Uphill), 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

[TWBC: this representation has been input against Policies STR1, STR 2, STR 3, STR 5, STR 6, STR 7, STR 8, PSTR/BE1, AL/BE 1, AL/BE 3, AL/BE 4 and EN 1, please see Comment Numbers PSLP_2147, PSLP_2149, PSLP_2150, PSLP_2151, PSLP_2152, PSLP_2153, PSLP_2154, PSLP_2155, PSLP_2156, PSLP_2129, PSLP_2133 and PSLP_2157]

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 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 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.*”

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 Cleveland's. 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.

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 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, 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'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.

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 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.

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/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)? . 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

Supporting Information File Ref No: SI_26

Comment

Agent	Mr William Hall [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Broadlands Planning Ltd
Address	[REDACTED] ROYAL TUNBRIDGE WELLS [REDACTED]
Consultee	Mr & Mrs Dunlop [REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Mr & Mrs Dunlop [REDACTED]
Comment ID	PSLP_443
Response Date	26/05/21 14:38
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.16
Files	PSLP_443, 457 Broadlands Planning for Dunlop SI-1 Representation.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Mr & Mrs Dunlop
Question 2	
Agent's Name and Organisation (if applicable)	Broadlands Planning 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 STR 1 The Development Strategy

Policies Map (Inset Map No(s)) 15; Hawkhurst

[TWBC: This representation has been put against Policies STR 1 and STR/HA 1 - see Comment Numbers PSLP_443 and PSLP_457]

Question 4

Do you consider that the Local Plan:

Is legally compliant Yes

Is sound No

Complies with the Duty to Cooperate Yes

Question 4a

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

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

- . It is not positively prepared
- . It is not 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.

Please see Broadlands Planning supporting letter *[TWBC: Please see supporting documents]*, which sets out why the definition of the Limits to Built Development on Local Plan Inset Map 15; Hawkhurst is not sound, as denying the character and appearance of the continuous built development on the south west boundary of Hawkhurst and north of High Street, with the LBD defined too tightly to the historic core of the centre of Hawkhurst.

Tunbridge Wells Borough Regulation 19 Pre Submission Local Plan 2021. Representations in respect of the proposed Limits to Built Development north of High Street, Hawkhurst, as shown on Inset Map 15; Hawkhurst, and following the terms of Policy STR1; The Development Strategy, Policy STR/HA 1; The Strategy for Hawkhurst Parish, and Inset Map 15; Hawkhurst.

This submission is made on behalf of Mr and Mrs Dunlop and family. I attach a completed form for this representation.

The submission sets out my client's concerns at to the definition and extent of the Limits to Built Development on the south western edge of Hawkhurst and north of the High Street, as set out in;

1. Policy STR1; The Development Strategy;

To achieve, this the Local Plan: 2. Looks to focus new development within the Limits to Development of settlements, as defined on the Policies Map, where proposals accord with the other relevant policies of this Plan;..

2. Policy STR/HA 1; The Strategy for Hawkhurst parish;

'The development strategy for Hawkhurst parish is to: Set Limits to Built Development for Hawkhurst, as defined on the Policies Map (Inset Map 15) as a framework for new development over the plan period.'

3. The delineation of the Limits to Built Development shown on Inset Map 15; Hawkhurst, as drawn to the south west of Hawkhurst and, in particular north of High Street, which approach we consider over restrictive, not justified, and not sound.

We note the terms of the Review of the Limits to Built Development Addressed in the **Limits to Built Development Topic Paper-Regulation 18 Consultation August 2019**, in particular the following;

1.2 Limits to Built Development (LBDs) are used to differentiate between the built up areas of settlements and areas of countryside beyond. Generally, and subject to compliance with other policies in this Plan, there will be a presumption that the principle of proposed development such as infilling, redevelopment, and/or changes of use will be acceptable inside the LBD, while land and buildings outside the LBD will be considered as countryside where there is much stricter control over development.

II. Principles

2.10 The following principles are used to define LBDs:

- 1) LBDs are policy lines drawn around the 'main' built up area of a sustainable settlement – but they do not seek to define settlements as such.
- 2) Land inside the LBD will generally be substantially developed – including buildings, roads (excluding roads on the edge), etc.
- (3) The main land uses outside the LBD will generally comprise of or be used for agriculture, woodland, lakes/ponds, outdoor sports, and leisure, unless surrounded by other development.
- 4) LBD boundaries should normally follow physical features, e.g. roads, walls, field boundaries, although there may be instances where it is appropriate to cut across property curtilages to ensure that local character and/or amenities are protected.
- 5) LBDs need not be contiguous. It may be appropriate for a settlement to have two (or more) separate elements, where this reflects distinct built up parts, e.g. Goudhurst.
- 6) There may be some fringe areas beyond a settlement's more consolidated core, as well as smaller villages/hamlets and enclaves of development in the countryside that do not have a LBD, in order to maintain the overall rural character of an area.

11 Criteria

'Criteria used to determine what should or should not be included within LBD Boundaries;

Any amendment to LBD's should:

- (c) *..have no adverse effect on landscape character.*
- (e) *.. be of a scale/nature in keeping with the form and function of the settlement and result in no harm to its character, appearance or setting-does it relate more to the built environment or to the surrounding countryside.*
- (f) *..not extend existing features or result in ribbon development*

Exclude

- 1 *Isolated buildings or sporadic/dispersed development e.g individual or small groups of buildings separated from the main built up area of the settlement.*
- 1V. *large rear gardens or paddocks stretching well out from the built form of the settlement. Where there is an obvious variation in the rear line of garden curtilages along the edge of a settlement, then a striking line will be applied through these to form a uniform edge to the settlement*

We note that;

- . Along High Street the main built up area is linear in character and appearance and does incorporate both the higher density and historic area nearer the core at the central crossroads and the lower density residential areas of detached houses fronting High Street as it extends to the west.

- . The latter is clearly part of the historic development pattern of Hawkhurst as it has grown from its hamlet origins, as is typical of most settlements. It provides an essential range of higher and lower density homes of homes for the residents of Hawkhurst, and is a part of the 'main' and sustainable built area of Hawkhurst.
- . These buildings and their curtilages along this part of High Street are not isolated or dispersed, but materially contiguous.
- . The Proposed Limits to Built Development along High street, however, is drawn tightly to the higher density and historic 'consolidated Core' of Hawkhurst and some later residential estate development along Oakfield.
- . To the west of this LBD, however, is found a materially unbroken line of primary residential development, barring the buildings of Hawkhurst Golf Club, along to the Hawkhurst Hospital, including the more densely historically developed enclave of houses with more limited curtilages on the eastern and western entrances of Slip Mill Road to High Street, and a range of virtually uninterrupted detached houses in more extensive and landscaped grounds which are tightly defined on their northern edge by open cultivated farmland. This is part of the urban area of Hawkhurst.

My clients **object to the restricted extent of the defined Limits to Built Development on this western edge of Hawkhurst, as shown on Inset Map 15; Hawkhurst.**

We request that the Inspector for the Examination finds it appropriate to extend the Limits to Built Development north of High Street along to the Hawkhurst Hospital.

This request is justified and made on the following grounds;

- . This area is contiguous with the historic core of Hawkhurst, and cannot be characterised as fringe land on the 'edge' of the settlement of Hawkhurst.
- . This area is an integral part of the historic development of the settlement of Hawkhurst, and its developed confines.
- . This is not open 'countryside' land, but part of the built up area of Hawkhurst.
- . This land is substantially developed, including lower density homes in landscaped grounds.
- . The area is well defined and constrained by High Street as the main western entrance to Hawkhurst, and open agricultural fields to the north.
- . The substantial landscaping of the houses, both within their curtilages and along the High Street roadside, contributes materially to the attractive landscape character of this approach the Hawkhurst centre.
- . The incorporation of this area within the defined Limits to Development will not harm its landscaped character.

The inspector is requested to determine accordingly.

[TWBC: For full representation please see supporting documents]

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 attached Broadlands Planning letter of full representation *[TWBC: Please see supporting documents]*, which sets out the case for an extension of the Proposed Limits to Built Development north of High Street, Hawkhurst, on Inset Map 15; 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)? . No, I do not wish to participate in examination hearing session(s)

If you would like to attach a file in support of your comments, please upload it here. [PSLP_443, 457 Broadlands Planning for Dunlop_SI-1_Representation.pdf](#)

Future Notifications

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

Comment

Consultee	Mr David Ebdon ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Paddock Wood TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr David Ebdon ([REDACTED])
Comment ID	PSLP_2271
Response Date	04/06/21 08:59
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	David Ebdon
Question 3	
To which part of the Local Plan does this 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 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.

Reference - Development Strategy Topic Paper (sections K 6.218 'inappropriate development in areas at risk of flooding should be avoided by directing development away from areas of highest risk (existing or future)' plus sections K 6.221 and K6.222).

TWBC acknowledge much of their borough is designated an Area of Outstanding Natural Beauty so has limited potential for development forcing by default only Paddock Wood, Tudeley and Capel as 'suitable'. Due to flood plain Zones 1 to 3 (both here and downstream - increased flood risk to existing properties East Peckham, Queen Street, Laddingford and Yalding) makes this proposal both not legally compliant and unsound. Based on these factors - why is TWBC not challenging their Whitehall housing allocation to be based on solely eligible land?

Reference Strategic Site Master Planning and Infrastructure Paper (section 4 Paddock Wood and others). The combined housing proposal for Paddock Wood, Tudeley, Capel plus Maidstone BC proposal for Belting is tantamount to a new town. Surely development on such a scale, which also impacts all nearby districts and the national transport links is a strategic decision for Whitehall? West Kent already has one new town earmarked for the Medway Valley at Burham. I recall David Cameron considered Yalding as a site for a garden city and quickly back tracked due to the flood risk - is the present proposal similar?

Reference - Strategic Site Master Planning and Infrastructure Paper - Paddock Wood Sections 4.58 - 4.63. This acknowledges water table is so high flood storage solutions are limited (s4.62), recent flooding of Warrington Road (s4.63) and that building is reliant on local flood defences (s4.59). Conclude even with this knowledge combined with rising sea levels TWBC are prepared to put both new and existing homeowners at even higher flood risk - hope they have deep pockets to cover negligence claims from insurance companies of flooded homeowners - not a good use for the public purse.

Reference - Strategic Site Master Planning and Infrastructure Paper - Paddock Wood transport infrastructure. Sections 4.14, 4.24, 4.42, 4.43, 4.44, 4.47, 4.50. Assumes all traffic will leave developments via existing and to be built eastern/south distributor road. Issue compounded by the closure to all buses of the Maidstone Road in central Paddock Wood.

This does not take into consideration vehicles from the new developments of Church Farm and Mascalls Farm developments which wish to travel north (most common - M20 links, Kings Hill plus towns of Maidstone and Medway). Their quickest route will be Queen Street then single track roads of Lucks Lane or Waggon Lane. These are already rat runs at peak times. Unsuitable for heavy use, potential accident blackspots and misery for residents whose homes are positioned very close to the roads (i.e. historic cottages with little or no front gardens). How is TWBC to prevent this?

Reference - Strategic Site Master Planning and Infrastructure Paper - Paddock Wood Section 4.64 - states known drainage issues but 'scale of the betterment required is to be determined as well as how the cost burden can be shared fairly'. Therefore conclude TWBC is aware of the flooding risk however is still prepared to grant developers permission to build without properly calculating costs to make good flood defences, transport infrastructure and sewage treatment systems. Does it reasonably think developers will pay for this unchallenged long after they have built their planned estates? In the words of Greg Clark and KCC - infrastructure first - why does TWBC think differently - competent management of the public purse deems the developers should pay not the taxpayer. If the then cost makes the development unviable then so be it. In the years to come does TWBC really want a similar situation to what happened in Gloucs/Somerset Levels. a couple of winters ago - all due to incompetent approval to build on flood plains.

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.

Background - lived in local area for over 50 years and at present address for the last 10 (Level 3 flood plain zone). Have experienced neighbours having sewerage and water coming into homes - last time 2013 & before current development, ditches came close to flooding last winter (2020). Through a combination of rising sea levels and wetter winters this is going to become more common. Over the years I have witnessed too numerous floods in Yalding as well. Further building whether approved or proposed makes this situation more acute. During this time we have seen a steady increase in traffic levels on Lucks Lane and Queen Street especially around rush hour when traffic volume is constant (excessive for a single track road). Berkeley Homes have said they have never experienced the boggy conditions faced on their Paddock Wood site. Developers are having problems (even in the current housing boom) to sell the Paddock Wood homes with numbers sold to overseas investors. This proves lack of demand (due to flood plain location) and encourages overseas rental properties (not government policy).

Possible Solutions

TWBC challenge Whitehall's housing targets for the borough through the removal of unsuitable land from any equation used to arrive at the target number of homes. This would see the removal of areas of outstanding natural beauty and either flood plain land (or land whose development will affect existing settlements downstream).

Smaller scale developments for each village (for example 100 homes per village). Spreading development reduces the need for infrastructure improvement expenditure, offers homeowners better location choice (maybe with housing reintroducing a better social dynamic to villages), less impact to the countryside.

National policy for new town development - rather than TWBC's current via the back door. My proposal for consideration is Hastings/Bexhill due to the volume of low value land. This would be accompanied by the full dualling of the A21 and improvements to rail links. Such a proposal would not only regenerate this area but would bring employment opportunity throughout the A21 corridor - which would include TWBC area.

Should the development of Paddock Wood go ahead - traffic calming for Queen Street (with possible one way traffic from the railway bridge to the development) and the stopping up of Lucks Lane and Waggon Lane to all but local residents and cyclists

Flood defences for all existing properties in Tudeley, Capel, Five Oak Green, Paddock Wood, Queen Street, East Peckham, Laddingford and Yalding. Backed up by financial compensation underwritten jointly by the developers/TWBC in the event of flooding for the next 50 years.

If TWBC feel their local plan proposals are so beneficial why not put this to a public vote?

Question 7

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

The proposals of TWBC do not represent the wishes of local residents.

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	Terry Everest [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Terry Everest [REDACTED]
Comment ID	PSLP_11
Response Date	29/03/21 12:00
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Web
Version	0.1

Question 3

To which part of the Local Plan does this 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

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.

The Local Plan is unsound in my view and in the views of my immediate and extended family, and friends. We do not accept that it is necessary and justified to construct large developments and new settlements on Green Belt land or on or near to AONB land. These protections were put into place to prevent over zealous development, urban sprawl and the conglomeration of once separate places.

We consider that most objectionable of all is the so called Tudeley Village which would be a development entirely out of keeping with the rural undeveloped location and would destroy large swathes of green belt which by the way is currently very pleasant green fields, woodland and a former quarry which is now a lake. This area is quiet, peaceful and serene and provides a large expanse of unspoilt land for wildlife, farming and natural outdoor space for local people.

Furthermore, this area lies between the settlements of Tonbridge and Paddock Wood, both of which are expanding in the direction of this proposal currently, or within this proposal are to be expanded. This means that regardless of the garden village principles the Tudeley Village does not protect from urban sprawl but will create an urban link between Tonbridge and Paddock Wood and therefore fail the test of being part of a sustainable plan or of being effective in terms of Green Belt.

There is an extremely popular campaign in motion to "Save Capel" opposing both of these developments including the expansions west of Paddock Wood. In addition a popular opposition to development at Ramslye exists. Given that these campaigns have support of at least 5000 respondents is it not surely required that these developments are removed from the local plan, we cannot accept these constant losses of AONB and Green Belt across the borough as it is not sustainable and does not respond to the climate crisis sufficiently.

The fields at Capel, Five Oak Green and Paddock Wood are pleasant places which currently serve to provide a home and refuge for wildlife and an effective green belt to those settlements and must therefore remain in place undeveloped, and should receive therefore enhanced protection. These fields and woods were loved by my relatives who lived in Five Oak Green and were places that they fought for during the Second World War by serving their country or doing their domestic duty.

Therefore we all oppose these devastating developments and insist that the borough reconsider that it must follow a prescribed government solution and that it should in fact scale back development across the borough rather than support additional growth. We recognise that some development is required but feel that it can be better located in these cases, and more sustainably achieved under a much reduced level of new allocations and greenfield across the board.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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 Gary Mickelborough [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Bloomfields
Address	[REDACTED] PADDOCK WOOD [REDACTED]
Consultee	Fernham Homes [REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Fernham Homes [REDACTED]
Comment ID	PSLP_1660
Response Date	04/06/21 14:43
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Fernham Homes Ltd
Question 2	
Agent's Name and Organisation (if applicable)	Bloomfields 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 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 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.

These representations are submitted on behalf of our esteemed clients and local housebuilders Fernham Homes Ltd., with interest to the site submitted under the previous Call for Sites and considered under the Pre Submission Local Plan SHELAA as Site 143. This logical Site on the edge of Five Oak Green remains deliverable and available under the stewardship of this local housebuilder and as an organic and sustainable addition to the village, this site could be brought forward in a manner consistent with the Council's overarching delivery objectives.

[TWBC: Above comment from covering email]

Fernhams Homes Limited (FHL) is promoting land at Tolhurst Road, Five Oak Green, for residential development and in this context that FHL wishes to express its objections to the development strategy insofar as it relates to development at Capel, as set out in Draft Policy STR/CA1.

The development strategy is based upon meeting, in full, the assessed local housing need for the area along with a "buffer" for flexibility. This is welcome, in principle, since the Plan's evidence base indicates very limited scope to apportion unmet housing need to neighbouring authorities, since neighbouring authorities experience many of the same constraints as Tunbridge Wells.

In this context the Council is asked to consider that The Housing Needs Topic Paper (paragraph 2.15) suggests that the Borough's uncapped housing need is for 741dpa, rather than the 678dpa that the authority commits to delivery within policy STR1. It is understood that the Housing Needs Topic Paper 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 IS 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.

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. The revised uncapped figure using the latest affordability ratios is therefore 12.8% above the 678dpa within the draft Submission Local Plan. This is consequently the figure the authority should have included as the minimum requirement as it would have exceeded the capped figure which would therefore contribute towards needs arising in other authorities. This is explained further below.

It is agreed 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 that 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 unfortunately not positively prepared, is not justified and is therefore not sound or legally compliant.

Also, as a result of this, the development strategy must respond pragmatically but sensitively to the Borough's principal constraints, namely the High Weald Area of Outstanding Natural Beauty (AONB) and the Metropolitan Green Belt. The need to safeguard these areas must be carefully balanced against the need to achieve a sustainable pattern of growth and, in general terms, undertaking this balancing act has been found by Inspectors to be justified through local plan examinations elsewhere in the country (e.g. Guildford and Central Bedfordshire).

Green Belt

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

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'.

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 four times double of that previously been required (6,000 between 2006 and 2026) and many urban sites have been depleted since the last plan review. This needs to be considered in the context that the Metropolitan Green Belt covers 22% of Tunbridge Wells borough.

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.

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.

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 in any meaningful way exists only on contained sites that affect one's perception of openness within the site and from immediate vantage points.

The conclusion that some greenfield Green Belt release is needed to meet housing need in the areas of the borough affected by that designation is therefore agreed. However, we disagree with the scale of Green Belt release as an alternative to sensitive redevelopment of AONB land.

That said, the contribution to development needs from the non-constrained area of the Borough must, within reason, be maximised to limit the extent of Green Belt release and encroachment by new development within the AONB. In Green Belt release terms, this is essential to making the case for "exceptional circumstances" as per paragraphs 136 and 137 of the National Planning Policy Framework (NPPF), and, in AONB terms, to demonstrate that great weight has been provided to conserving and enhancing the AONB and limiting the scale and extent of development within the AONB (NPPF, paragraph 172).

Given the above, FHL welcomes the decision (described at paragraph 4.48 of the Plan's supporting text) to reduce the level of growth previously proposed in the AONB as being beneficial to the overall soundness of the Plan. In part compensation, the Plan has seen a greater focus on urban intensification and brownfield which has been identified as a lynchpin of the development strategy in Draft Policy STR 1. It must be recognised, however, that urban intensification and brownfield redevelopment have limits and those sites that are available may not be quick to come forward given the myriad of issues that typically affect the deliverability of urban and brownfield land. By way of using urban land to its fullest potential in order to avoid directing growth to the Borough's more sensitive areas, the Brownfield and Urban Land Topic Paper (January 2021) details a very exhaustive approach to ensuring that these opportunities are maximised whilst ensuring that the level of growth planned through these means is deliverable and realistic.

Strategy

Combined with the two strategic proposals in the Plan, Tudeley Village and the expansion of Paddock Wood, both of which exist within close proximity to each other and have complex infrastructure and phasing requirements, over-reliance on urban intensification and brownfield sites coming forward could result in a "top-heavy" development strategy unless it is accompanied by a wider dispersal of small to medium sized sites that are capable of yielding housing completions quickly as well as contributing to the viability and vitality of rural areas.

With regards to the trajectory of delivery in relation to the Tudeley village, Nathaniel Lichfield's and Partners (NLP) - 'Start to Finish: How Quickly do Large-Scale Housing Sites Deliver' provides evidence of the speed and rate of delivery of large-scale housing. 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. In summary, based on real life case studies, and the scale of development proposed, it is considered that housing may evidently be unlikely to be delivered at Tudeley until around 8 years after the granting of planning permission.

In fact, 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. It is considered 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.

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. The considered over reliance upon Tudeley Garden Village means that if it is not delivered as planned there would not be any 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.

It is therefore welcome that the Plan provides for these opportunities as they will diversify the sources of housing supply and ensure that the Plan retains flexibility to respond to changing circumstances. We would note from Figure 3 of the Housing Supply and Trajectory Topic Paper (February 2021) that expected housing completions within the plan period will ensure a consistent and steady supply to meet ongoing need, particularly in the earlier years, which is important given the Plan's reliance on strategic sites.

As set out above, opportunities for dispersing growth to the rural area generally will be limited by the AONB and the Green Belt. Paragraph 7.16 also identifies the concerns expressed at the Draft local Plan stage about unduly and disproportionately large scales of growth at smaller villages, whereas the proposed allocation of sites such as that at land at Tolhurst Road, Five Oak Green, will ensure a more natural and ultimately more sustainable development as it is at a level whereby growth in Five Oak Green which can also enable the expansion of services and facilities to improve the sustainability credentials of the settlement which, in addition to being in the spirit of the Planning Practice Guidance and the National Planning Policy Framework, can facilitate delivery of the Plan's strategic objective of improving infrastructure, local services and amenities in line with community needs.

In general terms, we consider allocating a material level of growth at Five Oak Green to be sound and fully supported by the Plan's evidence base.

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 support the aspiration to meet housing need in full and consider that a dispersed growth strategy represents the optimum means to achieve this. However, it is considered that the Local Plan strategy relies too heavily on the delivery of strategic sites that would require the provision of supporting infrastructure. Moreover, the Council has applied overly optimistic projections to the delivery of housing for the Tudeley Garden Village and it is considered that a more realistic timeframe should be adopted for the delivery trajectory of the Tudeley.

In the intervening time, it is considered that 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 Five Oak Green where it is considered that sites such as our client's land at should be added to offset the loss of the housing relied upon. For this reason, we object to the exclusion of our client's land at Tolhurst Road, 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)? 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:

Fernham Homes Limited is promoting Land at Tolhurst Road, Five Oak Green, for development and is seeking changes to Draft Policy STR1. Fernham Homes Limited requests participation in the hearing sessions in order to contribute to discussions in relation to this Draft Policy and to articulate its case for suggested changes to it as well as to address any relevant points raised by the Local Planning Authority, the Inspector or by stakeholders.

Question 8

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

FHL supports the general thrust of the Sustainability Appraisal (SA) insofar as it substantiates the preferred development strategy as being preferable against the reasonable alternatives. The SA examines a number of scenarios for the distribution of growth across the Borough including, critically, a scenario which would meet full housing need but does not involve Green Belt release. This scenario (Growth Strategy 6) demonstrates that no Green Belt release would involve major strategic growth at a number of the Borough's rural settlements including those within the AONB thus demonstrating that some Green Belt release is necessary in order to deliver a sustainable pattern of development. We note that no scenario has been tested that would see full housing need met in areas completely outside the AONB. However, this would clearly involve similar major strategic growth in rural settlements by obviating the contribution of Royal Tunbridge Wells and Southborough to meeting housing needs or else by generating excessive reliance on strategic expansions to Paddock Wood and Tudeley Village, which would most likely need to be enlarged. The SA therefore substantiates the need to deliver some growth within Green Belt and AONB.

We note that failure to meet standard housing need by avoiding the AONB or the Green Belt were accompanied by significant negative scores in relation to the delivery of new housing and economic development, as would be expected. We also noted scenarios that would see significant concentrations of growth within the AONB associated with significantly negative environmental effects particularly as regard to landscape, once more as expected. As a result, the SA supports the key limbs of the preferred development strategy of meeting full housing need and reducing the scale of development within the AONB from the Draft Local Plan as against the reasonable alternatives. However, the preferred spatial strategy (i.e. Growth Strategy 13) would still result in the concentration of significant development within the AONB alongside significant Green Belt release to accommodate a new settlement and the transformational expansion of Paddock Wood. The contribution by urban and brownfield land has also been maximised to the reasonable extent possible. As a result, the preferred development strategy is finely balanced and whilst noting since the Regulation 18 consultation the quantum of development has been decreased in some smaller rural settlements beyond the Green Belt and AONB, it is not practical to do so further without resulting in negative environmental effects and/or compromising the deliverability of the 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

Agent	Mr Gary Mickelborough [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Bloomfields
Address	[REDACTED] PADDOCK WOOD [REDACTED]
Consultee	Fernham Homes [REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Fernham Homes [REDACTED]
Comment ID	PSLP_1652
Response Date	04/06/21 14:27
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.5
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Fernham Homes Ltd
Question 2	
Agent's Name and Organisation (if applicable)	Bloomfields 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 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 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.

These representations are submitted on behalf of our esteemed clients and local housebuilders Fernham Homes Ltd., who seek to support the site currently drafted for providing housing and a significant community facilities at Sissinghurst (under Policy STR CRS 1), subject to important modifications which ensures the viable delivery of the site.

[TWBC: Above comment from covering email]

Fernhams Homes Limited (FHL) is promoting land south of The Street, Sissinghurst for residential development. It is welcome that the Pre-Submission Local Plan ("the Plan") proposes to allocate this site for development and it is in this context that FHL wishes to express its general support for the development strategy as set out in Draft Policy STR /CRS1.

The development strategy is based upon meeting, in full, the assessed local housing need for the area along with a "buffer" for flexibility. This is welcome, in principle, since the Plan's evidence base indicates very limited scope to apportion unmet housing need to neighbouring authorities, since neighbouring authorities experience many of the same constraints as Tunbridge Wells.

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 that 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 unfortunately not positively prepared, is not justified and is therefore not sound or legally complaint.

Also, as a result of this, the development strategy must respond pragmatically but sensitively to the Borough's principal constraints, namely the High Weald Area of Outstanding Natural Beauty (AONB)

and the Metropolitan Green Belt. The need to safeguard these areas must be carefully balanced against the need to achieve a sustainable pattern of growth and, in general terms, undertaking this balancing act has been found by Inspectors to be justified through local plan examinations elsewhere in the country (e.g. Guildford and Central Bedfordshire).

That said, the contribution to development needs from the non-constrained area of the Borough must, within reason, be maximised to limit the extent of Green Belt release and encroachment by new development within the AONB. In Green Belt release terms, this is essential to making the case for “exceptional circumstances” as per paragraphs 136 and 137 of the National Planning Policy Framework (NPPF), and, in AONB terms, to demonstrating that great weight has been provided to conserving and enhancing the AONB and limiting the scale and extent of development within the AONB (NPPF, paragraph 172). Implicitly, the need to maximise areas beyond the Green Belt and AONB has already been acknowledged by the Plan’s proposed transformational expansion of Paddock Wood, which apart from being a sustainable location, also has the advantage of avoiding the AONB and would entail only some Green Belt release. This “avoidance” strategy should run through the Plan’s as a whole in order for it to be sound in its conformity with national policy.

Given the above, FHL welcomes the decision (described at paragraph 4.48 of the Plan’s supporting text) to reduce the level of growth previously proposed in the AONB as being beneficial to the overall soundness of the Plan. In part compensation, the Plan has seen a greater focus on urban intensification and brownfield which has been identified as a lynchpin of the development strategy in Draft Policy STR 1. It must be recognised, however, that urban intensification and brownfield redevelopment have limits and those sites that are available may not be quick to come forward given the myriad of issues that typically affect the deliverability of urban and brownfield land. By way of using urban land to its fullest potential in order to avoid directing growth to the Borough’s more sensitive areas, the Brownfield and Urban Land Topic Paper (January 2021) details a very exhaustive approach to ensuring that these opportunities are maximised whilst ensuring that the level of growth planned through these means is deliverable and realistic.

Combined with the two strategic proposals in the Plan, Tudeley Village and the expansion of Paddock Wood, both of which exist within close proximity to each other and have complex infrastructure and phasing requirements, over-reliance on urban intensification and brownfield sites coming forward could result in a “top-heavy” development strategy unless it is accompanied by a wider dispersal of small to medium sized sites that are capable of yielding housing completions quickly as well as contributing to the viability and vitality of rural areas.

With regards to the trajectory of delivery in relation to the Tudeley village, Nathaniel Lichfield’s and Partners (NLP) - ‘Start to Finish: How Quickly do Large-Scale Housing Sites Deliver’ provides evidence of the speed and rate of delivery of large-scale housing. 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. In summary, based on real life case studies, and the scale of development proposed, it is considered that housing may evidently be unlikely to be delivered at Tudeley until around 8 years after the granting of planning permission.

In fact, 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. It is considered 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.

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. The considered over reliance upon Tudeley Garden Village means that if it is not delivered as planned there would not be any 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.

As set out above, opportunities for dispersing growth to the rural area generally will be limited by the AONB and the Green Belt which is why Sissinghurst, as a sustainable settlement outside both of these areas, plays such a crucial role in the overall development strategy. We note from paragraph 6.66 of the Development Strategy Topic Paper (February 2021), for instance, that the outcome of the SHELAA

process has been to identify a number of suitable sites at Sissinghurst (February 2021), identifying it as one of the best performing rural settlements in terms of the availability of services and facilities.

Paragraph 7.16 also identifies the concerns expressed at the Draft local Plan stage about unduly and disproportionately large scales of growth at smaller villages, whereas the proposed allocation of sites such as that at land south of The Street, together with improved community facilities, will ensure a more natural and ultimately more sustainable development as it is at a level whereby growth in Sissinghurst can also enable the expansion of services and facilities to improve the sustainability credentials of the settlement which, in addition to being in the spirit of the Planning Practice Guidance and the National Planning Policy Framework, can facilitate delivery of the Plan's strategic objective of improving infrastructure, local services and amenities in line with community needs.

In general terms, we consider allocating a material level of growth at Sissinghurst to be sound and fully supported by the Plan's evidence base. 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. The Council's conclusion that there is very little scope for adding much in the way of further housing numbers to the rural settlements is not agreed. A vast number of 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.

The contribution made by Sissinghurst and the non-AONB rural settlements generally to the development strategy should be expressly recognised in Draft Policy STR 1 as it is an issue of strategic importance to reasonably maximise the contribution of areas outside the AONB toward meeting development needs.

In so doing, drawing upon the evidence base, the development strategy should clearly set out the role and function of each higher order rural settlement, including Sissinghurst, in order to explain more clearly in broad, strategic terms the role each one plays its part in delivering the Plan's overall strategy. For Sissinghurst, we would request express recognition for the important role the settlement will play in meeting housing needs over the plan period in a sustainable location that is not affected by fundamental landscape or Green Belt constraints.

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.

Draft Policy STR 1 or a further policy should identify a clear hierarchy of settlements and growth areas to guide the apportionment of housing and explain how each one will play a part in delivering the Plan's development strategy. We note that Limb 3 of Draft Policy STR 1 already does this in respect of strategic allocations but this should be extended to the Borough's rural settlements alongside an express recognition that development outside the Green Belt and AONB should be maximised in order to safeguard these important designations to the extent consistent with broader sustainability objectives.

Question 7

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

Fernham Homes Limited is promoting Land South of The Street, Sissinghurst for development and is seeking changes to Draft Policy STR1. Fernham Homes Limited requests participation in the hearing sessions in order to contribute to discussions in relation to this Draft Policy and to articulate its case for suggested changes to it as well as to address any relevant points raised by the Local Planning Authority, the Inspector or by stakeholders.

Question 8

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

FHL supports the general thrust of the Sustainability Appraisal (SA) insofar as it substantiates the preferred development strategy as being preferable against the reasonable alternatives. The SA examines a number of scenarios for the distribution of growth across the Borough including, critically, a scenario which would meet full housing need but does not involve Green Belt release. This scenario (Growth Strategy 6) demonstrates that no Green Belt release would involve major strategic growth at a number of the Borough's rural settlements including those within the AONB thus demonstrating that some Green Belt release is necessary in order to deliver a sustainable pattern of development. We note that no scenario has been tested that would see full housing need met in areas completely outside the AONB. However, this would clearly involve similar major strategic growth in rural settlements by obviating the contribution of Royal Tunbridge Wells and Southborough to meeting housing needs or else by generating excessive reliance on strategic expansions to Paddock Wood and Tudeley Village, which would most likely need to be enlarged. The SA therefore substantiates the need to deliver some growth within Green Belt and AONB.

We note that failure to meet standard housing need by avoiding the AONB or the Green Belt were accompanied by significant negative scores in relation to the delivery of new housing and economic development, as would be expected. We also noted scenarios that would see significant concentrations of growth within the AONB associated with significantly negative environmental effects particularly as regard to landscape, once more as expected. As a result, the SA supports the key limbs of the preferred development strategy of meeting full housing need and reducing the scale of development within the AONB from the Draft Local Plan as against the reasonable alternatives. However, the preferred spatial strategy (i.e. Growth Strategy 13) would still result in the concentration of significant development within the AONB alongside significant Green Belt release to accommodate a new settlement and the transformational expansion of Paddock Wood. The contribution by urban and brownfield land has also been maximised to the reasonable extent possible. As a result, the preferred development strategy is finely balanced and whilst noting since the Regulation 18 consultation the quantum of development has been decreased in some smaller rural settlements beyond the Green Belt and AONB, it is not practical to do so further without resulting in negative environmental effects and/or compromising the deliverability of the 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_34

Comment

Agent	Mr David Bedford [REDACTED]
Email Address	[REDACTED]
Company / Organisation	DHA Planning Ltd
Address	Eclipse House Eclipse Park MAIDSTONE ME14 3EN
Consultee	Fernham Homes [REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Fernham Homes [REDACTED]
Comment ID	PSLP_510
Response Date	26/05/21 09:24
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.14
Files	PSLP_509-511_DHA Planning for Fernham Homes.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Fernham Homes
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.

[TWBC: this part of the response has been separated from the full response submitted by DHA Planning. See full representation attached. See also PSLP_509 (Vision and Objectives), PSLP_510 (Section 4: Policy STR1 - the Development Strategy), PSLP_511 - Section 5: Cranbrook & Sissinghurst Policy STR/CRS1: The Strategy for Cranbrook & Sissinghurst parish; PSLP_532 - Development Management Policies and PSLP_533 - Legal Compliance and Duty to Cooperate].

1.1 Introduction

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

1.1.2 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.

1.1.3 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.

1.1.4 This submission comments on the plan having regard to these tests of soundness as well as wider legal compliance. However, for context, we first provide an overview of the land within Fernham's control, which was included in the Regulation 18 Draft Local Plan as an allocation (draft policy AL/CRS 6) for residential development (Known as 'Gate Farm, adjacent to Hartley Road and Glassenbury

Road, Hartley (plus Bull Farm) (SHELAA reference: Sites 59, 70, 323 & 345, and Late Site 53)' but subsequently omitted from the pre-submission draft.

1.1.5 Based on the current national and local planning context, we object to the site's omission, which was not based on sound planning grounds but as a basis to help defend against a s78 planning appeal. The outcomes of that appeal, and the commentary of the Inspector, provides a clear basis to conclude that the land is a suitable location for proportionate plan led growth.

1.1.6 Fernham Homes hope to work with the Council to agree a revised proposal. In the interim, these comments explain why we are concerned about the manner in which some sites have been omitted from the plan making process.

1.2 Land at Gate Farm, Hartley Road, Hartley (Cranbrook)

1.2.1 The site to which this representation relates is located on the northern side of Hartley Road/A229 and is approximately 1.48 hectares in area. It is located to the south west of Cranbrook outside built confines but adjacent to the built up area of Hartley.

[TWBC: to view site plan see full representation attached].

1.2.2 The land sits immediately adjacent to residential development to the north and commercial buildings are located on the west side of Glassenbury Road. The site falls entirely within the High Weald Area of Outstanding Natural Beauty AONB.

1.2.3 There are several listed buildings in the vicinity of the site, including:

(i) Hartley Gate Farmhouse (Grade II listed);(ii) Hartley Farmhouse (Grade II listed);(iii) Bull Farm House (Grade II listed); and(iv) Barn 50 Yards North of Bull Farmhouse (Grade II listed).

1.2.4 The surrounding area is characterised by the settlements of Hartley and Cranbrook, residential development with in and around those settlements, commercial developments, farmsteads and agricultural buildings as well as open agricultural land.

1.2.5 To the northeast are residential properties. Opposite the site is the well-established Hartley Dyke Commercial Centre, consisting of Juniors Day Nursery, the Hartley Dyke Coffee House and Farm Shop and several other commercial premises.

1.2.6 In terms of public transport, there are two bus stops located approximately 160m to the east of the site providing a service to Maidstone Town Centre, Loose, Staplehurst, Cranbrook and Hawkhurst. Staplehurst, approximately 10km to the north of the site, provides a regular train service to London, with up to 3no. trains per hour in peak periods (travel time under 1 hour to London Charing Cross and Cannon Street).

1.2.7 The site is not subject to any wider policy designations. The Environment Agency mapping also confirms that the site does not fall within a flood risk zone.

1.2.8 A high pressure water main and overhead power lines run through the site and represent design constraints.

1.2.9 The Hartley Road frontage of the site has been subject to previous smaller scale development proposals as follows:

- 84/00175/OUT - Outline application for 8 semi detached dwellings -Refused; and• 96/00283/FUL - 3 Detached dwellings – Refused. • 17/00795/FULL - Demolition of four derelict agricultural buildings and construction of four detached dwellings with associated parking, landscaping and access from Hartley Road (Withdrawn 08/02/18 following publication of officer's recommendation to refuse in advance of Planning Committee meeting).

1.2.10 The area immediately east of the site, between the built up area and Hartley Gate Farmhouse, has been subject to a planning appeal (APP/M2270/W/18/3203543) for the erection of 8 homes. The appeal was dismissed, but in doing so the Inspector narrowed the sole issue to the effect of the proposed vehicular access on highway safety (i.e. it was suitable in all other respects). The Inspector endorsed the principal of development and had no issue with the impacts of that scheme on the AONB, the character and appearance of the area and on settlement morphology.

1.2.11 Given the suitability of Fernham's land, an outline planning permission was progressed for 27 new homes and registered under Tunbridge Wells planning application reference 19/02170/OUT. However, this application was refused by Tunbridge Wells Borough Council for seven reasons:

(1) The development would cause significant harm to the rural character of the area, would have more than a minimal impact on the landscape character of the locality, would have a detrimental impact on the landscape setting of Cranbrook and would fail to conserve and enhance the special character of the High Weald Area of Outstanding Natural Beauty. It is therefore contrary to Policies LBD1, EN1 and EN25 of the Tunbridge Wells Borough Local Plan 2006, Core Policies 4 and 14 of the Tunbridge Wells Borough Core Strategy 2010, the aims and objectives of the Borough Landscape Character Area Assessment 2017 and the National Planning Policy Framework 2019(2) The application fails to demonstrate that safe and suitable access to the site can be achieved for all users. It is thereby in conflict with Part 9 of the National Planning Policy Framework 2019, and saved policy TP4 of the Tunbridge Wells Local Plan 2006.(3) There is insufficient evidence to demonstrate that the proposal can result in a net gain in biodiversity. The proposal is thus contrary to Para 170 the National Planning Policy Framework 2019(4) The proposal would harm the setting of nearby listed buildings. It is not considered that there are sufficient public benefits, or any other material considerations, that outweigh this harm. The proposal is thus contrary to saved policy EN1 of the Tunbridge Wells Borough Local Plan 2006, Core Policy 4 of the Tunbridge Wells Borough Core Strategy 2010 and the National Planning Policy Framework 2019(5) The proposal would not provide developer contributions towards Secondary Education, Youth Provision and the Cranbrook Hub projects to mitigate the impact of the proposal. It would therefore conflict with the National Planning Policy Framework 2019, the Planning Practice Guidance, Core Policy CP1 of the Tunbridge Wells Core Strategy 2010 and Policies CS4 and R2 of the Tunbridge Wells Borough Local Plan 2006.(6) The proposal would not provide affordable housing within the proposed development. It would therefore conflict with the National Planning Policy Framework 2019, Core Policy 6 of the Tunbridge Wells Core Strategy 2010 and the Affordable Housing Supplementary Planning Document.(7) The proposal would not provide developer contributions towards new single premises for the three General Practices located in Cranbrook to mitigate the impact of the proposal. It would therefore conflict with the National Planning Policy Framework 2019 and Core Policy CP1 of the Tunbridge Wells Core Strategy 2010.

1.2.12 Not only did the Council refuse this application, but in seeking to defend the appeal the site was also removed from the Local Plan pre-submission draft.

1.2.13 An appeal was subsequently lodged (Appeal Ref: APP/M2270/W/20/3247977) during the life of which reasons for refusal 5 to 7 were resolved prior to determination (through the provision of a suitably worded Section 106 Legal Agreement). Reason for refusal 3 was also overcome as a result of providing further ecology information and a further commitment within the Section 106.

1.2.14 The main issues for the appeal (and so wider site suitability) were narrowed to:

(1) The impact of the proposed development on the character and appearance of the area including landscape character and the AONB;(2) Highways safety; and(3) Heritage harm.

1.2.15 The appeal was dismissed in February 2021, but in doing so the Inspector provided clear findings on a number of key matters that were in dispute and formed the basis for deleting the allocation. We summarise these findings below. A full copy of the appeal is included as Appendix 1.

Heritage

1.2.16 Paragraphs 50 to 64 directly responded to the heritage evidence, with the Inspector ultimately endorsing the appellant's evidence that heritage harm would be restricted to Hartley Gate Farmhouse only and in the less than substantial range. The Inspector rejected harm to wider assets. At paragraph 150 he concluded:

'Given the relatively low level of harm I have found in relation to the farmhouse and the significant housing and other positive attributes I have identified from the scheme, I find the heritage harm arising would be outweighed by the public benefits identified. Accordingly, the Framework does not provide a clear reason for refusing the development proposed in this specific regard'.

1.2.17 In our opinion, the Inspector provided a very clear conclusion that reason for refusal 4 was not a reasonable basis to withhold consent, nor did it provide a clear basis for disengaging the presumption in favour of sustainable development. As such, we consider the over estimation of heritage impacts contributed to an otherwise suitable allocation being omitted from the pre-submission plan.

Access and Highway Safety Matters

1.2.18 Paragraphs 65 to 88 of the appeal directly responds to the highway evidence. The Inspector's summary of highway matters stated:

'86. The A229 is a busy classified road. It reflects the accompanying dangers and relatively harsh pedestrian environment that might be expected, and improvements can always be made. Nevertheless, the evidence presented demonstrates the local highway network has no particular design flaws, and is capable of withstanding the relatively modest increase in vehicle and pedestrian movements that would arise from the scheme without incurring further undue additional risks or inconvenience. I also note possibilities for further detailed refinements to the scheme, particularly in terms of facilities for pedestrian movement, and which were discussed at the Inquiry in relation to a possible planning condition should the appeal be allowed.

87. The Framework requires that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The evidence against the proposed scheme falls significantly short of such a threshold.

88. I therefore conclude that the proposal would provide safe and suitable access for all users and would not be contrary to Policy TP4 of the Local Plan to the extent that it seeks, amongst other things, to ensure that proposals provide a safely located access with adequate visibility and that the traffic generated by the proposal would not compromise the safe and free flow of traffic or the safe use of the road by others'.

1.2.19 In our view, the Inspector provided a very clear conclusion that reason for refusal 2 was not supportable nor a reasonable basis to withhold consent and that the access was suitable for the quantum of development proposed. As such, we consider the dismissal of the site on highways grounds also wrongly contributed to the site being omitted from the pre-submission plan.

Location

1.2.20 At paragraph 117 the Inspector confirmed that the scheme enjoys a moderately sustainable location. Paragraph 124 also acknowledges that the Framework requires that, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and that planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. The scheme was deemed to be consistent with this aim and so modest weight was attached to these economic factors as a benefit.

Major Development

1.2.21 At paragraph 155 the Inspector confirms that the appeal scheme was not 'major' development.

Landscape Impact

1.2.22 Having regard to the above, reasons for refusal 2 to 7 were either overcome or dismissed by the Inspector. The only matter between parties relates to reason for refusal 1 and the associated impact upon the AONB.

1.2.23 In considering the conclusions, at paragraph 42, the Inspector is clear that the site may have potential for reintroduction of some sensitive built form, albeit a better balance has to be struck in relation to the legibility and distinctiveness of the AONB.

1.2.24 At paragraph 49 he concludes that the scheme would, by virtue of the extent of built development proposed (rather than principle) would be significantly harmful to the character and appearance of the appeal site and its surroundings.

1.2.25 In summary, all of the above commentary provides a clear basis to suggest that a revised scheme could integrate within the AONB setting. The Inspector stopped well short of concluding the site was unsuitable for development per se and as such we consider the deletion of the site, and subsequent impact it has had on evidence base and thus it is neither justified nor positively prepared.

1.2.26 We explain the wider relevance of the site being wrongly omitted in the context of the wider strategy within the subsequent sections of this representation.

1.3 Wider Assessment of Soundness

1.3.1 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.

1.3.2 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.

Development Strategy and Strategic Policies (Policy STR1)

1.3.12 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.

1.3.13 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.

1.3.14 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.

1.3.15 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).

1.3.16 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: to view copy of Local Plan Figure 5 Key Diagram see full representation attached].

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

[TWBC: PSLP Policy STR1 duplicated here - see full representation attached]

1.3.18 By way 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.

1.3.19 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.

1.3.20 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.

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

[TWBC: to view copy of Local Plan Table 4 Distribution of housing allocations see full representation attached].

Response

1.3.22 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 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.

1.3.23 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.

1.3.24 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.

1.3.25 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. In summary, based on real life case studies, and the scale of development proposed, housing is unlikely to be delivered at Tudeley until circa 8 years after the first planning permission is approved.

1.3.26 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.

1.3.27 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, with minimal units being delivered within the current plan period.

1.3.28 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.

1.3.29 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).

1.3.30 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 we delivered at lower rates given the need to front load infrastructure.

1.3.31 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 term aspirations that will extend beyond 2038.

1.3.32 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.

1.3.33 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.

1.3.34 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 such as our client's land should be added to offset the loss of the housing relied upon from Tudeley.

1.3.35 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. To the contrary, the objective of the planning system is to deliver the right homes in the right locations.

1.3.36 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.

1.3.37 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.

1.3.38 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.

1.3.39 As explained, our client's land is suitable, available and achievable and was, in our view, removed as response to our client's planning appeal rather than as a result of and robust planning evidence. Indeed, the appeal process itself made clear that six of the seven reasons for refusal could not be substantiated, whilst impact on the AONB could be mitigated with an alternative scale and design approach. In short, our client's site represents a suitable location to reinsert a site that will deliver in the short term.

Green Belt vs AONB Release

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

1.3.41 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.

1.3.42 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.'

1.3.43 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.

1.3.44 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.

1.3.45 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'.

1.3.46 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 four times 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.

1.3.47 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.

1.3.48 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.

1.3.49 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.

1.3.50 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.

1.3.51 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.

1.3.52 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. For example, on the sites like our clients that were wrongly omitted.

1.3.53 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.

1.3.54 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.

1.3.55 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.

1.3.56 The nearby Ashdown Forest is a designated Special Area of Conservation (SAC) and Special Protection Area (SPA).

1.3.57 Although not an environmental constraint, the Metropolitan Green Belt covers 22% of Tunbridge Wells borough.

1.3.58 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.

1.3.59 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.

1.3.60 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.

1.3.61 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.

1.3.62 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.

1.3.63 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.

1.3.64 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 so as to preserve the status quo in the more affluent villages whilst not delivering housing of all tenures throughout the entire borough meeting the borough wide housing need.

Housing Delivery

1.3.65 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.

1.3.66 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.

1.3.67 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.

1.3.68 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: to view table of housing completion rates 2010 to 2015 see full representation attached].

1.3.69 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 to ensure the new plan is sufficiently flexible.

1.3.70 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: to view table of housing completion rates 2015 to 2020 (statement of common ground) with table note 1 The completions data for 22019/20 is yet to be formally published until the next Authority Monitoring Report 2020 is complete. However, the number of confirmed housing completions has been provided by the LPA as 474 for this latest monitoring year.see full representation attached].

1.3.71 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.

1.3.72 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

1.3.73 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.

1.3.74 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.

1.3.75 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.

1.3.76 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: to view table of information extracted from the LPA's published supply statements see full representation attached].

1.3.77 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.

1.3.78 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

1.3.79 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.

1.3.80 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.

1.3.81 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.

1.3.82 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.

1.3.83 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.

1.3.84 This being the case, removing the reliance of delivery of Tudeley Garden Village in this plan period, and supplementing the plan with genuinely immediately 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 Fernham Homes in response to the Tunbridge Wells Borough Council Pre-submission Local Plan 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 the late stage of the process, the deletion of which is unsubstantiated and based on unsound conclusions. Furthermore, we object to the reduced growth promoted around Cranbrook and Hartley.

1.5.3 Finally, 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 Cranbrook and Hartley.

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.

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

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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_37

Comment

Consultee	Mrs Farah Brooks-Johnson [REDACTED]
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Mrs Farah Brooks-Johnson [REDACTED]
Comment ID	PSLP_562
Response Date	28/05/21 11:27
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Web
Version	0.4
Files	GSP Friends of Tudeley Final.pdf (4)
Question 1	
Respondent's Name and/or Organisation	Friends of Tudeley
Question 3	
To which part of the Local Plan does this 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 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.

The spatial strategy is not justified and not sustainable, and therefore the plan is unsound. The review of options available to TWBC (including the omission of one of the strategic sites) and a proactive search for settlement edge sites and previously developed/urban sites would have sustainability benefits. This would reduce the reliance on large sites to deliver housing and avoid the need to rely on a new settlement in the Green Belt. The sustainability impacts of the proposed Tudeley Village are significant and it is quite clear that the Sustainability Appraisal process was not the key driver for selecting the spatial strategy.

A detailed description of errors in the Development Strategy is in Section 4.5 of the attached report by Graham Simpkin Planning.

TWBC has not identified the most appropriate strategy to meet the identified housing need. The value of growth option 7 forming part of the preferred development option, perhaps with a large urban extension, was dismissed without adequate assessment. It could contribute to housing needs in a manner that is sensitive to the settlements at which it is located. The proposed strategy which includes a new settlement at Tudeley Village is not justified, nor consistent with achieving sustainable development.

If TWBC had fulfilled their Duty to Cooperate, it is possible that the proposed new settlement at Tudeley Village (and associated harm to the Green Belt) would not be required. This demonstrates the importance of discussing this issue with nearby Local Authorities with determination. Demonstrating that such discussions have occurred is essential to the Exceptional Circumstances case for alterations to Green Belt boundaries.

A detailed description of the issues caused (and opportunities missed) by TWBC's approach to Objectively Assessed Need is in Section 4.3 of the attached report by Graham Simpkin Planning.

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 all references to the proposed Tudeley Village from 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)? . 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:

Friends of Tudeley is an unincorporated association of local residents concerned about the soundness of TWBC's proposal to create a new settlement at Tudeley. We will make an important local contribution to the matters under discussion

Question 8

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

The likely environmental, social and economic effects of the Local Plan are not adequately nor accurately assessed in the Sustainability Appraisal.

The reasoning for selecting the proposed Tudeley Village site is inadequate and TWBC have not given sufficient reasoning why the Local Plan is the most sustainable strategy when considered against the reasonable alternatives.

A detailed description of the flaws in TWBC's Sustainability Appraisal is in Section 3.0 of the attached report by Graham Simpkin Planning.

If you would like to attach a file in support of your comments, please upload it here. [GSP Friends of Tudeley Final.pdf \(4\)](#)

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_143

Comment

Agent	Mr Jonathan Buckwell ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	DHA Planning Ltd
Address	Eclipse House Eclipse Park MAIDSTONE ME14 3EN
Consultee	([REDACTED])
Company / Organisation	Gallagher Properties Ltd
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Gallagher Properties Ltd ([REDACTED])
Comment ID	PSLP_2063
Response Date	02/06/21 17:52
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.9
Files	DHA Planning for Gallagher Properties - full representation and appendix.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Gallagher Properties 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 1 The Development Strategy

[TWBC: the full representation attached has been divided into Policy STR/SS1 (PSLP_2061), Vision and Strategic Objectives (PSLP_2062), Policy STR1 (PSLP_2063), Policy STR4 (PSLP_2065) and Development Management Policies (PSLP_2075)

Question 4a

If 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 Gallagher Properties Ltd (hereafter referred to as Gallagher) in respect of the Tunbridge Wells Borough Council Regulation 19 Pre-Submission Local Plan (PSLP) consultation.

1.1.2 These representations relate to land at Swatlands Farm, Lucks Lane that forms part of the employment allocations proposed for the expansion of Paddock Wood.

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

1.2 The Site

1.2.1 Our client is promoting employment development at Swatlands Farm, Lucks Lane, which formed site 347 of the Strategic Housing and Employment Land Availability Appraisal (SHELAA). The site location is shown on the plan overleaf. *[TWBC: see full representation attached]*

1.2.2 The site is located to the south-east of Maidstone Road and south of Lucks Lane. It lies adjacent to, but outside, the defined Limits to Built Development (LBD) boundary of Paddock Wood in the adopted Local Plan, but within the proposed Paddock Wood strategic development area and within the proposed LBD in the PSLP.

1.2.3 The site comprises an undeveloped parcel of agricultural land. It has a largely grassed surfaced with boundaries are marked by hedgerows and trees. A small wooded area lies to the west, adjacent to Maidstone Road, and a central tree/hedge line which partially divides the site. There is also a water course running along the rear boundary of the site and a small stream that runs across part of the site from Lucks Lane.

1.2.4 Gallaghers are proposing to develop the site for employment development. It is currently anticipated that a range of size and types of employment units could be provided on the site, providing up to 18,500 sqm of employment floorspace within up to seven buildings.

1.2.5 The Council's SHELAA site assessment confirms that the site is suitable for economic uses, and is available and deliverable. It is therefore identified as being suitable for an allocation in the Local Plan as a logical extension to a key employment area.

[TWBC: for site location plan see full representation attached]

1.2.6 The site is deliverable in the short term and therefore represents an excellent opportunity to deliver meaningful new employment, and by providing the type of units for which there is currently the highest level of demand. It is important that, whilst constraints clearly need to be respected, the Local Plan allows the best use to be made of what is a key employment growth opportunity.

1.3 Local Plan 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 as well as wider legal compliance.

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, 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.

1.5 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

1.5.9 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.

Policy STR 1: The Development Strategy

1.5.10 We **SUPPORT** the aims and objectives of Policy STR 1, especially in relation to the proposed major, transformational expansion of Paddock Wood.

1.6 Summary and Conclusions

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

1.6.2 We fully support the proposed expansion of Paddock Wood to create a balanced mix of housing and employment development, including employment development at Swatlands Farm.

1.6.3 We do however object to the detailed wording of certain aspects of Policy STR/SS1 as set out above, although the general principles are supported. We also have concerns about 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_33a-d

Comment

Agent	Mr M Hull [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Kember Loudon Williams
Address	[REDACTED] [REDACTED] ROYAL TUNBRIDGE WELLS [REDACTED]
Consultee	Mr and Mrs John & Sarah Garthwaite [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] TONBRIDGE [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr and Mrs John & Sarah Garthwaite [REDACTED]
Comment ID	PSLP_503
Response Date	27/05/21 11:39
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.8
Files	PSLP_503, 507_KLW for Garthwaite SI-1_Matfield Bio Net Gain.pdf PSLP_503, 507_KLW for Garthwaite SI-2_Matfield Ecological Appraisal.pdf PSLP_503_KLW for Garthwaite SI-3_Representation 1.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Mr & Mrs Garthwaite
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 STR 1 The Development Strategy

[TWBC: For further comments by K LW Ltd. on Policy PSTR/BM 1 please see Comment Number PSLP_507]

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 Sevenoaks District Council was unclear.

However, following the failure of their High Court challenge, Sevenoaks District Council is now required to begin the preparation of their Local Plan again. Since 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 Sevenoaks District. Not to do so would be contrary to NPPF policy and in our view this suggests that additional sites must be identified.

Given the stage reached in the Tunbridge Wells Local Plan process, it would be unreasonable for this Council to not assist Sevenoaks District in meeting part of its housing need. Paragraph 4.16 of the draft Local Plan postulates that Sevenoaks may have an unmet need of 1900 dwellings. Paragraph 4.18 also notes that sites may need to be greater in size to enable delivery of the numbers predicted. Paragraph 4.53-4.54 then explains that sites and other supply with sufficient capacity for 13,059 to 13,444 dwellings has been found. The mid point gives a buffer of 1,000 dwellings above the 12,200 requirement.

Notwithstanding the buffer and the situation in Sevenoaks, it is the case that Wealden District Council has fallen short of providing its required housing need and is some way off producing a new Local Plan. It is a neighbouring authority and subject to constraints relating to Ashdown Forest and the Habitat Regulations. Since it is within the same housing market area, it may be necessary for Tunbridge Wells to consider meeting some of its unmet housing need. In fact, following the rejection by the Local Plan Inspector of Wealden's Submission Plan, Wealden have re-wound their Plan preparation process and started from the beginning with an issues and options consultation. It is likely that this Plan is several years from fruition.

There is also sufficient uncertainty with Tonbridge and Malling's Local Plan and this Plan seems likely to follow in the footsteps of the Sevenoaks Plan. A shock to the local housing market seems likely with supply side constraint pushing up house prices. 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/BM2 of the Regulation 18 Draft Local Plan and other representations by our client, which seeks to 'reinstate' this housing allocation in Matfield.

In relation to delivery of new homes, we are of the view that additional smaller housing sites 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 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 (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.

[TWBC: For table please see full representation attached as a supporting document]

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 of Sevenoaks DC and other adjoining authorities. Alter the Policy to identify a need for additional smaller sites. The policy may need to increase by a further 2-3,000 more 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:

The landowner wishes to be present to test 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_27

Comment

Agent	Mr David Bedford [REDACTED]
Email Address	[REDACTED]
Company / Organisation	DHA Planning Ltd
Address	Eclipse House Eclipse Park MAIDSTONE ME14 3EN
Consultee	Mr and Mrs B Gear [REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Mr and Mrs B Gear [REDACTED]
Comment ID	PSLP_453
Response Date	26/05/21 09:31
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.13
Files	PSLP_452-454_DHA Planning for Mr
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Mr and Mrs Gear
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

1.1.1 These representations have been prepared by DHA Planning on behalf of Mr & Mrs Gear in respect of the Tunbridge Wells Borough Council Regulation 19 pre-submission Local Plan consultation.

1.1.2 Mr and Mrs Gear own Uphill, Benenden, which is identified as an allocation for potential residential development within the pre-submission Local Plan (Policy AL/BE 1). It is an established residential dwelling situated on the outer edge of the village. It lies outside of the defined 'limits to built development' (LBD), but adjacent to a predominantly residential area close to village services

1.1.3 The site is located within the High Weald Area of Outstanding Natural Beauty (which washes over the whole village). However, it is otherwise free from any restrictive planning designations.

1.1.4 Based on the current national and local planning context, we agree with the Council that the site is suitable for formal allocation and we consider there to be a sound basis to allow development within the High Weald Area of Outstanding Natural Beauty ('AONB'). However, we consider the proposed policy requires modification for the reasons set out within this representation.

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 will comment on each of the above, highlighting where we believe modification is needed for soundness purposes.

1.2.4 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.

1.2.5 Given our client's narrow interests, we have no comment to make on matters of legal compliance.

[TWBC: for section 1.3 response to Vision and Objectives see separate response PSLP_452].

1.4 Development Strategy and Strategic Policies (Policy STR1)

1.4.1 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.

1.4.2 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.

1.4.3 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.

1.4.4 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).

1.4.5 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: see full representation attached to view copy of Figure 5 Key Diagram]

1.4.6 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]

1.4.7 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.

1.4.8 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.

1.4.9 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.

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

[TWBC: to view copy of Table 4 Distribution of housing allocations see full representation attached].

Response

1.4.11 Our client agrees that TWBC is capable of meeting its need in full and support this approach to plan-making.

1.4.12 In respect of the wider strategy, our client supports 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.

1.4.13 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.

1.5 AONB Release

1.5.1 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.

1.5.2 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.

1.5.3 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.

1.5.4 With above criteria in mind, our clients consider there to be clear evidence of 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.

1.5.5 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.

1.5.6 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.

1.5.7 The nearby Ashdown Forest is a designated Special Area of Conservation (SAC) and Special Protection Area (SPA).

1.5.8 Although not an environmental constraint, the Metropolitan Green Belt covers 22% of Tunbridge Wells borough.

1.5.9 Given the above constraints, 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 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.

1.6 Housing Delivery

1.6.1 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.

1.6.2 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.

1.6.3 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. 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 of housing completion rates 2010 to 2015 see full representation attached].

1.6.4 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.

1.6.5 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 of housing completion rates 2015 to 2020 (statement of common ground) see full representation attached]. Tablenote: 1 The completions data for 2019/20 is yet to be formally published until the next Authority Monitoring Report 2020 is complete. However, the number of confirmed housing completions has been provided by the LPA as 474 for this latest monitoring year.

1.6.6 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.

1.6.7 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 sites like our client's land are needed.

1.8 Summary and Conclusions

1.8.1 This representation has been prepared on behalf of Mr and Mrs B Gear 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 and the associated policies.

1.8.2 In this respect, 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 inclusion of our client's site in Benenden, but the detailed policy requires modification if the site is to be deemed deliverable and the allocation is to be found part of a sound strategy.

1.8.3 We trust the contents of this representation are clear and hope that the comments are useful in guiding the forthcoming stage of the plan making process.

[TWBC: this part of the response has been separated from the full response submitted by DHA Planning. See full representation attached. See also PSLP_452 (Vision and Objectives) and PSLP_454 (Section 5: Benenden - Policy AL/BE1)]

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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_11a-b

Comment

Agent	Mr Mike Pickup [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Town and Country Planning Solutions
Address	- - -
Consultee	Gleeson Strategic Land [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Gleeson Strategic Land
Address	Sentinel House Harvest Crescent Fleet GU51 2UZ
Event Name	Pre-Submission Local Plan
Comment by	Gleeson Strategic Land (Gleeson Strategic Land - [REDACTED])
Comment ID	PSLP_208
Response Date	18/05/21 10:03
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	PSLP_208-209_TCPS for Gleeson Strategic Land SI-2 Appendix 1.pdf PSLP_208-209_TCPS for Gleeson Strategic Land SI-1.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Gleeson Strategic Land
Question 2	

Agent's Name and Organisation (if applicable)

Town & Country Planning Solutions

Question 3

To which part of the Local Plan does this 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 Development Strategy

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

Question 5

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

After this stage, 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.

Introduction

- 1 These representations are submitted on behalf of Gleeson Strategic Land (Gleeson) who have previously made representations to the Council at all the 'plan making' stages of the new Borough wide Local Plan. Gleeson are concerned that notwithstanding these previous representations, the Council appears not to have taken them into account in producing the latest 'Pre-Submission' stage of the Local Plan.
- 1 The previous representations submitted on behalf of Gleeson related to the Council's proposed Development Strategy, the Council's Green Belt Study, Local Green Space Assessment and Strategic Housing and Employment Land Availability Assessment (SHELLA), which taken together, related to the promotion of an 'omission housing site' at Sandown Park on the northern side of Pembury Road at Royal Tunbridge Wells (RTW) – which is Green Belt land this in now the subject of a draft designation for Local Open Space (under Policy EN15) as shown on Inset Map 1 of the Pre-Submission draft version of the Local Plan (see the extract below).
[TWBC: for extract image, see full representation attached].
- 1 These further representations reflect Gleeson's continuing concerns that the Council has failed to properly consider the opportunity and benefit of releasing part of this land to contribute to the Council's housing requirement. Instead, the Council has unreasonable and without justification,

chosen to allocate the land as Local Open Space (which is the subject of separate representations submitted on behalf of Gleeson).

- 1 In order for these latest representations to be manageable as part of the Local Plan Examination, they have been submitted under the same headings as previously (i.e. in response to the Council's Development Plan Strategy, Green Belt Study, Local Open Space Assessment and SHELAA) but need also to be considered together to paint the wider picture of Gleeson's concerns about the way the draft local Plan has been produced.
- 1 These specific representations are focussed upon objections to the Council's proposed Development Strategy set out in draft Policies STR1 and STR/RTW1 and Policy Map 1 for Royal Tunbridge Wells and Southborough.

Gleeson's case for objecting to the draft Development Strategy

- 1 The Borough Council's proposed Development Strategy for the Borough is set out in draft Policy STR1 (Development Strategy) of the Pre-Submission Draft version of the Borough Local Plan (2020 – 2038) published in March 2021. The development strategy for Royal Tunbridge Wells and Southborough is set out in draft Policy STR/RTW1 and development proposals for this main 'regional hub' settlement are shown on Inset Map 1. Gleeson object to these draft policies in being fundamentally flawed in failing to have proper regard and weight to all available options to accommodate future growth and in particular, the available Gleeson site at Sandown Park at Royal Tunbridge Wells (RTW). For the reasons examined in these representations, it is Gleeson's case that this land is not only available but also it is suitable for housing use in a highly sustainable edge of settlement location and that as such it should be allocated for housing and open space use as a revision to Inset Map 1 of the Plan.
- 1 Gleeson welcome the Council's intention to meet in full the Borough's assessed housing requirement over the period 2021 – 2038 amounting to 12,200 additional dwellings (at an average of 678 dwellings per year). Based upon the Housing Land Supply. The Council's Housing Land Supply Assessment at 31st March 2020, confirms that based upon this requirement, a further 7,221 dwellings will be needed up to 2038 (taking into account existing housing allocations that remain unimplemented (276 dwellings) but excluding any provision for unmet housing need for an additional 1,900 dwellings required in neighbouring Sevenoaks District (referred to in paragraph 4.12 of the draft Plan).
- 1 Paragraph 4.43 of the draft Plan acknowledges that;
4.43 It is found that, even promoting all suitable SHELAA sites for allocation in the Local Plan, the borough could meet only a fraction of its housing need without the provision for strategic sites, namely the substantial expansion of Paddock Wood (including land at east Capel) and the creation of a new garden settlement at 'Tudeley Village'. With these proposals, the Local Plan can meet the housing need in line with the NPPF's standard method.
- 1 While it is undoubtedly the case the unmet part of the future housing requirement could not met without releasing Green Belt land at Paddock Wood and at Tudely Village, the main focus should rightly be upon making the best use of previously developed and underutilised land within the existing 'Limits to Development Boundaries' (LBDs) of settlements, but also in ensuring that all potentially suitable housing sites around the Borough's main regional hub settlement of RTW have first been properly examined and assessed so as to minimise the release of land in less sustainable Green Belt and other locations elsewhere.
- 1 Furthermore, when producing the initial 'Issues and Options' consultation document back in May 2017, the Council identified six possible options for meeting such needs or indeed, a combination of such options. The Distribution of Development Topic Paper (September 2019) confirms (at paragraph 5.5) that the option identified to potentially deliver development along the A21 on the eastern side of RTW as a 'Growth Corridor' was by far the most supported of the options by respondents (60%). The Council's current Core Strategy Development Plan Document adopted in June 2010 recognises RTW (together with Southborough) as the 'Main Urban Area' and in being by far the most sustainable settlement in the Borough with a wide range of facilities and which the former South East Plan (May 2009) recognised as performing an important role as a 'Regional Hub'. Indeed, the former South East Plan identified a need to review Green Belt land around RTW and Southborough as a potential location to accommodate future development needs in a sustainable manner.
- 1 Moreover, notwithstanding that RTW (with Southborough) is by far the largest and most sustainable settlement within the Borough, throughout the stages of the Local Plan production, there has been no joined-up approach in assessing housing potential on sites around the eastern side of

RTW that are also located within the potential A21 Growth Corridor, and this potential has not been assessed or weighed against alternatives. Instead, the Council's Green Belt study (Final Report dated July 2017) has in the main, ruled out the release of Green Belt land for housing purposes on the eastern side of RTW because of the claimed effect of this being 'high' when assessed against Green Belt Policy functions set out in paragraph 134 of the National Planning Policy Framework (NPPF) February 2019.

- 1 A clear example of this is the land being promoted for housing purposes by Gleeson at Sandown Park on the northern side of Pembury Road at RTW. Gleeson's proposals are shown on an illustrative masterplan (Appendix 1 attached) submitted to the Council previously, which should be considered in conjunction with other detailed supporting documents submitted as part of Gleeson's other representations in relation to the Pre-Submission draft Local Plan.
- 1 While this proposal would result in the removal of some 3 hectares of Green Belt land in order to provide 70 – 80 dwellings, this can be achieved in the form of a minor urban extension that would round off development within this eastern part of Tunbridge Wells. This can also be achieved without giving rise to any harm to the extent of the retained Green Belt land that would continue to prevent the urban coalescence of Tunbridge Wells with Pembury, which is located on the opposite side of the A21 to the east.
- 1 As part of Gleeson's proposals, some 3.3 hectares of associated land located between the proposed housing allocation and the A21 would be retained within the Green Belt, but managed and enhanced by new structural landscape planting and set aside for informal recreational use. This would therefore, not only retain the land's Green Belt function, but would also make compensatory strengthening improvements by landscape enhancement and future management, as well as providing new public access on informal open recreational space where there is none at present.
- 1 This proposal, which Gleeson originally presented to the Council back in March 2018, would be similar to the form of the proposed housing allocations elsewhere at RTW with land released from the Green Belt at proposed sites AL/RTW 5, AL/RTW 14 and at AL/RTW 19. The Council has not put forward any compelling justification as to why it would not be sustainable or in line with the Council's draft Development Strategy Policies STR1 and STR/RTW1.
- 1 For reasons set out in other current representations submitted on behalf of Gleeson, the Council's July 2017 Stage Two Green Belt Study is seriously flawed in the way that it has assessed the potential of the land for housing purposes. This is because the Council's Study assumes the removal of **all** of the Green Belt land between the current built up confines of RTW and the A21 Pembury by-pass and by concluding that in doing so the degree of harm would be 'high'.
- 1 As the Council was already aware from previous consultations with Gleeson in relation to this site, this **is not what was being proposed** and the Gleeson scheme has not therefore been assessed (or indeed reassessed) in any fair, reasonable or proportional way, nor has it been assessed against the much greater potential harm of removing land from the Green Belt at a wholly unsustainable location at Tudeley Village (which has also been assessed in the Green Belt Study as also having a 'High' adverse impact).
- 1 The Council's proposed Development Strategy should therefore, be reviewed in order to properly and fairly reassess the full potential of the releasing Green Belt land around RTW within the A21 corridor, as one of the most sustainable options to help meet the housing requirement, **before** considering and assessing other less sustainable options such as removal of the land from the Green Belt at other less sustainable locations beyond Tunbridge Wells.

List of Appendices

- 1 Illustrative Masterplan Drawing no. 1232/02. [TWBC: see full representation attached].

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 the omission site for housing within the RTW Limit to Built Development for the reasons set out in the representations attached

Question 7

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

For office use only

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

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 present the case on behalf of Gleeson Strategic Land

If you would like to attach a file in support of your comments, please upload it here. [PSLP_208-209_TCPS for Gleeson Strategic Land_SI-1.pdf](#)

If you would like to attach a file in support of your comments, please upload it here. [PSLP_208-209_TCPS for Gleeson Strategic Land_SI-2_Appendix 1.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_82

Comment

Agent	Chris Frost [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Future Planning and Development
Address	[REDACTED] London [REDACTED]
Consultee	Mr Mateusz Debczak ([REDACTED])
Company / Organisation	Gold Property Development Ltd
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Gold Property Development Ltd [REDACTED] [REDACTED]
Comment ID	PSLP_1555
Response Date	04/06/21 10:33
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.10
Files	PSLP_1555_Future Planning
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Gold Property Development Ltd
Question 2	
Agent's Name and Organisation (if applicable)	Future Planning & Development 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 STR 1 The Development Strategy

[TWBC: this representation has been input against Policies STR 1, STR/SS 1, STR/SS 3 and PSTR/LA 1 – see Comment Numbers PSLP_1555, PSLP_1647, PSLP_1648 and PSLP_1649. Attachments uploaded as supporting information]

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.

Future Planning and Development act on behalf of our client, Gold Property Developments Ltd, in respect of their site, Lamberhurst Winery, Lamberhurst Down, Lamberhurst. This site is being promoted for residential development; it being sustainably located on the edge of the village of Lamberhurst.

The proposed submission version of the Local Plan identifies the requirement for additional land for housing in Policy STR1 and sets out a strategy for meeting this need. The proposed approach principally relies upon the allocation of large scale housing sites arising from the strategic urban expansion of Paddock Wood and the proposed Tudeley Village new settlement. Other than Tunbridge Wells, the Plan proposes only limited housing allocations for the other centres in the Borough, as set out in Table 4 - Distribution of housing allocations.

While it is acknowledged that paragraph 72 of the NPPF supports the new settlements and major urban extensions in order to achieve the supply of a large number of new homes, this must be brought forward in tandem with smaller scale development that is delivered more flexibly and quickly. It is our view that the Council's proposed approach to delivering the homes needed by the Borough is fundamentally unsound, as it is entirely reliant on a small number of volume housebuilders to bring forward development at an unrealistic delivery rate. By contrast, a more even distribution of allocated sites across the Borough, which supports and enhances existing communities, would ensure a more

successful and continuous delivery of homes across the Borough and throughout the Plan period. Small and medium sized sites, usually brought forward by SME developers, rather than volume housebuilders, should play an important role in delivering housing within the Borough, but the proposed delivery strategy promotes the opposite of this.

We therefore submit that Policies STR/SS1 and STR/SS3 are unsound. These policies cannot be amended to be made sound, so long as the strategy of the proposed Plan is to achieve the required number of additional homes through large-scale development in just two locations, as opposed to a more proportionate expansion of existing sustainable settlements across the Borough. It is not that one or other of these two sites should not be brought forward for development, but that they must be balanced by the provision of more housing on smaller sites in other settlements.

Policy PSTR/LA 1 sets out a strategy for Lamberhurst parish. Point 2 of this policy proposes to build approximately 25-30 new dwellings on land at Spray Hill, which is expanded at Policy AL/LA 1. We have no objection to the allocation of this site for housing and agree that the provision of additional housing in Lamberhurst Down is a sensible approach to providing for housing need in a sustainable location. However, we consider PSTR/LA 1 to be unsound insofar as it follows Policy STR 1 and fails to deliver enough housing across the Borough, 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.

After this stage, 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 order to deliver the homes required by the Local Plan consideration should be given to the allocation of Lamberhurst Winery (SHELAA site reference 423) for housing. This site is being brought forward by a SME developer and is proposed to be delivered as soon as possible following the grant of planning permission. Officers have confirmed that the development of part of this site for affordable housing for local people is considered acceptable in principle and a planning application for this element is to be submitted imminently. This could serve as a first phase for the wider development of the site.

Policy PSTR/LA 1 should be modified to include the allocation of around 125 dwellings at Lamberhurst Winery (SHELAA site reference 423) and an additional allocation policy should be included (AL/LA 2) for the allocation of this site.

Question 7

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

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

Question 7a

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

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

In order to clearly set out the case for an appropriate approach to housing allocations

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_85a-i

Comment

Agent	Chris Pattison [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Turnberry
Address	[REDACTED] London [REDACTED]
Consultee	[REDACTED]
Company / Organisation	Hadlow Estate
Address	[REDACTED] [REDACTED] TONBRIDGE [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Hadlow Estate [REDACTED]
Comment ID	PSLP_1631
Response Date	04/06/21 15:44
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	PSLP_1630-1645_Turnberry for Hadlow Estate_SI-3_A-2_Highways and Transportation Report.pdf PSLP_1630-1645_Turnberry for Hadlow Estate_SI-8_A-7_Green Belt Appraisal.pdf PSLP_1630-1645_Turnberry for Hadlow Estate_SI-6_A-5_Archaeology Assessment.pdf PSLP_1630-1645_Turnberry for Hadlow Estate_SI-1_Representation.pdf PSLP_1630-1645_Turnberry for Hadlow Estate_SI-4_A-3_Flood Risk Review.pdf PSLP_1630-1645_Turnberry for Hadlow Estate_SI-5_A-4_Heritage Constraints Appraisal.pdf PSLP_1630-1645_Turnberry for Hadlow Estate_SI-7_A-6_Landscape and Visual Appraisal.pdf PSLP_1630-1645_Turnberry for Hadlow Estate_SI-9_A-8_Development Strategy.pdf

Data inputter to enter their initials here HB

Question 1

Respondent's Name and/or Organisation Hadlow Estate

Question 2

Agent's Name and Organisation (if applicable) Turnberry

Question 3

To which part of the Local Plan does this 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 Hadlow Estate, please see Comment Numbers PSLP_1630-1645]

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.

Although we consider the Plan that the Plan is sound generally, we consider that certain details of the policies identified in our representations require amendment. These amendments are set out in our submitted representation and supporting technical evidence.

1 Comments on the Draft Plan

We have reviewed the Proposed Submission Plan and its supporting material to ensure the proposed spatial strategy for the Plan is both robust and justified in its identification of Tudeley for 2,800 homes. This section first reviews the Tudeley Village allocation and offers minor amendments to the detailed wording of the policy, before moving on to our observations on strategic and other supporting policies in the Plan. We set out our broad in principle support for the majority of the Plan's policies, however we make certain representations regarding amendments below.

STRATEGIC POLICIES

Policy STR1 The Development Strategy

We support the broad development strategy for Tunbridge Wells set out in the policy and in particular part 3b which promotes the creation of a new garden settlement at Tudeley Village. Further detail in support of this allocation is provided in Section 5 of this document.

[TWBC: for full representation, please see supporting documents]

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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 refer to paragraph 3.14 of the Procedure Guide for Local Plan Examinations which sets out the circumstances in which representors may be invited to appear at examination stage. It would be helpful to the LPA as well as the Inspector if we were invited to participate to assist the Inspector's understanding of a soundness or legal compliance issue. Moreover, as we are suggesting helpful modifications it would be appropriate for us to participate in hearing sessions related to those areas within which we have suggested modifications.

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_87

Comment

Agent	Susanna Sanlon [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Evolution Town Planning
Address	[REDACTED] [REDACTED] Bury St Edmunds [REDACTED]
Consultee	[REDACTED]
Company / Organisation	Hams Travel
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Hams Travel [REDACTED]
Comment ID	PSLP_1665
Response Date	03/06/21 13:16
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.7
Files	<u>PSLP_1665,1669,1672-1675 Evolution Town Planning (Hams Travel) SI.pdf</u>
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Hams Travel
Question 2	
Agent's Name and Organisation (if applicable)	Evolution Town 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: Report attached as Supplementary Information]

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 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.

Having reviewed the broad strategy contained in this policy, we note that the Council continues to be heavily reliant on delivery of housing around Paddock Wood, which includes an entire new settlement at Tudeley Village on the Hadlow Estate, between Tonbridge and Paddock Wood. Tunbridge Wells, the largest settlement in the district, is only allocated 1,416 to 1,536 new homes.

Meanwhile allocations in smaller sustainable settlements are restricted even more significantly. Benenden has received allocations for 87-95 (plus 23 which already have planning permission), which is decrease from the previously drafted allocated allowance of 119-129 new homes, due to the decision to drop one site from the allocations because it has already been delivered.

The Pre-submission Draft Local Plan policy STR1 identifies development allocations as follows:

- . **Paddock Wood and surrounding area** (around 4,000 new homes at Paddock Wood and an entire new settlement at Tudeley Village on the Hadlow Estate of 2,800 of which 2,100 are to come forward during the plan period).
- . **Tunbridge Wells**, the largest settlement in the district, is only allocated 1,416 to 1,536 new homes
- . **Other settlements** have been allocated sites at various levels in accordance with their sustainability credentials and opportunities. For example, Cranbrook and Sissinghurst have

received allocations for 415-429 new dwellings, whereas Bidborough has not received any allocations. Benenden has received allocations for 87-95 new homes (a reduction on the previous draft plan).

We are not persuaded that this strategy is likely to ensure delivery at the levels the NPPF requires. NPPF states at paragraph 59 that the government's objective is to 'significantly boost the supply of homes' and elsewhere the NPPF makes clear that it is not just the allocation of sites, but their delivery which is crucial. In this regard we have concerns that such a large proportion of the Borough's housing allocations have been concentrated in such a small part of the Borough and on large sites. Since large sites are known to be vulnerable and volatile to non-delivery in economic down turns, this approach seems to be flawed and likely to place the strategy at risk.

The NPPF (paragraph 68) states that '*small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly.*' In supporting small and medium sites to come forward, the NPPF requires LPAs to ensure that (a) at least 10% of their housing requirement is on sites no larger than one hectare; and (c) '*support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using sustainable sites within existing settlements for homes*'.

By relying on a few large sites for such a large proportion of the housing supply in the Paddock Wood market (over 50% of the Borough's 7,221 housing allocations required), we remain concerned that this strategy is likely to prove highly vulnerable to obstacles to delivery, should the market experience a downturn or volatility. This is not consistent with the aims of NPPF.

Whilst we do not object to the allocation of these larger sites, to guard against non-delivery the Council should consider allocating far more small and medium sized sites and scheduling to expect a slower rate of delivery on these large sites, in accordance with national planning policy. This will effectively allow for some dips in the market and downturns, in such a way that delivery of the overall housing target is not compromised. We also consider that the policy fails by not providing sufficient support to windfall development, as is required by paragraph 68 (c) of the NPPF, and is therefore in **conflict with the NPPF** on this point.

We consider that the Local Plan is comprised and at risk of being found to be unsound, without an increase in small and medium sized sites being allocated and less reliance on the large sites around Paddock Wood and without more support being provided for windfall development.

See attached report for a full explanation of these reasons.

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 Amendments

We object to point 2 of policy STR 1, which states that the Local Plan '*Looks to focus new development within the Limits to Built Development of settlements, as defined on the Policies Map, where proposals accord with other relevant policies of this Plan.*' We consider that this clause could be improved to offer greater flexibility for the consideration of windfall development on brownfield sites in locations outside of the Built Development of settlements, if it were expanded to state:

*'Looks to focus new development within the Limits to Built Development of settlements, as defined on the Policies Map, where proposals accord with other relevant policies of this Plan. **Where there is a***

housing need, or housing delivery is falling below the required housing supply, windfall development will be supported on brownfield sites outside of the Limits to Built Development’.

In terms of the wording of the policy, we also object to point 9 of policy STR 1, which states that the Local 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.’

We believe that, in the light of the Council’s heavy reliance on large sites in the Paddock Wood area for the vast majority of housing delivery, the overall soundness of the policy will be improved if the clause were expanded to state the following:

*‘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. **Where there is a housing need, or housing delivery is falling below the required housing supply, windfall development will be supported on brownfield sites outside of the Limits to Built Development’.***

We consider that, given the undersupply in the Borough, the LPA should consider including circumstances in which windfall housing development would be supported outside of the existing development limits. Given the encouragement of brownfield development within the NPPF, we consider that the LPA should include a clause which supports such development, in circumstances where housing delivery falls below the required supply, as suggested above.

This would open up development options on brownfield sites in accordance with NPPF’s preference for brownfield delivery and would assist against concerns regarding the non-delivery of large allocated sites in an economic downturn.

Regarding paragraph 8 of policy STR1, we note that the Local Plan will aim to ‘*limit 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*’. We support this change from the previous draft of this policy. Given the scale of the housing crisis and the need to ensure delivery of housing across the Borough, we welcome that this clause has been amended to be more flexible and to be explicitly supportive of developments which are not ‘major’ developments. We consider that the paragraph could be further improved by stating that brownfield developments will be especially supported.

We suggest a revision as follows:

*‘limit 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 (**less than 20 homes**), only promoting larger proposals where exceptional circumstances are demonstrated **and/or where development is on brownfield land**’.*

We consider that these suggested revisions will bring the plan more into line with the NPPF which requires Local Plans to support brownfield development, ensure the delivery of housing (not simply allocated sufficient sites) and be ‘positively prepared’, ‘justified’, ‘effective’ and ‘consistent with national policy’ (paragraph 33). Such amendments will place the plan in a better position for its Examination.

Summary

We would also support policy STR1, if it were amended to include less reliance on the new settlement and Paddock Wood sites and a greater proportion of smaller sites across the Borough. However, in addition we have also recommended the following amendments, to ensure that the plan is positively prepared and effective, even if the Council continues to rely on such large sites to deliver its housing strategy:

*‘(2) Looks to focus new development within the Limits to Built Development of settlements, as defined on the Policies Map, where proposals accord with other relevant policies of this Plan. **Where there is a housing need, or housing delivery is falling below the required housing supply, windfall development will be supported on brownfield sites outside of the Limits to Built Development’.***

*‘(8) limit 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 (**less than 20 homes**), only promoting larger proposals where exceptional circumstances are demonstrated **and/or where development is on brownfield land**’.*

*'(9) 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. **Where there is a housing need, or housing delivery is falling below the required housing supply, windfall development will be supported on brownfield sites outside of the Limits to Built Development**.'*

These amendments would help guard against non-delivery of the larger sites that the plan relies on, should there be a downturn in the housing market. These suggestions will improve the deliverability of the Council's housing targets. We also consider that these amendments will bring the policy more into line with the NPPF (particularly paragraph 68 (c)) and without this change the policy risks being in **conflict with the NPPF**.

Overall, we consider that the Local Plan is comprised and at risk of being found to be **unsound**, without an increase in small and medium sized sites being allocated and less reliance on the large sites around Paddock Wood and without more support being provided for windfall 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:

Hams Travel has an excellent site to be considered locally and since there is a legally challenge in place on their site in Flimwell, any updates on that site may add to the strength of the case for the allocation of the Benenden 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	Ms Clare Escombe [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Hawkhurst Parish Council
Address	[REDACTED] Hawkhurst [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Hawkhurst Parish Council [REDACTED] [REDACTED]
Comment ID	PSLP_1282
Response Date	04/06/21 10:39
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Hawkhurst Parish Council
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR 1 The Development Strategy	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Yes

Is sound ☐ No
Complies with the Duty to Cooperate ☐ Yes

Question 4a

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

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

Question 5

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

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

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

Development/Allocations STR 1 - Hawkhurst Parish Council welcomes the reduced level of development within the AONB, both in Hawkhurst and more widely. However, we disagree that all of the remaining site allocations are justified by exceptional circumstances (STR 1 point 8), for instance, AL/HA4 and also AL/CRS 3 in Cranbrook.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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_138

Comment

Agent	Jack Harley ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	DHA Planning Ltd
Address	- Maidstone -
Consultee	([REDACTED])
Company / Organisation	Heyworth Properties Ltd
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Heyworth Properties Ltd ([REDACTED])
Comment ID	PSLP_2036
Response Date	04/06/21 11:30
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.3
Files	DHA Planning for Heyworth Properties-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Heyworth Properties 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 1 The Development Strategy

[TWBC: the full representation attached has been divided into Policy STR/CRS1 (PSLP_2032), Vision and Strategic Objectives (PSLP_2034) and Policy STR1 (PSLP_2036)]

Question 4a

If 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 Heyworth Properties Ltd in respect of the Tunbridge Wells Borough Council Regulation 19 pre-submission Local Plan consultation.

1.1.2 Heyworth Properties Ltd have an option and "promotion agreement" on the land at Quaker Lane, which was allocated within the Reg 18 Draft Local Plan, but not carried forward within the Reg 19 Local Plan. This is a matter in which we return to. The land is owned by KCC and the County Authority are looking to replace the existing nursery building/facility and to generate a capital receipt for re-investment in other facilities locally.

1.1.3 In addition to this, Heyworth Properties are looking to deliver a high quality scheme that accords with the draft Policy in the Regulation 18 Plan, including the delivery of much needed affordable housing.

[TWBC: for Figure 1: Site Location (Courtesy of Kent Design Partnership) see full representation attached]

1.1.4 The 2.3hectare site is located some 630 metres to the north of the centre of Cranbrook, with residential development to the north and west, a school to the south and school sports fields to the east. The site appears as part of the somewhat "sub-urban" character of this part of Cranbrook and is a very natural extension to the settlement that can be achieved without material harm to the character and appearance of the AONB.

1.1.5 The surrounding area to the north contains the Cranbrook Rugby Club and beyond that open agricultural land. To the south lies the main built-up area of Cranbrook.

1.1.6 According to Tunbridge Wells Borough Council Policy Map, the site falls entirely within the High Weald Area of Outstanding Natural Beauty (AONB) and currently lies outside the Limits to Built Development.

1.1.7 Based on the current national and local planning context, we consider the site to be suitable for formal allocation and we consider there to be a sound basis to allow development within the High

Weald Area of Outstanding Natural Beauty ('AONB'). Moreover we consider that deletion at Regulation 19 stage was without reason, and that the site was removed from the Local Plan, and other "replacement" sites, included without evidential base and justification. Such action has meant that sites have not been selected on a consistent basis and that the replacement sites have been added at Regulation 19 stage without due consideration.

1.1.8 We also take this opportunity to comment on wider aspects of the Local Plan, a plan which we consider fails the tests of "soundness".

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 will comment on each of the above, highlighting where we believe modification is needed for soundness purposes. On the face of it we consider it unlikely that the plan should be able to be considered "sound".

1.2.4 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 Development Strategy and Strategic Policies (Policy STR1)

1.4.1 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.

1.4.2 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.

1.4.3 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.

1.4.4 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).

1.4.5 At Regulation 18 stage 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 and 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]

1.4.6 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]

1.4.7 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.

1.4.8 Cranbrook is said to be an attractive, vibrant rural town located within the High Weald AONB in the eastern part of the borough. The local architecture and features, such as the Cranbrook Windmill and nearby Sissinghurst Castle, give it a distinctive character. Cranbrook also benefits from a good range of independent shops, a supermarket, secondary schools, a sports centre, and other local services and facilities.

1.4.9 Cranbrook and Hawkhurst both provide a range of services for their surrounding rural areas. They may grow in line with maintaining their roles, but this needs to be very sensitive to the high quality of their natural and built environments, as highlighted by their setting within the High Weald AONB and the conservation area designations of their historic cores.

1.4.10 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

1.4.11 Our client agrees that TWBC is capable of meeting its need in full and support this approach to plan-making.

1.4.12 In respect of the wider strategy, our client supports 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.

1.5 AONB Release

1.5.1 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.

1.5.2 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.

1.5.3 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.

1.5.4 With the above criteria in mind, our clients consider there to be clear evidence of 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.

1.5.5 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.

1.5.6 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.

1.5.7 The nearby Ashdown Forest is a designated Special Area of Conservation (SAC) and Special Protection Area (SPA).

1.5.8 Although not an environmental constraint, the Metropolitan Green Belt covers 22% of Tunbridge Wells borough.

1.5.9 Given the above constraints, 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 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.

1.6 Housing Delivery

1.6.1 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.

1.6.2 It is a fact 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 whether 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.

1.6.3 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. 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 Housing completion rates 2010 to 2015 see full representation attached]

1.6.4 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.

1.6.5 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 Housing completion rates 2015 to 2020 (statement of common ground) see full representation attached]

1.6.6 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.

1.6.7 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.

1.6.8 Taking Paragraph 68 of the NPPF into account, which is clear that small and medium sized sites make an important contribution to meeting the housing requirements of an area and are often built out quickly, we consider the site in discussion needs to be carefully considered, especially when noting the LPA's shortfall of housing delivery.

1.7 Case for the Site

1.7.1 The site was allocated within the Tunbridge Wells draft Local Plan (August 2019) for residential development (Policy AL/CRS 5), 'providing 35-45 dwellings, replacement children's nursery, and safeguarding of land for future primary school expansion'.

1.7.2 While we note that the site was recently removed at Regulation 19 stage, we understand that this was solely due to concerns in respect of an assessment that access arrangements could give rise to a harmful visual impact and erode the sylvan quality of Angley Road.

1.7.3 Planning application ref: 21/00519/FULL was submitted 25th February 2021 and notwithstanding the recent refusal we consider that the proposal as presented can be delivered without material harm to the AONB.

1.8 Summary and Conclusions

1.8.1 This representation has been prepared on behalf of Heyworth Properties 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 and the associated policies.

1.8.2 In this respect, we support the aspiration to meet housing need in full and consider that a dispersed growth strategy represents the optimum means to achieve this.

1.8.3 We trust the contents of this representation are clear and hope that the comments are useful in guiding the forthcoming stage of the plan making process.

Question 7

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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	Ms Claire Tester ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	High Weald AONB Unit
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	High Weald AONB Unit (Ms Claire Tester [REDACTED])
Comment ID	PSLP_1434
Response Date	04/06/21 13:10
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.9
Files	PSLP_1434_High Weald AONB_SI.pdf
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	High Weald AONB Unit
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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

Policy STR 1 The Development Strategy

[TWBC: this representation has been input against Policies STR 1, AL/HA 4, AL/PE 1, AL/PE 2 and AL/PE 3 – see Comment Numbers PSLP_1434, PSLP_1440, PSLP_1441, PSLP_1442 and PSLP_1443]

Question 4

Do you consider that the Local Plan:

Is sound

No

Question 4a

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

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

<input type="checkbox"/>	It is not justified
<input type="checkbox"/>	It is not consistent with national policy

Question 5

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

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

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

HWAONB Unit Representation on STR1 – The Development Strategy

1.0 General Comments

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

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

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

2.0 The High Weald AONB

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

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

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

3.0 National Policy and Guidance in Relation to AONBs

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

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

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

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

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

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

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

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

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

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

5.0 Major Development in the High Weald AONB

The Major Development Sites

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

5.2 The sites identified as major are as follows:

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

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

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

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

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

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

The Major Development Tests

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

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

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

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

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

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

The Impact of Major Development on the AONB

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

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

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

5.9 The objectives for the settlement component are:

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

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

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

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

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

Landscape and Visual Impact Assessment

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

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

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

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

6.0 Development in the Setting of the AONB

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

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

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

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

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

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

7.0 Conclusion

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

[TWBC: see supporting document attached]

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.

Reduction in overall housing figure to reflect the need to limit development due to the high proportion of the Borough in the AONB and the deletion of all major development sites in the AONB.

Question 7

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

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

Question 7a

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

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

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

Question 8

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

4.0 The Sustainability Appraisal

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

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

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

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

4.3 Appendix 1 demonstrates the following:

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

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

Future Notifications

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

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

Supporting Information File Ref No: SI_52

Comment

Consultee	Mr Mark Behrendt [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Home Builders Federation
Address	4 Orchards Way SOUTHAMPTON SO17 1RD
Event Name	Pre-Submission Local Plan
Comment by	Home Builders Federation [REDACTED] [REDACTED]
Comment ID	PSLP_885
Response Date	02/06/21 08:32
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	PSLP_885_Home Builders Federation_SI.pdf

Data inputter to enter their initials here AT

Question 1

Respondent's Name and/or Organisation Home Builders Federation

Question 3

To which part of the Local Plan does this 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: Representations made against STR 1, STR 5, EN2, EN 3, EN 9, H 3, H 6 and H 8 - See PSLP_885, PSLP_892, PSLP_894, PSLP_896, PSLP_897, PSLP_898, PSLP_900 & PSLP_901]

Question 4a

If 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.

Response by the Home Builders Federation to the consultation on the Tunbridge Wells Local Plan

1. Thank you for consulting the Home Builders Federation (HBF) on the Pre-Submission Local Plan. The HBF is the principal representative body of the housebuilding industry in England and Wales and our representations reflect the views of discussions with our membership of national and multinational corporations through to regional developers and small local housebuilders. Our members account for over 80% of all new housing built in England and Wales in any one year.

STR 1 – The Development Strategy

This policy is unsound as it is insufficiently flexible to ensure needs will be met in full.

The housing requirement

2. Using the standard method, Tunbridge Wells Borough Council (TMBC) consider their local housing needs assessment (LHNA) to be 678 dwellings per annum (dpa). The HBF would agree that this is the minimum number of homes that the Council should be planning for. However, as established in paragraph 60 of the NPPF this is a minimum and there will be circumstances where Councils will need to set a housing requirement above the assessment of need resulting from the standard method. The first such scenario is set out in paragraph 60 itself which states that in addition to the LHNA any needs that cannot be met in neighbouring areas should also be taken in to account.

3. Whilst the Council have noted the difficulties faced by Sevenoaks in meeting their needs the Council do not appear to have noted in the Duty to Co-operate Statement the fact that there are unmet needs in Rother nor the wider regional concern that London will not meet its own housing needs over the next ten years. With regard to Rother the Council note at paragraph 2.45 of the Housing Needs Assessment Topic Paper that there is no indication of unmet needs in Rother on the basis that they are yet to undertake substantive work on a new local plan.

However, Rother's local plan was adopted in September 2014 and as such those policies relating to housing delivery in that plan must be considered out of date as it is older than five years and has not been reviewed. In this situation paragraph 68-005 of PPG applies which states that in such circumstances:

“...the 5-year housing land supply will be measured against the area's local housing need calculated using the standard method.”

As such the annual housing requirement for Rother moving forward is the local housing needs assessment as calculated using the standard method. As we will set out below the increased requirement in Rother will mean a shortfall in delivery that must be addressed. Using the standard method with a base period 2020 to 2030, will require Rother to deliver 728 dpa. Whilst we recognise the delivery of new homes in Rother is expected to increase from 2024/25, resulting in the delivery of an additional 4,384 homes between 2020 and the end of their plan period, there would still be a shortfall of 1,440 homes against their local housing needs assessment. In particular we are concerned that it is over the next 5 years during which this shortfall will arise.

4. The housing requirement for Rother over the next 5 years using the standard method is 3,640 homes. However, between 2020 and 2025 Rother only expect to deliver 2,386 homes. This is a shortfall of 1,254 homes during this five-year period which as far as we are aware is not being addressed elsewhere in the region. Whilst a new local plan for Rother could deliver an increase in housing to address unmet needs it is unlikely to do so in the next 5 years given the lack of urgency with which Rother is undertaking its planned review it is necessary for neighbouring areas to consider how these needs can be addressed.

5. Secondly, there appears to be no consideration as to the level of unmet needs arising in the Capital. During the preparation of the London Plan the Mayor, London Boroughs and Council's across the wider South East were adamant that London would 'consume its own smoke' with regard to housing needs. However, even on publication this was not the case with the London Plan showing a shortfall of some 10,000 homes between 2018 and 2028. This situation has now worsened as the examination of the London Plan highlighting significant shortcomings in the Mayor's estimations as to the supply development lands within the Capital, and in particular the outer London Boroughs.

6. The examination report on new London Plan was published in October 2019 and outlines in paragraph 174 that the overestimation of the contribution of small sites reduces the supply of new homes from 65,000 to 52,000 homes per annum. This means that there is a shortfall of some 140,000 homes between 2018 and 2028 in the capital against its own assessment that the capital needs to deliver 66,000 homes each year across the plan period to meet future need and address the current backlog. We could not find any reference to these needs in the Council's evidence and given London borders the housing market area within which TMBC is located it is essential that these be taken into account when setting the Council's housing requirement.

Housing supply

7. Over the plan period the Council expect to deliver 13,250 homes to meet their minimum need of 12,204 homes. Whilst this provides an additional supply of around 1,000 homes the HBF do not consider this to be sufficient for two reasons. The first reason that this is not sufficient given the level of affordable housing needs identified by TWBC and the second being the reliance on strategic sites from 2025 onwards could place delivery at risk should these sites be delayed.

8. With regard to meeting affordable housing needs Planning Practice Guidance (PPG) notes at paragraph 2a-024 that:

"The total affordable housing need can then be considered in the context of its likely delivery as a proportion of mixed market and affordable housing developments, taking into account the probable percentage of affordable housing to be delivered by eligible market housing led developments. An increase in the total housing figures included in the plan may need to be considered where it could help deliver the required number of affordable homes."

As such it is important that Councils consider whether further allocations are possible to better meet their need for affordable housing. The Council's Housing Needs Study from 2018 establishes that 443 new affordable homes to be provided each year to meet the need for such homes in Tunbridge Wells in future and address current backlog within five years. Meeting the backlog over the plan period affordable housing needs are estimated to be 391 dpa. However, the Council will not meet this either assessment of affordable housing need. The Council estimates, as set out in table 10 of the Housing Supply Topic Paper, that it expects to deliver 224 affordable homes per annum – some 170 homes short of stated needs. Further allocations of sustainable and suitable sites should therefore be considered if these would enable more affordable housing to be provided in the Borough.

9. Moving to overall supply, consideration needs to be given to the degree to which the Council are reliant on strategic sites to meet needs and whether there is sufficient flexibility should there be delays in the delivery of these sites. The HBF is supportive of the strategic allocations that have been included in this local plan. Strategic sites such as these provide opportunities to meet development well into the future. However, their scale and complexity does mean that timescales for delivery can slip and as such there can be a risk of the housing requirement not being met without a more substantial buffer in supply being provided.

10. In considering the speed at which sites can come forward it is helpful to examine the Lichfield report Start to Finish¹. The latest edition of this report outlines not only the timescales it takes for larger sites to commence and the rate at which such sites deliver new homes but also the variability between sites. With regard to when the first home will be delivered figure 4 from the report shows that the

average planning approval period for those sites of 2,000 or more units in the study was 6.1 years with 2.3 years between approval and first delivery. However, this is an average with some sites delivering more quickly and some being considerable slower to move through the planning process. Similarly build out rates vary significantly. Table 4 and Figure 8 of Start to Finish show that sites of more than 2,000 homes deliver on average 160 units per annum with average delivery ranging from 50 dpa to around 300 dpa.

11. It is therefore important to recognise that there is potential for the larger sites allocated by the Council to deliver at the rates suggested but there is also the possibility that delivery will commence later than expected and at lower build out rates. As outlined above this local plan expects supply to be some 1,000 homes more than needs, around an 8% buffer. However, from 2025 supply from the two strategic sites at Tudeley Village and Paddock Wood are expected to provide 64% of total supply. As such any delays as to when development commences on these sites, or slower than expected delivery, will compromise the Council's ability to meet needs in full. The NPPF establishes in paragraph 11 that local plans should be sufficiently flexible to adapt to rapid change and at present we do not consider this to be the case with regard to this local plan.

12. In order to provide the necessary flexibility required by the NPPF the HBF considers a 20% buffer between the housing requirement and expected supply over the plan period. This level of additional planned supply above the requirement would ensure that there is sufficient scope within the plan to take account of any unexpected delays in delivery. In particular it is important to ensure supply in the early years of the plan remains flexible and can take account of any delays so we suggest more smaller sites are allocated that will come forward in the first five years of the plan. A 20% buffer would also increase the potential for the Council to improve the level of affordable housing delivered in the plan period and better meet the needs of its residents.

13. The need for such a buffer to provide flexibility and increase the supply of affordable homes can also be considered as exceptional circumstances to support further amendments to the Green Belt boundary. The Council set out in the Development Strategy Topic Paper the exceptional circumstances required to support amendments to the Green Belt boundary and we would agree with their assessment. However, there is an acute need for affordable housing in Tunbridge Wells alongside the poor affordability of accommodation that we would consider to be sufficient to promote further amendments to allocate sites that would provide sustainable development opportunities to provide both market and affordable housing. Indeed, the principle of amending Green Belt boundaries to deliver housing growth beyond minimum requirements has been considered recently in Compton Parish Council & Ors v Guildford Borough Council & Ors. [Case Number: CO/2173/2019]. In this case it was concluded at paragraph 105 that an excess of housing supply, and the advantages of such supply above the minimum requirement, could contribute to exceptional circumstances.

Conclusion

35. At present we do not consider the plan to be sound, as measured against the tests of soundness set out in paragraph 35 of the NPPF, in the following key areas:

- Insufficient housing supply to ensure the necessary flexibility and improvements in the delivery of affordable housing;
- Requirement for all homes to be built to the higher option technical standard on accessibility have not been sufficiently justified;
- Sustainable design standards are not consistent with 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.

After this stage, 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.

Recommendation

14. Given the unmet needs in London and the benefits of further allocations to support affordable housing delivery, consideration should be given as to whether the Council should apply the cap in relation to the standard method. As set out in paragraph 2a-007 of PPG the cap reduces the number generated by the standard methods but does not reduce the need itself. We note that the Council have considered this level of delivery in the SA and there are clearly benefits in using and meeting the uncapped housing requirement resulting from the standard method. However, even if the requirement is not adjusted, we consider its necessary for the Council identify additional allocations in the local plan to improve flexibility and better address the need for affordable housing within 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:

36. As such I can confirm that I wish to participate in the relevant hearing sessions in order to full represent our concerns which reflect the views of discussions with our membership who account of 80% of the market housing built in England and Wales.

Comment

Consultee	Jose Hyatt -Twynam [REDACTED]
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Jose Hyatt -Twynam [REDACTED]
Comment ID	PSLP_995
Response Date	02/06/21 22:50
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Web
Version	0.3

Question 1

Respondent's Name and/or Organisation	Jose Hyatt-Twynam
---------------------------------------	-------------------

Question 3

To which part of the Local Plan does this 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 1 Development Strategy

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.

STR 1 Development strategy

Exceptional Circumstances

Paragraph 11 of NPPF states 'it does not make meeting identified needs for housing and other uses a requirement: rather it advises that the protection of assets of particular importance, which include both AONBs and Green Belt may provide 'a strong reason for restricting the overall scale, type or distribution of development in the plan area'. AONB covers approximately 70% of the borough, 22% is Green Belt, and 7% of land is in Flood Zone 3 & unsuitable for development.

The Council have chosen not to use these 'exceptional circumstances' (PSLP 4.11) for not meeting housing needs within the borough.

For this reason the PSLP is unsound and not justifiable.

Local housing need assessment

NPPF states this should be '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**'.

TWBC had the opportunity to reduce the housing numbers by following advice in the NPPF by taking into account the 'exceptional circumstances' ie the large proportion of AONB and Green Belt coverage.

The population projection of an overall borough increase of 6,155 (5%) for the plan period was calculated using out of date data from the Office for National Statistics.

TWBC are aiming to achieve 12,204 dwellings, but claim that the allocated sites in the PSLP along with existing allowances will yield up to 13,444 dwellings. This is way beyond that 'needed' to accommodate the predicted population growth in the borough.

This method of development will produce a 'false' demand for houses by encouraging movement of population to the south east away from the more expensive housing areas of London and its suburbs at the expense of green belt, AONB and quality agricultural land.

The Pandemic and Brexit are also 'exceptional circumstances' and 'justify' an 'alternative approach' to 'reflect current and future demographic trends and market signals'.

Housing requirements should be re-calculated using current population projections and this PSLP should therefore be re-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.

Housing requirements should be re-calculated using current population projections to reflect any change brought about by The Pandemic and Brexit and consider the 'exceptional circumstances' of AONB, Green Belt & Flood Plain not to meet current housing need 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

Supporting Information File Ref No: SI_132

Comment

Agent	Mr Jonathan Buckwell [REDACTED]
Email Address	[REDACTED]
Company / Organisation	DHA Planning Ltd
Address	Eclipse House Eclipse Park MAIDSTONE ME14 3EN
Consultee	[REDACTED]
Company / Organisation	Inter-Leisure Ltd
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Inter-Leisure Ltd [REDACTED]
Comment ID	PSLP_1991
Response Date	02/06/21 15:17
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	DHA Planning for Inter-Leisure Ltd full representation and SI.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Inter-Leisure 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 1 The Development Strategy

[TWBC: the full representation attached has been divided between Policy STR/PW1 (PSLP_1988), Policy STR/SS1 (PSLP_1989), Vision and Objectives ((PSLP_1990), Policies STR1 (PSLP_1991), STR3 (PSLP_1992), STR4 (PSLP_1993), EN1 (PSLP_1994), EN3 (PSLP_1995) and ED2 (PSLP_1996)

Question 4a

If 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 Inter-Leisure Ltd in respect of the Tunbridge Wells Borough Council Pre-Submission (Regulation 19) Local Plan (PSLP) consultation.

1.1.2 These representations relate to land at Paddock Wood Garden Centre that forms part of the proposed strategic expansion area of Paddock Wood.

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

1.2 The site

1.2.1 Our client controls Paddock Wood Garden Centre, Maidstone Road (herein 'the Garden Centre' or 'the Site') and it was promoted for development through the response to the Regulation 18 draft Local Plan. It is available for development and will contribute toward meeting identified development needs.

1.2.2 The site is an established and operational retail Garden Centre located on the northern periphery of Paddock Wood (see figure 1).

[TWBC: for Figure 1 Location of Paddock Wood Garden Centre see full representation attached].

1.2.3 It consists of a mix of hardstanding, permanent buildings, glass houses and temporary structures. It constitutes previously developed land but is situated outside of the existing Tunbridge Wells 'limits to built development' ('LBD'), but within the new LBD as proposed in the PSLP.

1.2.4 The site is not located within the Metropolitan Green Belt or within an Area of Outstanding Natural Beauty.

1.2.5 The site falls within the administrative area of TWBC, albeit close to the borough boundary with Maidstone Borough Council, which is demarked by Wagon Lane.

1.2.6 The existing built up area of Paddock Wood is located approximately 400m to the south of the site, whilst the town centre is situated approximately 1km in the same direction. Immediately north of the site is a commercial plant hire yard, whilst railway station is Paddock Wood (1km) to the south.

1.2.7 We have included an illustrative masterplan with this representation (Appendix 1) to show how the site could be developed to provide additional retail provision to support the new housing and employment uses proposed. An extract is provided below for ease of reference.

[TWBC: for Figure 3: Illustrative site layout plan (Appendix 1) see full representation attached].

1.2.8 The proposals highlight the potential to provide additional comparison or convenience retail development (circa 1,895 sqm) by making efficient use of the extensive and underutilised parking areas.

1.2.9 The site could also be made available for other employment generating uses should there be a greater unmet need.

1.3 Local Plan 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 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 as well as wider legal compliance.

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, 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.

1.5 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 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

1.5.10 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.

Policy STR 1: The Development Strategy

1.5.11 We **SUPPORT** the aims and objectives of Policy STR 1, especially in relation to the proposed major, transformational expansion of Paddock Wood.

1.6 Summary and Conclusions

1.6.1 In summary, this representation has been prepared on behalf of Inter Leisure 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 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 retail/employment development is supported at Paddock Wood Garden Centre.

1.6.3 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.

1.6.4 Finally we object to the wording of Policy ED2.

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.

1.6 Summary and Conclusions

1.6.1 In summary, this representation has been prepared on behalf of Inter Leisure 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 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 retail/employment development is supported at Paddock Wood Garden Centre.

1.6.3 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.

1.6.4 Finally we object to the wording of Policy ED2.

Question 7

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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_32

Comment

Agent	Mr David Bedford [REDACTED]
Email Address	[REDACTED]
Company / Organisation	DHA Planning Ltd
Address	Eclipse House Eclipse Park MAIDSTONE ME14 3EN
Consultee	Mr N Wickham [REDACTED]
Email Address	[REDACTED]
Company / Organisation	John Wickham (Cranbrook) Ltd
Address	[REDACTED] [REDACTED] CRANBROOK [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	John Wickham (Cranbrook) Ltd [REDACTED] [REDACTED]
Comment ID	PSLP_501
Response Date	26/05/21 09:24
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.10
Files	PSLP_500-502_DHA Planning for N Wickham.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Mr N Wickham
Question 2	
Agent's Name and Organisation (if applicable)	DHA

Question 3

To which part of the Local Plan does this 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.

[TWBC: this part of the response has been separated from the full response submitted by DHA Planning. See full representation attached. See also PSLP_500 (Vision and Objectives), PSLP_501 (Section 4: Policy STR1 - the Development Strategy and PSLP_502 - Section 5: Cranbrook & Sissinghurst Policy STR/CRS1: The Strategy for Cranbrook & Sissinghurst parish].

1.1 Introduction

1.1.1 These representations have been prepared by DHA Planning on behalf of Mr N Wickham in respect of the Tunbridge Wells Borough Council Regulation 19 Local Plan consultation. Mr Wickham is a local landowner with various interests, including land at Gate Farm, Hartley which is within the control of Fernham Homes.

Development Strategy and Strategic Policies (Policy STR1)

1.3.12 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.

1.3.13 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 trends and market signals.

1.3.14 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.

1.3.15 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).

1.3.16 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 copy of Local Plan Figure 5 Key Diagram see full representation attached].

1.3.17 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]

1.3.18 By way 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.

1.3.19 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.

1.3.20 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.

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

[TWBC: for copy of Local Plan Table 4 Distribution of housing allocations see full representation attached].

Response

1.3.22 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.

1.3.23 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.

1.3.24 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.

1.3.25 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.

1.3.26 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.

1.3.27 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.

1.3.28 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).

1.3.29 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.

1.3.30 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 terms aspirations that will extend beyond 2038.

1.3.31 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.

1.3.32 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.

1.3.33 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.

1.3.34 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.

1.3.35 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.

1.3.36 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.

1.3.37 Accordingly, we would encourage the Council to increase the balance of small and medium sized sites to the eastern of the borough that can deliver quickly and require limited intervention or major infrastructure.

Green Belt vs AONB Release

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

1.3.39 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.

1.3.40 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.'

1.3.41 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.

1.3.42 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.

1.3.43 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'.

1.3.44 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 four times 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.

1.3.45 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.

1.3.46 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.

1.3.47 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.

1.3.48 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.

1.3.49 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.

1.3.50 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.

1.3.51 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.

1.3.52 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.

1.3.53 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.

1.3.54 The nearby Ashdown Forest is a designated Special Area of Conservation (SAC) and Special Protection Area (SPA).

1.3.55 Although not an environmental constraint, the Metropolitan Green Belt covers 22% of Tunbridge Wells borough.

1.3.56 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.

1.3.57 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.

1.3.58 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.

1.3.59 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.

1.3.60 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.

1.3.61 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.

1.3.62 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 so as to preserve the status quo in the more affluent villages.

Housing Delivery

1.3.63 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.

1.3.64 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.

1.3.65 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.

1.3.66 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].

1.3.67 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 to ensure the new plan is sufficiently flexible.

1.3.68 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 with table note as follows: 1 The completions data for 2019/20 is yet to be formally published until the next Authority Monitoring Report 2020 is complete. However, the number of confirmed housing completions has been provided by the LPA as 474 for this latest monitoring year].

1.3.69 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.

1.3.70 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

1.3.71 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.

1.3.72 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.

1.3.73 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 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.

1.3.74 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].

1.3.75 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.

1.3.76 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 therefore the plan fails the test of being both positively prepared and effective. Affordable Housing Need 1.3.77 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. 1.3.78 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.

1.3.79 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.

1.3.80 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.

1.3.81 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.

1.3.82 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.

1.4 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, 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.

1.4.4 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.

1.4.5 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.

1.4.6 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.

1.4.7 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.

1.5 Summary and Conclusions

1.5.1 In summary, this representation has been prepared on behalf of Mr N Wickham 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 reduced growth promoted around Cranbrook and Hartley.

1.5.3 Finally, 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 Cranbrook and Hartley.

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.

1.3.81 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.

1.3.82 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.

Question 7

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

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

Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2170
Response Date	04/06/21 16:56
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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

Policy STR 1 The Development Strategy

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2

(PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

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

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

Question 5

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

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

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

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

Notwithstanding its position in respect of highways and transportation set out above, in principle, the County Council is generally supportive of strategic scale development where it is able to provide necessary infrastructure alongside housing growth to support both new and existing communities. KCC will welcome a continued role in the master-planning processes of the strategic sites to ensure that the necessary infrastructure is planned for, is of high quality design, funded and delivered in a timely manner, ahead of housing growth where necessary.

The County Council advises that full consideration is given to assess the cumulative impacts of the dispersed growth to be delivered outside of the strategic developments across the Borough and the cumulative impact of these proposed development sites in respect of ensuring that necessary infrastructure is available to support new and existing communities.

There is evidence that the proximity of schools in Tunbridge Wells to the East Sussex border in particular can have an impact on county infrastructure – with East Sussex residents crossing the border to access Kent schools, libraries, youth services, social care and waste facilities. The County Council appreciates that this is likely to occur, particularly because East Sussex schools are not in such close proximity to those of Kent. KCC would look to Tunbridge Wells Borough Council to support the County Council in

its engagement with East Sussex County Council to mitigate and monitor the impacts that this has on the provision of county services.

The County Council supports the continued commitment to section 106 agreements to secure development contributions in the Borough. The County Council considers that there is an opportunity through this Local Plan to support the collection of developer contributions for sites of less than 10 dwellings on sites of 0.5 ha or more. This would enable developer contributions to be sought towards local infrastructure to support all development 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.*

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

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

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

Question 7

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

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

Question 7a

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

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

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

Future Notifications

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

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

Supporting Information File Ref No: SI_103

Comment

Agent	Mr Andrew Wilford [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Esquire Developments
Address	[REDACTED] [REDACTED] Longfield [REDACTED]
Consultee	[REDACTED]
Company / Organisation	Kent SME Developers Network
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Kent SME Developers Network [REDACTED]
Comment ID	PSLP_1793
Response Date	04/06/21 15:15
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	PSLP_1793 Esquire Developments for Kent SME SI Representation with Appendices.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Kent SME Developers Network
Question 2	
Agent's Name and Organisation (if applicable)	Esquire Developments
Question 3	

To which part of the Local Plan does this 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 4

Do you consider that the Local Plan:

Is sound

No

Question 4a

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

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

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

Question 5

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

After this stage, 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.

See attached representations

[TWBC: for full representation with appendices, please see supporting documents]

APPENDICES

APPENDIX 1 – Extracts from Housing Supply and Trajectory Topic Paper

APPENDIX 2 - From Start to Finish' 2nd Edition (February 2020)

APPENDIX 3 - North Essex Authorities EIP

APPENDIX 4 - Uttlesford EIP

APPENDIX 5 - The Role of SMEs

APPENDIX 6 – Schedule of sites under 1ha

APPENDIX 7 – Schedule of sites under 60 dwellings

APPENDIX 8 - Draft Small Sites Policy

APPENDIX 9 – Effect of Rounding Up of Affordable Housing

1.0 INTRODUCTION

i) About the Kent SME Developers Network

1.1 These representations have been prepared by the Kent SME Developer Network (the Network) – a consortium of Small and Medium (SME) Developers who are located in or operate within Kent and Medway. The Group is currently chaired by Paul Henry, Managing Director of Esquire Developments, an SME Housebuilder based in Longfield near Dartford, Kent.

1.2 The Network was formed in November 2019 and presently comprises approximately 30 participants including SME Housebuilders and Developers (of varying size and scale) and Registered Providers. In addition, the Network includes representatives of Local Planning Authorities including Medway Council, Swale Borough Council, Tonbridge and Malling Borough Council, Tunbridge Wells Borough Council and Maidstone Borough Council. It is the intention that the Network grows over time to cover all of Kent including additional SME Developers and Local Planning Authorities throughout Kent.

1.3 The Network was set up to provide a platform for SMEs to discuss relevant planning and delivery issues associated with bringing forward smaller developments and to positively and proactively engage with Local Planning Authorities at the plan making and decision taking stages.

1.4 Central Government has recognised the need to support existing SMEs and encourage more into the market in order to diversify the housing market from the volume housebuilders and generate choice and improve quality of homes being built. The Government has described SMEs as being of ‘National Importance’. According to figures, 90% of all home constructed in the past decade have been delivered by large corporations

1.5 The Network meets on a quarterly basis to discuss and explore relevant SME related issues, including working through planning related matters. Notable attendees at past meetings including Steve Quartermain (prior to his retirement as Chief Planner at MHCLG), Homes England and the new Chief Planner at MHCLG Joanna Averly is due to attend a future meeting.

1.6 In addition to the meetings acting as a discussion platform, the SME Network is also designed to act as a support and mentoring network, where land opportunities can be shared, or knowledge/experiences drawn from in-house teams in order to help each other and strengthen the SMEs. The Network can also act as a collective voice in the preparation of Local Plans or other consultations - such as this.

1.7 The Network comprises the following:

SME Housebuilders and Developers

- . Esquire Developments
- . Fernham Homes
- . Wealden Homes
- . Fernfield Homes
- . Meridian Construction
- . McCulloch Homes
- . Aile Homes
- . King and Johnstone
- . Clarkmores
- . Clarendon Homes
- . Gillcrest Group
- . A&E Property Ltd
- . Country House Homes
- . Classicus Estates
- . Woodcroft Developments
- . Provectus Developments
- . Penenden Heath Developments
- . Grandera Homes
- . Windmill Construction
- . Jarvis Homes
- . Aspire Designer Homes
- . Kentish Projects
- . Woolbro Homes
- . Cooper and Cole
- . Hillstone Homes
- . RJC New Homes
- . Wedgewood Homes

- . TG Designer Homes
- . Endeavour Construction Limited
- . Unique Land

Registered Providers

- . Hyde Housing
- . MHS

Local Planning Authorities

- . Medway Council
- . Maidstone Borough Council
- . Swale Borough Council
- . Tunbridge Wells Borough Council
- . Tonbridge and Malling Borough Council
- . Dover District Council

Agents

- . Tetlow King Planning
- . David Hicken Associates
- . Barton Willmore

1.8 The Network welcomes ongoing engagement with TWBC and any other interested party.

1.9 For clarity, the representation contained in this response relate to the Members of the Network that are SME Housebuilders and Developers and not the Registered Providers, LPAs or Agents.

ii) Content of Representations

1.10 These representations have been prepared by the Network which seek to address strategic matters. Any site-specific matters will be addressed by individual SMEs within their own representations.

1.11 The representations are structured as follows:

Section 2.0: Response to the Spatial Strategy.

Section 3.0: Response to lack of SME Sites and Support.

Section 4.0 Summary.

1.12 In summary the headline points are as follows:

- . We are wholly disappointed that the Council is failing to recognise the role of SMEs in its Pre-Submission Plan. This is evident on the basis that the Local Plan is wholly silent with reference to SMEs.
- . The plan fails to allocate 10% of its housing numbers on sites of 1ha or less as required by NPPF Paragraph 68.
- . The plan fails to provide a sufficient evidence base, namely demonstrating a quantitative and qualitative approach to supporting SME sites.
- . The plan is over-reliant on the anticipated delivery of its strategic large-scale sites in which the largest comprises an oligopoly of National Volume Housebuilders and the other has no developer yet on board;
- . The Plan fails to provide for a robust housing trajectory and requires the identification of smaller sites to provide for a more effective plan.
- . We consider the Plan should include a small sites policy for up to 60 dwellings. This is considered to be a proactive and effective way to support SME growth in policy and assist in delivering high quality bespoke developments.
- . Accordingly, the plan is considered **unsound** as it is:
 - o Not Positively Prepared as it does not fulfil paragraph 68 (a) of the NPPF regarding 10% provision of small sites ;
 - o Not justified as the appropriate evidence base is lacking, particularly relating to housing delivery and NPPF Paragraph 72 (d).
 - o Not effective as the reliance on larger sites reduces the opportunity to diversify the housing market and will not deliver the required housing within the plan period.
 - o Is not consistent with National Policy as it does not conform to Paragraph 68.

2.0 RESPONSE TO THE SPATIAL STRATEGY

i) Spatial Strategy

2.1 **Policy STR1: The Development Strategy** sets out the Council's broad development strategy. It indicates that between 2020 – 2038, a minimum of 12,204 dwellings and 14 hectares of employment land are developed.

2.2 This figure reflects the Standard Method for housing being 678 dwellings per annum (12,200 dwellings in 2020-2038). Table 3 of the Pre-Submission Local Plan identifies that taking into account the extant supply of planning permissions and taking into account windfall developments on small and large sites, there is a minimum requirement to identify 7,221 dwellings as new allocations.

2.3 Table 4 of the Local Plan sets out the proposed distribution of housing allocations and identifies a total of between 8,076 – 8,461 new allocations; suggesting a combined total (with the extant supply) of 13,059-13,444 dwellings. The Council considers that taking the mid-point of this estimate, this equates to an oversupply of 1,000 dwellings over and above the 12,200 housing needs requirement

2.4 Excluding planning permissions, Table 4 of the Local Plan identifies a sub total of 8,996 dwellings to be delivered in the plan period. Of this supply, the Urban Expansion of Paddock Wood and East Capel (3,490 – 3,590 dwellings) and the new settlement at Tudeley Village (2,100 dwellings in the plan period and 2,800 in total), equate to a total of **5,590 – 5,690 dwellings** to be delivered in the plan period. This represents approximately **62%** of the Council's total new allocations/supply that is reliant on just two strategic locations, which are also geographically located in close proximity to each other.

2.5 We consider that there is an over reliance on these 2 schemes, and a failure to deliver either one or both of these sites at the scale or trajectory envisaged undermines the robustness and effectiveness of the of the Local Plan and is **unsound** in this respect.

2.6 Notwithstanding their individual impacts on the AONB and Green Belt, a review of the Council's Evidence Base, namely the Strategic Sites Topic Paper (March 2021) identifies that:

- . For Paddock Wood and East Capel *'There are currently four housebuilders who are promoting four separate parcels of land within this allocation: Crest Nicholson and Dandara (the western parcel); and Redrow and Persimmon (the eastern parcel)* (para 2.11); and
- . And for, Tudeley *'The site falls into one single ownership: The Hadlow Estate'* (para 2.20) and *'The Hadlow Estate commissioned its own Masterplanning Study, as detailed in the Tudeley Village Delivery Strategy'* (para 3.13)

2.7 In respect of Paddock Wood and East Capel, whilst it is recognised that these developers are indeed experienced National Housebuilders, we do not consider that this automatically means success for the delivery of the urban extension as advocated within the Evidence Base (paras 7.19-7.22). It is noted that there is still a significant amount of development (in terms of volume) to take place and associated infrastructure impacts and upgrades to address as the site is 'scaled up'. Whilst collaboration and engagement with the developers is stated as being present, the Evidence Base still identifies significant issues to address and overcome, including crucially how each development will deliver and/or contribute in a holistic and coordinated manner re. upgrading services or delivering key items of infrastructure. These are complex matters and take time to resolve.

2.8 In addition, the Network does not consider that the 4 No. named developers reflect sufficient diversification/choice in the market, in both product and design to deliver 3,500 dwellings. Indeed, the 4No. developers represent an oligopoly market in Paddock Wood and East Capel, thus resulting in control over the timing, supply, market forces and delivery of infrastructure. It is further unclear how the Volume Housebuilders will deliver variation in design away from their standard house types, or how this aligns with the Government's agenda for Building Better Building Beautiful. Given the scale of development, the sensitivities in respect of its Green Belt and other environmental designations, it is unclear how 4No. Volume Housebuilders will deliver the quality of design expected from an Urban Extension of this nature.

2.9 In respect of Tudeley, it is noted that there is at present no developers partnered/identified to promote or deliver dwellings. Whilst this in itself is not an unacceptable position and there are clear commitments to delivery and quality (that favour SME partners), the lack of a development partner at this point does raise additional concerns over the ability for the Council to rely on the delivery rates and pace of delivery set out in the Evidence Base.

2.10 The Housing Supply and Trajectory Topic Paper confirms (see **Appendix 1** of this statement for extracts), that both Paddock Wood and Tudeley are estimated to begin delivering completed dwellings in 2025/26, at a rate of 300 dwellings and 150 dwellings respectively.

2.11 Based on the Council's own trajectory methodology, super—size sites (2,000 plus dwellings) are suggested as either delivering units within 3 years of an Outline permission, or, where they are an allocated site but with no planning permission, years 6 or 7 onwards.

2.12 To rely on **any** completions in 2025/26 (let alone at a rate of 300 dwellings and 150 dwellings), represents delivery in year 4 of the 5-year period. In order for this to be achievable, both strategic growth areas need to have obtained outline planning permission by 2022 i.e. approximately 1 year's time.

2.13 This is not a realistic assessment of likely delivery rates and fails to comply with Paragraph 72 part d.

2.14 Given that all of Tudeley and the western growth expansion of Paddock Wood lie within the Green Belt, and realistically planning consent will not be granted until such time that these areas are released from the Green Belt (upon the adoption of the Local Plan – late 2022 as a best-case scenario), it is wholly unrealistic to expect or rely on completed dwellings from the strategic sites (amounting to 450 dwellings combined) in 2025/26. Based on the methodology as it stands today, 'allocated sites with planning activity and no planning activity', should be considered as years 6 and 7 in the timeline i.e. 26/27 and 27/28 respectively.

2.15 On the basis the Local Plan will not be adopted until Autumn 2022 (assuming it is found sound) and assuming a planning application is submitted at that time - given the length of time a grant of planning permission may take; it is considered that the Council's own Evidence Base does not support the identified trajectory. The Evidence Base is therefore fundamentally flawed.

2.16 Indeed, up-to-date research prepared by Lichfield's titled 'From Start to Finish' 2nd Edition (February 2020) (**Appendix 2**), updates the document relied on in the Council's evidence within its Housing Trajectory Topic Paper which references an earlier report by Lichfield's (the 1st edition). The Lichfield's 2nd edition demonstrates that it takes on average **8.4yrs** from the validation of the first planning application to the first dwelling being completed on schemes of 2,000+ dwellings.

2.17 This means that even if applications were submitted now (June 2021), 2026 is an unrealistic date to be relying on completed dwellings – with an Autumn 2029 date being an average indicator. If an application was approved at the earliest in Autumn 2022, a Summer 2030 date is more realistic – as an average.

2.18 The report further identifies that on average, the completions per outlet drop to circa 145 dwellings per annum on sites with 3 outlets or more suggesting that a capacity of 145dpa (assuming 3 outlets) would only be achieved per strategic site. The Council's Evidence Base suggests Paddock Wood and Capel will deliver 300 dwellings from 4 No. Developers. We suggest this is an over optimistic delivery rate.

2.19 Furthermore, the trajectory also assumes the start on site at the time envisaged will deliver their anticipated maximum completions from Day 1 Year 1. This is simply unrealistic - especially in the light there are no developers or strategic promoters promoting Tudeley. The significant matter of viability and commerciality of the proposals has not yet been proven and therefore the delivery of up to 150dpa from year 1 of completions is highly unlikely. From experience within the Network, any new large scale site is likely to run on a single outlet for the first 12 months, which will realistically take 2-3 yrs to deliver up to 50 dwellings per annum. At its peak, Finberry Park, a Crest Nicholson Development in Ashford completed only 120dpa, which included 3 outlets including HA.

2.20 Given the over reliance on these strategic sites, it is critical that the Local Plan is confident of the number of dwellings anticipated to be delivered in the Local Plan. We have set out how we are concerned that these two sites represent a significant proportion of the total dwellings (62% of the total supply) and in the case of Paddock Wood, controlled by an oligopoly of National Housebuilders.

2.21 The Local Plan is reliant on these two strategic locations delivering at least 5,590 dwellings in the Local Plan time period, with completions beginning in 4 years time. The complications that arise with large scale growth of this nature and given the Council acknowledge that it has never delivered growth of this scale/type before (para 4.34 of the Housing Supply and Trajectory Evidence Base), we

do not consider that the strategic sites will deliver when the Council anticipate, nor to the level the Council anticipate.

2.22 Accordingly, we consider that an over reliance has been placed on the delivery rates of the strategic sites and that this figure should be revised to a more realistic figure of approximately **2,450 dwellings in the plan period**. This reflects the long lead in times for 2000+ settlements (as evidenced in the Lichfield Report) and reflects a more realistic 'gearing up' of the site delivery in respect of number of completions per annum as more outlets come online.

2.23 Taking a more realistic approach as required by NPPF Paragraph 72, it is likely that the following table is a more appropriate trajectory:

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

2.24 In addition to the above, there has been no commercial led involvement to date for procurement/delivery of Tudeley, let alone negotiations to purchase land. The Network has extensive experience in this field (a number of Members have worked at Volume PLC Housebuilders), and there could easily be at least 5 years of land negotiations and/or Compulsory Purchase Orders, due diligence and application preparation work (which would be extensive).

2.25 Even if the above land acquisition is achieved, local evidence within the County supports the likelihood that there will be delay. Mountfield Park, Canterbury - a development of 4,000 dwellings, was heard at Planning Committee in 2015 and is still no further forward with the issue of a Planning Permission.

2.26 Recent Examinations of the North Essex Authorities EIP (**Appendix 3**) and Uttlesford EIP (**Appendix 4**) both of which consider the deliverability of new settlements. Both Inspectors concluded that insufficient evidence had been submitted in respect of the deliverability of the garden settlements and the plans found unsound – highlighting the difficulties with regard to their delivery in particular in relation to ensuring the necessary infrastructure is in place to support new settlements. Such Evidence Base is presently lacking.

2.27 Accordingly, we consider that an over reliance has been placed on the delivery rates of the Strategic locations and that this figure should be revised to a more realistic figure of approximately 2,450 dwellings in the plan period, some 3,140 dwellings difference. Taking into account the over supply of 1,000 dwellings (as set out above), we consider **approximately 2,140 dwellings** need to be identified on smaller more deliverable sites in order to meet the identified needs within the plan period up to 2038.

3.0 RESPONSE TO LACK OF SME SITES AND SUPPORT

3.1 We are wholly disappointed that the Local Plan fails to support or indeed recognise the role of SMEs in the plan. This is evident by the simple fact that the term 'SME' is not even referenced within the document.

3.2 The importance of the role SME's play in the housing market has been fully recognised by Central Government. Most recently, the consultation on the proposed changes to the current planning system, referred to SMEs as being of 'National Importance'. **Appendix 5** sets out a timeline of the narrative surrounding SME housebuilders and the recognition of the issues facing SMEs, the dominance of volume Housebuilders and the attempts to reverse the decline in the number of SME housebuilders through the Plan-Led system.

3.3 It is recognised that SMEs deliver high quality homes and can diversify the housing market. SMEs tend to bring forward bespoke products that reflect the characteristics of a local area either through size, tenure and design. Importantly, SMEs deliver quickly, support local trade suppliers and local job growth and are flexible in their approach. Unlike Volume Housebuilders, SMEs do not tend to take long term strategic options on land. However, this means that SMEs are disadvantaged at the Plan Making stage, as they neither have the land itself to promote, cannot invest the time, risk or expense of promoting a site through the Local Plan process (which is lengthy and competitive) or the available land is at lower tier settlements due to Volume Housebuilders taking long term land options in higher tier settlements and thus SME site typology is marginalised.

3.4 SME site typology for the Kent SME Network tends to be located in rural fringe locations due to the availability of land, lack of brownfield opportunities and that Volume PLC housebuilders or Strategic Promoters have already secured long term land options in urban fringe locations.

3.5 As a consequence, SMEs are pushed to the margins in respect of land availability and suitability, and it is often found that SMEs need to work harder to justify a site's sustainability credentials. Whilst a rural fringe location may result in increased car trips, these car trips are short in length on uncongested roads. The automatic assumption is often therefore that the reliance on the car, results in increased emissions and an application is refused or a site promoted in the Local Plan is not progressed.

3.6 However, this is a one-dimensional approach and sustainability is more nuanced and holistic. By way of example, the emissions derived from short car trips (from a low number of dwellings) can actually be offset (in carbon footprint) by the environmental quality of the buildings themselves through the adoption of green technologies. Furthermore, coupled with the behavioural changes relating to online shopping and working from home (even pre COVID-19) reducing day to day trips, alongside the increasing uptake in electric vehicles (which do not release emissions), the notion of sustainable development or unsustainable development is changing fast.

3.7 This is a specific matter has been tested by members of the SME Network and are subject to separate representations demonstrating how a case study scheme of 50 dwellings in a rural fringe location can offset carbon emissions generated by additional vehicle trips and result in an overall net reduction in emissions than a standard volume housebuilder approach in an urban area. Furthermore, the report assesses behavioural changes including the take up of electric vehicles and decline in fossil fuel sales and increased on-line behaviour, home deliveries and home working.

3.8 We consider LPAs (including Tunbridge Wells) need to be forward thinking and not looking backwards on this issue, particularly if Climate Change is to be taken seriously. SMEs can really assist and can bring forward developments that are bespoke and respond to the Climate Change challenge more swiftly than Volume PLCs. At present, the Local Plan fails to achieve this.

3.9 Central Government recognises the problem of bringing SMEs into the market and has sought to 'level the playing field' in the context of supporting small and medium sized sites at the plan making stage. Crucially, the NPPF 2019 confirms in paragraph 68 that:

1 Small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:

a) identify, through the development plan and brownfield registers, land to accommodate at least 10% of their housing requirement on sites no larger than one hectare; unless it can be shown, through the preparation of relevant plan policies, that there are strong reasons why this 10% target cannot be achieved;

b) use tools such as area-wide design assessments and Local Development Orders to help bring small and medium sized sites forward;

c) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes; and

d) work with developers to encourage the sub-division of large sites where this could help to speed up the delivery of homes.

3.10 The NPPF provides for a clear direction to LPAs, that it must identify land to accommodate **at least** 10% of their housing requirement that are 1ha or less. For Tunbridge Wells, this means that 1,220 dwellings need to be identified on small sites.

3.11 Officers of TWBC met with the Network to discuss the emerging Local Plan and the approach taken to meeting the 10% target and a small sites policy.

3.12 In respect of the 10% target, **Appendix 6** contains a table which was issued to the network by TWBC confirming those sites which have been identified in the Local Plan and are below 1ha in size.

3.13 The Councils Evidence Base confirms that only 290 dwellings across 9 sites are identified in the Local Plan that are yet to obtain a Planning Permission. This represents less than 3% and some 930 dwellings short of the expected NPPF requirements. Even if the total No. of sites (including those with a Planning Permission) are taken into account, this still amounts to only 641 dwellings across 17 sites - representing only 5.2% of the 10% target.

3.14 There is no Evidence Base to justify why the 10% target has not been met and no clarity/explanation as to why paragraph 68 of the NPPF is not being met.

3.15 The Council is therefore clearly failing to meet NPPF Para 68 part a) and has not set out any evidence as to why this figure cannot be achieved. The Plan has not been positively prepared and is not consistent with national policy as a result. **It is therefore unsound.**

3.16 Furthermore, the 10% allocation requirement is simply more than a mathematical exercise or a quantitative 'tick box'. Indeed, the purpose of NPPF Para 68 is to assist SMEs in coming forward with development within the Plan Led system. Crucially, it is important to understand that when allocating sites of this nature, that these sites are first and foremost being promoted by an SME. This is the most efficient and best way to ensure that SMEs deliver sites and diversify the market. It is therefore necessary for TWBC to undertake a qualitative approach of available sites and factor this into its decision making when allocating sites.

3.17 By way of example (and linked to the small sites policy below), the Council has also identified sites which have a capacity of up to 60 dwellings to reflect that SME developers of the network can build out larger sites than 1ha (**Appendix 7**). The evidence further reinforces the lack of available opportunities for SMEs in the Local Plan, identifying a total of 785 dwellings - which reduces to 495 dwellings once sites of 1ha or less are removed from this schedule (i.e. **Appendix 6 sites**).

3.18 The Local Plan is therefore woefully falling short of supporting SME developers and encouraging diversification in the market as required by Paragraph 68.

3.19 It is noted that a number of SME sites may have been promoted in the SHLAA or identified in the Regulation 18 Local Plan consultation, but not brought through in the Plan for allocation or indeed discounted in the SHLAA as being unsuitable. It is considered these sites should be reviewed to ascertain the availability of sites being promoted by SME developers and to assess if the need to allocate sufficient sites would alter the conclusions of the SHLAA assessments.

3.20 If there are still insufficient small and medium sized sites identified, part d) of para 68 confirms that the LPA should work with developers to encourage the subdivision of large sites where this could help to speed up the delivery of homes.

3.21 Whilst the Network does not object to this approach in principle, it should be noted that this approach can be a very difficult to achieve on sites that are already being promoted by a volume housebuilder for a number of reasons, namely:

Legal complexities associated with:

- . land transfer including potential clauses within option agreements about sub-sales;
- . where best value is required to be achieved (noting an SME will always tend to be outbid by a volume housebuilder) ;

Commercial complexities associated with:

- . potentially competing products;
- . expectation of land values ;
- . competing financial models and potential price caps/ceilings placed on the SME by the parent developer to achieve sales rates;
- . dilution of identity/products for both parent housebuilder and SME either through contract requirements or wider design codes;
- . Finding an appropriate SME partner within the limited pool of SMEs available;
- . The timing/capacity of an available SME at any given time that meets their business objectives;
- . The need to deliver sales rates at a specific rate to address cash flows and therefore pricing ;

Practical complexities associated with:

- . accessing the site for construction;
- . ability to take deliveries;
- . health and safety responsibilities and separate sales outlets;
- . HA delivery and parcelling up on smaller sites and gaining interest/appetite ;
- . Location of the SME parcel, potentially being in a later phase 'at the back';
- . Differences in coordination of build programme and occupation strategies (relating to sales rates and build rates);
- . Responsibility of servicing sites in respect of all site infrastructure and certain capacity/S106 triggers.

3.22 It is highlighted that paragraph 68 part d) advises that LPAs should 'work with developers to encourage subdivision of large sites where this will speed up the delivery of homes'. The NPPF does not state that LPAs should impose, through Policy, that large allocations are sub-divided in order to

achieve a 10% target. The NPPF makes clear that part d) seeks only 'encouragement' in order to 'speed up delivery'. Part d) is not to be used to use large sites to be subdivided, but to speed up delivery by increasing the number of outlets. The two parts (part a and part d) are seeking to achieve different objectives and should not be linked.

3.23 It is therefore considered that if the Council is required to find additional parcels of land, then identifying smaller pockets on larger parcels should be considered as a matter of 'last resort' and, in that instance, should be directed in the first instance towards 'legacy land', i.e. public sector land or land which is yet to be put under option (which traditionally is easier to release to SMEs as there is less commercial and legal sensitivity in public sector land).

SME Small Sites Policy

3.24 We are concerned that the current Local Plan does not facilitate or support SMEs to bring forward housing in the Borough, particularly in rural areas, which in Tunbridge Wells is often covered by AONB. This is especially in the light that 1,310 dwellings and 360 dwellings (14% of the housing requirement 2020-2038) are expected to derive from windfall small sites and large urban sites respectively.

3.25 This issue is further compounded by the fact that the rural locations are designated as Green Belt, particularly meaning that development of any scale can only be secured by reviewing Green Belt boundaries within the Local Plan.

3.26 As part of the Network's objective, it has sought to introduce a policy into emerging Local Plans that seeks to support small and medium sized developments that builds on the 1ha site requirement but expands this into a policy framework that can allow SMEs to successfully operate within the policy framework of a Local Plan where there are limited opportunities through the allocations in which the Council has made (i.e. on larger sites).

3.27 In this respect, there is often a large windfall figure required to be met, or LPAs find themselves in a position where the presumption in favour of sustainable development is applicable. The SME policy set out below is a policy in which the Network considers would provide the opportunity for SME sites to come forward, whilst offering the LPA an enhanced development coming forward that is typically delivered by an SME – i.e. in respect of design quality or for instance carbon efficiencies.

3.28 Whilst the ideal scenario would be for the same policy to be adopted by each Council (and therefore apply a level of consistency in understanding and application of the policy), we also recognise that each LPA has a specific set of circumstances that may require the policy wording to be tweaked. This maybe the case in Tunbridge Wells in respect of Green Belt and AONB designation, and the Network would welcome further discussions as to how such a policy could be introduced into the Plan.

3.29 The policy extract is set out below and the full supporting text is contained in **Appendix 8**.

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

3.30 A Small Sites policy will allow for SMEs to operate within the Plan Led system and will allow both Small **and** Medium sites to come forward (i.e. sites above 1ha and up to 60 dwellings). Such a policy will allow an SME to come forward with a planning application that meets locally defined specific criteria, such as high-quality design, low carbon footprint, reduced time limits for implementation etc and a flexible approach to the delivery of Affordable Housing. On the other side of the coin, the Council will receive higher quality developments being submitted that are in character with more rural fringe locations (remembering the SME site typology), but that those Rural Fringe locations can be supported with an appropriate amount of growth that will assist in preventing, slowing or reversing their cycle of decline.

3.31 Such a policy would provide for additional weight to be afforded to an SME application, and thus allow greater weight to be applied to the application in the overall planning balance. This would reduce risk to an SME and increase certainty at the planning stages, as the SME can tailor their scheme to meet the specific criteria. The LPA also recognises that it would result in a development that meets Building Better Building Beautiful objectives and potentially addressing Climate Change issues.

3.32 Crucially, the policy is designed to deliver up to 60 dwellings (and thus meet the M of SME as much as the S) but is worded in a way that seeks to ensure the development coming forward in any given location is consistent and respectful to the area that it is in i.e. a scheme of 60 dwellings may not be appropriate for a small village, but 20 maybe, and therefore a policy that refers up to a figure of 60 dwellings is deemed acceptable ? i.e. the policy is fully flexible.

3.33 In addition, the 60 dwelling threshold is very much seen as the scale of developments where larger SME's start to compete with Volume housebuilders on sites. A volume housebuilder will tend not to drop below 60 dwellings and thus the Policy is designed to really assist SME delivery and support the delivery of bespoke high-quality development, but also directly respond to certain SME challenges, such as how to deliver small numbers of Affordable Housing on any given site.

3.34 The Network recognises that other Kent LPAs are seeking to introduce a Small Sites Policy¹ and a key aim for the policy is that there is a level of consistency in the wording across a number of LPAs, in order that the interpretation and understanding of the policy is also consistent on a cross boundary level – again seeking to reduce the risk at the planning stages to an SME.

3.35 In addition to the Policy itself, we also consider that an SME protocol should be prepared which provides guidance and clarity for SMEs at the pre-application and post-submission stages. The protocol would recognise the need to engage with SMEs and understand that a flexible approach is needed to certain issues (such as site typology/affordable housing provision).

3.36 The protocol could include a standard PPA timeframe and fixed cost to ensure that sufficient officer time is allocated to an SME application. Whilst SME applications tend to be on the smaller scale (when compared to larger volume housebuilder submissions), those applications are critical to the SME themselves, and accordingly the Network often discusses the frustration at the lack of engagement from LPAs on their applications – often perceived by SMEs in the Network as being at the bottom of the pile.

3.37 This position is especially so at the pre-application stage, where often paid pre-application advice is sought, but either never received or delayed, in some cases up to 9 months. Whilst this is a matter that may extend beyond Tunbridge Wells, this is a 'real life' significant issue as a pre-application response is so important to an SME to determine the extent of risk that a site may carry.

3.38 The importance of a planning consent is vital to the success of an SME, no matter how small (or large) that scheme is, and greater engagement is always encouraged. This works both ways and greater engagement can improve the submission material of an SME and thus also reducing risk.

3.39 A further burden on SME's, and a point that the above policy is seeking to assist with is delivery of Affordable Housing. This is a wider matter than TWBC, but it is well recognised that Registered Providers are rarely interested in sites unless the number of affordable homes being offered equates to at least 20 affordable dwellings. For TWBC, this means that any site that falls under a 50-dwelling threshold will likely struggle to gain interest in a registered provider (at 40% AH requirement). The policy seeks a flexible approach to how Affordable Housing can be delivered by an SME in instances where it is the RP that is not interested, not that the SME does not wish to provide affordable homes.

3.40 On a related point, it is also noted that TWBC adopt a rounding up approach to affordable housing. This again has a greater impact on smaller sites as the net effect/impact is more severe the fewer number of homes being delivered on any one site. This is best shown in **Appendix 9** of this statement which demonstrates how the increasing total number of affordable homes being delivered has a proportional improvement on the net effect of rounding up. In essence, the larger sites can both generate interest from an RP and can carry the rounding up approach. Smaller sites cannot and the Council should recognise this position and take a flexible approach in this respect.

4.0 SUMMARY

4.1 These representations have been prepared by the Kent SME Developer Network - a consortium of SME Developers who are located in or operate within Kent and Medway. The Network was recently formed in November 2019 and presently comprises approximately 30 participants including SME Housebuilders and Developers of varying size and scale and registered providers.

4.2 The Network welcomes ongoing engagement with TWBC and any other interested party.

4.3 In summary the headline points are as follows:

- . We are wholly disappointed that the Council is failing to recognise the role of SMEs in its Pre-Submission Plan. This is evident on the basis that the Local Plan is wholly silent with reference to support for SMEs.
- . The plan fails to allocate 10% of its housing numbers on sites of 1ha or less as required by NPPF Paragraph 68.
- . The plan fails to provide a sufficient evidence base, namely demonstrating a quantitative and qualitative approach to supporting SME sites.

- . The plan is over-reliant on the anticipated delivery of its strategic sites large scale sites which the largest comprises an oligopoly of National Volume Housebuilders;
- . The Plan fails to provide for a robust housing trajectory and requires the identification of smaller sites to provide for a more effective plan.
- . We consider the Plan should include a small sites policy for up to 60 dwellings. This is considered to be a proactive and effective way to support SME growth in policy and assist in delivering high quality bespoke developments.
- . Accordingly, the plan is considered **unsound** as it is:
 - o Not Positively Prepared as it does not fulfil paragraph 68 of the NPPF regarding 10% provision of small sites;
 - o Not justified as the appropriate evidence base is lacking, particularly relating to housing delivery and Paragraph 72 part d.
 - o Not effective as the reliance on larger sites reduces the opportunity to diversify the housing market and will not deliver the required housing within the plan period.
 - o Is not consistent with National Policy as it does not conform to Paragraph 68.

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 attached representations

[TWBC: the paragraphs below are relevant extracts from the full representation, which is attached as a supporting document]

- . We consider the Plan should include a small sites policy for up to 60 dwellings. This is considered to be a proactive and effective way to support SME growth in policy and assist in delivering high quality bespoke developments.

2.27 Accordingly, we consider that an over reliance has been placed on the delivery rates of the Strategic locations and that this figure should be revised to a more realistic figure of approximately 2,450 dwellings in the plan period, some 3,140 dwellings difference. Taking into account the over supply of 1,000 dwellings (as set out above), we consider **approximately 2,140 dwellings** need to be identified on smaller more deliverable sites in order to meet the identified needs within the plan period up to 2038.

3.23 It is therefore considered that if the Council is required to find additional parcels of land, then identifying smaller pockets on larger parcels should be considered as a matter of 'last resort' and, in that instance, should be directed in the first instance towards 'legacy land', i.e. public sector land or land which is yet to be put under option (which traditionally is easier to release to SMEs as there is less commercial and legal sensitivity in public sector land).

SME Small Sites Policy

3.24 We are concerned that the current Local Plan does not facilitate or support SMEs to bring forward housing in the Borough, particularly in rural areas, which in Tunbridge Wells is often covered by AONB. This is especially in the light that 1,310 dwellings and 360 dwellings (14% of the housing requirement 2020-2038) are expected to derive from windfall small sites and large urban sites respectively.

3.25 This issue is further compounded by the fact that the rural locations are designated as Green Belt, particularly meaning that development of any scale can only be secured by reviewing Green Belt boundaries within the Local Plan.

3.26 As part of the Network's objective, it has sought to introduce a policy into emerging Local Plans that seeks to support small and medium sized developments that builds on the 1ha site requirement but expands this into a policy framework that can allow SMEs to successfully operate within the policy framework of a Local Plan where there are limited opportunities through the allocations in which the Council has made (i.e. on larger sites).

3.27 In this respect, there is often a large windfall figure required to be met, or LPAs find themselves in a position where the presumption in favour of sustainable development is applicable. The SME policy set out below is a policy in which the Network considers would provide the opportunity for SME sites to come forward, whilst offering the LPA an enhanced development coming forward that is typically delivered by an SME – i.e. in respect of design quality or for instance carbon efficiencies.

3.28 Whilst the ideal scenario would be for the same policy to be adopted by each Council (and therefore apply a level of consistency in understanding and application of the policy), we also recognise that each LPA has a specific set of circumstances that may require the policy wording to be tweaked. This maybe the case in Tunbridge Wells in respect of Green Belt and AONB designation, and the Network would welcome further discussions as to how such a policy could be introduced into the Plan.

3.29 The policy extract is set out below and the full supporting text is contained in **Appendix 8**.

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

3.30 A Small Sites policy will allow for SMEs to operate within the Plan Led system and will allow both Small **and** Medium sites to come forward (i.e. sites above 1ha and up to 60 dwellings). Such a policy will allow an SME to come forward with a planning application that meets locally defined specific criteria, such as high-quality design, low carbon footprint, reduced time limits for implementation etc and a flexible approach to the delivery of Affordable Housing. On the other side of the coin, the Council will receive higher quality developments being submitted that are in character with more rural fringe locations (remembering the SME site typology), but that those Rural Fringe locations can be supported with an appropriate amount of growth that will assist in preventing, slowing or reversing their cycle of decline.

3.31 Such a policy would provide for additional weight to be afforded to an SME application, and thus allow greater weight to be applied to the application in the overall planning balance. This would reduce risk to an SME and increase certainty at the planning stages, as the SME can tailor their scheme to meet the specific criteria. The LPA also recognises that it would result in a development that meets Building Better Building Beautiful objectives and potentially addressing Climate Change issues.

3.32 Crucially, the policy is designed to deliver up to 60 dwellings (and thus meet the M of SME as much as the S) but is worded in a way that seeks to ensure the development coming forward in any given location is consistent and respectful to the area that it is in i.e. a scheme of 60 dwellings may not be appropriate for a small village, but 20 maybe, and therefore a policy that refers up to a figure of 60 dwellings is deemed acceptable ? i.e. the policy is fully flexible.

3.33 In addition, the 60 dwelling threshold is very much seen as the scale of developments where larger SME's start to compete with Volume housebuilders on sites. A volume housebuilder will tend not to drop below 60 dwellings and thus the Policy is designed to really assist SME delivery and support the delivery of bespoke high-quality development, but also directly respond to certain SME challenges, such as how to deliver small numbers of Affordable Housing on any given site.

3.34 The Network recognises that other Kent LPAs are seeking to introduce a Small Sites Policy¹ and a key aim for the policy is that there is a level of consistency in the wording across a number of LPAs, in order that the interpretation and understanding of the policy is also consistent on a cross boundary level – again seeking to reduce the risk at the planning stages to an SME.

3.35 In addition to the Policy itself, we also consider that an SME protocol should be prepared which provides guidance and clarity for SMEs at the pre-application and post-submission stages. The protocol would recognise the need to engage with SMEs and understand that a flexible approach is needed to certain issues (such as site typology/affordable housing provision).

3.36 The protocol could include a standard PPA timeframe and fixed cost to ensure that sufficient officer time is allocated to an SME application. Whilst SME applications tend to be on the smaller scale

(when compared to larger volume housebuilder submissions), those applications are critical to the SME themselves, and accordingly the Network often discusses the frustration at the lack of engagement from LPAs on their applications – often perceived by SMEs in the Network as being at the bottom of the pile.

3.37 This position is especially so at the pre-application stage, where often paid pre-application advice is sought, but either never received or delayed, in some cases up to 9 months. Whilst this is a matter than may extend beyond Tunbridge Wells, this is a 'real life' significant issue as a pre-application response is so important to an SME to determine the extent of risk that a site may carry.

3.38 The importance of a planning consent is vital to the success of an SME, no matter how small (or large) that scheme is, and greater engagement is always encouraged. This works both ways and greater engagement can improve the submission material of an SME and thus also reducing risk.

3.39 A further burden on SME's, and a point that the above policy is seeking to assist with is delivery of Affordable Housing. This is a wider matter than TWBC, but it is well recognised that Registered Providers are rarely interested in sites unless the number of affordable homes being offered equates to at least 20 affordable dwellings. For TWBC, this means that any site that falls under a 50-dwelling threshold will likely struggle to gain interest in a registered provider (at 40% AH requirement). The policy seeks a flexible approach to how Affordable Housing can be delivered by an SME in instances where it is the RP that is not interested, not that the SME does not wish to provide affordable homes.

3.40 On a related point, it is also noted that TWBC adopt a rounding up approach to affordable housing. This again has a greater impact on smaller sites as the net effect/impact is more severe the fewer number of homes being delivered on any one site. This is best shown in **Appendix 9** of this statement which demonstrates how the increasing total number of affordable homes being delivered has a proportional improvement on the net effect of rounding up. In essence, the larger sites can both generate interest from an RP and can carry the rounding up approach. Smaller sites cannot and the Council should recognise this position and take a flexible approach in this respect.

Question 7

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

Due to the number of SME developers this network presents and the content and extent of the representations require verbal exploration with the Inspector.

If you would like to attach a file in support of your comments, please upload it here. [PSLP 1793 Esquire Developments for Kent SME SI Representation with Appendices.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_120

Comment

Consultee	Mr and Mrs Leach ([REDACTED]
Address	[REDACTED] Tonbridge TN9 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr and Mrs Leach [REDACTED]
Comment ID	PSLP_1894
Response Date	03/06/21 23:06
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	PSLP_1894,1900,1906

Data inputter to enter their initials here AT

Question 1

Respondent's Name and/or Organisation Mr and Mrs Leach

Question 3

To which part of the Local Plan does this 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 9, STR/SS 1 and STR/SS 3 – see Comment Numbers PSLP_1894, PSLP_1900, PSLP_1906 and PSLP_1907]

Question 4a

If 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.

Re: Pre-Submission Local Plan (Regulation 19 Consultation) – Comments

Further to our comments on the Draft Local Plan, during the previous Consultation (Regulation 18). We again write to you, to raise our concerns about the proposed garden settlements and to object to various policies, as we do not believe that our original concerns, and those raised by others, have been adequately addressed in the Pre-Submission Plan.

We wish to take this opportunity to reiterate and elaborate on some of our key concerns, as outlined in our previous letter (dated 25th October 2019). In an effort to be concise, we will not repeat all particulars and so the reader is referred to this letter for context and completeness. For ease of reference, we have enclosed a copy of our original letter (in Appendix A).

Following the publication of Pre-Submission version of the Local Plan, we also now wish to raise other concerns, such as the legal compliance in-terms of the Duty to Co-operate and consistency with national policies.

Our comments on the Pre-Submission Local Plan, related to several policies, are outlined under the headings stated below. We are specifically concerned about the deficiencies in the proposed strategic infrastructure and the questionable need to release Green Belt land.

1 Policy STR 1 – The Development Strategy

Object as we have concerns over the consultation Due Process that has informed this strategy, in addition we consider that this strategy fails to comply with the **Duty to Co-operate** (i.e. **legal compliance**) and is **unsound** (i.e. not justified & inconsistent with national policy).

Our concerns and comments, about the first and last requirements, are outlined as follows:

1.1 In view of the large number of local people (over 800, >97%) who objected to the proposed development at Tudeley, during the Regulation 18 consultation, and raised a host of issues (site selection, infrastructure), which have not been properly addressed (see below), and so we have concerns about the review process rigour. In our opinion, there appears to be scant regard given to the overwhelming majority of people who commented about this Strategic site or even to the major concerns raised by an adjoining Authority (Tonbridge & Malling Borough Council, TMBC), as discussed in 1.9.

1.2 Considering the above, we respectfully purport that the Inspectors should not assume that the Council has adopted a rigorous process during the review of the Regulation 18 comments, especially given the weight of these objections regarding the Tudeley site. We ask that the Inspectors satisfy themselves that due regard has been given to these concerns/objections, in taking forward this strategic site and the required infrastructure.

1.3 With regard to Paragraph 16 of the National Planning Policy Framework (NPPF, 2019), it states that “Plans should:

- 1 a) be prepared with the objective of contributing to the achievement of sustainable development; ... c) be shaped by ... effective engagement between plan-makers and communities, local organisations ... and statutory consultees;”

1.4 In our opinion, we do not believe that the Tudeley site contributes to achieving sustainable development, especially as it is a car reliant development with insufficient public transport options (see

Section 1 of our previous letter; Section 1.24 below), nor do the concerns discussed above (in 1.1) indicate the Plan being shaped by communities.

1.5 Also, as outlined in our previous letter (in 1.4, appended), we are concerned about the development within the Green Belt and that the proposals for this Tudeley strategic site fail to comply with Paragraph 138 (NPPF, 2019), which states: (our emphasis added)

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

1.6 We are of the opinion that the proposed Development Strategy fails to adequately meet either of these requirements. Due to there being alternative brownfield sites and given the inclusion of the Tudeley site, which has inadequate public transport options. Refer to our previous letter for a full discussion, which is summarised below (see 1.21).

1.7 Considering the points above (in 1.3-1.6), we also have significant concerns about the soundness of the proposed Strategy (STR 1), given the inclusion of the Tudeley site. Since the justification is questionable (see Section 2 in previous letter; Section 3.8-3.14 below) and as this strategic site is inconsistent with national policy (incl. Para. 16 & 138).

1.8 With regard to the consultation itself, we consider that the absence of public exhibitions may exclude many people from engaging in this consultation. Older people tend to have less confidence with technology and so a limited public consultation may disproportionately exclude this group. Hence, we have concerns about whether insufficient ‘due regard’ has been given to them. If insufficient ‘due regard’ has been given to people with protected characteristics, then this consultation process would be contrary to Section 149 of the Equality Act (2010) and so would not be in legal compliance. The Council chose to conduct this consultation during lockdown, but could have waited until national restrictions had been eased to permit such exhibitions.

Concerns over the **Duty to Co-operate**

1.9 We also take this opportunity to **object** to the Development Strategy (STR 1), due to the inclusion of the Tudeley Village, on the basis that at least one strategic matter, namely the significant negative impact on Tonbridge’s local highways network, has not been adequately addressed. As such, we contend that the Duty to Co-operate has not been complied with. Our views in this regard are further discussed below.

1.10 Section 33A of the Planning and Compulsory Purchase Act (2004) imposes a duty on a Local Planning Authority, in this case Tunbridge Wells Borough Council (TWBC), to co-operate with other local planning authorities, on strategic/cross-boundary matters. Our understanding of this is to ensure that sustainable development is achieved, when considering sites that may have a significant impact on other local authority areas.

1.11 We understand that TMBC, like ourselves and many other people, have raised concerns about a number of significant negative impacts that two of the strategic sites (now listed under Policy STR/SS 1 and STR/SS 3) would have on Tonbridge, including on the local highway network and at the train station.

1.12 For ease of reference, an extract from TMBC’s objection comments, at the Regulation 18 consultation, under Policy Number: STR/CA1 and AL/CA1 is included below:

“The potential significant impacts of the proposed development at Tudeley and Capel on the local highway network and on infrastructure and services in nearby Tonbridge are a major concern for TMBC, particularly in light of the existing infrastructure challenges in Tonbridge and surrounding villages ...”

1.13 Similarly, an extract from TMBC’s objection comments, at the Regulation 18 consultation, under Policy Number: STR/PW1 and AL/PW1 is included below:

“... future rail capacity ... extends not only to train services but to commuter parking and likely travel habits. The frequency of services at Tonbridge station makes this the more likely destination for commuters when compared to Paddock Wood.”

1.14 The significant concerns made by TMBC, are similar to those that we previously raised at the Regulation 18 consultation. Refer to Section 1 of our previous letter (incl. 1.9). We also support the previous objection comments made by TMBC.

1.15 Despite the above local highway concerns being raised and Sweco's highway modelling (Sweco UK Ltd. (2021). 'Local Plan Transport Evidence Base'. Web link: https://tunbridgewells.gov.uk/_data/assets/pdf_file/0004/385321/TWBC-Local-Plan-Transport-Evidence-Modelling-Report.pdf [March 2021]) (for TWBC) showing that the proposed developments would cause a severe impact on many of our roads/junctions, some of which are over practical capacity, the up-dated Infrastructure Delivery Plan (Tunbridge Wells Borough Council (2021). 'Local Plan, Infrastructure Delivery Plan, Draft ...'. Web link: https://tunbridgewells.gov.uk/_data/assets/pdf_file/0009/388026/Infrastructure-Delivery-Plan_2021.pdf [Mar. 2021]) only includes a single improvement in Tonbridge. This relates to the Vauxhall Roundabout (A26/A2014, i.e. A21/Pembury Rd).

1.16 Furthermore, even with the proposed improvement, at this single junction, Sweco's modelling shows that proposed developments will still result in this junction becoming over practical capacity (i.e. >95%), when it would have been below this in the 2038 reference case. Refer to PDF page 154 of the Transport Evidence Modelling Report¹. As such, this highway improvement is therefore insufficient to mitigate the likely impact.

1.17 In addition, there are no highway improvements proposed at the roundabout linking the B2017, which is the only road from Tudeley to Tonbridge, with the previously discussed junction (A26/A2014). This is despite the junction traffic volume increasing from 81% currently (or 85% in the 2038 reference case), to over 96-99% (i.e. over practical capacity) in all the proposed development cases. Refer to PDF page 115 of the Report (Sweco UK Ltd. (2021). 'Local Plan Transport Evidence Base'. Web link: https://tunbridgewells.gov.uk/_data/assets/pdf_file/0004/385321/TWBC-Local-Plan-Transport-Evidence-Modelling-Report.pdf [March 2021]). Moreover, with reference to Figures 9.6 to 9.8 (in the Report (Sweco UK Ltd. (2021). 'Local Plan Transport Evidence Base'. Web link: https://tunbridgewells.gov.uk/_data/assets/pdf_file/0004/385321/TWBC-Local-Plan-Transport-Evidence-Modelling-Report.pdf [March 2021]), the severe impact on local highway network around Tonbridge, can be starkly seen. For instance, most of the junctions modelled turn red (>95%) and a massive increase in the queue lengths are evident at these junctions, when comparing the reference and Local Plan cases.

1.18 This evidence, presented in Sweco's report (Sweco UK Ltd. (2021). 'Local Plan Transport Evidence Base'. Web link: https://tunbridgewells.gov.uk/_data/assets/pdf_file/0004/385321/TWBC-Local-Plan-Transport-Evidence-Modelling-Report.pdf [March 2021]), clearly substantiates the concerns TWBC have and that we previously raised about the significant negative/severe impact that the Development Strategy would have on Tonbridge's local highway network. We strongly contest that the mitigation measures proposed in the Infrastructure Delivery Plan (Tunbridge Wells Borough Council (2021). 'Local Plan, Infrastructure Delivery Plan, Draft ...'. Web link: https://tunbridgewells.gov.uk/_data/assets/pdf_file/0009/388026/Infrastructure-Delivery-Plan_2021.pdf [Mar. 2021]) are insufficient to mitigate these severe impacts and those on the wider network, so TWBC may have failed to fulfil their legal obligation under the Duty to Co-operate.

1.19 We also strongly believe that it is not right that TWBC should take forward plans to build over-half of TWBC's total housing allocation, at the edge of its Borough, knowing full well the severe impact it will have on a neighbouring authority and our town. This goes against the spirit of your legal Duty, to ensure that sustainable development is achieved, which may also actually fail this legal test. We ask TWBC to re-consider these inappropriate and unsustainable plans, particularly with the inadequate public transport proposed and without adequate highway improvements. We also trust that the Inspectors would consider recommending that the Plan to be withdrawn, if this Plan is submitted in its current guise, in view of the significant shortcomings noted.

1.20 Another consideration is that the congestion, from the severe Local Plan impact (Sweco UK Ltd. (2021). 'Local Plan Transport Evidence Base'. Web link: https://tunbridgewells.gov.uk/_data/assets/pdf_file/0004/385321/TWBC-Local-Plan-Transport-Evidence-Modelling-Report.pdf [March 2021]), is likely to result in air quality limits being exceeded in Tonbridge and is most likely to harm the sustainable economic growth of our town (see previous letter, incl. 1.11-13). This increase in congestion, in Tonbridge and along the B2017 - particularly during the morning peak/school times, also brings into question the adequacy of the proposed Infrastructure Delivery Plan (Tunbridge Wells Borough Council (2021). 'Local Plan, Infrastructure Delivery Plan, Draft ...'. Web link: https://tunbridgewells.gov.uk/_data/assets/pdf_file/0009/388026/Infrastructure-Delivery-Plan_2021.pdf [Mar. 2021]) and the soundness of the proposed Tudeley site.

1.21 In-terms of the Infrastructure Delivery Plan (Tunbridge Wells Borough Council (2021)). 'Local Plan, Infrastructure Delivery Plan, Draft ...'. Web link:https://tunbridgewells.gov.uk/_data/assets/pdf_file/0009/388026/Infrastructure-Delivery-Plan_2021.pdf [Mar. 2021]), TWBC appear to be placing reliance on a single public transport mode – buses. This appears to mask the fundamental flaw of this poorly connected development site and the severe highway network impacts in the Local Plan scenario (Sweco UK Ltd. (2021)). 'Local Plan Transport Evidence Base ...'. Web link: https://tunbridgewells.gov.uk/_data/assets/pdf_file/0004/385321/TWBC-Local-Plan-Transport-Evidence-Modelling-Report.pdf [March 2021]) (in 1.15). In addition, the severe impact contradicts Policy EN1 2.2.

1.22 A concern of ours is about how the proposed bus service is being presented. This Plan proposes a 'rapid bus' link. However, we strongly contest the assertion that the proposed bus service would be a 'rapid' link, due to the congestion highlighted above. A rapid bus link would most likely require major road improvements along the entire route, including the provision of dedicated bus lanes/footways along the B2017 and through Tonbridge to the station, which is the mostly likely commuter destination (1.13).

1.23 Furthermore, without proper road improvements (i.e. dedicated lanes), it brings into doubt the effectiveness of any bus service in taking the huge number of extra cars off the road. The congestion along the route from Tudeley to Tonbridge, with commuters stuck on buses in traffic jams, will reduce the attractiveness of any new bus routes and so more people are likely to just opt for the comfort/convenience of their own cars. In our opinion, this Local Plan fails to address the significant shortcomings highlighted above and the validity of Sweco's highway modelling (Sweco UK Ltd. (2021)). 'Local Plan Transport Evidence Base ...'. Web link: https://tunbridgewells.gov.uk/_data/assets/pdf_file/0004/385321/TWBC-Local-Plan-Transport-Evidence-Modelling-Report.pdf [March 2021]) may now be questionable, if an unrealistic number of commuters are assumed to be using the bus service. If the latter is the case, then the severe highways impact evidenced (Sweco UK Ltd. (2021)). 'Local Plan Transport Evidence Base ...'. Web link: https://tunbridgewells.gov.uk/_data/assets/pdf_file/0004/385321/TWBC-Local-Plan-Transport-Evidence-Modelling-Report.pdf [March 2021]) and harm will all be amplified.

1.24 In addition, to the question marks over the compliance with the Duty to Co-operate, we have the view that this Strategy will create a massive car reliant commuter settlement, with the lack of public transport options and sufficient local jobs. This is discussed in our previous letter (1.9 & 1.10). As such, we contest that this Local Plan fails to comply with national policy (i.e. legal compliance). For instance, Para. 103 (NPPF, 2019) states: "... *Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.*"

1.25 We note previous precedence's where Inspectors have rejected similar garden village proposals (incl. in the West of England Plan), due to these developments being too heavily reliant on private cars. Again, we ask the Inspectors to consider recommending that the Plan to be withdrawn, if it is submitted in its current disguise, in view of the significant shortcomings and potential non-legal compliance issues highlighted above.

In closing, as discussed above, the Infrastructure Delivery Plan² fails to adequately address the severe impact on the local highways network, particularly in Tonbridge, and the significant concerns raised by TMBC and many others previously. As such, there are questions over the consultation review rigour (e.g. Due Process) and compliance with the Duty to Co-operate (i.e. legal compliance). We have also reiterated a number of examples where this strategy has not been justified and where it is inconsistent with national policy (e.g. in 1.24).

Question 7

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

Comment

Agent	Mr Colin Smith [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Colin Smith Planning Ltd
Address	[REDACTED] Redhill [REDACTED]
Consultee	Leander Homes [REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Leander Homes [REDACTED]
Comment ID	PSLP_422
Response Date	26/05/21 10:34
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.4

Data inputter to enter their initials here AT

Question 1

Respondent's Name and/or Organisation Leander Homes

Question 2

Agent's Name and Organisation (if applicable) Colin Smith Planning Ltd

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 Yes

Is sound No

Complies with the Duty to Cooperate Yes

Question 4a

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

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

- . It is not positively prepared
- . It is not 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.

Draft policy STR1 sets out the development strategy for the Borough. In summary, in relation to housing, the policy sets out that a minimum of 12,204 dwellings will be developed over the plan period (2020-2038). This equates to 678 per year.

The strategy for delivering this quantum of houses is to promote the effective use of previously developed land, look to focus new development within the identified Limits to Built Development of settlements, provide for growth of settlements having regard to their role and function, and the development of two strategic sites to the west of Paddock Wood and a new village at Tudeley.

Positively prepared The strategic policy has at its core the large scale development of land to the east of Paddock Wood, and a new settlement at Tudeley. Both of these options aim to deliver a large amount of new housing, and it is clear that the Council are reliant on them coming forward for development in order to meet the housing requirements. It is submitted that the plan is not positively prepared. Paragraphs 4.12, 4.13 and 4.18 refer to the need to consider unmet need from elsewhere. Table 3 of the draft Submission Plan Page 4 of 13 Tunbridge Wells Borough Council: Local Plan Pre-Submission Representation Form identifies the total number of houses to be delivered as 12,204. This figure is drawn from the Housing Supply and Trajectory document, which provides part of the evidence base. Paragraph 1 of the Executive Summary to the Housing Supply and Trajectory document identifies the figure of 12,204 homes, and states that "This is in addition to any unmet housing needs from neighbouring authorities, in relation to which the current Sevenoaks Local Plan, although not found sound, leaves an unmet need for 1,900 dwellings." The current position for the Sevenoaks Local Plan is that it has been found unsound and a legal challenge to that has failed. The main point at issue for the Sevenoaks Local Plan was that they failed in their duty to co-operate with adjoining authorities to consider unmet housing need. Sevenoaks will now need to review their duty to co-operate and reconsider the unmet need, together with that of adjoining authorities. There is potential therefore that the housing figure may increase from that currently identified, subject to the progress of Sevenoaks Local Plan. In this way the draft Submission Plan is not positively prepared.

In addition to the above, paragraphs 5.189 and 5.190 set out the background to the development of the strategic sites at Tudeley village and Paddock Wood. Both paragraphs refer to the requirement that to deliver the two large strategic sites in the Green Belt, road improvements will be required as

the modelling shows that there will be an increase in traffic through Five Oak Green. This is proposed to be dealt with by highway improvements to the A228 and a bypass around Five Oak Green. It is anticipated that these works will be paid for wholly by infrastructure contributions from the development at Tudeley. Paragraph 5.191 identifies that “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” This suggests that despite the identification of the route of the Five Oaks bypass on the proposals map, there needs to be ongoing discussions in order to deliver it. It is not clear at this stage whether this is deliverable.

It is therefore submitted that the plan is not positively prepared in relation to the development strategy as it does not appear to take account of unmet needs, and there appears to be uncertainty over the delivery of infrastructure.

Justified A significant proportion of the required development is focussed on two large strategic sites. Should these sites not be delivered, then there would be a significant shortfall in delivery. The delivery of the sites will be the subject of masterplans to be delivered as Supplementary Planning Documents. This will involve a further process of public engagement, consultation and adoption. As an alternative strategy, additional development could be proposed to support and enhance existing settlements, rather than create new ones. Rural centres, such as Five Oak Green have a range of services that support the local community, but needed to be supported by growth and development. The provision of a bypass around Five Oak Green will result in less traffic passing through the village, and reducing the opportunity for visitors to stop and take advantage of the services and facilities on offer, that would help to support them, and to improve their viability and vitality. Whilst there is a balance to be struck between enough passing traffic to support local services, and too much traffic resulting in congestion and a deterioration of the environment, a bypass is likely to tip the balance away from the support of local services and facilities. In addition, the development of the large strategic sites will result in a significant amount of Green Belt land being released. The development shown on the proposals maps will not support the reasons for including land within the Green Belt, as set out in paragraph 134 of the NPPF. In particular, the huge expansion of Paddock Wood to the east will not check the unrestricted sprawl of this large built-up area. The location of Tudeley, part way between Paddock Wood and Tonbridge, together with the expansion of Paddock Wood in this direction, will result in neighbouring towns merging towards each other. Neither proposal results in safeguarding the countryside from significant encroachment. It is acknowledged in the Development Strategy Topic Paper at paragraph 7.13 that the development of Tudeley village would weaken the extent to which the Green Belt purposes will be fulfilled, particularly between the proposed village and Five Oak Green. This is also acknowledged in paragraph 7.12. The provision of road improvements, in particular the currently “off line” Five Oak Green bypass, will also have an impact on the Green Belt. An alternative strategy would be, rather than significant large scale new settlements, provide for smaller scale developments surrounding and as extensions to existing settlements, such as Five Oak Green. Such an alternative would also result in a release of Green Belt land, but in a way that would allow for a review of the Green Belt boundaries around the settlements and the creation of more defensible and rational limits to the settlement boundaries. Limited, modest additional housing developments around rural settlements would also help to support local services and facilities, resulting in improving their vitality and viability, and creating a greater sense of community. The development strategy therefore has significant weaknesses, particular in relation to the impact on the Green Belt.

Effective Related to the above, it is submitted that the proposed strategy is likely to have weaknesses in its effectiveness for the reasons set out above. The deliverability of the strategic sites are dependant on a significant amount of masterplanning, and infrastructure provision, including highway improvements and a new bypass, and flooding at east of Paddock Wood, where part of the proposed site is within Flood Zones 2 and 3 and part of the upper Medway floodplain. The delivery of the housing numbers through smaller scale sites dispersed across the borough can avoid the need for major road improvements in the Green Belt, and can be planned to avoid the areas at greatest risk of flooding.

Consistent with national policy It is acknowledged that the NPPF does allow for the allocation of major strategic sites in the Green Belt on the basis that there are exceptional circumstances to justify it. However, as identified above, the identification of the strategic sites will weaken the purposes of the Green Belt, particularly around the Tudeley/Five Oak Green area. It is significant that the Council's Green Belt study does not include parcels of land to the north of the railway line around Five Oak Green. The Study does include a “broad area” to the north of the railway line, and the Council's own

assessment sets out that in relation to the purposes of preventing neighbouring towns merging into one another and assist in safeguarding the countryside from encroachment the rating is “Strong”. These purposes will be compromised should the development strategy chosen be implemented, and the strategy will not be consistent with 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.

After this stage, 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 development strategy policy should be modified to remove the reference to the large strategic sites and an alternative strategy based on the modest expansion of existing settlements. The following amendments are suggested;

2. Looks to focus new development within and on the edge of the Limits to Built Development of settlements, as defined on the Policies Map, where proposals accord with other relevant policies of this Plan;

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; andb. the creation of a new garden settlement: Tudeley Village between Paddock Wood and Tonbridge;

9. ~~Allows for the review of the Limits to Built Development to accomodate modest growth to existing settlements to support and sustain the local services and facilities within the settlements, and 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.~~

Such an approach would result in the draft Plan being positively prepared, justified, effective and consistent with national 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 discuss the above arguments and assist the Inspector in addressing the Council's 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	Mr Peter Lovering [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] ROYAL TUNBRIDGE WELLS [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Peter Lovering [REDACTED]
Comment ID	PSLP_391
Response Date	25/05/21 15:14
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.3

Data inputter to enter their initials here HB

Question 1

Respondent's Name and/or Organisation Peter Lovering

Question 3

To which part of the Local Plan does this 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 Numbers: 4.6, 4.8–4.11

Figure 5

Question 4

Do you consider that the Local Plan:

Is legally compliant No

Is sound

No

Question 4a

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

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

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

Question 5

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

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

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

Tunbridge Wells Borough Council's Local Plan is unsound because it is unjustified. It is unjustified because it is based on assumptions that are already out of date and it will cause unnecessary and disproportionate harm to the environment and the quality of life of residents.

It assumes that huge amounts of additional housing will be needed within the Borough. This assumption is no longer appropriate as the UK Government has committed itself to a policy of 'levelling up' the rest of the country with the more prosperous south-east. The effect of this policy will be to discourage people from migrating to the south-east in search of employment opportunities as the Government will be creating ample opportunities in the areas where people live already. The demand for housing that the Plan envisages will not materialise if the Government delivers on its promises.

In addition, the Government's hostile attitude towards citizens of the European Union has resulted in hundreds of thousands of people leaving the UK and returning to their countries of origin. This has already had the effect of reducing the demand for housing in the south-east.

Meanwhile the damage caused to the British economy by the Covid-19 pandemic, and in particular the impact on the hospitality sector, has had the effect of reducing the demand for labour. This will naturally reduce the demand for additional housing in the south-east.

Another effect of the pandemic has been the closure of many shops, as people have grown accustomed to making purchases online rather than in bricks-and-mortar stores. This has merely reinforced an existing change in consumer behaviour. Online retailers employ fewer staff, further reducing the demand for labour and reducing the demand for housing.

In addition, the closure of shops on our high streets, in shopping centres and on out-of-town retail parks means that many sites have become available for change of use and redevelopment. Similarly, the pandemic has seen many people working from home, another change that is likely to be permanent. Fewer people will be confined to offices full-time with the result that businesses will downsize, freeing up former office buildings for redevelopment as housing. Technological change is transforming our world, while TWBC and the Westminster Government continue to live in the 1970s.

There is no longer a need to build new housing estates on green-field sites on the fringes of our towns and villages. Nor is there any need for new settlements such as the proposed 'village' at Tudeley. There is ample 'brown-field' land to meet our (reduced) housing demand within the existing footprints of our towns.

The assumptions on which this Plan is based are no longer relevant, appropriate or applicable. The projected demand for housing, schools and leisure facilities is clearly not going to materialise. The 'identified level of development needs' is nonsense.

The Plan is also in breach of national planning policy since, as explained in paragraph 4.6, the need to safeguard 'protected areas and assets, such as AONBs and Green Belts' is potentially a valid reason

for a local plan to fail 'to meet the identified level of planning needs'. This Plan shows little regard for the Green Belt or local AONBs and endangers both. It must be totally rewritten before irreversible damage is done to our landscape and the quality of life enjoyed by the residents of the Borough. Green Belts and AONBs were created by Parliament and have legal protection. Tunbridge Wells Borough Council does not have the right to ignore and override the legal protections that have been put in place by Parliament in the national interest.

The Plan also fails to take into account national policy on air pollution. It is based on the assumption that people living in the new development zones, including the 'garden village', will use motor cars to reach the shops, schools, places of entertainment and other amenities on which they depend. This is contrary to the Government's legally binding commitments to improve air quality and reduce green-house gas emissions. The Climate Emergency will be worsened by this Plan and so will public health as a result of the deterioration in air quality that will result from it. The dependence on the motor car that it promotes is contrary to the law.

The destruction of open countryside envisaged by this Plan will also hamper efforts to reduce CO2 levels and is thus illegal.

I would further add that it seems obvious that the younger people who will be invited to buy properties in these newly created development zones do not actually want to live away from the traditional town centres with the amenities they offer; they do not want to be totally dependent on pollution-generating cars to reach the shops, their children's schools, restaurants and places of entertainment. They need appropriate, modern, affordable housing but would prefer to live within the existing footprints of our towns. The only reason they would opt to live in a newly created 'garden village' is because that is all they can afford in a housing market that has been grossly distorted by Government policy.

Endless sprawling development is a lazy, wasteful solution to the challenges we face. It is unjustified and illegal. There is ample scope to redevelop our towns at slightly greater density in order to meet demand. The people of this Borough want to see the Green Belt preserved and our Areas of Outstanding Natural Beauty protected for future generations to enjoy. This Plan is reckless, irresponsible folly and should be rejected for the reasons stated 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.

After this stage, 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.

For this Plan to become justified, it must reflect the wishes of local people, instead of the preoccupations of our masters in Whitehall. It needs to reject the development targets imposed by central government, on the grounds that they are out-dated and inconsistent with the Government's 'levelling up' policy. The Plan should be rewritten to reflect this Government's commitment to safeguard and improve the natural environment. It must be revised so that it reduces the pollution caused by motor vehicles rather than encouraging dependency on cars, commercial vehicles and buses, in line with Government policies intended to address the Climate Emergency. It should be amended to ensure complete preservation of the Green Belt and our AONBs, in accordance with the intentions of Parliament when they were created. This will have the effect of promoting mental and physical health and safeguarding air quality, all key objectives of Government 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: No, I do not wish to be notified of future stages of the Local Plan

Comment

Consultee Planning and Development ([REDACTED])

Email Address [REDACTED]

Company / Organisation Maidstone Borough Council

Address Maidstone House
King Street
MAIDSTONE
ME15 6JQ

Event Name Pre-Submission Local Plan

Comment by Maidstone Borough Council (Planning and Development - [REDACTED])

Comment ID PSLP_2259

Response Date 07/05/21 17:12

Consultation Point Policy STR 1 The Development Strategy ([View](#))

Status Processed

Submission Type Email

Version 0.4

Data inputter to enter their initials here KJ

Question 1

Respondent's Name and/or Organisation Maidstone Borough Council

Question 3

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

Question 3a

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

Policy STR 1 The Development Strategy

[TWBC: the full representation has been divided between comments on the whole Plan with regard to Duty to Cooperate (PSLP_2258), Policy STR1 (PSLP_2259) and Policy STR/SS1 (PSLP_2260).

Question 4a

If 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.

Thank you for consulting Maidstone Borough Council (MBC) on the draft Tunbridge Wells Borough Local Plan (TWBLP). Maidstone Borough Council's comments on the draft plan are detailed below.

Strategic issues

The following sections set out our comments on the Local Plan.

Housing

The standard methodology identifies a need for 12,204 new dwellings for the plan period from 2020 to 2038. MBC recognises that the draft TWLP proposes to fully meet this identified need over the plan period, and that TWBC are not expecting any other authorities, including MBC, to accommodate any unmet need. Additionally, we note that TWBC is seeking to meet its gypsy pitch need. This approach is fully supported. Similarly, MBC acknowledges the indication in the draft TWBLP that there is limited ability for TWBC to meet any unmet housing needs from other councils. MBC is planning to meet its own need without the need to seek to accommodate any unmet need from TWBC.

The proposed spatial strategy is one of a dispersed growth approach, with site allocations in the majority of the settlements across the borough. In addition, proposals are included for a new garden settlement in Tudeley and the expansion of Capel and Paddock Wood. This expansion is directly to the south of MBC's administrative boundary and therefore has the greatest potential effect on Maidstone Borough. The matter will be discussed further under the heading Policy STR/SS 1, below [TWBC: see PSLP_2260].

Employment

The strategy for employment growth and allocation of at least 14 hectares of land (approximately 120,000sqm) for employment use remains based on the Sevenoaks and Tunbridge Wells Economic Needs Study dated 2016. However, the strategy and quantum of land allocated to meet the borough's employment needs predominantly through extensions of the defined Key Employment Areas (KEAs) remains a logical and sensible approach which is supported by MBC. The expansion of the KEA around Maidstone Road and Paddock Wood may indeed offer opportunities for residents and businesses particularly in the south of Maidstone to utilise the planned employment offering.

MBC raises no further comments or objections in relation to the overall approach to employment.

Retail

The uncertainty surrounding the retail sector both nationally and more locally is recognised in the pre-submission Plan. MBC fully supports the flexible approach to uses in the town and other centres, including greater focus on the leisure and culture offer.

MBC is pleased to note that the 2017 Retail and Leisure Study has been updated for 2021 (RCLTCU Study 2021), recognising the current state of change within the wider retail market. This ensures that, as far as possible, the most accurate amount of floorspace is allocated for retail and leisure uses based on up-to-date evidence at the point of submission. In this particular case, the evidence does not identify a need for any allocation of land for convenience or comparison floorspace – with a focus instead on

reuse of vacant floorspace and bolstering of existing units. MBC supports this approach – particularly in the short term – but suggests that this is kept under regular review to ensure sufficient floorspace remains available to meet needs over the plan period.

MBC raises no further comments or objections in relation to the overall approach to retail.

Landscape and Green Belt.

We note that TWBC have undertaken a range of studies to consider the impact of the strategy on the AONB and the release of land in the Metropolitan Green Belt.

Flooding

The SFRA identifies that areas to the north of Paddock Wood are particularly prone to flooding. As before, MBC raises no issue with the principle of the expansion of Paddock Wood on the provision that the expansion can be suitably accommodated without further risk of flooding to the surrounding areas of Maidstone Borough, and that betterment can and will be provided in these locations where appropriate. MBC raises no further comments or objections in relation to the overall approach to flooding and flood risk mitigation.

Infrastructure and connectivity

As per the previous TWBC draft Plan consultation (Regulation 18), the growth strategy remains based on the premise of infrastructure-led development to ensure that essential infrastructure and connectivity is integral to all new development. MBC strongly supports this approach to delivering growth, particularly the emphasis on ensuring that sufficient infrastructure capacity is either available or can be provided in time to serve new development (criterion 5, policy STR5).

Transport

The strategy in relation to transport and parking intends to prioritise active and sustainable modes of transport, whilst recognising that private car ownership in the borough is currently very high and that sufficient levels of parking should be provided.

The draft Plan is supported by an Infrastructure Delivery Plan and a Transport Strategy. The following transport schemes are those which are considered necessary to support the growth identified in the plan which are relevant to Maidstone borough:

- Improved A228 Maidstone Road/Whetsted Road priority junction
- Improved A228/Whetsted Road/A228 Branbridges Road/B2160 Maidstone Road roundabout
- Improved B2160 Maidstone Road/Commercial Road priority junction

MBC recognises the need for and supports these highways improvements and will continue to engage with TWBC to assess their impacts as part of the duty to cooperate process.

In the interest of joined-up, cohesive planning, any opportunities to extend and/or join up active travel and public transport options beyond administrative boundaries, into Maidstone Borough – where sensible and feasible to do so – should be explored at all stages of the masterplanning process for the extension of Paddock Wood.

MBC raises no further comments or objections in relation to the overall approach to transport.

I hope these comments are helpful and look forward to continuing, constructive dialogue on strategic, cross boundary issues as part of the duty to cooperate as our respective Local Plans progress.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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 Judith Marks [REDACTED]
Email Address [REDACTED]
Address [REDACTED]
Benenden
[REDACTED]
Event Name Pre-Submission Local Plan
Comment by Judith Marks [REDACTED]
Comment ID PSLP_1246
Response Date 04/06/21 11:44
Consultation Point Policy STR 1 The Development Strategy ([View](#))
Status Processed
Submission Type Web
Version 0.5
Question 1

Respondent's Name and/or Organisation Mrs Judith Marks

Question 3

To which part of the Local Plan does this 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: representation on Policy STR1 (PSLP_1246) duplicated against PSTR/BE 1 (PSLP_1800, AL/BE 3 (PSLP_1801) and AL/BE 4 (PSLP_1802)]

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.

Section 4 Development Strategy Your council tax payers and the communities that make up Tunbridge Wells Borough want to protect the rural nature of the Borough, including the Green Belt and the AONB and its setting. By not challenging the national policy allocation of 12,200 dwellings (against a projected population increase of 6155 over the plan period – with average UK household size of 2.4, this amounts to 2565 households, around 20% of what has been allocated), the Borough Council is not properly representing its residents and communities. The Borough Council is elected to stand up for the communities it serves. The Council is already being asked to meet a higher need than its own population numbers indicate. They should not also be contributing towards unmet needs

4.52 Table 4 Distribution of Housing Allocations The allocation of 87-95 dwellings to Benenden is disproportionately high compared with villages of a similar size, such as Goudhurst which is allocated only 25 dwellings, or Frittenden. The NPPF Chapter 2 para 11b lays out that “strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses...” Therefore housing allocation should be objectively based on need from within the parish and not on the willingness of some landowners to profit. At the last Housing Needs Survey undertaken in Benenden a low level of requirement for additional dwellings was identified.

Benenden Parish

5.420-22 Benenden is 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, even before inviting AECOM infrastructure consultants to produce a 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 already 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 contradiction to para 5.422 which talks of making “modifications to the LP” so that it matches the BNP.

Policy PSTR/BE1: The Limits to Built Development for Benenden village, as defined on Inset Map 17, appears to have been drawn after the proposed site allocation and specifically to accommodate those sites and exclude all others. If the policy is genuinely plan-led, the LBD should be set first and then sites within it identified. This LBD has been designed to “freeze” the village rather than allow for reasonable sustainable growth to meet local needs and support a healthy vibrant community.

1 Community involvement. EN1: this requirement has not been respected.

- . In Benenden, almost all new housing is slated for East End, yet the Friends of East End (FEE), were never asked to meet with the BNP steering group. The much trumpeted community involvement was largely restricted to the village and Iden Green. East End is on the border of the parish with Biddenden, and development there will affect Biddenden more than Benenden (see below).
- . 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 4 April 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 167 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 BNP 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 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 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 and Historic England. 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.*”

1 The PSLP is not based on sound evidence

- . Throughout the LP process, misstatements have been made about amenities in Benenden's East End. The current version of the PSLP states that the nearest stations to East End area are Staplehurst and Etchingham (5.411) when in fact the closest station is Headcorn.
- . Others may be traced back to a submission made by traffic and highways consultants, Transport Planning Associates (TPA) on behalf of 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 untrue 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 East End as a village, which it is not. East End runs from the junction of GGR and Walkhurst Road, along the GGR to the border with Biddenden, 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 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 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 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 state Iden Green only.
- . In the same paragraph, the PSLP states that there is a small shop at Benenden Hospital. At one time there was a small shop for in-patients, which was available to the local community, but this closed many years ago.
- . 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. 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. The situation is exacerbated by 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 and continue to do so, but serious road accidents continue. 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 Farm. The AL/BE 3&4 policy 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 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 car park. Neither chapel nor car park are in the area up for development. Incidentally, the car park shown was supposed to be temporary contractors' parking during the building of the new hospital wing and car parks, and an undertaking was made by BHS at its presentation to the local community to reinstate it to grass paddock. It can be seen that this never happened.

1 **Policies AL/BE3&4 are not consistent with the PSLP's Vision objectives, its strategies, 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.

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 parish.

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 previously developed. 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 be asked provide the infrastructure at AL/BE 3&4 at some point in the future. 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. Further, we already see BHS reneging on or substantially modifying undertakings it made when planning permission was originally granted for AL/BE3 in 2013, and where no development has yet taken place.
- . 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 implication 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 on the parish boundary and 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 Gribble Bridge 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 Planning 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 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.” 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 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 runs completely contrary to 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 PSLP EN1 para 5. Biodiversity and geodiversity.
- . AL/BE 3&4 run counter to this policy as stated above in relation to the LWS.
- . 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 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 a 3-mile 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. Ongoing maintenance costs are not included. 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 Farmhouse (the farmyard of which BHS is trying to develop separately and simultaneously as if a minor development outside the Local Plan) 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 crossroads, 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 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.

1 Infrastructure Delivery Plan

I have carefully read the IDP March 2021, and there is no mention of any improvements to the rural infrastructure to support the proposed new growth area at East End, where there are currently no amenities and limited infrastructure. Transport and sewerage are of particular concern and impact strongly on the neighbouring parish and borough. It seems to be assumed that this is not a problem for Benenden, someone else will have to take care of it.

1 Process

As a general comment, I have found the representation process unnecessarily difficult. In fact, from the point of view of the ordinary lay-man, I would term the process 'hostile'.

- . The interactive on-line site is difficult to navigate and freezes or logs itself out at regular intervals. Resetting passwords has required a telephone call as the automated process does not seem to work.
- . Inaccuracies in earlier consultation documents have been carried forward, despite being constructively pointed out in my response. This means that the local policies for Benenden are based on unsound information, and also makes me wonder why I bothered to respond because it seems no-one has read what I wrote.
- . Tables in the Infrastructure Delivery Plan published on the TWBC website are incomplete.
- . Also some of the jargon and wording used, particularly in the Sustainability Assessment, is almost incomprehensible to the lay reader. We wish to participate constructively in this process, but it almost seems designed to discourage 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.

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.

TWBC should challenge the allocation of 12,200 dwellings (almost four times the borough's assessed housing need), and should not plan on that basis at least until after the Sevenoaks judicial review and appeal process is complete. It should not plan a "margin" to cover unmet allocations from neighbouring boroughs.

Policy PSTR/BE 1 should be amended:

- . The allocation for Benenden should be objectively reviewed and substantially reduced to the same level as similar-sized historic villages, such as Goudhurst or Frittenden.

- . Inset Map 17: The LBD for Benenden village should be redrawn to allow for a small amount of sustainable housing development within the village.

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 heritage 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. If further housing is required in Benenden, it should be allocated to sustainable 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.

The Sustainability Appraisal (SA) is misleading:

1. 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 northeast 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. Tenterden Primary School is already fully subscribed for the coming academic year, and housebuilding in the town is ongoing, adding to pressure on places from within the immediate area. Benenden Primary 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 TWBC carried 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 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 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 was 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_31

Comment

Agent	Mr David Bedford [REDACTED]
Email Address	[REDACTED]
Company / Organisation	DHA Planning Ltd
Address	Eclipse House Eclipse Park MAIDSTONE ME14 3EN
Consultee	Mr David Masters [REDACTED]
Address	Eclipse House Eclipse Park MAIDSTONE ME14 3EN
Event Name	Pre-Submission Local Plan
Comment by	Mr David Masters [REDACTED]
Comment ID	PSLP_482
Response Date	26/05/21 09:28
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.11
Files	PSLP_481-483_DHA Planning for D Masters.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Mr D Masters
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

1.1.1 These representations have been prepared by DHA Planning on behalf of Mr D Masters in respect of the Tunbridge Wells Borough Council Regulation 19 pre-submission Local Plan consultation.

1.1.2 Mr Masters owns Triggs Farm, Goudhurst, which is identified as an allocation for potential residential development within the pre-submission Local Plan (Policy AL/GO 2).

1.1.3 The site is located within the High Weald Area of Outstanding Natural Beauty (which washes over the whole village). However, it benefits from outline planning permission for the erection of 12 dwellings granted at appeal in January 2019.

1.1.4 Based on the current national and local planning context, we agree with the Council that the site to be suitable for formal allocation and we consider there to be a sound basis to allow development within the High Weald Area of Outstanding Natural Beauty ('AONB'). However, we consider the proposed policy requires modification for the reasons we set out within this representation.

1.4 Development Strategy and Strategic Policies (Policy STR1)

1.4.1 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.

1.4.2 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.

1.4.3 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.

1.4.4 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).

1.4.5 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 copy of Local Plan Figure 5 Key Diagram see full representation attached]

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

[TWBC: PSLP Policy STR1 duplicated here - see full representation attached].

1.4.7 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.

1.4.8 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.

1.4.9 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.

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

[TWBC: For copy of Local Plan Table 4 Distribution of housing allocations see full representation attached].

Response

1.4.11 Our client agrees that TWBC is capable of meeting its need in full and support this approach to plan-making.

1.4.12 In respect of the wider strategy, our client supports 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.

1.5 AONB Release

1.5.1 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.

1.5.2 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.

1.5.3 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.

1.5.4 With above criteria in mind, our clients consider there to be clear evidence of 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.

1.5.5 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.

1.5.6 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.

1.5.7 The nearby Ashdown Forest is a designated Special Area of Conservation (SAC) and Special Protection Area (SPA).

1.5.8 Although not an environmental constraint, the Metropolitan Green Belt covers 22% of Tunbridge Wells borough.

1.5.9 Given the above constraints, 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 AONB is patently met and with every development comes an opportunity to moderate the effects of development, buffers and the opportunity to increase public access to the land.

1.6 Housing Delivery

1.6.1 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.

1.6.2 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.

1.6.3 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. 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].

1.6.4 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.

1.6.5 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].

1.6.6 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.

1.6.7 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 sites like our client's land are needed.

1.8.1 This representation has been prepared on behalf of Mr D Masters 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 and the associated policies.

1.8.2 In this respect, 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 inclusion of our client's site in Goudhurst, but the detailed policy requires modification if the site is to be deemed deliverable.

1.8.3 We trust the contents of this representation are clear and hope that the comments are useful in guiding the forthcoming stage of the plan making process.

[TWBC: DHA's representation on behalf of Mr D Masters has been split into three separate areas: PSLP_481 - Vision and Objectives, PSLP_482 - Section 4: The Development Strategy, and PSLP_483 - Section 5: Goudhurst Policy AL/GO 2]

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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 Steve Brown [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Woolf Bond Planning
Address	The Mitfords Basingstoke Road READING RG7 1AT
Consultee	[REDACTED]
Company / Organisation	Millwood Designer Homes Ltd
Address	Bordyke End 59 East Street Tonbridge TN9 1HA
Event Name	Pre-Submission Local Plan
Comment by	Millwood Designer Homes Ltd [REDACTED]
Comment ID	PSLP_1883
Response Date	03/06/21 14:23
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	App 10 Examiners Report on the Examination of NEA S1 10th Dec 2020.pdf WBP Reps for Millwood - Hawkhurst - 3 June 2021.pdf App 03 Sevenoaks Final Report Mar 2020.pdf App 01b 5416-LLB-RP-L-0002-S4-P02 Landscape Statement.pdf App 06 St Albans v Hunston Properties 2013 EWCA Civ 1610.pdf App 08 Tandridge Inspector-Preliminary-Conclusions-Advice.pdf App 05 Calverton v Nottingham City 2015 EWHC 1078 Admin.pdf App 01a Millwood TW Local Plan Reps - Hawkhurst - 14 Nov 2019.pdf App 02 Inspectors letter to Tonbridge and Malling 15.12.20.pdf App 04 Sevenoaks DC v CLG [2020] EWHC 3054.pdf App 09 Uttlesford Post stage 1 hearings letter to the Council 10.1.20 .pdf App 07 Hundal v S Bucks DC 2012 EWHC 7912 Admin.pdf App 01c 5416-LLB-ZZ-XX-DR-L-0001-S4-P02 Landscape Principles.pdf

Data inputter to enter their initials here KJ

Question 1

Respondent's Name and/or Organisation Millwood Designer Homes 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: full representation attached has been separated into Policy STR1 (PSLP_1883, Policy STR9 (PSLP_1884), Policy PSTR/HA1 (PSLP_1885) and Policy STR/SS3 (PSLP_1886). 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 (Millwood Designer Homes Ltd) control the land at Chittenden Fields, north of High Street (A268), Hawkhurst. This site has been promoted through earlier stages in the Local Plan as an additional location for growth in the Borough, taking account of its credentials as a sustainable location for growth adjoining the acknowledged suitability of Hawkhurst, as indicated in the Council's SHLAA. 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 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 infrastructure and services such as those available at Hawkhurst which include those relating to health, education, leisure, retail and employment and will support the continuation of them as advocated by paragraph 77 of the NPPF. 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.

1.3 Having 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 and the allocation of deliverable sites in sustainable locations, including land controlled by our client's at Chittenden Fields, Hawkhurst. The site affords a sustainable opportunity in helping to meet identified housing needs and could provide for circa 70 dwellings, in a landscape setting, within walking distance from local services and facilities.

1.4 For the reasons detailed in this submission, growth at Chittenden Fields, Hawkhurst due to its relationship with existing development and facilities would result in achievement of sustainable development. Furthermore, the proximity of the Chittenden Fields site 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 therefore contrasts with that at Tudeley Village which due to the limitations of these in the 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 norm for residents in Tudeley, it will be harder to encourage them to switch to more sustainable alternatives once 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 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.

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 Millwood Designer Homes to the Council's Draft Local Plan Regulation 18 Consultation (November 2019) (appendix 1)
- Copy of Inspector's assessment of the Tunbridge & 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)

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 and extent of Built Development Limits

Objection

Policy STR9: Green Belt

Objection

Policy STR/HA1: The Strategy for Hawkhurst Parish and the omission of land at Chittenden Fields as a housing allocation for 70 dwellings.

Objection

Policy STR/SS3: The Strategy for Tudeley Village

Objection

Omission site – Land at Chittenden Fields, north of High Street (A268), Hawkhurst (SHLAA ref 2) – failure to include as an allocation in policy STR/HA1

Objection

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 through the planning system. 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. This therefore indicates that the Plan must seek to deliver the minimum of 14,364 dwellings between 2020 and 2039 rather than 12,204 dwellings from 2020 to 2038 as currently envisaged.

3.5 To address this requirement for additional homes, we contend that land at Chittenden Fields, Hawkhurst should be allocated for residential development (SHLAA ref 2). This site can accommodate 70 dwellings and as indicated in these representations and the supporting documents would be a sustainable addition to the village.

3.6 The representations also highlight a failure of the Local Plan as currently drafted to contribute towards addressing the acknowledged unmet needs of neighbouring authorities and the allocation of Chittenden Fields, Hawkhurst, can also supply homes to resolve this issue.

3.7 As detailed in the representations, the Chittenden Fields site would be a logical addition to the existing development in Hawkhurst and should be included in the defined extent of the village. This requires consequential amendments to the Limits to Build development for Hawkhurst as defined on the Local Plan Proposals Map (Inset Map 15).

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 Council.

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 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 advocate changes to the extent of the defined settlement area of Hawkhurst 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 Hawkhurst (Consistent with paragraph 77 of NPPF) 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 Chittenden Fields, north of Highs Street, Hawkhurst (SHLAA ref 2) should be included as an additional allocation within draft policy PSTR/HA1.

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 (page36) 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 area’s 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, 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.

5.3 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 commits to delivery within policy STR1.

5.4 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 IS 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.

5.5 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 (484.3×1.579375). The revised uncapped figure using the latest affordability ratios is therefore 12.8% above the 678dpa within the draft Submission Local Plan. This is consequently the figure the authority should have included as the minimum requirement as it would have exceeded the capped figure which would therefore contribute towards needs arising in other authorities. This is explained further 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 obligation 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 be taken of any requirements which cannot be addressed by neighbouring authorities. The Council's Duty to Co-operate (DtC) Statement summarises the discussions and engagement that the authority has had with other bodies pursuant to the Duty to Co-operate. The 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.

5.9 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 delivery 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 Chittenden Fields, Hawkhurst 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.

5.10 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.

5.11 The Inspector's Report into the Sevenoaks Local Plan Examination (March 2020) (appendix 3) is clear (paragraph 28) that on 11th April 2019 it received a request from Sevenoaks DC to make a contribution towards unmet housing needs. Details of this request 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.

5.12 The Sevenoaks Local Plan Inspector was clear as to 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).

5.13 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.

5.14 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.

5.15 The Council's avoidance of any contribution towards Sevenoaks unmet housing needs reflects the position of Tonbridge & Malling BC (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).

5.16 The Inspector (paragraphs 6 and 7) clarifies the timing of TMBC's knowledge of the expected deficit in Sevenoaks District. These state:

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 Malling would be 'no' due to 'constraints'¹. 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 dwellings². 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.

5.17 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 obligation within statute with respect of the Duty to Co-operate.

5.18 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.

5.19 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 as 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) whilst making a contribution towards significantly boosting the supply of housing would have also been included as a means of addressing unresolved needs of others.

5.20 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.

5.21 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.

5.22 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.

Robustness of the Plan Period

5.23 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 (now 4th June 2021), followed by submission in July 2021 and adoption in June 2022, this is not considered realistic.

5.24 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)) 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).

5.25 The average period from consultation on a draft Submission Plan until its adoption was 764 days (i.e. over 2 years).

5.26 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.

5.27 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.

5.28 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.

5.29 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 the event that the Inspector concludes Tunbridge Wells Borough has complied with the Duty to Co-operate, that to make a contribution towards unmet housing needs in adjoining authorities, the Borough's housing requirement is 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 requiring 12,204 dwellings from 2020 to 2038, this should be increased to 14,364 dwellings from 2020 to 2039. This is consequently an increase of 2,162 dwellings. A proportion of these additional homes could be delivered through the allocation of the land at Chittenden Fields, north of High Street, Hawkhurst. For the reasons detailed above, a March 2039 end date would provide for 15 years after the 2023/24 monitoring period during which adoption could be realistic anticipated.

Robustness of Housing Land Supply

5.30 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. 5.31 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. 5.32 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 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 Chittenden Fields, north of High Street, Hawkhurst. The suitability of this is detailed in the section with respect of the omission site.

Conclusions

5.33 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.

5.34 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. 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.

5.31 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.

5.32 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 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 Chittenden Fields, north of High Street, Hawkhurst. The suitability of this is detailed in the section with respect of the omission site.

Conclusions

5.33 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.

5.34 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.

10. OVERALL CONCLUSIONS

10.1. Our representations to the draft submission Local Plan have identified a number of concerns with the document as drafted, especially with respect of its soundness.

10.2. As indicated in the representations, changes to policies of the Plan are advocated, including the borough's housing requirement in policy STR1.

10.3. To ensure adequate supply of housing arises, the land at Chittenden Fields, north of High Street, Hawkhurst should be included as a housing allocation for approximately 70 dwellings.

10.4. These matters can be addressed through Main Modifications to the Plan allowing for a Sound Plan.

11. FINAL REMARKS

11.1. We trust the above comments are of assistance in preparing the necessary main modifications to provide for a sound Local Plan.

11.2. We welcome the opportunity to engage in constructive dialogue with the Council in relation to our observations, including the allocation of our client's site at Chittenden Fields, Hawkhurst.

11.3. 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 Inspectorate for examination.

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.

5.35 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.

5.36 The Council 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 with their legal obligations. The plan should consequently be withdrawn, and the authority tasked with demonstrating compliance with the duty.

5.37 Irrespective of the failure to comply with the Duty to Co-operate, it is our opinion that the Policy cannot be said to be sound on the basis for the reasons summarised as follows:

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); ande) 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.

5.38 In order to address these matters of soundness, several amendments are suggested:

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; andC) That reference to a new garden settlement at Tudeley Village is removed from the plan.
2. That consequential amendments are made to the document to reflect these revisions.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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 clarify any points the Inspector has with respect of the detailed representations submitted

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_112a-o

Comment

Agent	Mr Steve Brown [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Woolf Bond Planning
Address	The Mitfords Basingstoke Road READING RG7 1AT
Consultee	[REDACTED]
Company / Organisation	Millwood Designer Homes Ltd
Address	Bordyke End 59 East Street Tonbridge TN9 1HA
Event Name	Pre-Submission Local Plan
Comment by	Millwood Designer Homes Ltd [REDACTED]
Comment ID	PSLP_1859
Response Date	03/06/21 14:44
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	APP02I~1.PDF WBP Reps for Millwood - Benenden - 3 June 2021.pdf APP08T~1.PDF App 07 Hundal v S Bucks DC 2012 EWHC 7912 Admin.pdf App 04 Sevenoaks DC v CLG [2020] EWHC 3054.pdf App 11 PP SPG Benenden Iden Green CAA.pdf App 01c Figure 3 Landscape.pdf APP01A~1.PDF (1) APP06S~1.PDF APP09U~1.PDF App 01d P318 LP 1001 - Site Location Plan.pdf App 05 Calverton v Nottingham City 2015 EWHC 1078 Admin.pdf App 03 Sevenoaks Final Report Mar 2020.pdf APP01B~1.PDF APP10E~1.PDF

Data inputter to enter their initials here KJ

Question 1

Respondent's Name and/or Organisation Millwood Designer Homes 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: full representation attached has been separated into Policy STR1 (PSLP_1859, Policy STR9 (PSLP_1868), Policy PSTR/BE1 (PSLP_1869), Policy STR/SS3 (PSLP_1870) and Policy EN15 (PSLP_1872). 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 client's (Millwood Designer Homes Ltd) control the land on the west side of Iden Green Road, Benenden (Site Ref: 222). This site has been promoted through the earlier stages in the Local Plan as an additional location for growth in the Borough, taking account its credentials as a sustainable location for growth adjoining the acknowledged suitability of Benenden, as indicated in the Council's SHLAA. 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 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 infrastructure and services such as those available at Benenden which include those relating to education, leisure and retail and will support the continuation of them as advocated by paragraph 77 of the NPPF. 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.

1.3 Having 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 and the allocation of deliverable sites in sustainable locations, including land controlled by our client's to the west of Iden Green Road, Benenden. The site affords a sustainable opportunity in helping to meet identified housing needs and could provide for approximately 28 dwellings, within walking distance from local services and facilities.

1.4 For the reasons detailed in this submission, growth at Benenden would support the long-term provision of services within the village reflecting the approach advocated in the NPPF (paragraph 77). This would result in the achievement of sustainable development.

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.

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 Millwood Designer Homes to the Council's Draft Local Plan Regulation 18 Consultation (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)
- Benenden and Iden Green Conservation Areas Appraisal (April 2005) (appendix 11)

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 and extent of Built Development Limits

Objection

Policy STR9: Green Belt

Objection

Policy PSTR/BE1: The Strategy for Benenden Parish and the omission of land west of Iden Green Road as a housing allocation

Objection

Policy STR/SS3: The Strategy for Tudeley Village

Objection

Policy EN15: Local Green Space

Objection

Omission site – Land west of Iden Green Road, Benenden (SHLAA ref 222) – failure to include as an allocation in policy PSTR/BE1

Objection

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 through the planning system. 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. This therefore indicates that the Plan must seek to deliver the minimum of 14,364 dwellings between 2020 and 2039 rather than 12,204 dwellings from 2020 to 2038 as currently envisaged.

3.5. To address this requirement for additional homes, we contend that land on the west side of Iden Green Road, Benenden, should be allocated for residential development (SHLAA Ref 222). This site can accommodate 28 dwellings and as indicated in these representations and the supporting documents would be a sustainable addition to the village.

3.6. 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 land of the west side of Iden Green Road, Benenden can also supply homes to resolve this issue. As detailed in the representations, the land west of Iden Green Road site would be a logical addition to the existing development in Benenden and should consequently be included in the defined extent of the village.

3.7. We also advocate other revisions to the Draft Submission Local Plan to ensure it is consistent with the evidence base prepared by the authority.

3.8. 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 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 advocate changes to the extent of the defined settlement area of Benenden 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 Benenden (Consistent with paragraph 77 of the NPPF) 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 on the west side of Iden Green Road, Benenden (SHLAA ref 222) should be included as an additional allocation within draft policy PSTR/BE1.

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.

5.3. To avoid an early review the authority should consider the scope that the area could address the uncapped housing need of the area, 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.

5.4. 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.

5.5. 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 commits to delivery within policy STR1.

5.6. 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 IS 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.

5.7. 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 (484.3×1.579375). The revised uncapped figure using the latest affordability ratios is therefore 12.8% above the 678dpa within the draft Submission Local Plan. This is consequently the figure the Council should have included as the minimum requirement as it would have exceeded the capped figure which would therefore contribute towards needs arising in other authorities. This is explained further below.

5.8. 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 obligation to provide strategic policy for at least 15 years post adoption (NPPF, paragraph 22).

Housing needs of other authorities

5.9. 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).

5.10. In addition, paragraph 60 is clear that in determining an areas' housing needs account should be taken of any requirements which cannot be addressed by neighbouring authorities. The Council's Duty to Co-operate (DtC) Statement summarises the discussions and engagement that the authority has had with other bodies pursuant to the Duty to Co-operate. The DtC Statement is clear that Sevenoaks District has identified a clear challenge for that authority to meet its' housing needs.

5.11. 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.

5.12. 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 delivery growth consistent with the uncapped housing needs is therefore a reasonable and justified approach.

5.13. For the reasons detailed in the representations, had the draft Submission Local Plan included the land west of Iden Green Road, Benenden 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.

5.14. 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.

5.15. The Inspector's Report into the Sevenoaks Local Plan Examination (March 2020) (appendix 3) is clear (paragraph 28) that on 11th April 2019 it received a request from Sevenoaks DC to make a contribution towards unmet housing needs. Details of this request 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's analysis.

5.16. The Sevenoaks Local Plan Inspector was clear as to 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).

5.17. 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.

5.18. 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.

5.19. The Council's avoidance of any contribution towards Sevenoaks unmet housing needs reflects the position of Tonbridge & Malling BC (who adjoin both Sevenoaks and Tunbridge Wells).

5.20. 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).

5.21. The Inspector (paragraphs 6 and 7) clarifies the timing of TMBC's knowledge of the expected deficit in Sevenoaks District. These state:

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 Malling would be 'no' due to 'constraints'¹. 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 dwellings². 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.

5.22. 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 obligation within statute with respect of the Duty to Co-operate.

5.23. 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.

5.24. 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 as 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) whilst making a contribution towards significantly boosting the supply of housing would have also been included as a means of addressing unresolved needs of others.

5.25. 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.

5.26. 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.

5.27. 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.

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)) 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. However, we contend that if the event that the Inspector concludes Tunbridge Wells Borough has complied with the Duty to Co-operate, that to make a contribution towards unmet housing needs in adjoining authorities, the Borough's housing requirement is 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 requiring 12,204 dwellings from 2020 to 2038, this should be increased to 14,364 dwellings from 2020 to 2039. This is consequently an increase of 2,162 dwellings. A proportion of these additional homes could be delivered through the allocation of the land west of Iden Green Road, Benenden. For the reasons detailed above, a March 2039 end date would provide for 15 years after the 2023/24 monitoring period during which adoption could be realistic anticipated.

Robustness of Housing Land Supply

5.36. 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.

5.37. 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.

5.38. 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 9,883 dwellings.

5.39. 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 on land west of Iden Green Road, Benenden. The suitability of this is detailed in the section with respect of the omission site.

Conclusions

5.40. 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.

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, changes to policies of the Plan are advocated, including the borough's housing requirement in policy STR1.

11.3. To ensure adequate supply of housing arises, the land west of Iden Green Road, Benenden should be included as a housing allocation.

11.4. These matters can consequently be addressed through Main Modifications to the plan allowing for a Sound Plan.

12. FINAL REMARKS

12.1. We trust the above comments are of assistance in preparing the necessary main modifications to provide for a sound Local Plan.

12.2. We welcome the opportunity to engage in constructive dialogue with the Council in relation to our observations, including the allocation of land west of Iden Green Road, Benenden for housing.

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 Inspectorate for examination.

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.

5.41. 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 with their legal obligations. The plan should consequently be withdrawn, and the authority tasked with demonstrating compliance with the duty.

5.42. 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); and
e) 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.

5.43. 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; andC) That reference to a new garden settlement at Tudeley Village is removed from the plan.

2. That consequential amendments are made to the document to reflect these revisions.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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 clarify any points the Inspector has with respect of the detailed representations submitted

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_109a-n

Comment

Agent	Mr Steve Brown [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Woolf Bond Planning
Address	[REDACTED] [REDACTED] READING [REDACTED]
Consultee	[REDACTED]
Company / Organisation	Millwood Designer Homes Ltd
Address	[REDACTED] [REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Millwood Designer Homes Ltd [REDACTED]
Comment ID	PSLP_1839
Response Date	03/06/21 14:53
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.10
Files	App 05 Calverton v Nottingham City 2015 EWHC 1078 Admin.pdf APP01A~1.PDF App 07 Hundal v S Bucks DC 2012 EWHC 7912 Admin.pdf WBP Reps for Millwood - Rusthall - 3 June 2021.pdf App 01b P352 Rusthall - Access improvements.pdf APP09U~1.PDF App 04 Sevenoaks DC v CLG [2020] EWHC 3054.pdf APP02I~1.PDF APP10E~1.PDF App 03 Sevenoaks Final Report Mar 2020.pdf APP08T~1.PDF APP06S~1.PDF App 01d Home Farm - Site Context Plan WBP2.pdf App 01c Plan WBP1 - Land at Home Farm, Rusthall.pdf

Data inputter to enter their initials here KJ

Question 1

Respondent's Name and/or Organisation Millwood Designer Homes 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: full representation attached has been separated into Policy STR1 (PSLP_1839, Policy STR9 (PSLP_1848), Policy PSTR/RU1 (PSLP_1856) and Policy STR/SS3 (PSLP_1857). 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 (Millwood Designer Homes Ltd) control the land at Home Farm, Lower Green Road, Rusthall (SHLAA Site Ref: 60). This site has been promoted through earlier stages in the Local Plan as an additional location for growth in the Borough, taking account its credentials as a sustainable location for growth adjoining the acknowledged suitability of Rusthall, as indicated in the Council's SHLAA. 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 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 infrastructure and services such as those available at Rusthall which include those relating to health, education, leisure, retail 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.

1.3 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 replacement with an allocation at Home Farm, Rusthall. For the reasons detailed in this submission, growth at Home Farm, Rusthall due to its relationship with existing development and facilities would result in achievement of sustainable development. Furthermore, the proximity of the Home Farm site 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.

1.4 This contrasts with that at Tudeley Village which due to the limitations of these in the 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 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.

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 Millwood Designer Homes to the Council's Draft Local Plan Regulation 18 Consultation (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)

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 and extent of Built Developments

Objection

Policy STR8: Conserving and enhancing the natural, built, and historic environment

Objection

Policy STR9: Green Belt

Objection

Policy PSTR/RU1: The Strategy for Rusthall Parish and the omission of land at Home Farm, Lower Green Road (Site Ref: 60)

Objection

Policy STR/SS3: The Strategy for Tudeley Village

Objection

Omission site – Land at Home Farm, Lower Green Road, Rusthall (SHLAA Ref 60) – failure to include as an allocation in policy PSTR/RU1

Objection

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 through the planning system. 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. This therefore indicates that the Plan must seek to deliver the minimum of 14,364 dwellings between 2020 and 2039 rather than 12,204 dwellings from 2020 to 2038 as currently envisaged.

3.5 To address this requirement for additional homes, we contend that land at Home Farm, Lower Green Road, Rusthall should be allocated for residential development (SHLAA ref 60). This site can accommodate 25 dwellings (including a policy-compliant level of affordable housing) and as indicated in these representations and the supporting documents would be a sustainable addition to the village.

3.6 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 Home Farm, Rusthall can also supply homes to resolve this issue.

3.7 As detailed in the representations, the Home Farm site would be a logical addition to the existing development in Rusthall and should consequently be included in the defined extent of the village, 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 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 Rusthall 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 Rusthall 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 Home Farm, Lower Green Road, Rusthall (SHLAA Ref 60) should be included as an additional allocation within draft policy PSTR/RU1.

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 - 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 area’s 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, 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.

5.3 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.

5.4 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 Council commits to delivery within policy STR1.

5.5 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 IS 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.

5.6 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 x 1.579375). The revised uncapped figure using the latest affordability ratios is therefore 12.8% above the 678dpa within the draft Submission Local Plan. This is consequently the Council should have included as the minimum requirement as it would have exceeded the capped figure which would therefore contribute towards needs arising in other authorities. This is explained further below.

5.7 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 obligation to provide strategic policy for at least 15 years post adoption (NPPF, paragraph 22).

Housing needs of Other Authorities

5.8 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).

5.9 Paragraph 60 is clear that in determining an areas' housing needs account should be taken of any requirements which cannot be addressed by neighbouring authorities. The Council's Duty to Co-operate (DtC) Statement summarises the discussions and engagement that the authority has had with other bodies pursuant to the Duty to Co-operate. The DtC Statement is clear that Sevenoaks District has identified a clear challenge for that authority to meet its' housing needs.

5.10 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.

5.11 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 delivery 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 Home Farm, Rusthall 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.

5.12 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.

5.13 The Inspector's Report into the Sevenoaks Local Plan Examination (March 2020) (appendix 3) is clear (paragraph 28) that on 11th April 2019 it received a request from Sevenoaks DC to make a contribution towards unmet housing needs. Details of this request 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's analysis.

5.14 The Sevenoaks Local Plan Inspector was clear as to 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).

5.15 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.

5.16 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 Council to take.

5.17 The Council's avoidance of any contribution towards Sevenoaks unmet housing needs reflects the position of Tonbridge & Malling BC (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. These state:

"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 Malling would be 'no' due to 'constraints'¹. 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 dwellings². 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.

5.20 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 obligation within statute with respect of the Duty to Co-operate.

5.21 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.

5.22 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 as 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) whilst making a contribution towards significantly boosting the supply of housing would have also been included as a means of addressing unresolved needs of others.

5.23 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.

5.24 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)). Accordingly, the Plan should be found not to be legally compliant and should not be examined further.

5.25 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.

Robustness of Plan period

5.26 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.

5.27 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)) 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).

5.28 The average period from consultation on a draft Submission Plan until its adoption was 764 days (i.e. over 2 years).

5.29 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.

5.30 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.

5.31 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.

5.32 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 the event that the Inspector concludes Tunbridge Wells Borough has complied with the Duty to Co-operate, that to make a contribution towards unmet housing needs in adjoining authorities, the Borough's housing requirement is 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 requiring 12,204 dwellings from 2020 to 2038, this should be increased to 14,364 dwellings from 2020 to 2039. This is consequently an increase of 2,162 dwellings. A proportion of these additional homes could be delivered through the allocation of the land at Home Farm, Lower Green Road, Rusthall.

5.33 For the reasons detailed above, a March 2039 end date would provide for 15 years after the 2023/24 monitoring period during which adoption could be realistic anticipated.

Robustness of Housing Land Supply

5.34 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.

5.35 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.

5.36 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 9,883 dwellings.

5.37 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 Home Farm, Lower Green Road, Rusthall. The suitability of this is detailed in the section with respect of the omission site.

Conclusions

5.38 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.

10. OVERALL CONCLUSIONS

10.1. 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.

10.2. As indicated in the representations, changes to policies of the Plan are advocated, including the borough's housing requirement in policy STR1.

10.3. To ensure adequate supply of housing arises, the land at Home Farm, Lower Green Road, Rusthall (Site Ref: 60) should be included as an allocation.

10.4. These matters can consequently be addressed through Main Modifications to the Plan allowing for a Sound Plan.

11. FINAL REMARKS

11.1. We trust the above comments are of assistance in preparing the necessary main modifications to provide for a sound Local Plan.

11.2. We welcome the opportunity to engage in constructive dialogue with the Council in relation to our observations, including the allocation of our client's site at Home Farm, Rusthall (Site Ref: 60).

11.3. 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 Inspectorate for examination.

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.

5.39 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 with their legal obligations. The plan should consequently be withdrawn, and the authority tasked with demonstrating compliance with the duty.

5.40 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); and
e) 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.

5.41 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; andC) That reference to a new garden settlement at Tudeley Village is removed from the plan.

2. That consequential amendments are made to the document to reflect these revisions.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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 clarify any points the Inspector has with respect of the detailed representations submitted

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_116a-j

Comment

Agent	Mr Steve Brown [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Woolf Bond Planning
Address	The Mitfords Basingstoke Road READING RG7 1AT
Consultee	[REDACTED]
Company / Organisation	Millwood Designer Homes Ltd
Address	Bordyke End 59 East Street Tonbridge TN9 1HA
Event Name	Pre-Submission Local Plan
Comment by	Millwood Designer Homes Ltd [REDACTED]
Comment ID	PSLP_1876
Response Date	03/06/21 16:15
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	App 05 St Albans v Hunston Properties 2013 EWCA Civ 1610.pdf App 04 Calverton v Nottingham City 2015 EWHC 1078 Admin.pdf App 07 Tandridge Inspector-Preliminary-Conclusions-Advice.pdf App 09 Examiners Report on the Examination of NEA S1 10th Dec 2020.pdf WBP Reps for Millwood - Matfield - 3 June 2021.pdf App 08 Uttlesford Post stage 1 hearings letter to the Council 10.1.20 .pdf App 03 Sevenoaks DC v CLG [2020] EWHC 3054.pdf App 06 Hundal v S Bucks DC 2012 EWHC 7912 Admin.pdf App 02 Sevenoaks Final Report Mar 2020.pdf App 01 Inspectors letter to Tonbridge and Malling 15.12.20.pdf
Data inputter to enter their initials here	KJ
Question 1	

Respondent's Name and/or Organisation Millwood Designer Homes 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: full representation attached has been separated into Policy STR1 (PSLP_1876, Policy STR9 (PSLP_1879), Policy PSTR/BM1 (PSLP_1881) and Policy STR/SS3 (PSLP_1882). 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 (Millwood Designer Homes Ltd) have a controlling interest in land at Ashes Plantation, Maidstone Road, Matfield (Site Ref: 353).

1.2 The site was allocated in the Regulation 18 Draft Local Plan (Sept 2019) as a suitable and sustainable location to provide for 30-60 dwellings under Policy AL/BM3.

1.3 The council's decision to deallocate the site is not supported by the evidence base including this site assessment set out in the sustainability appraisal. Accordingly, the site should be reinstated as a housing allocation on similar terms to the wording set out in former Policy AL/BM3.

1.4 For the reasons set out below, we are of the view that 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 infrastructure and services such as those available at Matfield. Such locations should be considered in advance of the unjustified removal of land from the Green Belt which as detailed in the representations, which approach 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.

1.5 Having 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 and the allocation of deliverable sites in sustainable locations, including land controlled by our client at Ashes Plantation, Matfield. The site affords a logical opportunity in helping to meet identified housing needs and could provide for up to 60 dwellings, to include a policy-compliant level of affordable housing.

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 Inspector's assessment of the Tonbridge & Malling Local Plan (15th December 2020) (appendix 1)
- Inspector's Report into Examination of the Sevenoaks Local Plan (2nd March 2020) (appendix 2)
- Sevenoaks DC v Secretary of State for Communities, Housing & Local Government [2020] EWHC 3054 (appendix 3)
- Calverton PC v Nottinghamshire County Council [2015] EWHC 1078 (Admin) (appendix 4)
- St Albans City & District v Hunston Properties [2013] EWCA Civ 1610 (appendix 5)
- Hundal v South Bucks DC [2012] EWHC 7912 (Admin) (appendix 6)
- Tandridge LP Inspector's interim conclusions (11th December 2020) (appendix 7)
- Uttlesford Local Plan post Stage 1 hearings Inspector's letter to Council 10th January 2020 (appendix 8)
- North Essex Authorities (Braintree, Colchester & Tendring) Inspector's Report (10th December 2020) (appendix 9)

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 and extent of Built Development Limits

Objection

Policy STR9: Green Belt

Objection

Policy PSTR/BM1: The Strategy for Brenchley and Matfield Parish and the omission of land at Ashes Plantation as a housing allocation for up to 60 dwellings.

Objection

Policy STR/SS3: The Strategy for Tudeley Village

Objection

Omission site – Land at Ashes Plantation, Maidstone Road, Matfield (SHLAA Ref: 353)

Objection

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 polices, 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 through the planning system. 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. This therefore indicates that the Plan must seek to deliver the minimum of 14,364 dwellings between 2020 and 2039 rather than 12,204 dwellings from 2020 to 2038 as currently envisaged.

3.5 To address this requirement for additional homes, we contend that land at Ashes Plantation, Maidstone Road, Matfield (SHELAA Ref: 353) should be allocated for housing development.

3.6 Our representations also highlight a failure of the Local Plan as currently drafted to contribute towards addressing the acknowledged unmet needs of neighbouring authorities and the allocation of Site Ref: 353 (Reg 18 Local Plan allocation Ref: AL/BM3), can also supply homes to resolve this issue.

3.7 As detailed in the representations, the site represents a logical addition to the existing development in Matfield and should be included in the defined extent of the village. This requires consequential amendments to the Limits to Build development for Matfield as defined on the Local Plan Proposals Map (Inset Map 21).

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 Council.

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 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 advocate changes to the extent of the defined settlement area of Matfield together with amendments to other policies of the plan.

4.8 These amendments would reflect the view taken by the Council in allocation the site at the Regulation 18 stage in preference to 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 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 area's 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, 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.

5.3 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 commits to delivery within policy STR1.

5.4 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 IS 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.

5.5 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 x 1.579375). The revised uncapped figure using the latest affordability ratios is therefore 12.8% above the 678dpa within the draft Submission Local Plan. This is consequently the figure the authority should have included as the minimum requirement as it would have exceeded the capped figure which would therefore contribute towards needs arising in other authorities. This is explained further 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 obligation 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.

5.8 We consider that the Council 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).

5.9 In addition, paragraph 60 is clear that in determining an areas' housing needs account should be taken of any requirements which cannot be addressed by neighbouring authorities.

5.10 The Council's Duty to Co-operate (DtC) Statement summarises the discussions and engagement that the authority has had with other bodies pursuant to the Duty to Co-operate. The 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 Council 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.

5.11 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 delivery growth consistent with the uncapped housing needs is therefore a reasonable and justified approach.

5.12 For the reasons detailed in the representations, had the draft Submission Local Plan included the Ashes Plantation site (SHELAA Ref: 353), 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.

5.13 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 Council had failed to comply with the Duty to Co-operate.

5.14 The Inspector's Report into the Sevenoaks Local Plan Examination (March 2020) (appendix 2) is clear (paragraph 28) that on 11th April 2019 it received a request from Sevenoaks DC to make a contribution towards unmet housing needs. Details of this request 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 Well's analysis.

5.15 The Sevenoaks Local Plan Inspector was clear as to the significant extent of unmet housing need (potentially at least 1,316 dwellings as indicated in paragraph 14). Furthermore, the 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.

5.16 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).

5.17 Sevenoaks District Council's approach to the Duty to Co-operate was further assessed through the subsequent Court judgement (appendix 3). 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 Council 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.

5.18 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.

5.19 The Council's avoidance of any contribution towards Sevenoaks unmet housing needs reflects the position of Tonbridge & Malling BC (who adjoin both Sevenoaks and Tunbridge Wells). The Inspector examining the submitted Tonbridge & Malling Local Plan reported their conclusions in December 2020 (Appendix 1). 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).

5.20 The Inspector (paragraphs 6 and 7) clarifies the timing of TMBC's knowledge of the expected deficit in Sevenoaks District. These state:

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 Malling would be 'no' due to 'constraints'¹. 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 dwellings². 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.

5.21 The TMBC LP Inspector (appendix 1) 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 obligation within statute with respect of the Duty to Co-operate.

5.22 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.

5.23 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 as 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) whilst making a contribution towards significantly boosting the supply of housing would have also been included as a means of addressing unresolved needs of others.

5.24 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.

5.25 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.

5.26 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.

Robustness of the Plan Period

5.27 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 (now 4th June 2021), followed by submission in July 2021 and adoption in June 2022, this is not considered realistic.

5.28 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)) 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).

5.29 The average period from consultation on a draft Submission Plan until its adoption was 764 days (i.e. over 2 years).

5.30 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.

5.31 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.

5.32 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.

5.33 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 the event that the Inspector concludes Tunbridge Wells Borough has complied with the Duty to Co-operate, that to make a contribution towards unmet housing needs in adjoining authorities, the Borough's housing requirement is 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 requiring 12,204 dwellings from 2020 to 2038, this should be increased to 14,364 dwellings from 2020 to 2039. This is an increase of 2,162 dwellings. A proportion of these additional homes could be delivered through the allocation of the land at Ashes Plantation, Matfield. For the reasons detailed above, a March 2039 end date would provide for 15 years after the 2023/24 monitoring period during which adoption could be realistic anticipated.

Robustness of Housing Land Supply

5.34 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 7,221 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.

5.35 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.

5.36 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 9,883 dwellings. It is therefore clear, irrespective of the unjustified allocation of Tudeley that further sites are needed.

5.37 One site which should be included as an allocation is the land controlled by our client at Ashes Plantation, Matfield.

Conclusions

5.38 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.

5.39 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.

10. OVERALL CONCLUSIONS

10.1. Our representations to the draft submission Local Plan have identified a number of concerns with the document as drafted, especially with respect of its soundness.

10.2. As indicated in the representations, changes to policies of the Plan are advocated, including the borough's housing requirement in policy STR1.

10.3. To ensure adequate supply of housing arises, the land at Ashes Plantation, Maidstone Road, Matfield should be included as a housing allocation for up to 60 dwellings.

10.4. These matters can be addressed through Main Modifications to the Plan allowing for a Sound Plan.

11. FINAL REMARKS

11.1. We trust the above comments are of assistance in preparing the necessary main modifications to provide for a sound Local Plan.

11.2. We welcome the opportunity to engage in constructive dialogue with the Council in relation to our observations, including the allocation of our client's site at Ashes Plantation, Matfield (Site Ref: 353).

11.3. 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 Inspectorate for examination.

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.

5.40 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.

5.41 The Council 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 with their legal obligations. The plan should consequently be withdrawn, and the authority tasked with demonstrating compliance with the duty.

5.42 Irrespective of the failure to comply with the Duty to Co-operate, it is our opinion that the Policy cannot be said to be sound on the basis for the reasons summarised as follows:

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); ande) 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.

5.43 In order to address these matters of soundness, several amendments are suggested:

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; andC) That reference to a new garden settlement at Tudeley Village is removed from the plan.

2. That consequential amendments are made to the document to reflect these revisions.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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 clarify any points the Inspector has with respect of the detailed representations submitted

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	Andrew Teage [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Cushman Wakefield
Address	No 1 Marsden Street Manchester M2 1HW
Consultee	Ministry of Justice [REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Ministry of Justice [REDACTED]
Comment ID	PSLP_969
Response Date	02/06/21 13:12
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.6
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Ministry of Justice
Question 2	
Agent's Name and Organisation (if applicable)	Andrew Teage, Cushman & Wakefield
Question 3	
To which part of the Local Plan does this 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 Nos. 4.39, 4.40, 4.41, 4.48

[TWBC: see also PSLP_976 under Policy STR 3 Brownfield Land]

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 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.

Paragraphs 4.39, 4.40, 4.41, 4.48 of the Local Plan place great emphasis on maintaining the integrity of the Green Belt and High Weald Area of Outstanding Natural Beauty (AONB), confirming that these are critical considerations in the distribution of development, and that the effective use of brownfield and urban land across the borough can make a significant contribution to avoid unacceptable impacts on these protected areas, and in doing so deliver overall sustainability benefits.

As a result, the development strategy set out in Policy STR 1 has been refined from that of the Draft Local Plan to provide greater urban intensification/brownfield site development.

Given the importance that is placed on the effective use of brownfield and urban land in the NPPF1 and in the explanatory text that supports Policy STR1, it is strange that the Council is relying on a windfall allowance to deliver a considerable proportion of its development need from such a significant land use category, particularly when there are large previously developed sites such as HMP Blantyre House, Horden, Goudhurst located within the Borough that may become available for alternative development during the plan period. It should also be recognised that whilst HMP Blantyre House is located outside of the Goudhurst Limits to Built Development, it is not located within the Greenbelt or the High Weald AONB, which the Local Plan is seeking to protect.

HMP Blantyre House is in the ownership of the Ministry of Justice and is a substantial property that extends to 11.75 hectares. It has incrementally developed over time from its original use as a Fegan Home for Boys, through its conversion to a Detention Centre for young offenders, before its final conversion to a resettlement prison for long term prisoners, which was designed to prepare men for their eventual release through training, education and lifestyle skills. The Blantyre House estate is therefore much more than just the main residential accommodation; it has a range of subsidiary buildings and infrastructure that extend the developed footprint of the site comprising some 26 buildings, a swimming pool, farm area, and associated hardstanding and car parking, all of which is consistent with the definition of previously developed land contained within Annex 2 of the NPPF2.

Blantyre House officially closed as a resettlement prison in 2019 and had been vacant for more than 2 years prior to that. Substantial decommissioning of the site has also been undertaken. The Ministry of Justice is currently considering the property's appropriateness for alternative secure accommodation uses within the same use class (C2a), but the property may become surplus to requirements during the plan period, at which point it will be marketed and sold for alternative uses.

This substantial, previously developed site would, at this point in time enter a new chapter in its lifecycle, and a new future use would need to be found otherwise there is a significant risk that it will fall into dereliction, which would disbenefit local residents and harm the local environment. This would be contrary to the Council's policy direction that such land can make a significant contribution to the development needs of the Borough, thereby avoiding unacceptable impacts on protected areas such as the Greenbelt and High Weald AONB, and in doing so deliver overall sustainability benefits.

Leaving the future of such a substantial previously developed land asset to be resolved through the windfall allowance of the Local Plan is not considered to represent positive planning, and is certainly not the most effective strategy for finding the right solution for the re-purposing/re-use/re-development of such an important previously developed site.

It is recognised that the Council has considered HMP Blantyre House as a reasonable alternative for a garden settlement³, as well as a reasonable alternative development site for the settlement of Goudhurst⁴, and have concluded that it does not merit formal allocation within the Local Plan. The principal reason for this being that the site's accessibility was not considered to be sufficiently positive.

The MoJ does not believe that this assessment outcome has considered all reasonable alternatives to finding the optimum planning outcome for such a large previously developed site in the countryside and outside the Green Belt and High Weald AONB. The Local Plan therefore fails to make appropriate provision for the proper assessment of such sites by means of an appropriate and proportionate evaluation of their future alternative use.

Table 62 in Appendix O of the Sustainability Appraisal of the Pre-Submission Local Plan (February 2021) determines that the site has a positive score against both the Land Use objective and health assessment, which should in themselves suggest that greater attention should be paid to the future of this significant brownfield asset in the Countryside. Furthermore, Table 62 identifies that setting issues and heritage asset issues may need consideration, alongside concern surrounding its accessibility and remote location. These issues are not unsurmountable and with due care and proper consideration, sustainable site-based solutions will be able to be found that will ensure that such an important previously developed property and land asset does not fall into dereliction. For example, the Council recognise in the commentary on Goudhurst reasonable alternative sites on page 173 of the Sustainability Appraisal that the nearest train station at Marden is relatively near but the direct bus service is poor, which is a situation that can be positively addressed through the consideration of specific site based sustainable travel options and investment.

Positive, effective, and clear policy guidance is required on the future of such substantial previously developed sites outside of Limits to Development, rather than leaving the future of such important assets to windfall opportunities, which is an approach that clearly leads to the risk that such valuable brownfield assets will fall into dereliction.

Providing positive, effective, and clear policy guidance on the future of such substantial previously developed sites approach is clearly aligned and consistent with national policy and advice, specifically paragraph 118. and 79. of the National Planning Policy Framework (NPPF) where planning policies should:

118. (a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside; 118. (d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained, and available sites could be used more effectively; and 79. (c) re-use redundant or disused buildings and enhance their immediate setting.

Paragraph 119 of the NPPF further supports the case for specific policy guidance for substantial previously developed sites outside of Limits to Development and not within the Green Belt or High Weald AONB. This paragraph makes it clear that local planning authorities should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, including suitable sites held in public ownership where this can help to bring more land forward

for meeting development needs and/or secure better development outcomes. HMP Blantyre House is currently within public ownership (MoJ) and the landowner, MoJ, has previously made it clear to the Council that the property may become surplus to requirements during the plan period.

For the Local Plan to be positively prepared and justified, specific attention must be paid to substantial previously developed sites such as HMP Blantyre House that lie outside of Limits to Development but are not within the Green Belt or High Weald 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.

After this stage, 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.

An additional policy criterion 10. should be added into policy STR1 that safeguards substantial previously developed sites that are located in the Countryside but not within the Green Belt or High Weald AONB for future development, where such development will make an important contribution to meeting the development needs of the Borough over the whole of the Plan period.

The following wording for the additional policy criterion 10. is suggested as follows:

10. Safeguard substantial previously developed sites that are located in the Countryside but outside of the Green Belt or High Weald AONB for future development, where such development will make an important contribution to meeting the development needs of the Borough over the whole of the Plan period and can demonstrate through a site wide masterplan that there will be no material or adverse effect on the character and amenities of the surrounding area, including an assessment against criteria 3. of Policy STR3 Brownfield Land.

Supporting explanatory text should be added in support of this additional criterion, which recognises the contribution that such sites can make to the future development needs of the Borough and assist in reducing unacceptable impacts on protected areas such as the Greenbelt and High Weald AONB and in doing so deliver overall sustainability benefits. Without such safeguards there is a significant risk that these sites will fall into dereliction, resulting in disbenefits to local residents and harm to the local environment, particularly the Greenbelt and High Weald AONB.

A new table 6. should be added to clearly identify these substantial previously developed sites that are located in the Countryside but not within the Green Belt or High Weald AONB. HMP Blantyre House should be included within this table.

Question 7

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

On the basis that the property may become surplus to requirements during the plan period, and as a responsible public sector landowner⁵, MoJ considers it important that every opportunity is given to exploring all reasonable approaches to achieving the optimum planning outturn for such a large previously developed site in the countryside. Having the ability for MoJ's planning advisors Cushman & Wakefield to participate in the relevant hearing sessions represents positive planning to the MoJ, particularly in working with the Council and Inspector to achieve the most effective strategy and solution for the future re-purposing/re-use/re-development of such an important previously developed site.

Question 8

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

Reiterating our representations made in question 5. above, it is recognised that the Council has considered HMP Blantyre House as a reasonable alternative for a garden settlement⁶, as well as a reasonable alternative development site for the settlement of Goudhurst⁷, and have concluded that it does not merit formal allocation within the Local Plan. The principal reason for this being that the site's accessibility was not considered to be sufficiently positive.

The MoJ does not believe that this assessment outcome has considered all reasonable alternatives to finding the optimum planning outturn for such a large previously developed site in the countryside and outside the Green Belt and High Weald AONB. The Local Plan therefore fails to make appropriate provision for the proper assessment of such sites by means of an appropriate and proportionate evaluation of its future alternative use.

Table 62 in Appendix O of the Sustainability Appraisal of the Pre-Submission Local Plan (February 2021) determines that the site has a positive score against both the Land Use objective and health assessment, which should in themselves suggest that greater attention should be paid to the future of this significant brownfield asset in the Countryside. Furthermore, Table 62 identifies that setting issues and heritage asset issues may need consideration, alongside the concern surrounding its accessibility and remote location. These issues are not unsurmountable and with due care and proper consideration, sustainable site based solutions will be able to be found that will ensure that such important previously developed property and land assets do not fall into dereliction. For example, the Council recognise in the commentary on Goudhurst reasonable alternative sites on page 173 of the Sustainability Appraisal that the nearest train station at Marden is relatively near but the direct bus service is poor, which is a situation that can be positively addressed through the consideration of specific site based sustainable travel options and investment.

Positive, effective, and clear policy guidance is required on the future of such substantial previously developed sites outside of Limits to Development and not within the Green Belt or High Weald AONB, rather than leaving the future of such important assets to windfall opportunities, which is an approach that clearly leads to the risk that such valuable brownfield assets will fall into dereliction.

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 Raymond Moon ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] Paddock Wood TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Raymond Moon ([REDACTED])
Comment ID	PSLP_2282
Response Date	02/06/21 14:54
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Web
Version	0.3

Data inputter to enter their initials here HB

Question 1

Respondent's Name and/or Organisation Raymond Moon

Question 3

To which part of the Local Plan does this 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 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.

Policy STR 1

The Development Strategy (statement)

Over the period of 2020-2038 the brunt of the allocation of 12,204 is being imposed on PW and Capel and is clearly unsustainable.

The proposed expansion of PW and Capel is within existing flood risk areas so what solutions are proposed other than more ponds on new developments that then feed into existing infrastructure networks that cannot cope. At present in PW Southern Water has failed the residents in every count on the present construction of 3 developments at Church Road, Green Lane and Badsell Road.

4.58. No draft plan should be based on **“It is also assumed that existing employment space will essentially be retained (with a small reduction at Paddock Wood, just to the north of the train station) and that there is scope for the intensification or extension of some of these to help meet more local needs.”** Objectives should be in place to achieve this not assumptions!

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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_76

Comment

Consultee	[REDACTED]
Email Address	[REDACTED]
Company / Organisation	Natural England
Address	International House Dover Place ASHFORD TN23 1HU
Event Name	Pre-Submission Local Plan
Comment by	Natural England [REDACTED]
Comment ID	PSLP_1444
Response Date	04/06/21 13:41
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	PSLP_1444_Natural England_SI.pdf
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Natural England
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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

Policy STR 1 The Development Strategy

[TWBC - Full representation attached as Supplementary Information]

[TWBC: This representation has been input against Policies PSTR1, AL/RTW17, AL/CRS 1, AL/CRS 2, AL/CRS 3, AL/HA 4, AL/BM 1, AL/PE 1, AL/PE 2, AL/PE 3, AL/RTW 16, STR/SS1, STR/SS3, EN11, Section 3, STR 8, Section 5, EN1, EN9, EN10, EN12, EN13, EN14 AND EN19 – see Comment Numbers

PSLP_1444, PSLP_1459, PSLP_1460, PSLP_1462, PSLP_1489, PSLP_1463, PSLP_1464, PSLP_1465, PSLP_1466, PSLP_1467, PSLP_1468, PSLP_1469, PSLP_1470, PSLP_1472, PSLP_1478, PSLP_1480, PSLP_1481, PSLP_1482, PSLP_1483, PSLP_1484, PSLP_1485, PSLP_1486, PSLP_1487, PSLP_1488]

Question 4

Do you consider that the Local Plan:

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

Question 4a

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

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

While we consider the local plan to have been positively prepared, Natural England advises that we consider the local plan fails the test of soundness as its Development Strategy (STR 1) and the major development site allocations* within the High Weald Area of Outstanding Natural Beauty (AONB) **are not consistent with national policy** with regard to conserving and enhancing the landscape and scenic beauty within the AONB (NPPF Paragraphs 11 and 172).

Natural England also advises that the Development Strategy (STR 1) and the major development site allocations* within the AONB are not justified because we do not consider that it has been demonstrated that the allocation sites are deliverable without resulting in an adverse impact on the High Weald AONB, considered against reasonable alternatives.

*The major development site allocation policies that we consider to fail the test of soundness are:

- . AL/RTW 17 Land adjacent to Longfield Road
- . AL/CRS 1 Land at Brick Kiln Farm, Cranbrook
- . AL/CRS 2 Land south of Corn Hall, Crane Valley, Cranbrook
- . AL/CRS 3 Turnden Farm, Hartley Road, Cranbrook (**which is currently subject to a live Public Inquiry which Natural England is attending as a rule Six party**)
- . AL/HA 4 Land off Copthall Avenue and Highgate Hill
- . AL/BM 1 Land between Brenchley Road, Coppers Lane and Maidstone Road
- . AL/PE1 Land rear of High Street and west of Chalket Lane
- . AL/PE2 Land at Hubbles Farm and south of Hastings Road
- . AL/PE3 Land north of the A21, south and west of Hastings Road

Please see our full letter response, which we have emailed with this representation form, for detailed comments regarding our advice on soundness and improvements that could be made to the local plan.

[TWBC: response as follows]

Tunbridge Wells Borough Council Pre-Submission Local Plan Consultation(Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations)

Thank you for your consultation on the above dated 26 March 2021 which was received by Natural England on the same date. We welcome the level of consideration that Tunbridge Wells Borough Council (TWBC) have taken to address some of the issues that we raised during the Regulation 18 consultation in our response dated 19th November 2019.

We recognise TWBC's commitment to working with us and their transparency regarding their methodology towards their updated Development Strategy (STR 1) and Site Allocations. We welcome the significant improvements that have been made such as dropping a number of major development allocations in favour of smaller developments that are more sensitive to the AONB. However, we cannot advise that the plan has met the NPPF tests; specifically due to the plan's assessment of the need for major development site allocations within the Protected Landscape and the determination of these allocations prior to them being tested through the plan-led approach, which need to be addressed before we can advise that a sound local plan can be secured.

The first section of this letter outlines a summary of our response including our comments on soundness. The following appendices provide more detailed comments to supplement our overarching response:

1. Development Strategy (STR 1)
2. Major development allocations within the High Weald AONB
3. Sustainability Appraisal
4. Strategic site allocations in the setting of the High Weald AONB
5. Habitats Regulations Assessment
6. Pre-submission local plan policies

Soundness

While we consider the local plan to have been positively prepared, Natural England advises that we consider the local plan fails the test of soundness as its Development Strategy (STR 1) and the major development site allocations* within the High Weald Area of Outstanding Natural Beauty (AONB) are **not consistent with national policy** with regard to conserving and enhancing the landscape and scenic beauty within the AONB (NPPF Paragraphs 11 and 172).

Natural England also advises that the Development Strategy (STR 1) and the major development site allocations* within the AONB are not justified because we do not consider that it has been demonstrated that the allocation sites are deliverable without resulting in an adverse impact on the High Weald AONB, considered against reasonable alternatives.

*The major development site allocation policies that we consider to fail the test of soundness are:

- AL/RTW 17 Land adjacent to Longfield Road
- AL/CRS 1 Land at Brick Kiln Farm, Cranbrook
- AL/CRS 2 Land south of Corn Hall, Crane Valley, Cranbrook
- AL/CRS 3 Turnden Farm, Hartley Road, Cranbrook **(which is currently subject to a live Public Inquiry which Natural England is attending as a rule Six party)**
- AL/HA 4 Land off Copthall Avenue and Highgate Hill
- AL/BM 1 Land between Brenchley Road, Coppers Lane and Maidstone Road
- AL/PE1 Land rear of High Street and west of Chalket Lane
- AL/PE2 Land at Hubbles Farm and south of Hastings Road
- AL/PE3 Land north of the A21, south and west of Hastings Road

Appendices 1, 2 and 3 of this letter provides more detailed comments regarding our advice on soundness and make suggestions for ways to address our concerns. Other policies referred to in this letter are not considered to be unsound and our advice regarding these is given to help the council improve the overall suitability of the local plan and to highlight policies that we support.

Exploring alternatives

We advise that the major development allocations within the AONB (listed above) should not be pursued and that alternative approaches should be further explored to avoid negative impacts on the AONB by reducing the size and scale of these allocations. This should be informed by engagement with Natural England and the High Weald AONB Unit. Policies should sensitively consider non-major development within the AONB and on any rural and edge of settlement sites in line with LVIA's, the High Weald Management Plan (2019-2024) and a landscape-led approach. This approach has been taken by Mid Sussex District Council's adopted local plan (2014-2031) which also contains a significant area that is within the High Weald AONB (see Appendix 3 for our comments regarding the Sustainability Appraisal and alternative options).

Summary of response

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

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.

Appendix 1: Development Strategy (STR 1)

Summary of Regulation 18 response

In response to the Tunbridge Wells Borough Council (TWBC) Draft Local Plan consultation (Regulation 18) in November 2019, Natural England expressed serious concern regarding the Development Strategy's allocation of numerous major development sites within the High Weald Area of Outstanding Natural Beauty (AONB). This is because we considered these allocations would cause direct, permanent and significant harm to a nationally important designated landscape, which cannot be mitigated to reduce adverse impacts to an acceptable level.

We strongly advised that the proposed Development Strategy was not justified or consistent with national policy as it did not meet the exceptional circumstances criteria set out in NPPF para 172, which states that:

"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' and that 'Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.' The NPPF then states that consideration of such applications should include an assessment of:

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

We advised that *'it is not possible to mitigate the significant adverse impacts arising from this level of development within and in the setting of the AONB. Major development should be located outside of the AONB, and designated landscapes should not be relied upon to meet housing needs within the Borough.'*

Overarching comments

We recognise and welcome the level of effort and consideration that TWBC has made to address our previous concerns by using LVIA evidence and drawing on Natural England's advice to reassess the allocation of major development within the AONB. As a result of this process, we recognise and support TWBC's decision to delete a number of major development site allocations in the AONB.

These deletions include Hawkhurst Golf Course, where a planning application at the site has recently gone to appeal due to non-determination. We fully support TWBC's decision that it would have refused planning permission for the proposed development, due, amongst other matters, to the significant adverse impact it would have on the AONB, and that the proposal failed to satisfy the exceptional circumstances tests set out within para 172 of the NPPF.

Whilst we support the positive changes that have been made to the allocations in the pre-submission local plan, we advise that the plan is unsound and not consistent with national planning policy due to

the major development allocations that are proposed to remain within the AONB. As we advised at the Regulation 18 stage of the local plan, we do not consider that AONBs are suitable locations for major development. Natural England has an in-principle objection to major development within the High Weald AONB as we consider it would result in significant harm to the purposes of designation of this nationally important landscape.

Evidence for managing impacts on the AONB

Natural England welcomes the use of Landscape and Visual Impact Assessments (LVIAs) to inform the design, extent and layout of non-major development within the AONB and in the setting, but it is our view that the LVIAs do not provide adequate assurance that the effects of the development on the landscape and scenic beauty of the nationally designated and sensitive landscape of the High Weald could be sufficiently mitigated. In particular, we do not support that developing within the AONB can be justified where sites are in poor condition, have fewer AONB components or where attempts will be made to enhance retained parts of the AONB on or near site.

Natural England's advice is that the AONB's designation purpose to conserve and enhance is very difficult to achieve if significant parts of it are permanently lost to major development built directly onto it. This is because it is likely to entirely alter the landscape character across the site and, potentially, the surrounding area, especially where its character is intrinsically linked to the absence of adjacent or nearby development. In contrast, very carefully designed, smaller scale housing schemes that reflect local vernacular and settlement morphology, may achieve genuine enhancement or at least keep the level of impact on the AONB below a significant threshold.

Addressing development within the AONB and its setting

Allocations within the AONB itself may be more acceptable if their size and scale are significantly reduced such that they no longer represent major development and are consistent with the objectives of the AONB management plan. Natural England's view is that any development within the AONB must be very sensitively designed and modestly scaled. Sensitive design can include reflecting the local vernacular in terms of built design and materials, respecting existing settlement morphology, and how that settlement relates to the wider landscape both visually and in terms of physical connectivity, and supported by appropriate green infrastructure.

Natural England's concern regarding the impacts of major development on the AONB are added to by the significant pressure of development in the setting of the AONB, particularly at Tudeley Village (STR/SS 3) and Paddock Wood/East Capel (STR/SS 1). We advise that development in the setting of the AONB needs to be sensitively considered using a landscape-led approach (see Appendix 4 for our comments and suggestions).

Question 6

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

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

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Natural England welcomes the reduction in scale and number of major development site allocations within the AONB since the Regulation 18 stage of the draft local plan, but we do not consider the current draft local plan to be sound and have highlighted our reasons in our full response letter for this regarding the remaining major development allocations within the AONB. We advise that these

allocations should not be pursued, and alternative options should continue to be explored. While we have objected to major development proposed within the AONB, we remain committed to the plan-led scrutiny of the proposals to ensure soundness of approach, which enhances the High Weald's highly valuable and special landscape for future generations. We wish to work with TWBC to help ensure the best possible outcomes for the AONB and the environment.

Question 7

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

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

Question 7a

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

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

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

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

Question 8

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

Appendix 3: Sustainability Appraisal

There are several alternative growth strategy options within the Sustainability Appraisal (SA) and the Council has chosen a growth strategy with significant negative landscape impacts. Natural England's view is that the preferred approach should afford sufficient weight to environmental factors. This is supported by NPPF Paragraph 8 which states that economic, environmental and social objectives need to be pursued in mutually supportive ways to support net gains across each of these objectives. Paragraph 32 also states that (emphasis added):

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

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

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

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

“b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:
i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area;”

Given the provisions of paragraph 11 (and consequently paragraph 172), we consider that the weight afforded to protecting nationally designated landscapes has not been sufficiently considered as part of exploring alternative options and the environmental value of the AONB has been underestimated. It is our view that significant impacts have not been avoided as far as possible and, as outlined in other sections, we advise that major development within the AONB has not been appropriately justified. Given the above, we are concerned that the underpinning assessment and recommendations of the SA are not giving an appropriate level of consideration for the environmental benefits associated with alternative growth strategies, especially given the great weight that should be afforded to designated landscapes.

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

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

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

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

Finally, point 3.2.8 does not reflect the findings of the HRA and mitigation proposed for Ashdown Forest SPA (see the HRA section below). We advise this section of the SA is amended to reflect the findings of the HRA.

Future Notifications

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

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

Supporting Information File Ref No: SI_145

Comment

Agent	Mr Jonathan Buckwell ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	DHA Planning Ltd
Address	Eclipse House Eclipse Park MAIDSTONE ME14 3EN
Consultee	([REDACTED])
Company / Organisation	Owners of Land East of Transfesa
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Owners of Land East of Transfesa ([REDACTED])
Comment ID	PSLP_2079
Response Date	02/06/21 17:26
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	DHA Planning for owners of Land east of Transfesa - full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Owners of Land east of Transfesa, Paddock Wood
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_2076), Vision and Strategic Objectives (PSLP_2078), Policy STR1 (PSLP_2079), Policy STR4 (PSLP_2080) and Development Management Policies (PSLP_2081)

Question 4a

If 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 the owner of land at Land East of Transfesa in respect of the Tunbridge Wells Borough Council Regulation 19 Local Plan consultation.

1.1.2 These representations relate to a 20 acre parcel of land at land East of Transfesa, Lucks Lane (part of Call for Sites site 218) that forms part of the employment allocations proposed for the expansion of Paddock Wood.

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

Development Strategy and Strategic Policies

1.4.10 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.

Policy STR 1: The Development Strategy

1.4.11 We **SUPPORT** the aims and objectives of Policy STR 1, especially in relation to the proposed major, transformational expansion of Paddock Wood.

1.5 Summary and Conclusions

1.5.1 In summary, this representation has been prepared 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 fully support the proposed expansion of Paddock Wood to create a balanced mix of housing and employment development, including employment development at Land East of Transfesa. We confirm that our client's land is available, much of it is in Flood Zone 1, and that they are also willing to allow necessary expansion of the sewage works on the site.

1.5.3 We do however 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)?

Comment

Consultee	Mr Raymond Moon ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Paddock Wood Labour Party (PWLP)
Address	[REDACTED] TONBRIDGE TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Paddock Wood Labour Party (PWLP) (Mr Raymond Moon - [REDACTED])
Comment ID	PSLP_2308
Response Date	02/06/21 15:02
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Web
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Paddock Wood Labour Party
Question 3	
To which part of the Local Plan does this 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 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.

Policy STR 1

The Development Strategy (statement)

Over the period of 2020-2038 the brunt of the allocation of 12,204 is being imposed on PW and Capel and is clearly unsustainable.

The proposed expansion of PW and Capel is within existing flood risk areas so what solutions are proposed other than more ponds on new developments that then feed into existing infrastructure networks that cannot cope. At present in PW Southern Water has failed the residents in every count on the present construction of 3 developments at Church Road, Green Lane and Badsell Road.

4.58. No draft plan should be based on “**It is also assumed that existing employment space will essentially be retained (with a small reduction at Paddock Wood, just to the north of the train station) and that there is scope for the intensification or extension of some of these to help meet more local needs.**” Objectives should be in place to achieve this not assumptions!

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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_78a-c

Comment

Agent	Mr Troy Hayes [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Troy Planning & Design
Address	[REDACTED] [REDACTED] London [REDACTED]
Consultee	Mrs Nichola Reay [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Paddock Wood Town Council
Address	The Podmore Building St Andrews Recreation Ground TONBRIDGE TN12 6HT
Event Name	Pre-Submission Local Plan
Comment by	Paddock Wood Town Council [REDACTED] [REDACTED]
Comment ID	PSLP_1449
Response Date	04/06/21 16:11
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.11
Files	PSLP_1448-1479(not inclusive)_Troy Planning for PWTC SI-1 Cover Letter Redacted.pdf PSLP_1448-1479(not inclusive)_Troy Planning for PWTC SI-3 PW TC Response to Reg. 18.pdf PSLP_1448-1479(not inclusive)_Troy Planning for PWTC SI-2 Representation.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Paddock Wood Town Council

Question 2

Agent's Name and Organisation (if applicable) Troy Planning & Design

Question 3

To which part of the Local Plan does this 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 other comments by Paddock Wood Town Council, please see Comment Numbers PSLP_1448-1456, PSLP_1461, PSLP_1471, PSLP_1474, PSLP_1475-1477 and PSLP_1479]

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.

Tunbridge Wells Pre-Submission Local Plan – Paddock Wood Town Council Representation

Please find enclosed our representations to the Council's Pre-Submission Local Plan. These Representations are prepared and submitted on behalf of Paddock Wood Town Council (PWTC) and the representations are supported by the Paddock Wood Neighbourhood Plan Steering Group.

We also enclose the Council's Representation Form with our signature confirming that we do wish to take part in the Local Plan Examination Hearings.

We would like to point out that the majority of PWTC's representations to the Regulation 18 consultation were not addressed by TWBC. Given that the Local Plan has changed very little between that earlier consultation and the current period of representations on the Regulation 19 Local Plan we enclose these earlier representations and request that TWBC takes these into account and ensures they are supplied to the Secretary of State if the Council decides to proceed to submission stage.

We request that you please include this letter as part of our formal representations.

Our representations conclude that the Local Plan and its evidence base fail all the tests of soundness set out in the National Planning Policy Framework (NPPF) and that the Local Plan is not legally compliant.

Our representations go to the heart of the soundness and legality of the Local Plan, its policies, and the process TWBC has undertaken in preparing its Local Plan. We therefore consider that the entirety of the Local Plan is unsound as it is not legally compliant. Whilst we have singled out a number of specific policies that we consider to be unsound it would simply not be possible to comment on every single policy in the Local Plan which is a 515-page document.

We trust that TWBC appreciates the importance of the Local Plan proposals to the Paddock Wood community in terms of the inappropriateness of the proposals which would, if the Local Plan in its current form were to be implemented, have irreversible negative impacts on Paddock Wood and the wider area.

We urge TWBC to reconsider its development strategy which is set to fail at Local Plan Examination in Public and to restart the Local Plan process using an evidence base led approach which would conclude that Paddock Wood is an unsuitable and unsustainable location for strategic housing growth. Such an approach would save TWBC, the taxpayers and all the stakeholders involved in the Local Plan process an enormous amount of time and resources debating a Local Plan which is clearly unsound and not legally compliant.

1 Development Strategy

5.1. Policy STR1 (The Development Strategy) of the Local Plan is not positively prepared, not justified, not effective and inconsistent with national policy.

5.2. The proposed Development Strategy and the distribution of allocations bears no relationship to the Council's Settlement role and Function Study (February 2021). The policy is not justified in relation to the settlement study as evidenced below:

- . **Royal Tunbridge Wells** is the 'main settlement of the borough' with 42% of the borough's population (as of 2011) yet with proposed allocations of 1,536 dwellings this represents just 16% of the growth (9,381 dwellings) proposed in the borough.
- . **Southborough** scored the highest in the Council's settlement study and has the borough's second highest population yet only 42 dwellings are proposed in Southborough in the Local Plan which equates to 0.4% of the growth proposed in the borough.
- . **Cranbrook** scored second in the settlement study due to its excellent services and retail in the town centre and is proposed as Group B settlement yet just over 400 dwellings are proposed here. Very little development has taken place in Cranbrook in previous years, it is not affected by flooding, has capacity within the town boundaries and sites previously approved but have not been built out.
- . **Paddock Wood** was ranked third in the settlement study yet 43% of the borough's housing growth is proposed at Paddock Wood.
- . **Hawkhurst**, despite being ranked just below Paddock Wood in the settlement study only has 170 dwellings proposed representing just 2% of the housing growth planned in the borough.

5.3. The Council's Development Strategy Topic Paper (February 2021) fails to provide a clear and logical explanation as to how the Council decided on its preferred Development Strategy.

1 Settlement Role and Function

6.1. The Council's evidence and approach to determining the role and function of the borough's settlements is not justified, not effective and inconsistent with national policy.

6.2. The Settlement Role and Function Study (February 2021) does not include Royal Tunbridge Wells. It gives the reason for this as "*its status as the main settlement of the borough*". Surely the fact that it is the main settlement of the borough should have led to it being assessed as part of the study. After all the 'Purpose of the Study' in addition to "*providing an updated evidence base to help inform the settlement hierarch of the borough... is to also give an indication of each settlement's level of*

sustainability and potential to accommodate further growth” 21. How can it possibly be that the role of the main settlement of the borough hasn’t been assessed against the other settlements? Is the Council concerned that including such an analysis would clearly demonstrate the mismatch of the settlement hierarchy and its preferred development strategy whereby the main settlement of the borough is earmarked for very considerably less development than less sustainable settlements such as Paddock Wood?

6.3. To further confuse matters, Southborough is “jointly considered as the main urban area” for the borough however unlike Royal Tunbridge Wells was assessed as part of this study. The study concludes that Southborough is in the ‘Grouping B’ along with Cranbrook, Paddock Wood and Hawkhurst whilst Royal Tunbridge Wells is placed in ‘Grouping A’ on its own. This is extremely confusing.

6.4. The study’s method for creating settlement ‘groupings’ is not sufficiently explained and not really explained at all apart from a few lines in the ‘Conclusions’ section of the study. It states the following regarding the groupings:

- . *“rather than simply categorising the settlements in order of size, the settlements are identified by grouping them in terms of their characteristics, focusing on the range of services and facilities they currently provide”.*
- . *“The findings of this updated Study show that larger settlements also tend to score more highly across the range of sustainability indicators identified in terms of the level of provision of services and facilities”*
- . *“Based on the scores and evidence collected in this Study, a revised table of settlement groupings is set out in Table 6 below. These groupings give an indication of the level of sustainability and appropriateness of these settlements to accommodate further growth in terms of access they provide to services and facilities that their support their sustainability”²²*

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

6.5. This explanation given regarding the method for determining the groupings is wholly inadequate. It explains that it looks beyond just the ‘size of settlements’ however the study does not set out the size of each settlement either in population or in area. In order to understand population figures for the settlements one must refer to the superseded 2017 Settlement Role and Function Study (see below). However, the population assumptions provided are at the parish level and do not reflect the populations of the settlements themselves.

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

6.6. Referring to the population table, it is difficult to conclude that Southborough should be in the same grouping as Paddock Wood, Cranbrook and Hawkhurst. Southborough has a population of 12,459 whereas Paddock Wood has the next largest population at 8,253 some 4,206 less residents. Southborough is more than 2.5 times the size of Hawkhurst in population.

6.7. Turning to the assessment of the settlements in the 2021 study Southborough scores the highest here as well followed by Cranbrook with Paddock Wood in third and then Hawkhurst:

- . Southborough (presumably behind Royal Tunbridge Wells) received the highest score / ranking in the study at 100 using the ‘new weighted method’ and using all previous scoring systems as well.
- . Cranbrook trails Southborough in scoring coming in second place with 90 points.
- . Paddock Wood scores 82 points coming third.
- . Hawkhurst scores 71 points coming in fourth.
- . Rusthall scores 59 points coming in fifth.
- . Pembury scores 55 points coming in sixth.

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

6.8. We make a number of additional critical observations and shortcomings about this important piece of work which claimed to inform the Local Plan’s development strategy:

- . Royal Tunbridge Wells is not included in the Study despite it being the ‘Main Urban Settlement of the borough’ (see above).
- . The methodology is unclear as to how it has arrived at a number of the scores for the ‘new weighted method’ for the 2021 study including but not limited to the scores for bus services.
- . The study does not include population figures for the settlements and relate this back to the level of services and facilities that are present in each settlement. In other words, particular services could be more or less adequate dependent on the population they are serving however the study

provides no indication as to what services and facilities (and investment) are required to make them more sustainable.

- . There is no analysis of the level of public transportation serving the settlements. The study simply says whether there is a bus service at least once an hour Monday – Saturday and whether there is a train station.
- . The study is not locationally specific about any of the infrastructure or services and includes no mapping making it impossible to understand in spatial terms which areas of the borough are and are not well served by services and facilities.
- . The study does not consider cycling and walking which should be seen as the focal point of considering sustainability and planning for healthy places.

6.9. It is extremely difficult to follow the logic of how the Settlement Role and Function and Study has informed the Development Strategy and proposed Local Plan allocations. Our analysis of this is set out in the 'Development Strategy' section of our representations.

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

1 Housing Need

7.1. TWBC considers that the Housing Need assumptions will need to be carefully examined at the Local Plan Examination in Public and we wish to take part in those hearings, particularly given that the Council's evidence on housing used to support the Local Plan dates back to 2015 (SHMA) with a 2017 update to the SHMA and then a separate 2018 Housing Needs Study and then finally a 2020 Review of Local Housing Needs. These studies were undertaken by multiple consultants, so it is unclear whether the methodologies align and what informed the Council's housing needs assessment at each stage of preparing the Local Plan.

7.2. We note there could be several factors that could require TWBC to update its evidence and reconsider its housing needs assessment such as the impact of Brexit, the impact of the Covid pandemic and potential changes to MHCLG's method for determining housing needs which has changed a number of times in recent years. We also wanted to make TWBC and the Inspector(s) aware of the Office for Statistics Regulation (OSR) report²³ on the robustness of ONS' population projections which was initiated in response to concerns raised by campaigners regarding the accuracy of population projections and mid-year population estimates. It found that the sub-national accuracy of estimates is 'variable' depending on the size and mobility of the population in a given area. It will be important to closely monitor whether the findings of this report result in changes to the assumptions for TWBC and the wider housing market area.

7.3. Policy STR1 (The Development Strategy) sets its housing target at 12,204 dwellings yet the Housing Supply and Trajectory Topic Paper for the Pre-Submission Local Plan shows a delivery of 13,257. Whilst we do not consider this housing delivery figure to be credible as we set out elsewhere in these representations, the Council is effectively planning for an additional 8.6% dwellings more than is required. The only explanation provided is in the topic paper which states that *"this 8.6% buffer is considered helpful to allow for the potential delay/non-delivery of sites and, potentially for otherwise contributing further to meeting housing needs"* (paragraph 7.1). Presumably the reference to 'contributing further to meeting housing needs' is in reference to Sevenoaks however the Sevenoaks Local Plan has been found unsound so any assumptions about their potential housing shortfall cannot be relied upon for the Tunbridge Wells Local Plan.

1 Housing Trajectory and Housing Delivery Assumptions

8.1. The Council's evidence and approach to determining the housing trajectory and housing delivery assumptions is not justified and not effective and inconsistent with national policy.

8.2. Paragraph 73 of the NPPF states that: *"Strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites"*.

8.3. Paragraph 75 of the Framework states: *"To maintain the supply of housing, local planning authorities should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below 95% of the local planning authority's housing requirement over the previous three years, the authority should prepare an action plan in line with national planning guidance, to assess the causes of underdelivery and identify actions to increase delivery in future years"*.

8.4. TWBC has prepared a Housing Supply and Trajectory Topic Paper for Pre-submission Local Plan (February 2021) which informs the Council's spatial strategy. In 2018, TWBC had met 88% of its

housing need (monitored between 2015 and 2018), including the 5% buffer on its housing land supply position as required by the NPPF and the standard method.

8.5. According to the Lichfields Review of the new Standard Method (2020)²⁴, in Tunbridge Wells there has been no deviation from the delivery rates set out under the Standard Method in 2017, which remains at 678 dwellings per annum (an increase of 278 dwellings per annum from the adopted Local Plan requirement).

8.6. TWBC is seeking to deliver most of its housing need for the Plan period through a smaller selection of larger sites, focused primarily on Paddock Wood (and Capel) and a new garden settlement at Tudeley. The Council is particularly reliant on the cooperation of developers and landowners around Paddock Wood to meet its annual housing targets and therefore, the timeframe for the implementation of this development strategy must be supported by clear and convincing evidence.

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

8.7. Figure 7.1 above outlines the proposed delivery rate. For Tudeley STR/SS 3, TWBC sets a delivery rate of 150 units for the first 10 years of delivery from 2025/26, then rising to 200 per annum from 2035/36 (total of 2100 dwellings in 13 years). For Paddock Wood STR/SS 1, TWBC outlines a proposed delivery rate of 300 units per annum, reducing to 240 dwellings in 2036 (total of 3540 dwellings in 12 years). This phasing methodology is set at 299 dwellings per annum. Land at Mascalls Farm is projected to deliver 103 dwellings distributed between 2024 and 2027.

8.8. Within the Reg 19 Local Plan, TWBC recognises the higher degree of complexity associated with the delivery of larger sites, advising that *“Strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites.”*

8.9. TWBC does not already have any sites that are allocated or have extant planning permission for more than 2000 dwellings, and therefore, relies on national and other local evidence to inform its phasing assumptions. The Council has based its buildout rates on an analysis of the gap between historic permissions granted and historic site buildout rates across the borough, and on discussions with developers, and evidence gathering as part of the Strategic Housing and Economic Land Availability Assessment (SHELAA).

Nationally recognised evidence and studies on lead times in construction include:

- . the Letwin Report and Independent Review of Buildout Rates (Letwin, 2018)
- . Start to Finish: How Quickly do Large-Scale Housing Sites Deliver? (Lichfields, 2016)
- . Housing Supply Research (CPRE, 2014)
- . Permissions to Land: Busting the myths about house builders and land banking (HBF, 2014)
- . Urban Extensions Assessment of Delivery Rates (Savills, 2014)
- . MHCLG Independent Review of Build Out Rates (2018)

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

8.10. PWTC considers that TWBC has failed to appropriately outline how a housing figure of 3,540 (average) homes is deliverable within the Plan period and is concerned that there has been insufficient regard to the time taken for new developments to pass through both the planning and construction phases. Figure 2 demonstrates that, prior to the substantive construction phase, there is already a significant delay with the grant of permission for larger sites of between 3 and 7 years.

8.11. The Lichfields ‘From Start to Finish’ Review Second Edition (2020) and the Letwin Review (2018) also highlight the delays with the delivery of large development proposals should not be underestimated as there will be many aspects of housing trajectory that are beyond the immediate control of a local planning authority.

8.12. For larger sites (2000+ homes), the Lichfields Review (2020) outlines an average lead time of 8.4 years for the average time from validation of the first planning application to the first dwelling being completed²⁵. This is based on an average build-out rate of 160 dwellings per annum. In the case of Paddock Wood, it would take 22.5 years to deliver the upper figure of 3590 dwellings. This corroborates the Town Council's position that the Plan period is short-sighted, and not supported by appropriate evidence to justify this rate of delivery within such a constrained timeframe.

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

8.13. The Letwin Review (2018) is also helpful in outlining a median build-out rate for large sites at 15.5 years, which is 3.5 years longer than TWBC's proposed build-out rate for Paddock Wood sites.

8.14. TWBC makes the case that the delivery of the Paddock Wood urban expansion is set purposefully higher than identified in the Letwin Review, given the extent of masterplanning work carried out by David Lock Associates involving input from the four main housebuilders (Crest Nicholson, Dandara, Redrow and Persimmon).

8.15. However, there is a total of 8 developers with control of the land around Paddock Wood, and whilst 4 of these developers are working with the Council, the masterplan is still lacking on any prescriptive detail on how each site would be released with cooperation from each developer and landowner. A lack of transparency in this regard casts further doubt on TWBC's ability to monitor both the quality and deliverability of larger sites. If development phasing remains poorly structured at the Regulation 19 stage, this risks setting unrealistic expectations of developers and stakeholders for the rest of the Plan period.

8.16. PWTC also considers that it is impossible to enforce such an even distribution of housing each year (300 dwellings per annum for 11 years). TWBC's housing supply and trajectory figures fail to reflect the lead times associated with various stages of the planning process, including:

- . The preparation of relevant Supplementary Planning Documents which aid the delivery of larger sites;
- . The Pre-application process, including consultation and engagement with relevant consultees and stakeholders;
- . Potential delays in determining Outline planning permissions;
- . Approval of Reserved Matters and agreement of relevant phasing;
- . The discharge of conditions;
- . The preparatory site works, to be informed by site-specific survey recommendations and monitoring before commencement;
- . Securing of relevant funding (including S106 and CIL); and
- . Delivery of on-site and off-site infrastructure, (associated with larger sites and the creation of a new Garden Settlement).

8.17. TWBC has also failed to have sufficient regard to Green Belt and Flood risk constraints affecting land surrounding Paddock Wood to the north and the west. It is still not clear how the masterplan will tackle such an important issue of flood risk and the triggers for necessary flood engineering and SuDS, which do not appear to have been incorporated into the housing trajectory.

8.18. The Regulation 19 Local Plan highlights that the Green Belt surrounding the key settlement, including the western edge of Paddock Wood "*contributes significantly to the discrete identity of and setting of settlements*" (page 26), and yet, there is still very limited justification for the development of this scale. The TWBC Development Strategy Topic Paper (2021) highlights that STR/SS 1 Land at Capel and Paddock Wood and STR/SS 3 Tudeley Village are both classed as having an overall harm rating of 'High'.

8.19. Delivery will also rely on cooperation with adjoining authorities and liaison and negotiation with statutory consultees. Even the slightest delay in the start date will result in a slower performance, which is then likely to render the assumed delivery rates of a wider allocation unachievable.

8.20. Overall, the Town Council believes that a further review of housing trajectory is urgently needed, considering a more realistic and steadier rate of delivery. Given the broader concerns relating to the appropriate length of the Plan period - where there is a reliance on large-scale development and new settlements - the TWBC's housing trajectory must be reconsidered. Further evidence gathering should also assess whether TWBC should be considering a larger number of smaller sites to meet housing delivery across the Local Plan period.

8.21. Notwithstanding the technical evidence undertaken by TWBC, it remains the case that the Council is seeking to deliver a significant proportion of its overall housing need within a wholly unrealistic timeframe, against Green Belt and Flood Risk constraints.

8.22. The proposed delivery of up to 3,590 homes in one location will inevitably flood the housing market within one location, resulting in a negative impact on sustainable growth across the borough as a whole.

8.23. The Council's poorly thought-out assumptions regarding housing delivery and trajectory render the Local Plan unsound, as it fails the tests of being justified, effective and consistent with national

policy, contrary to the requirements of paragraph 35 of the NPPF. Further evidence gathering and analysis is required to determine the most appropriate spatial strategy for the delivery of housing across the borough.

1 Employment

9.1. PWTC considers the Local Plan's policies in relation to proposed employment need and allocation to be unsound.

9.2. The Local Plan (Policy STR1 – The Development Strategy) proposes 14 hectares of employment land (Use Classes B and E). This employment land figure is taken directly from the 2016 Sevenoaks and Tunbridge Wells Economic Needs Study²⁶ as confirmed in the Local Plan (see paragraphs 4.20-4.21). Not only is this study out of date prepared nearly five years ago, and obviously before the Covid pandemic, it also does not align with the plan period.

9.3. This point regarding the plan period is confirmed in the Local Plan (see paragraph 4.22) which states *"While the study considered needs up to 2035, rather than 2038, this is regarded as being an appropriate minimum target for the Local Plan period, as both the base date and the end of the plan period have been rolled forward"*. This is reason enough to bring into serious question the employment land figure proposed in the Local Plan. The 2016 study states (see paragraph 20) that *"it is imperative for the Council to monitor its employment land position to ensure the borough remains responsive to changes in the pattern of supply and demand..." and that the assessment of sites should be kept up-to-date as part of the Council's monitoring and updated annually..."*. It also states that *"a comprehensive assessment of economic needs is undertaken at least every five years. An early review to take account of changes in economic circumstances and forecasts arising from Britain's decision to leave the European Union may be appropriate"*. We have not been able to locate employment floorspace monitoring data on the Council's website that should be published at least annually. There was no 'comprehensive assessment of economic needs' undertaken within five years of the 2016 despite the clear recommendation that this would be even more important due to Brexit notwithstanding the Covid pandemic, the radical changes to the Use Class Order and the Sevenoaks Local Plan being found unsound.

9.4. There are many other additional fundamental issues to point out without even needing to delve further into the technical evidence which we set below:

- . The end date of the 2016 study is 2033/2035 which is different to that of the Local Plan which is 2038 (also see our points regarding the need for a longer plan-period of at least 30 years).
- . The start date of the 2016 study is 2013 opposed to the 2020 start date of the Local Plan so the baseline is some seven years different between the key evidence used for employment needs and the start of the plan period.
- . The 2016 study uses the 2015 SHMA to help determine and balance housing and employment needs – the SHMA is now clearly out of date.
- . The Local Plan proposes employment land as Use Classes B and E whilst these uses were not in existence in 2016 so cannot be assumed to be directly comparable.
- . The 2016 study was a joint study with Sevenoaks DC and its evidence base however the Sevenoaks Local Plan was found unsound at examination.

9.5. The Local Plan states (see paragraph 4.24) that *"converting a land target into a floorspace target is difficult...however based on the study's assessment of the mix of business uses, an approximate estimate of the floorspace associated with 14 hectares of land would be of the order of 80,000-120,000sqm. As the recommendation is a minimum, the higher level is preferred"*. It is unclear where this estimate even comes from and how TWBC arrived at this floorspace calculation let alone attempting to understand why the upper end of the range of floorspace is justified. Given that there is a difference of 40,000sqm between the upper and lower estimates this a critical assumption that has no explanation behind it apart from that creating a floorspace target "is difficult".

9.6. At paragraph 4.25 of the Local Plan attempts to explain what type of employment land will be delivered and it explains that *"a range of supply is envisaged: for offices, light manufacturing, general industry, and warehousing, as well as related use not in a specific use class"*. This is an insight into the lack of understanding and strategy TWBC has regarding economic and employment land.

9.7. Paragraph 4.26 of the Local Plan points out that *"It is notable that the recommendations assume that existing well-located employment land and premises be retained in that use"* which suggests that it is not RWBC's intention to take a serious up-to-date look at its employment land (as recommended

by the 2016 study) to positively assess its potential for release to alternative uses such as housing before it looked to meet its housing needs in Paddock Wood and Tudeley.

9.8. Policy STR1 itself is vague about employment land and simply says that 14 hectares of employment (Use Classes B and E) land are developed. It doesn't say where or what the breakdown of the uses. Table 5 of the Local Plan then shows 26.5 hectares of employment land being allocated including 11.2 hectares on two sites in Paddock Wood. This clearly doesn't tally with the 14 hectares across the borough stated in Policy SRT1 and does not explain why the Local Plan is allocating more than double what its stated need is and what the policy says. It then states at paragraph 4.57 that there will be additional floorspace at Tudeley Village and the sites will be proposed in the SPD. Surely any additional land / floorspace would be included in the assumptions.

9.9. Policy STR/SS1 (Paddock Wood), is unjustified as it states that 2,000sqm of commercial floorspace will be provided in three neighbourhood centres and that 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. The policy does not state the amount of land required for the commercial centres and the employment allocations do not state what type of employment or floorspace. It is impossible to determine how these figures tally against the Development Strategy policy and the 2016 study.

1 Key Diagram

10.1. The proposed Key Diagram in the Local Plan is difficult to read and interpret. The resolution of the proposals makes the accessibility of the Key Diagram very poor and the 'Map Legend' is difficult to interpret on the Key Diagram itself. The Diagram is missing important designations such as Flood Zone 2.

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

10.2. For instance, we make the following critical observations about the Key Diagram and how it is ineffective and is not positively planned:

- . The Map Legend shows three circles for 'existing settlement' and 'scale of growth' which appear to range from 100, 5,000 to 10,000 however it is not possible to understand how this correlates to the settlements on the diagram. Does this refer to the population or existing number of dwellings for instance?
- . The Map Legend includes asterisks next to the 'existing settlement' and 'scale of growth' with fine print below however it is not possible to read the fine print.
- . The Key Diagram only shows Flood Zone 3 whereas it should also show areas covered by Flood Zone 2 as a constraint. Given that Flood Zones do not stop at the administrative boundary the Key Diagram should also show Flood Zones 2 and 3 in neighbouring authorities to give a more realistic and strategic view of the extent of the flood risk facing the north of the borough and the locations where TWBC is proposing the majority of its strategic growth (see Environment Agency Flood Risk Map below showing Flood zones 2 and 3).

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

- . The Key Diagram should include the existing settlements and proposed growth for the areas in the neighbouring authorities given the extent of cross boundary strategic matters that TWBC has with its neighbours.
- . The Key Diagram includes a number of 'on-line' and 'off-line' road improvements. These are not terms used in the NPPF and are not included in the Local Plan's Glossary. The terms 'on-line' and 'off-line' should be explained in the Local Plan.
- . There are no railway stations shown on the Key Diagram.
- . There is no indication of the proposals for the regeneration of Paddock Wood Town Centre.
- . It does not identify Tudeley as a New Village, it simply shows growth and where the Green Belt is proposed for removal.

1 Policies Map

11.1. TWBC has failed to comply with its own Statement of Community Involvement (SCI) and the Local Plan Regulations in relation to its proposed Policies Map. The Policies Map consists of a series of 'inset' maps for a number of settlements and there is one 'Borough Overview' map provided. However the 'Overview Map' is not a 'Policies Map' as set out in the Local Plan Regulations²⁷ which requires the authority to set out what changes to the Policies Map would result from adoption of the Local Plan. There are entire sections of the borough missing and they have no designations whatsoever shown in the 'Borough Overview' map.

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

11.2. Even by the Council's own proposed definition the Local Plan maps fail to meet the Council's definition: "Shows on a map all the site-specific policies and proposals set out in Development Plan Documents"²⁸.

11.3. From what the Council has provided it is not possible to ascertain what changes are being proposed to the existing adopted Policies Map.

11.4. Given the points we have raised regarding the 'Policies Map' published for Regulation 19 consultation, we submit that TWBC has failed to clarify what changes are being proposed to the existing Policies Map and has failed to show what the resulting Policies Map and designations are for most of the borough.

11.5. This contravenes TWBC's own Statement of Community Involvement (October 2020) which states that at the Publication State of the Local Plan (Regulation 19) that the Policies Map will be published "showing any changes that would result from the adoption of the plan, are also published"²⁹

11.6. The SCI states that following the Regulation 19 stage that "The Council will consider any points raised during the publicity period and will make minor changes where required. If there are significant issues the Council may withdraw the plan and return to stage 3"³⁰. Unless TWBC can demonstrate that it has shown all the changes to the Policies that would result from the adoption of the plan, it has failed to comply with its SCI and it should run its Regulation 19 stage again to enable all residents and interested parties to respond to its proposed designations throughout the borough.

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

11.7. We also note that the Local Plan does not identify which current development policies will be replaced by new policies so it has not been possible to comment on the suitability of proposed 'replacement policies' in our representations.

[TWBC: for full representation, please see supporting documents]

Question 7

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

Paddock Wood Town Council confirms that it wishes to participate in the Local Plan Examination hearing sessions. Given the scale of strategic development proposed at Paddock Wood and nearby at the proposed new settlement, its extensive representations, and its role as a statutory consultee, PWTC considers it critical that it has the opportunity to provide further input into the Local Plan Examination process including the hearing sessions to respond to other evidence and arguments put forward.

If you would like to attach a file in support of your comments, please upload it here. [PSLP 1448-1479\(not inclusive\) Troy Planning for PWTC SI-1 Cover Letter Redacted.pdf](#)

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

[PSLP 1448-1479\(not inclusive\) Troy Planning for PWTC SI-2 Representation.pdf](#)

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

[PSLP 1448-1479\(not inclusive\) Troy Planning for PWTC SI-3 PW TC Response to Reg. 18.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_141

Comment

Agent	Mr Jonathan Buckwell ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	DHA Planning Ltd
Address	Eclipse House Eclipse Park MAIDSTONE ME14 3EN
Consultee	[REDACTED])
Email Address	[REDACTED]
Company / Organisation	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 (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	DHA Planning for Cedardrive - full representation.pdf
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 1 The Development Strategy

[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 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_129

Comment

Agent	Jack Harley [REDACTED]
Email Address	[REDACTED]
Company / Organisation	DHA Planning Ltd
Address	- Maidstone -
Consultee	Pickhill Developments Ltd [REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Pickhill Developments Ltd [REDACTED]
Comment ID	PSLP_1958
Response Date	04/06/21 11:28
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	DHA Planning for Pickhill Developments Ltd full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Pickhill Developments 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 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

1.1.1 These representations have been prepared by DHA Planning on behalf of Pickhill Developments Ltd in respect of the Tunbridge Wells Borough Council Regulation 19 Local Plan consultation.

1.1.2 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.

1.1.3 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.

1.1.4 This submission comments on the plan having regard to these tests of soundness as well as wider legal compliance. However, for context, we first provide an overview of the land within Pickhill Developments Ltd control, which was included in the Regulation 18 Draft Local Plan as an allocation (draft policy AL/CRS 6) for residential development (Known as 'Gate Farm, adjacent to Hartley Road and Glassenbury Road, Hartley (plus Bull Farm) (SHELAA reference: Sites 59, 70, 323 & 345, and Late Site 53)' but subsequently omitted from the pre-submission draft. The Pickhill land is site 70.

1.1.5 Based on the current national and local planning context, we object to the site's omission, which was not based on sound planning grounds but as a basis to help defend against a s78 planning appeal. The outcomes of that appeal, and the commentary of the Inspector, provides a clear basis to conclude that the land is a suitable location for proportionate plan led growth.

1.3 Wider Assessment of Soundness

1.3.1 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.

1.3.2 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.

1.3.3 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.

1.3.4 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)

1.3.13 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.

1.3.14 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.

1.3.15 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.

1.3.16 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).

1.3.17 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 duplicated here from PSLP - see full representation attached].

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

[TWBC: Policy STR1 duplicated here from PSLP - see full representation attached].

1.3.19 By way 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.

1.3.20 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.

1.3.21 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.

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

[TWBC: Table 4 Distribution of housing allocations duplicated here from PSLP - see full representation attached].

Response

1.3.23 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.

1.3.24 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.

1.3.25 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.

1.3.26 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. In summary, based on real life case studies, and the scale of development proposed, housing is unlikely to be delivered at Tudeley until circa 8 years after the first planning permission is approved.

1.3.27 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.

1.3.28 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, with minimal units being delivered within the current plan period.

1.3.29 Taking the above into account, our view is that the Council has applied an 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.

1.3.30 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).

1.3.31 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 we delivered at lower rates given the need to front load infrastructure.

1.3.32 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.

1.3.33 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 that plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change.

1.3.34 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 paragraph 11 and lacks sufficient strategic flexibility.

1.3.35 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 such as our client's land should be added to offset the loss of the housing relied upon from Tudeley.

1.3.36 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. To the contrary, the objective of the planning system is to deliver the right homes in the right locations.

1.3.37 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.

1.3.38 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.

1.3.39 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.

1.3.40 As explained, our client's land is suitable, available and achievable and was, in our view, removed as response to our client's planning appeal rather than as a result of and robust planning evidence.

Green Belt vs AONB Release

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

1.3.42 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.

1.3.43 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.'

1.3.44 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.

1.3.45 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.

1.3.46 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'.

1.3.47 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 designated area.

1.3.48 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.

1.3.49 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.

1.3.50 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.

1.3.51 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.

1.3.52 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.

1.3.53 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. For example, on the sites like our clients that were wrongly omitted.

1.3.54 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 term with a deficit in five year supply.

1.3.55 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.

1.3.56 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.

1.3.57 The nearby Ashdown Forest is a designated Special Area of Conservation (SAC) and Special Protection Area (SPA).

1.3.58 Although not an environmental constraint, the Metropolitan Green Belt covers 22% of Tunbridge Wells borough.

1.3.59 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.

1.3.60 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.

1.3.61 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.

1.3.62 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.

1.3.63 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.

1.3.64 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.

1.3.65 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 so as to preserve the status quo in the more affluent villages whilst not delivering housing of all tenures throughout the entire borough meeting the borough wide housing need.

Housing Delivery

1.3.66 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.

1.3.67 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.

1.3.68 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.

1.3.69 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].

1.3.70 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 to ensure the new plan is sufficiently flexible.

1.3.71 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].

1.3.72 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.

1.3.73 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

1.3.74 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.

1.3.75 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.

1.3.76 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.

1.3.77 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].

1.3.78 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.

1.3.79 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 therefore the plan fails the test of being both positively prepared and effective.

Affordable Housing Need

1.3.80 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.

1.3.81 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.

1.3.82 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.

1.3.83 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.

1.3.84 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.

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

Place Shaping Policies

1.3.86 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.

1.3.87 Policy STR/CR1 sets the proposed strategy for Cranbrook and Sissinghurst parish and states that Approximately 415 to 429 net new dwellings will be allocated. This represents a substantial reduction on the 718-803 new dwellings that were proposed as part of the Regulation 18 plan. Furthermore, the draft allocations for Hartley have been removed in their entirety.

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

1.3.88 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 Hartley that is not major development and is not requiring of an 'exceptional circumstances' case for the land to be released.

1.3.89 As outlined above, Hartley is a moderately sustainable location as found by the Inspector during the course of the recent appeal. Indeed, it is situated within the heart of the hamlet of Hartley and in close proximity to the range of services available in Cranbrook.

1.3.90 The site benefits from good access to public transport links. The bus stops in closest proximity to the site are located on the A229 Hartley Road, approximately 3 minutes' walk to the south of the site access. From these bus stops, Routes 5 and 349 are accessible providing links to Maidstone and Hastings. Further bus stops are located approximately 5 minutes' walk to the north of the site access, again on the A229 Hartley Road. In addition to Routes 5 and 349, Routes 267 and 268 can also be accessed providing links to Tonbridge and Tunbridge Wells. Accordingly, there are opportunities for access to services and facilities without reliance upon private vehicle.

1.3.91 Staplehurst Railway Station is located approximately 11km to the north of the site (via the A229 Hartley Road), equating to a 14-minute drive. From this station, Priory can be accessed, with trains departing to and from London up to six times per hour during weekday peak periods. Additionally, Etchingham Railway Station is located approximately 12km to the west of the site by road and provides access to regular train services between Hastings, Tunbridge Wells and London.

1.3.92 Within the vicinity of the site, there are a number of Public Rights of Way (PRoW) provided, as shown in Figure 2.2 of the supporting Transport Statement [CD6.10]. These routes provide safe, pleasant off-carriageway access to the surrounding countryside. National Cycle Route 18 routes along Park Lane and Water Lane, approximately 1.1km to the south of the site access. This route provides a link between Canterbury and Tunbridge Wells, via Ashford and Tenterden.

1.3.93 In addition to transport linkages, there is access to services by foot. Hartley Farm House and Coffee Shop are accessible from the site in under a five-minute walk. Additionally, a number of services and amenities can be accessed in nearby Cranbrook. These services include further public transport facilities, a supermarket, places of worship, primary and secondary schools, a doctors' surgery, dental practices, banks, a pharmacy, a post office and several public houses. Cranbrook can be accessed via a 25-minute walk, a 6-minute cycle, a 9-minute bus journey or a 4-minute drive.

1.3.94 From a wider perspective, achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). These being economic, social and environmental objectives.

1.3.95 In this respect, the site is suitable, sustainable, available and deliverable for development, and would help contribute to the borough's immediate housing need in a timely manner. We note that paragraph 68 of the Framework supports the development of small and medium sized developments as they can often be 'built out' quickly.

1.3.96 Household expenditure generated by future residents will help to support economic activity locally and help to sustain the jobs and services within the local area. The new dwellings will also contribute to the public purse in respect of Council Tax and the New Homes Bonus. The scheme will also be capable of contributing to local services and infrastructure.

1.3.97 The site has the opportunity to provide for a quality residential development to meet the needs of the local population. The proposed development can provide circa 8-10 additional homes to meet this supply. This includes a policy compliant mix of market and affordable units.

1.3.98 Having regard to these matters, we challenge the LPA's deletion of the site. Paragraph 103 of the NPPF is clear that the planning system should actively manage patterns of growth and development should be focused on locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes. The close proximity of the site to Cranbrook and the services offers residents far greater access to facilities than many of the smaller rural settlements that have defined LBD such as Benenden, Brenchley and other tier three settlements. Accordingly, in a boroughwide context, the appeal site is sustainable.

Development Management Policies

1.3.99 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.

1.3.100 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.

1.3.101 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. 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.

1.3.102 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.

1.3.103 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 provide clear direction to the user.

1.3.104 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 supporting SPD not policy.

1.3.105 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.

1.3.106 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.

1.3.107 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.

1.3.108 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.

1.3.109 Finally, paragraph 6.335 has regard to development viability and places the onus on the Developer to demonstrate the 'price paid for land' when testing viability. It also requires applicants to factor in on site mitigation measures as well as measures to mitigate the impact of development. By way of response, viability assessments should be based upon Benchmark Land Value in accordance with the NPPF/NPPG guidance. Furthermore, the detailed constraints and infrastructure needs are not always known at the outset, nor is it possible to make informed decisions on mitigating matters such as biodiversity net gain until late in the development process. As such, viability cases must be assessed in an open manner based on the merits and unique circumstances of the sites on their own merits. Failure to recognise this means that the plan is neither positively prepared nor effective.

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, 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.

1.4.4 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.

1.4.5 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.

1.4.6 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.

1.4.7 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.

1.5 Summary and Conclusions

1.5.1 In summary, this representation has been prepared on behalf of Pickhill Developments 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.

1.5.2 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 the late stage of the process, the deletion of which is unsubstantiated and based on unsound conclusions. Furthermore, we object to the reduced growth promoted around Cranbrook and Hartley.

1.5.3 Finally, 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 Cranbrook and Hartley.

[TWBC: for further representations on Policy STR/CRS 1 and Section 3 Vision and Objectives, please see PSLP_1956 and PSLP_1957 respectively].

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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_154a-b

Comment

Agent	Miss Judith Ashton ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Judith Ashton Associates
Address	Maytham Farmhouse Maytham Road Cranbrook TN17 4QA
Consultee	([REDACTED])
Company / Organisation	Redrow Homes Ltd and Persimmon Homes South East
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Redrow Homes Ltd and Persimmon Homes South East (- [REDACTED])
Comment ID	PSLP_2159
Response Date	04/06/21 09:43
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.8
Files	PSLP_2159-2198_Judith Ashton Ass for Redrow Homes (1) PSLP_2159-2198_Judith Ashton Ass for Redrow Homes
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Redrow Homes Ltd & Persimmon Homes South East
Question 2	
Agent's Name and Organisation (if applicable)	Judith Ashton 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 1 The Development Strategy

[TWBC: this representation has been input against Policies STR 1, STR 4, STR 5, STR/SS 1, STR/PW 1, EN1, EN2, EN3, EN9, EN13, H3, H6 and H9 – see Comment Numbers PSLP_2159, PSLP_2165, PSLP_2166, PSLP_2167, PSLP_2173, PSLP_2179, PSLP_2182, PSLP_2186, PSLP_2189, PSLP_2191, PSLP_2194, PSLP_2197 and PSLP_2198. See Supporting Information for representation in full]

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

Question 5

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

After this stage, 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 write with reference to the above. As you will be aware, I act for both Redrow Homes Limited and Persimmon Homes South East who have various interests in Tunbridge Wells, including those east and south east of Paddock Wood (SHLAA sites '20', '374', '371', '344' and '376'), (LPA sites PW 1_7, 1_9, 1_11 and 1_12), (parcels 7, 9, 11 and 12).

Whilst, having regard to the above, Redrow and Persimmon both support the Reg 19 Plan in principle, especially the proposed allocation of the land at Paddock Wood (policies STR/SS1 and STR/PW1), they do have specific concerns about certain aspects of policies STR/SS1 and STR/PW1 and the evidence base underpinning the plan.

In saying this we acknowledge that the Strategic Sites Topic Paper (March 2021) provides a detailed critique of the rationale behind the proposed allocation of the land at Paddock Wood and Capel, with section 8 explaining how the development looks to address the requirements of para 72 of the NPPF; and the plan and its associated evidence as a whole looks to demonstrate why the proposed allocation is justified, is deliverable and will be effective in meeting the requirements of the plan and national government guidance.

1 The Housing Requirement, Supply and Trajectory.

a) The Requirement

1.1 Para 4.10 of the Reg 19 Plan indicates that the standard method housing need figure for the borough is 678 dwellings per year; and that over the full plan period 2020 to 2038, this equates to a need of some 12,204 dwellings. It also acknowledges that national policy clarifies that this would be a minimum target.

1.2 Para 3.3. of the Housing Land Supply and Trajectory Topic Paper indicates that this is based upon the standard methodology (2014 based household projections (published July 2016)), projected household growth in Tunbridge Wells for the period 2020-2030 and the affordability ratios for 2018 (See appendix 1 of the Housing Needs Assessment Topic Paper - Feb 2021).

1.3 Policy STR1 should in setting out the development strategy for the plan identify the local housing need figure. In addition, the housing trajectory contained within the Housing Land Supply and Trajectory Topic Paper should be set out in the plan itself – as an appendix so it is clear upon adoption what it is the authority are seeking to rely upon.

b) Whether the plan should provide for more than the minimum local housing need figure

1.4 As acknowledged in the Reg 19 Plan and its supporting evidence base, the plan should, given ID: 2a-010-20190220 of PPG, consider whether it might be appropriate to plan for a higher housing need figure than the standard method indicates given issues such as local affordability.

1.5 The Housing Needs Assessment Topic Paper summarises the findings of recent housing needs surveys; the 2015 SHMA identified a need for 341 affordable homes per annum, the 2018 HNS a need for 443dpa and the recent review of affordable housing needs in the context of first homes (2021) a need for around 323dpa. As acknowledged in the Housing Needs Topic Paper this demonstrates a substantial need for affordable housing in the borough. This is supported by the affordability ratios published in March 2021, which indicate that the ratio of lower quartile house price to lower quartile gross annual workplace-based earnings by local authority district, England and Wales, 1997 to 2020, had in Tunbridge Wells increased from 9.58 in 2010, to 10.51 in 2015 and 12.8 in 2020; the ratio of median house price to median gross annual workplace-based earnings by local authority district, England and Wales, 1997 to 2020 being 9.91 in 2010, 10.98 in 2015 and 13.27 in 2020.

1.6 Whilst policy H5 looks to deliver 40% affordable provision on all greenfield sites of 9 (+) dwellings, not all sites provide affordable housing, thus, in order to meet 100% of the affordable requirement of 443 dpa one would conservatively need to deliver circa 1,107 dpa over the plan period. Even if one takes the affordable requirement to be 323 dpa, the borough would need to be delivering 807dpa. In both instances this is significantly greater than the figure generated by the standard method, (678dpa).

1.8 To this end we note that whilst the Icen Review of Local Housing Needs (dec 2020) suggests at para 1.11 that the data underpinning trends and projections in Tunbridge Wells would not identify an exceptional circumstance that would justify moving away from the Standard Method, it also acknowledges in the preceding paragraph that: *'The PPG makes clear that one of the reasons why an affordability uplift is applied in the standard method is that past housing supply may have constrained the ability of people to move to an area. The influence of historical supply on the population and household projections justifies the inclusion of an uplift to the household projections. The extent to which this will improve affordability in Tunbridge Wells will be influenced by the extent to which housing supply and delivery is increased across the wider region as well as London. It seems unlikely that if Tunbridge Wells BC increased supply on its own that this would have a material effect on affordability given the clear inter-relationship in market terms between the Borough and surrounding areas and its broader relationship to London. There are also wider macro-economic factors that will influence overall housing affordability and demand including wider economic trends, interest rates and access to mortgage finance. A material change in the supply-demand dynamic across the wider South East is necessary; but Government policy requires each authority to play its part in this (whilst achieving sustainable development).'*

1.9 Having regard to the above we note that the Inspector at the Mid Sussex Local Plan examination sought to increase the OAHN to address the affordability issues in the district (See paras 19), and whilst that examination was predicated on the 2012 NPPF, not the standard methodology, it does demonstrate the need to consider affordability in areas such as this in detail when determining the local housing needs figure.

1.10 In the context of the above we also note that the figure of 678dpa is the minimum local housing need figure. It is capped at 40%. The uncapped figure is in fact 741dpa(See para 2.15 of the Housing Needs Topic Paper). This figure would better be described as the actual housing need, with 678dpa simply being the minimum Local Housing Need figure defined by the standard method. Whilst we note that the SA does test the effects of looking to meet the uncapped housing needs within growth strategies 10 and 11, and that the SA concluded that they were not pursued any further given their perceived environmental impacts; the Icini report accepts that the higher, uncapped need may be achievable from a market capacity perspective notwithstanding this would involve a further significant increase over recent building rates.

1.11 Whilst we will return to this point when commenting upon the SA, in terms of the overall housing requirement the evidence base has in our opinion to be more explicit as to why meeting the uncapped need was so readily dismissed. Table 12 (p51) of the SA appears to dismiss option 10 (uncapped need) on the basis that it was assumed that it would lead to further development across settlements, including in the AONB. At only 63dpa more than planned for (1,260 dwelling across the plan period) there are in our opinion options, given the findings of the SHLAA that could accommodate this level of additional growth without harm to the AONB. The Borough Council thus need to explain how this conclusion has been reached and the evidence base needs to address this to ensure the chosen option is justified.

1.12 Finally, there is, as acknowledged at para 4.12 of the Reg 19 Plan, the issue of the unmet housing needs from neighbouring areas, especially those within the same housing market area. As set out in the Duty to Cooperate (DTC) Statement (March 2021) these include Sevenoaks District Council (SDC) and Tonbridge and Malling Borough Council (TMBC) but extends to include Rother District Council (RDC) and Wealden District Council (WDC). The DTC statement indicates that SDC is the only neighbouring authority who have indicated they do not expect to meet their LHN. SDC, according to para 4.18 of the DTC statement made a request to TWBC and other neighbouring authorities as to whether they could assist in meeting any of its unmet need of 1,900 dwellings in April 2019. The DTC statement goes on to explain that whilst TWBC considered if it could meet some of SDCs unmet need (see para 4.19), it concluded for the reasons contained within the DTC statement (see para 4.20) that it could not.

1.13 Whilst noting the 2 reasons given, we also note that the Icini Review of Local Housing Needs has, as indicated above suggested that higher, uncapped need may also be achievable from a market capacity perspective. Furthermore, in considering a growth option that encompasses SDC's unmet need (option 11), table 12 (p52) of the SA appears to dismiss this option on the basis that it was assumed that the additional 1,900 dwellings would essentially result in further housing in the AONB as well as the loss of more Green Belt, including losses around RTW/Southborough. Whilst some may say this is self-evident it is not clear within the evidence base how this conclusion has been reached and the evidence base needs to address this to ensure its rational is clear and that the chosen option is justified.

c) Supply and Trajectory

1.14 Whilst not commenting upon the supply in detail, in reviewing the findings of the Housing Supply and Trajectory Topic Paper (Feb 2021) on housing delivery phasing and build out rates, we note that the supply sources the Council relies upon in the trajectory for the plan are summarised in Table 3 (p36) of the plan as:

1

Housing need 2020 – 2038

12,204

18 yrs. x 678

2

Extant Planning Consents as at 01 April 2020

3,313

See HS&T TP

3

Windfall allowance small sites

1,310

See HS&T TP/ BL TP

4

Windfall allowance large urban sites

360

See HS&T TP/ BL TP

5

Outstanding Site Allocations (from extant Local Plan)

276

See HS&T TP

6

New Housing Allocations proposed in the Plan

6,945

Row 1 minus rows 2 -5 -

7

Minimum Total allocations

7,221

1.15 Taking these in turn, we note that:

(i) Extant Planning Consents as at 01 April 2020

1.16 Whilst the Reg 18 Plan provided a 10% buffer for non delivery (See Para 13, bullet point three on P4 of 5-year Housing Land Supply 2018/19 – June 2019) of small sites (1-9 units) no such buffer is proposed in the Housing Supply and Trajectory Topic Paper (Feb 2021). To support a sound trajectory TWBC need to justify why a buffer is no longer considered necessary. Unless the council can demonstrate why a 10% buffer is no longer necessary we would recommend it is reinstated to ensure a robust evidence base.

1.17 In the context of the above, we note, having reviewed the Five-Year Housing Land Supply 2019/2020 (September 2020), Position as at 1 April 2020 it appears from appendix 1 that circa 630 of the extant consents are small site – which with a 10% discount would suggest the need to find land to deliver a shortfall of circa 60 dwellings.

1.18 We would also suggest that where large sites with full planning permission have not yet started, evidence is submitted to support their inclusion within the trajectory. Some sites such as the former ABC cinema (which has consent for 108 dwellings) have a long history of non delivery and in order to demonstrate a robust evidence base it is imperative that TWBC demonstrate this site can now deliver what is expected from it.

1.19 In addition to the above we note from the Five-Year Housing Land Supply 2019/2020 that 247 of the extant consents are in fact outline consents, whilst the Five-Year Housing Land Supply 2019/2020 seeks to justify the inclusion of these sites in the commitments table, we would question this, especially the land at Brick Kiln Farm as the reserved matters application has been withdrawn. Unless clear evidence can be provided to justify the inclusion of these outline consents within the commitments, and the 5 year HLS we would suggest they are all deleted. This would suggest the need to find land to deliver circa 250 dwellings.

1.20 Finally in reviewing this cohort we would question the 3,313 figure as the Five-Year Housing Land Supply 2019/2020 only suggests 3,213 in appendix 1, and table 9 of the Housing Supply and Trajectory Topic Paper only adds up to 3,161 (767+932+854+369+239 = 3161). To this end it would also be helpful if the trajectory placed those allocations that are now within its commitments within

the commitments part of their trajectory table/ annotated the table to show this was the case – rather than have a '0' against them as this is we have to say somewhat confusing.

(ii) Windfalls

1.21 Table 16 of the Housing Supply and Trajectory Topic Paper indicates that windfalls at 1,670 dwellings amount to 12.6% of the overall supply across the plan period, and more importantly over 16.7% of the supply when existing commitments are taken into consideration. We note the overall windfall figure is over double that set out in the evidence base to the Reg 18 Plan (which suggested 700 windfalls over the plan period) and that the annual windfall rate of 122dpa from 2023 is also over double that suggested at Reg 18 (50dpa). The Housing Supply and Trajectory Topic Paper suggests that 1,232 of these will be from small sites (1 – 9 units) with the remaining 336 from large sites.

1.22 Whilst we accept that changes to permitted development rights and the likes of office to resi conversions will help sustain windfall rates within the borough for the short term, we would question whether the increased reliance on this source is justified.

1.23 Not only does the Brownfield and Urban Land Topic Paper accept that this resource is finite, and recommends a small sites windfall allowance of 80% below the average supply for the first 7 years (from 2023/24) to avoid double counting with extant permissions, followed by another 80% below that for the remainder of the plan period i.e.: $122 \times 80\% = 98$ dwellings pa $\times 7$ years = 686 dwellings $98 \times 80\% = 78$ dwellings pa $\times 7$ years = 546 dwellings. It also recommends that the proposed allowance for large scale windfalls is set 80% below the average number of completions since adoption of the Core Strategy (i.e. from 2011 onwards) which results in an annual average of 24 dpa over 14 years of the plan period, or a total of 336 dwellings over the plan period (i.e. 24 dwellings pa $\times 14$ years = 336 dwellings).

1.24 Para 4.40 of the Brownfield and Urban Land Topic Paper acknowledges that: *'an allowance for larger brownfield/urban sites has not previously been provided for (in the Draft Local Plan) and that their delivery may still not be as regular or frequent as smaller sites'*

1.25 Given the above we would caution against assuming the average will continue long term and would question whether assuming an 80% allowance of the average is justified. Why 80%, why not 75% or 50% so as to be robust and provide a suitable buffer to non delivery of the strategic sites? As an authority with a 5 year HLS deficit at present TWBC should in our opinion be looking to ensure that they allocate enough and provide enough of a buffer to ensure a rolling 5 year HLS moving forward. Relying on windfalls, especially within the 5 year housing land supply is not in our opinion helping in this regard and, despite the Brownfield and Urban Land Topic Paper there is no compelling evidence, as required by para 70 of the NPPF to include windfalls in the 5 year HLS.

1.26 We would thus recommend windfalls are removed from the 5 year HLS and the overall level of provision is reduced to 102dpa max from 2025/26. This would reduce the figure to 1,326 dwellings – i.e... circa 10% of the total supply/ 13.3% of the supply after accounting for extant permissions – which is still in our opinion a significant figure. This would generate a need to find land to accommodate a further 344 dwellings.

(iii) Outstanding Site Allocations

1.27 Of the 276 dwellings identified in this cohort, we note that certain sites, such as the former gas works on Sandhurst Road (170 dwellings) have a long history, having been identified in the former TWBLP 1996 such that we would question whether they are truly deliverable. If TWBC are to rely on them then clear evidence of deliverability needs to be provided.

(iv) New Housing Allocations proposed in the Plan.

1.28 Turning to the trajectory for the new housing allocations proposed in the Reg 19 Plan, we are concerned that the majority of the evidence base concentrates on the period from the grant of planning permission to first completion's and both peak and average build out rates. The time taken to prepare and submit planning applications and the length of the determination period are also crucial to the councils proposed trajectory. To this end we welcome the council's commitment to the implementation of PPA's for the determination and delivery of strategic sites, and the discharge of planning conditions on small, medium, and major sites, all of which will, as para 4.18 of the Housing Supply and Trajectory Topic Paper says, help create an environment to accelerate housing delivery.

1.30 To whit we note that table 9 of the Housing Supply and Trajectory Topic Paper suggests that STR/SS1 (Paddock Wood and Capel) will be delivering 300dpa from 2025/26 i.e. 4 years from now.

1.31 As you will be aware, a PPA has been agreed with those promoting the land to the east of Paddock Wood, which lies outside the Green Belt, which looks to the developers of this site (Redrow and Persimmon) to submit 2 x hybrid planning application which combined will provide for approximately 1,200 dwellings and related amenities facilities with an overarching Masterplan and EIA in Autumn 2021. Work on this submission is already well underway with a scoping application due to be submitted imminently, an initial meeting held with Design South East and various other meetings taking place with statutory consultees and key stakeholders – including the Town Council.

1.32 On this basis, and as we are also looking to progress discussions with the Borough Council on Framework Masterplan (SPD) concurrently with the submission of the hybrid applications, and agree a PPA which looks to facilitate the determination of the applications with 12 months (including s106), and to agree discharge of pre commencement conditions in a timely fashion, our projected trajectory is:

[TWBC: See attached supporting information for table]

1.33 Whilst we acknowledge that the above, is ambitious, and less than the average time taken from gaining consent to first completions as set out in Lichfields Start to Finish (Second Edition (Feb 2020)), we believe, given the proposed PPA, and the commitment of both parties to the delivery of this site, that it is achievable.

1.34 Turning to the proposed build out rates, those cited above are comparable to those found in Figure 7: Lichfields Start to Finish (Second Edition (Feb 2020) which suggest build-out rates of 107dpa for sites of 1,000-1,499, and 120 dpa for sites of 1,500 -1,999 (NB Table 4: of Lichfields Start to Finish (Second Edition) indicates that mean delivery rates by site sizes, within their first edition were 117dpa for sites of 1000- 1449 dwellings).

1.35 Given the above, and having regard to discussions with those promoting the other parcels west of Paddock Wood we believe the strategic allocation at Paddock Wood could given the number of national housebuilders involved, deliver the following:

[TWBC: See attached supporting information for table]

1.36 Given the above, whilst the councils trajectory is we feel a tad overambitious, the reality is, with the lead in times and different timetables being adopted by the developers promoting the land that falls within the STR/SS1 factored in, the combined delivery rates will within the middle part of the plan period be delivering more than envisaged the Housing Supply and Trajectory Topic Paper, given the various outlets that will by then be delivering. Either side of this there will be a gradual increase from 60dpa in yr.3, to 120 in year 5, 213 in yr. 6 and 320 in year 7 and then 390dpa thereafter, until in year 12 delivery rates will begin to fall to 365, 315, 230 and then 162dpa in year 15. As a result of the above we would suggest that the trajectory in the Housing Supply and Trajectory Topic Paper is reviewed This will also have knock on implications for the 5 year housing land supply and should be factored into said assessment when the plan is submitted for examination.

1.37 As to whether the overall requirement for STR/SS1 will be met, we note that the policy suggests a range of 3,490 – 3,590 houses. The above suggests circa 3,305 – 3,405 which is circa 5% less than proposed within the policy. Whilst this may well be delivered longer term, we would suggest that provision is made to address this shortfall through a small allocation of circa 100 dwellings elsewhere within the borough.

1.38 Turning to the proposed new settlement in Tudeley we note that the Housing Supply and Trajectory Topic Paper suggests the delivery of 150dpa from 2025/26, rising to 200dpa in 2035/36.

1.39 Unlike the proposed expansion of Paddock Wood, Tudeley Village is an entirely new settlement wholly constrained by the Green Belt that is being promoted by Hadlow Estate. We are not aware that any national house builders are involved. None is mentioned in the site promoter's promotion material –Tudeley Village Delivery Strategy – December 2020

(<https://en.calameo.com/read/005138646e3c91ce5482a?authid=ofMfwz3z9AB7>). Furthermore, we note that whilst the front page of the web site suggests that should the Tudeley village proposal form part of the adopted local plan construction would follow with a first phase of 360 dwellings completed in 2024/25, the Tudeley Village Delivery Strategy indicates that the build out rates are as recommended by the Borough Council and recites those set out in the Housing Supply and Trajectory Topic Paper.

1.40 No evidence is proffered in the Housing Supply and Trajectory Topic Paper to support the delivery strategy, and we note that the Tudeley Village Delivery Strategy makes it clear at p64 that the Hadlow

Estate will control how land is released for development as part of its role as master developer, and that during the life of the development, the estate will deliver serviced land parcels that will be bought to the open market and offered to selected housebuilders for development. This and the design coding strategy set out in the Tudeley Village Delivery Strategy suggests that whilst an outline consent, together with detailed infrastructure provision will follow the adoption of the Local Plan, the actual design of the development parcels will follow a ridged serviced land sales strategy, which will inevitably delay housing delivery as each parcel is sold and developers advance an application for reserved matters. To this end we note that para 3.1.2 of the Local Plan Viability Assessment (Stage 2) indicates that the Tudeley development is expected to run on beyond that at Paddock Wood and is likely to continue after the end of the emerging Local Plan period (so to 2038 and beyond).

1.41 Given the above we are not convinced delivery will commence in 2025/26. With no evidence to the contrary we believe the council have no option but to revert to the empirical evidence set out by Lichfields in Start to Finish (Second Edition (Feb 2020), which at Figure 4: Average timeframes from validation of first application to completion of the first dwellings, suggests that on sites of 2,000(+) the average timeframes from validation of first application to completion of the first dwellings is 8.4 years, which assuming an application is submitted in the monitoring year 2022/23 would suggest first completions in 2030/31. Whilst we appreciate the fact the borough council are adopting the use of PPAs to help accelerate the planning process, which will help reduce the timescales set out by Lichfields in Start to Finish, there will, as set out above, still be a need to approve the Design Code and Masterplan following the hybrid infrastructure and outline application consent. Then when the land parcel sales have been marketed and agreed, those parcels will need individual RMs – this will not be a quick process. Furthermore, its highly unlikely the site would deliver 150dpa on yr. one – there will be a gradual build up as the site progresses with we would suggest circa 40 in year 1, 120 in year 2 and then 150 (+) a year thereafter – dependent upon the number of outlets running in parallel.

1.42 The above will clearly have an impact on the housing trajectory and the number of houses that are delivered from this site in the plan period. We believe the trajectory is more likely to be along the following lines, which suggests that it is likely that land will have to be found for circa 660 dwellings to address the shortfall.

[TWBC: See attached supporting information for table]

d) The need for a Buffer

1.43 The plan looks to deliver 13,250 dwellings over the plan period, some 8.6% above the requirement of 12,204. As, as indicated above we do not believe the trajectory will deliver as predicted, we believe a higher buffer needs to be introduced, to both address any delay in the delivery of sites/ non delivery of sites, and to try and help address the acute affordable housing needs within the borough.

1.44 Given the above, and as the plan should in our opinion test the trajectory on the basis of a 10% buffer to accord with para 73(b) of the NPPF if it wishes to fix its 5 year HLS upon adoption, we believe the buffer should as a minimum be 10%, but more realistically, given our comments above, and the constraints imposed by both the Green Belt and AONB across the borough, and the issues of unmet needs arising in both Sevenoaks and Rother, be circa 20%. Such a buffer would provide sufficient flexibility to enable the plan to adapt to rapid change as required by para 11 of the NPPF.

Table 4: Summary of Affect of 20% Buffer on Total Supply over the Plan Period

Supply Source

Council

JAA

LHN for Plan Period 678 dpa

12,204

12,204

Supply Identified

13,257

11,943 *

LHN with 20% Buffer for Plan Period

14,645 (814dpa)

14,645 (814dpa)

Additional Allocations Required

1,388

2,702

* 13,257 minus 1,314 (660 (Tudeley) +344 (windfalls) + 310 (non delivery of extant consents)) = 11,943

e) 5 year HLS

1.45 The Council's housing trajectory set out in the Housing Supply and Trajectory Topic Paper does not provide a rolling 5-year supply calculation so it is not possible to ascertain whether the Plan will deliver and maintain a 5-year supply as required by the NPPF.

1.46 The only 5-year supply calculation provided by the Council is set out in the Five-Year Housing Supply 2019/20 Position Statement. This indicates at Table 1 on P7 that the Council do not currently have a 5-year housing land supply, rather they have 4.83 years (a shortfall of -120 dwellings). Given our comments above, we consider this to be optimistic conclusion and that with adjustments is more likely to be circa 4.67 years.

[TWBC: See attached supporting information for table]

1.47 Whilst we note some of the smaller allocations are shown to deliver within the first five year of the plan, we have, given our own position on the housing trajectory no comments to make on this, other than to question the inclusion of AL/CRS 3 – land at Turned Farm as we note the associated application has been the subject of a call in, with a PI due to open on the 21 September 2021. This sites ability to deliver as planned is thus called into question, and the 5 year trajectory when published needs to take this into account.

1.48 Given the above we have to call into question whether, despite table 9 and figure 3 of the Housing Land Supply and Trajectory Topic Paper, there is a rolling 5 year HLS, and would recommend that the council undertake this assessment and submit it with the plan to help address this issue and demonstrate a sound plan that is planning positively for the area and will help significantly boost the supply of housing in accordance with para 59 of the NPPF.

2 Duty to Cooperate.

2.1 Having reviewed the DTC Statement of March 2021, we note that housing is seen as a cross boundary strategic issue and that para 4.15 indicates that: *'TWBC has been working closely with other authorities in discussions on meeting their objectively assessed housing need, including those identified through the Council's Strategic Housing Market Assessment (SHMA) as being within the same housing market area, namely the 'West Kent Housing Market Area' (HMA), which includes SDC, TMBC and TWBC and extends to include parts of WDC and RDC'.*

2.2 We also note that of TWBC's neighbouring LPAs only SDC has either not produced a local plan which looks to fully meet their own housing needs or has indicated that they do not expect to be able to meet their local housing needs.

2.3 In the context of the above we note that whilst SDC made a formal request to TWBC and other neighbouring LPAs as to whether they could meet any of its unmet need in April 2019, Para 4.18 of the DTC statement indicates that *'It does not have any arrangement in place to meet this unmet need at the present time, and the (SDC) strategy which resulted in the unmet need has not been subject to Examination.'*

2.4 Its clear from the evidence base that TWBC has considered if it could meet SDC's unmet need, both through its plan and with other LPA's (see para 4.23), and not only has TWBC own SA indicated the adverse impacts of assisting SDC, but SDC's plan has been found unsound, and the Inspector has directed SDC to look to address its HLS shortfall within the district before looking to others to assist.

2.5 Whilst an updated SoCG has been delayed because of ongoing legal action by SDC in connection with the LP Inspector's decision, (see p18) we note that the previous version (May 2019) (appendix A1), advises at paras 2.18. and 2.19 that:

2.1.8 *It is understood that, at present, TWBC is unable to assist SDC with unmet housing need, due to the constraints on both local authorities, and their inability to meet housing needs beyond their own, irrespective of unmet needs elsewhere.*

2.1.9 *Consequently, both councils will continue to work together and identify the position as both TWBC and SDC prepare to review their Local Plan every 5 years.*

Actions

. TWBC and SDC will engage through the wider Duty to Cooperate forum with other neighbouring authorities outside the West Kent housing market area in relation to housing related matters, including unmet need, five year housing land supply, best fit HMAs, affordability, London's growth, large scale developments and opportunities for meeting any unmet needs elsewhere.

. TWBC and SDC to each undertake a 5 year review of their respective Local Plans.

2.6 We trust that the updated SoCG will demonstrate constructive, active and on an ongoing engagement has continued and that some clarity is provided on how the unmet needs of the HMA are to be addressed.

2.7 Within this context we do however note that it appears that TWBC have sought, since SDC initial indicated a potential issue in their ability to meet their housing needs when consulting on their issues and options Reg 18 plan in 2017, to actively engage in resolving this matter. TWBC letter of the 21st Sept 2017 (app B1 (p271) being clear in that:

Given the level of Objectively Assessed Need (OAN) identified by our own SHMA, and having regard to the nature and extent of planning constraints impacting on Tunbridge Wells borough, there is a reasonable possibility that the issue of some development need to be accommodated within an adjoining authority area is likely to be raised in the case of our own new Local Plan.

Without prejudging the outcome of our local plan work there should be no presumption that there is capacity within Tunbridge Wells borough to accommodate unmet development need from another authority area. We would ask that you take account of this when considering the representations made to the Issues and Option consultation and in confirming your development strategy for the Sevenoaks district.

Tunbridge Wells Borough Council would suggest therefore that there is a need for, and merit in, more focussed discussions about the implications of delivery of full objectively assessed needs within the respective west Kent local authority areas having regard to the environmental and other constraints that exist across these areas and wider afield.

Given that each west Kent authority has now reached at least Issues and Options stage in the plan making process there is an opportunity to agree an approach and strategy to take forward Duty to Cooperate work that meets the requirements of the National Planning Policy Framework, the National Planning Practice Guidance and other best practice.

2.8 Given the above, and the substance of the DTC statement it would appear to us that there has been constructive, active and on an ongoing engagement with SDC, and that TWBC have tried to address SDC unmet needs but demonstrated through the SA why they are unable to do so.

2.9 With the exception of Rother DC, all remaining SoCG are relatively new, being signed in February 2021 and March 2021, and all indicate that the respective authorities are looking to meet their LHN in their entirety; and will continue to engage with each other and other relevant authorities in relation to strategic housing matters.

2.10 The SoCG with Rother DTC is dated Oct 2020 and indicates at para 2.10 that at the time of writing, RDC does not know if it will be able to plan to meet its own local housing need through development within its own administrative boundary as it is too early in the stage of undertaking its housing evidence base for the Local Plan. To this end we note that the Rother LP was adopted in 2014 and is thus now out of date. As a result, using the standard method we understand the shortfall over the next 5 years to be in excess of 1000 dwellings. Whilst no requests have we understand been made by RDC to TWBC for the latter to assist in meeting its LHN, this matter none the less needs to be addressed, and we note that para 2.17 of the SOCG between RDC and TWBC indicates that both RDC and TWBC will continually consider their positions on capacity to meet housing needs as they progress their respective Local Plans.

2.11 We also note that the strategic sites at Paddock Wood and Tudeley are identified as key cross boundary issue affecting both TMBC and MBC.

2.12 The SoCG with MBC (March 2021) indicates that TWBC has worked closely with MBC to develop its plans for Paddock Wood, with MBC being a stakeholder in the TWBC Strategic Sites Working Group; and that they agree to continue to work closely together on this matter going forward. Whilst the memorandum of understanding with TMBC is not as explicit, we note that para 4.29 of the DTC Statement makes it clear that given the proximity of the sites at Paddock Wood and Tudeley to Tonbridge & Malling Borough, there has been regular dialogue with TMBC, as articulated in the Appendix C of the DTC statement, as well as in the Strategic Sites Topic Paper; and that at para 4.4.2 the DTC highlights the fact that a Strategic Sites Working Group ('SSWG') was established in July 2019, following the finalisation of the Regulation 18 Draft Local Plan which set out the approach to growth around Paddock Wood and east Capel, and Tudeley Village; that the SSWG provides a forum that facilitates collaborative working in the delivery of the two strategic sites; and that a range of interested parties are members of this group, including representatives from Tonbridge & Malling BC (Policy Manager) and Maidstone BC (Principal Policy Officer) as the two boroughs are in close proximity to the strategic sites. Meetings are held monthly, providing a forum to update and discuss key items in progressing the strategic sites through the Local Plan and beyond.

2.13 In the context of the above we note that the penultimate paragraph of policy STR/SS 1 indicates that the delivery of the infrastructure for the strategic expansion of Paddock Wood should be through ongoing discussions with relevant stakeholders, including Tonbridge & Malling and Maidstone Borough Councils.

4 The Infrastructure Delivery Plan

4.1 The Infrastructure Delivery Plan (IDP) March 2021 has been drafted to support the Reg 19 Plan and sit alongside the Strategic Sites Masterplanning and Infrastructure Study and the Viability Study.

4.2 With this in mind we note that Table 8 in reviewing the summary of health needs for the settlements within the borough suggests that within Paddock Wood there is a need for one new medical centre to serve this area and land is allocated within Paddock Wood and east Capel for this; and an additional satellite medical centre within Tudeley Village to be considered. Conversely the Strategic Sites Masterplanning and Infrastructure Study at table 11 indicates that a medical facility is to be provided in Tudeley. Only if Paddock Wood and Capel were to proceed alone does the Strategic Sites Masterplanning and Infrastructure Study suggest that a new medical facility would be provided within Paddock Wood. This apparent discrepancy between the 2 reports needs to be resolved.

4.3 Similarly we note that Para 3.220 of the IDP suggests that the 10ha sports hub "could" incorporate a 25m pool, whilst the Strategic Sites Masterplanning and Infrastructure Study at para 4.8 and 4.101 and the Strategic Sites Topic Paper at para 6.26 make it clear the sports hub will include a swimming pool, and as set out below, the viability assessment appears to have assessed the provision of sports facility that includes a swimming pool given the values attributed to it reflect the Sport England Affordable Sport Centre model taken from Sport England 2nd Quarter 2020 Update which includes a swimming pool (This could we assume explain the difference in the costings set out in the IDP (£14,460,000 for "one new sports hall" and £3,207,611 for swimming pool) and the VS (£10,840,000 for an indoor sports hub)). This situation is complicated still further by table 14 (p98) of the IDP referring to the possibility of *'improvements to Putlands Leisure Centre as a new indoor sports hub with new public swimming pool'*! Again, this apparent discrepancy between the reports needs to be resolved.

4.4 Likewise, when addressing the issue of primary educational needs, the IDP in table 6 suggest the need for 6FE Primary provision (2 of which will be provided at St Andrew's Primary School), such that as per p130 in appendix 1 the need is said to be 2 new 2FE primary schools, which correlates with tables 11 and 13 of the Strategic Sites Masterplanning and Infrastructure Study; whilst the Viability Study refers to 8FE primary in the detailed appraisals of Paddock Wood. We assume the latter is incorrect and that the Viability Study needs to be updated accordingly. We would also question whether the IDP is correct as it is addressing Paddock Wood and Tudeley – unlike tables 11 and 13 of the Strategic Sites Masterplanning and Infrastructure Study. Again, this apparent discrepancy between the reports needs to be resolved.

4.5 Finally, in noting that appendix 1 of the IDP sets out the full extent of the infrastructure requirements that will be sought from the development in and around Paddock Wood/ Capel, some of which it acknowledges will also be connected to the development of the new settlement at Tudeley, we have to say that the indicative costs of some of these infrastructure works vary significantly; that it is not clear how the costs of these works will be divided between the various parts of the Paddock Wood/ Capel allocation; and that some of the costs attributed to various works in appendix 1 of the IDP are

hard to tally with the S106 costs identified in the Viability Study, such that clarity needs be provided that like for like information and assessments are being used/ undertaken.

4.6 We also believe it would be expedient if those assisting the Council on matters such as transport infrastructure could meet with those promoting the land at Paddock Wood/ Capel so that the practicalities of some of the proposed works could be discussed further. We say this as, by way of example, Table 3 of the IDP (Transport needs for the settlements within Tunbridge Wells borough) indicates on p39 that the masterplan for Paddock Wood and Capel plan should provide for 'Upgrade Hop Pickers Line to Horsmonden/Goudhurst. The route of the old Hop Pickers Line passes through land in my client's control and whilst they are more than happy to integrate this into their scheme, they clearly have no control over the council's ability to provide this through other third-party land. Thus, TWBC need to clarify how they see this being delivered in its totality so that people's expectations are managed accordingly.

4.7 Similarly, whilst the IDP highlights at para 3.14 that Junction improvements at B2017 Badsell Road / B2160 Maidstone Road / Mascalls Court Road and the A228 / B2017 roundabout are to be "...funded as part of approved residential developments at Church Farm, Mascalls Farm & Mascalls Court Farm" we note that the IDP suggests in appendix 1 (p130) that a further upgrade to the B2017 Badsell Road / B2160 Maidstone Road / Mascalls Court Road junction to traffic signals could cost up to £1m. Whilst my clients are happy to contribute to any such upgrades, they would ask whether any design work has been carried out on this junction to date and question the extent to which any additional highway land is available to facilitate further improvements. These may in our opinion require cooperation with Mascalls School, which we assume TWBC will liaise with KCC highways and education alike on, rather than look to initiate CPO powers?

4.8 We also note the IDP identifies additional future requirements for bus infrastructure including a 'Demand-responsive urban bus service' linking residential development to the town centre and rail station within Paddock Wood. Again, whilst I can confirm that my clients are happy to contribute to any such upgrades, they believe further liaison is required with KCC Public Transport officers and operating companies to agree the specification of any such service provision, especially as Church Road is the key sustainable transport corridor between their land and the town centre / rail station.

5 The Viability Appraisal

5.1 We note that the Viability Appraisal (VA) stage 2 of Feb 2021 is based upon the following assumptions:• Market revenues at £420 per sqft (£4500 per sqm)• Profit margins at 17.5%• Benchmark Land values of £100k per gross acre (250k per gross hectare)• Site specific infrastructure costs of £270k per acre (£665k per gross hectare)• A static 40% affordable housing level

5.2 As you will be aware we have concerns as to the robustness of these figures and the associated effects this then has on the infrastructure contributions being sought from the strategic sites at Paddock Wood and Capel

5.3 As is clear from table 17 of the Strategic Sites Masterplanning and Infrastructure Study changing these assumptions even slightly can impact upon the viability of the project such that we would ask that the council undertake further sensitivity testing to address our concerns and strengthen the evidence base.

5.4 In doing so we would also ask that the discrepancies between the figures used to assess the viability of the strategic sites in the Viability Appraisal and the IDP are resolved as the latter appears to have somewhat different figures on the costs of for example the proposed sports facility than the former, the former suggesting £10,840,000 (which equates to a Sports England benchmark figure) and the latter £6,015,611. The two should be aligned and based on a recognised cost comparable/ benchmark.

6 The Strategic Sites Masterplanning and Infrastructure Study Feb 2021

6.1 In noting the content of the proposed Structure Plan and the various other options considered, we have no detailed comments other than to reiterate the need for policy STR/SS1 to make it clear that the Structure Plan is intended to provide guidance as to how the sites are to be brought forward, and that future applications can, subject to reasoned justification, vary from this. We say this as detailed site investigations associated with site promotions will inevitably bring to light matters that were not known to DLA whilst doing their desk top work, and because as discussions with various statutory consultees evolve so will the future scheme. Thus, it would be counterproductive to suggest that the proposed Structure Plan is the only option that can be taken forward. As long as the principles enshrined

in the Strategic Sites Masterplanning and Infrastructure Study are adhered to / addressed then there should be scope for variations from the proposed Structure Plan and policy STR/SS 1 should be clear in this regard – as should the Strategic Sites Masterplanning and Infrastructure Study. We note that para 8.12 of the Strategic Sites Topic Paper appears to acknowledge this, advising that the Structure Plan prepared by DLA for Paddock Wood and east Capel, is not a fixed blueprint for the developments; rather it establishes the critical elements which should be secured through the delivery of these strategic settlements.

6.2 In the context of the above we note that the Strategic Sites Masterplanning and Infrastructure Study in chapter 6 identifies the infrastructure framework for the proposed strategic sites at Paddock Wood and Capel and Tudeley Village. This indicates that:

- The proposed Colts Hill Bypass is recommended for growth scenarios 1 and 2 (See para 6.32. Para 6.2 of the Strategic Sites Masterplanning and Infrastructure Study indicates that these are: i. Paddock Wood and east Capel, and Tudeley Village both going forward. ii. Paddock Wood and east Capel only. iii. Tudeley Village only).

It is not clear why this would not be required for growth scenarios 3 or whether the on line improvements would be sufficient to address the impact of the expansion of Paddock Wood and Capel in isolation. This is a matter we believe the study should address, should for any reason the Tudeley development be rejected/ set back (whilst para 6.17 of the Strategic Sites Topic Paper reiterates the fact that the provision of the Local Colts Hill Bypass would be required should Paddock Wood and east Capel scheme come forward, with or without the development at Tudeley Village, it does not explain why, or address the point made above). • The Five Oaks Green bypass is related to the Tudeley development only – see para 6.34. • The combined sports fields and sports facility are related to both the expansion of Paddock Wood and Capel and Tudeley village (see para 6.43). Again, the Strategic Sites Masterplanning and Infrastructure Study does not address the impact of just the Paddock Wood and Capel development and what would be required to address the effects of this alone. This is a matter we believe the study should address for completeness. • The infrastructure phasing categories in table 10 do not appear to relate to the infrastructure phasing assumptions in table 9 – clarity is required on what is required when and how this relates to the build out of sites.

6.3 Having regard to the above there appear to be inconsistencies between policy STR/SS1 and the Strategic Sites Masterplanning and Infrastructure Study as to what is required of the Paddock Wood and Capel development. Part 3, section 7 of policy STR/SS1 appears to require developer contributions to the Five Oak Green bypass which the Strategic Sites Masterplanning and Infrastructure Study clearly suggests is for the Tudeley development alone. The same is true of policy STR/SS1 part 15 (a) (ii). Likewise, criterion 2(d) of STR/SS1 needs to make it clear that the funding of the new sports and leisure hub is not to come solely from the Paddock Wood and Capel development but that at Tudeley/ needs to indicate what is required on the Paddock Wood and Capel development in isolation. See comments below on policy STR/SS1.

6.4 Turning to viability testing, whilst noting paras 6.89 – 6.92 and table 17 of the Strategic Sites Masterplanning and Infrastructure Study, we have, as indicated above, a number of concerns about the assumptions made in the viability assessment and the need for further sensitivity testing. To this end we note that table 17 of the Strategic Sites Masterplanning and Infrastructure Study highlights the effects any changes in the assumptions made has on the viability of the project, and that para 6.94 acknowledges that a small change in one assumption can have a relatively large impact on the outcome / result (This is reiterated in para 7.4 of the Strategic Sites Topic Paper).

6.5 Finally in noting the delivery strategy set out in section 7 of the Strategic Sites Masterplanning and Infrastructure Study, we agree with the principles set out on para 7.16, especially that each development must be able to proceed independently at its own speed and that where possible, shared infrastructure should be monetized to enable equalisation/equitable contributions. To this end we also agree that in order to address any short-term infrastructure funding gaps it may be sensible, as suggested in para 7.14 to seek funding from central Government, for example through the Housing Infrastructure Fund, to ensure new homes can be delivered alongside necessary infrastructure. Overall, we fear there are mixed messages arising from the IDP, VA and Strategic Sites Masterplanning and Infrastructure Study such that it is not clear what is needed, where and when, how much it is expected to cost, who is contributing towards it, and when is it to be provided. A simple table of priorities showing what is to come forward first when would we believe be more user friendly for all concerned. This could we are sure be resolved by way of a detailed review of all three as its imperative for all concerned to know and understand this and for the implications to be assessed accordingly. To this end we would suggest

that in addition to reviewing/ updating all three reports, the council liaise with those promoting the strategic sites at Paddock Wood (including land at east Capel) and Tudeley Village and look to produce Statements of Common Ground in advance of the Local Plan examination to address this point.

Overall, we fear there are mixed messages arising from the IDP, VA and Strategic Sites Masterplanning and Infrastructure Study such that it is not clear what is needed, where and when, how much it is expected to cost, who is contributing towards it, and when is it to be provided. A simple table of priorities showing what is to come forward first when would we believe be more user friendly for all concerned. This could we are sure be resolved by way of a detailed review of all three as its imperative for all concerned to know and understand this and for the implications to be assessed accordingly. To this end we would suggest that in addition to reviewing/ updating all three reports, the council liaise with those promoting the strategic sites at Paddock Wood (including land at east Capel) and Tudeley Village and look to produce Statements of Common Ground in advance of the Local Plan examination to address this point.

7 Local Plan Transport Assessment

7.1 The Transport Assessment Report Update (TARU) (March 2021) provides traffic simulation modelling for Paddock Wood and the surrounding highway network and has identified specific highway mitigation schemes for delivery. Subject to detailed modelling and liaison with the Highway Authority our client is agreeable to addressing and mitigating highway impacts, through the identified schemes (or otherwise), where this is directly related to the scale of development proposed.

7.2 The TARU references the provision of the Hop Pickers heritage route. The provision of this route is wholly supported by our client, the first phase of which could be facilitated through their land. We support the sustainable principles of the TARU and Local Cycle and Walking Infrastructure Plan (LCWIP) where we have the ability to deliver pedestrian / cycle infrastructure within our site to deliver and make linkages to the key routes identified by PJA. Our client could also help to deliver the Paddock Wood circulate cycle route as identified in the Tunbridge Wells Borough Cycle Strategy 2016-2020.

7.3 Our client fully embraces the Local Plan and its Evidence Base aims to reduce highway network congestion through the delivery and integration of sustainable travel infrastructure in existing and proposed settlements to drive modal shift away from private car travel.

8 Strategic Policies

Policy STR1

8.1 Whilst supporting the proposed growth strategy we believe policy STR1 should, for the reasons set out above, identify the local housing need figure. In addition, given our concerns over the scale of development being promoted over the plan period, we would suggest that policy STR1 should refer to an overall housing requirement of 14,645 dwellings. This would ensure a positively prepared and effective plan, consistent with national government guidance.

Whilst many of our comments on the strategic and development management policies are, we believe, capable of resolution by simple rewording/ a review of the evidence base so as to justify the position being advocated, we are concerned that the extent of repetition between policies is leading to misrepresentation; and would recommend that the policy approach is reviewed with a view to being more succinct and direct in what it is seeking to achieve. This will we believe assist everyone concerned in the development process, and is something we, as inducted above, would be happy to talk to the borough council about, especially in terms of compiling a Statement of Common Ground to address the policy requirements for the land east of Paddock Wood.

To conclude, whilst we support the Reg 19 Plan and the proposed allocation of the land at Paddock Wood for strategic scale expansion, we do have a number of concerns about the overall housing supply and trajectory, the rationale behind the assessment of the reasonable alternatives assessed in the Sustainability Appraisal, and alternatives assessed; the consistency in the infrastructure requirements being sought from the development of the land at Paddock Wood in the IDP, VA and Strategic Sites Masterplanning and Infrastructure Study; the actual requirements for the land east of Paddock Wood – in terms of what, when and how much; some of the assumptions used in the VA; the wording of policies STR/SS1, STR/PW1 and justification for some of the criteria contained therein; and the wording of policies EN1, EN2, EN3, EN9, EN13, H3, H6, and H9 and justification for some of the criteria contained therein.

We look forward to talking to you further about the 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:

Redrow and Persimmon have an interest in land east of Paddock Wood – part of STR/SS1, one of the main strategic allocations in the Plan. They are also active elsewhere in the Borough and have an interest in ensuring the legality and soundness of the Local Plan. They therefore wish me to participate in the examination

Question 8

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

3 The Sustainability Appraisal (SA)

3.1 Chapter 6 of the February 2021 SA reviews the spatial development strategy. It looks to summarise the options considered and their associated impacts in table 12. This demonstrates the significant impact that would occur on the AONB, the sustainable pattern of growth and the existing employment allocations if TWBC looked to meet their capped local housing needs and not progress with the strategic allocations at Paddock Wood – see options 5, 6, 7, 8 and 9. Whilst the SA thus supports the strategic allocations at Paddock Wood as providing the most sustainable reasonable alternative to the growth strategy when looking at the capped need, we do not believe that the scoring of options 10 and 11 necessarily represent the only reasonable alternative when looking to meet the uncapped need/ the uncapped need and unmet need. Indeed, proffering only 1 option each when considering these 2 alternatives, when there are 7 that look at the options for the capped need seems somewhat dismissive of the potential merits of meeting the uncapped need/ the uncapped need and unmet needs.

3.2 As set out above the evidence base has in our opinion to be more explicit as to why meeting the uncapped need was so readily dismissed. Table 12 (p51) of the SA appears to dismiss option 10 (Uncapped need) on the basis that it was assumed that it would lead to further development across settlements, including in the AONB. At only 63dpa more than planned for (1,260 dwelling across the plan period) there would surely given the findings of the SHLAA be options available to the council to consider that could accommodate this level of additional growth without harm to the AONB. The Borough Council thus need to justify their conclusions in this regard. We would in addition invite them to consider a further option, that which provides for a 20% buffer on the LHN – i.e. 814 dpa as set out above (an additional 136dpa), which would also fall part way between the scale of development proposed in options 10 and 11, and could in our opinion given the finding of the SHLAA be accommodated through an adaptation to the proposed strategy, with additional growth in more sustainable settlements, including Tunbridge Wells and Southborough so that the additional growth is not all directed to the larger settlements within the AONB.

3.3 Having reviewed the scoring on options 3 – 11 (as set out in comparison terms in table 26 of the SA), it is clear that whilst option 3 (the reg 18 LP option), clearly scores the post positives, and least negatives, the uncapped growth option does not generate a significantly poorer result, despite what

is said at para 6.2.6 of the SA. Whilst para 6.2.16 explains how the growth strategy evolved as a result of the SA process and the effects of the different distribution strategies on social, economic and environmental factors (as set out in paras 6.2.8 – 6.2.15) resulting in option 13, the Reg 19 strategy, we note that as far as the options 10 and 11 were concerned, para 6.2.7 indicates that; 'it is not appropriate to conclude that positive effects cancel out negative effects as the importance of each objective needs considering in its own right. Instead, the sustainability appraisal process recognises the interdependence of the three strands of sustainable development and the weight given nationally to the most highly affected environmental objectives and recommended that Growth Strategies 10, 11 and 12 were not pursued further.'

3.4 Notwithstanding the above it is in our opinion clear that the difference between options 10 and 13 are not so substantial as to dismiss them without further consideration given the significant benefits option 10 would bring about in terms of social and economic advantages. Thus, the means by which the council weighted these against the environmental impacts needs greater clarity so as to justify the chosen option (13).

3.5 Turning to the options for the garden settlement and urban extension, of the options put forward, and set out in figure 5 and table 27, its clear why, given the accessibility and landscape impacts of the other sites, the land at Capel and Paddock Wood was deemed to be the most appropriate option to take forward for further consideration.

3.6 As to the options for the expansion of Paddock Wood, as set out on figures 7 and 8, these ranged from 1,500 to 4500 dwellings (plus the 1000 dwellings from the existing SALP). Whilst option 2 (3,500 dwellings (plus the 1000 dwellings from the existing SALP)) was deemed the most appropriate option to take forward the difference in scores between this and other options such as option 5 was not we note significant and could in our opinion have been overcome if required. Which given figure 13 and the reasonable alternative sites assessment around Paddock Wood, highlights the fact the only reasonable alternatives were situated further to the east than the chosen strategy for the expansion of Paddock Wood. Thus, if the housing requirement is revised, it would appear from the SA that there are further options available within Paddock Wood – if required.

3.7 Finally, we note that the SA at table 112 in assessing the options considered for gypsy and traveller accommodation identify the chosen option as one that looks to focus on intensification / extension of existing sites, rather than new allocations, which given the provisions of Policy H9 and STR/SS1 is somewhat confusing. Indeed, the accompanying text makes no reference to provision on the proposed strategic allocations at Paddock Wood, such that the SA does in our opinion need to be revisited in this regard/ the need for the proposed pitches on STR/SS1 justified.

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_54a-b

Comment

Consultee	Ms Noreen O'Meara [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Residents Against Ramslye Development
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Residents Against Ramslye Development [REDACTED] [REDACTED]
Comment ID	PSLP_925
Response Date	02/06/21 08:48
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	Residents Against Ramslye Development whole submission redacted.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Noreen O'Meara on behalf of Residents Against Ramslye Development
Question 3	
To which part of the Local Plan does this 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 also further comments on individual sections and policies - PSLP_914, 925, 926, 928, 929, 930, 931, 932, 933, 938. The whole representation form (personal details redacted has also been attached as it contains plans and images]

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.

This response is made on behalf of the 669 signatories on the petition submitted in response to Regulation 18 which was delivered to TWBC Planning Services in 2019 and the Facebook group 'Residents Against Ramslye Development' whose membership is currently 247 (names can be provided if required). We have noted guidance 4.3 and have encouraged the people opposed to the development of site 137/ Policy AL/RTW 16 'Land to the west of Eridge Road at Spratsbrook Farm' not to make separate responses repeating the same points as those made here; some however will no doubt have submitted individual responses.

The broad development strategy "...is to ensure that a minimum of 12,204 dwellings and 14 hectares of employment (Use Classes B and E) land are developed, together with supporting infrastructure and services."

In January 2021 the Times of Tunbridge Wells reported that "17 per cent of retail space in and around Tunbridge Wells is currently lying vacant". It has been well documented that the impact of the Covid lockdowns on the retail sector is that many shops will be lost from the high street forever (e.g. Arcadia Group shops) and others will consolidate (e.g. John Lewis which is closing its RTW store). Last year the Courier reported that nearly a third of the Royal Victoria Place units were empty. As set out above there are still numerous empty shops so there is little point planning to build more until the current supply is exhausted. TWBC needs to think more carefully about what the future of retail and office work will be in an increasingly digitalised and flexible world rather than catering for the turn of the century's shopping and working patterns.

Policy STR 1 – The Development Strategy – Table 4 Distribution of housing allocations

As set out in our Regulation 18 representations to the draft local plan we challenge the need for such a large number of new dwellings in the Borough. Office for National Statistics data predicts the population of Tunbridge Wells will grow from 118,848 in 2020 to 123,003,092 in 2038 (Table 1 section 2.16 of the draft pre-submission plan); that is growth in the population of 6,155. TWBC reports that housing stock in 2016 was 49,880. If the occupancy rate of dwellings remains at the 2016 level (i.e. 2.35 people per dwelling) then the need by 2038 will be a further 2,620 dwellings to the stock. Even if one were to allow for a decrease in the occupancy rate to say 2 people per dwelling, the need would still only be c.3,000 dwellings, i.e. about a quarter of the number of dwellings the plan allows for. Instead, there is an absurd situation where the plan appears to be proposing more than 2 new dwellings per person.

The Housing Supply and Trajectory Topic paper (February 2021) states there are 3,313 dwellings with extant planning permission which by any reasonable calculation will meet the need of the borough's projected population to 2038.

While we appreciate the housing requirement is set by national policy, we do not consider TWBC has appropriately represented the interests of its residents. The policy is eminently challengeable because it is fundamentally flawed. It effectively only considers supply side solutions to housing affordability. Much of the house price inflation experienced in the last 10 years is a consequence of the macro-economic environment (principally interest rates at an historic low for over 10 years driving a search for yield in assets) and other policy decisions such as 'help to buy' and the stamp duty holiday. It is clear there are external demand side issues that do not relate to population growth. By accepting the allocation, TWBC has not acted to protect the rural nature and the associated landscape of the borough that is valued by its residents and is protected under law. We remain of the view the approach to date has been supine and cavalier with our environment and interests. Indeed it is at odds with the Vision and Strategic Objectives by surrendering so much green space and the plan in its current form is not one that "respects the distinctive qualities of the borough". TWBC must take steps to challenge the allocation on our behalf so as to protect our interests.

We welcome the policy wording in respect of the Limits to Built Development (LBD) (section 2, 8 and 9).

While commenting on this section we note that RTW is presented as a whole. There appears to be no analysis or consideration of the distribution of sites within RTW itself. In the Broadwater ward the plan currently proposes c.500 new dwellings on six separate sites (RTW11, 12, 13, 14, 15 and 16). If this approach is adopted then the Broadwater ward will account for c.35% of the overall allocation to RTW. We consider this is unsustainable in terms of the available infrastructure, road network and the appropriate use of land in the case of site RTW16. The total allocation to the Broadwater ward is disproportionate (some wards are hardly affected at all) and inappropriate.

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 site 137/ AL/RTW 16 'Land to the west of Eridge Road at Spratsbrook Farm' from the plan.

Question 7

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

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

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

Future Notifications

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

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

Supporting Information File Ref No: SI_54a-b

Comment

Consultee	Ms Noreen O'Meara [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Residents Against Ramslye Development
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Residents Against Ramslye Development [REDACTED] [REDACTED]
Comment ID	PSLP_938
Response Date	02/06/21 08:48
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	Residents Against Ramslye Development whole submission redacted.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Noreen O'Meara on behalf of Residents Against Ramslye Development
Question 3	
To which part of the Local Plan does this 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	
Submitted sites not included in the Pre-Submission Local Plan	

[TWBC: see also further comments on individual sections and policies - PSLP_914, 925, 926, 928, 929, 930, 931, 932, 933, 938. The whole representation form (personal details redacted has also been attached as it contains plans and images]

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.

This response is made on behalf of the 669 signatories on the petition submitted in response to Regulation 18 which was delivered to TWBC Planning Services in 2019 and the Facebook group 'Residents Against Ramslye Development' whose membership is currently 247 (names can be provided if required). We have noted guidance 4.3 and have encouraged the people opposed to the development of site 137/ Policy AL/RTW 16 'Land to the west of Eridge Road at Spratsbrook Farm' not to make separate responses repeating the same points as those made here; some however will no doubt have submitted individual responses.

Appendix: Submitted sites not included in the Pre-Submission Local Plan

Rusthall

146 Tunbridge Wells Golf Club, Langton Road, Tunbridge Wells TN4 8XH

We wish to challenge the 'unsuitable' decision for this site because the sustainability scores are inconsistent. We consider this site is suitable for housing development.

In addition, we consider the Green Belt assessment of this site is incorrect. The score of "Strong" contribution to "preserving the special character of historic towns" is too high given the land is not visually prominent and is only adjacent to the common. The score should therefore be adjusted to "relatively strong".

RTW

73 Land at Pembury Road (south), Tunbridge Wells

We wish to challenge the 'unsuitable' decision for this site because the sustainability scores are inconsistent.

99 Land at Pembury Road, Tunbridge Wells TN2

We wish to challenge the 'unsuitable' decision for this site because the sustainability scores are inconsistent. We consider this site is suitable for housing development.

We note the site is assessed as being in the setting of the AONB whereas in Regulation 18 it was incorrectly assessed as being in the AONB – we would further challenge the setting point. We consider this land to be separate and distinct from the AONB as the A264 creates a barrier and it is not visually in the setting of the AONB.

114 Land at Sandown Park, west of A21, Royal Tunbridge Wells TN2 4RT

We wish to challenge the 'unsuitable' decision for this site because the sustainability scores are inconsistent. We consider this site is suitable for housing development.

We note the site is assessed as being in the setting of the AONB whereas in Regulation 18 it was incorrectly assessed as being in the AONB – we would further challenge the setting point. We consider this land to be separate and distinct from the AONB as Blackhurst Lane creates a barrier and it is not visually in the setting of the AONB. The land is further split and separated by Sandown Park so that parcel is not even adjacent to the AONB.

116 Land south of Pembury Road, Tunbridge Wells

We wish to challenge the 'unsuitable' decision for this site because the sustainability scores are inconsistent.

280 Land at The Midway, Nevill Court, Tunbridge Wells, Kent

We wish to challenge why this site was omitted from the sustainability appraisal – the purpose of the appraisal process is to fully consider the positives and negatives, in a structured and documented way. This site appears to have been rejected because it is "within the AONB and landscape impacts were considered too severe to warrant consideration". Other sites within the AONB with equally adverse landscape impacts have been taken forward and without a full suite of sustainability assessments it is not possible to make properly evidenced based policy. As such this omission renders the sustainability appraisal unsound as a whole.

Our response to Regulation 18 identified this site had been inaccurately assessed, for example, it is listed as being in the High Weald AONB when it is not. The site assessment sheet no longer lists the AONB as an issue to consider but the site is considered unsuitable as there is concern over the impact on the Green Belt. This site needs reassessment (sustainability objective scores and site assessment/SHELAA) and the assessment documented and published.

384 Land at Great Bayhall, Tunbridge Wells, Kent

We wish to challenge the 'unsuitable' decision for this site because the sustainability scores are inconsistent.

411 Land at Sandown Park between Pembury Grange and A21, Royal Tunbridge Wells, Kent

We wish to challenge the 'unsuitable' decision for this site because the sustainability scores are inconsistent. We consider this site is suitable for housing development.

434 Tutty's Farm, Hawkenbury, Royal Tunbridge Wells, Kent

We wish to challenge the 'unsuitable' decision for this site because the sustainability scores are inconsistent. We consider this site is suitable for housing development.

Our response to Regulation 18 identified this site has also been inaccurately assessed, for example, it is listed as having an AONB component part when this is not the case. As such the sustainability assessment is unsound.

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 site 137/ AL/RTW 16 'Land to the west of Eridge Road at Spratsbrook Farm' from the plan.

Question 7

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

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

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

Future Notifications

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

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

Supporting Information File Ref No: SI_105

Comment

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

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

Policy

Question 3a

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

Policy STR 1 The Development Strategy

[TWBC: for further comments, please see Comment Numbers PSLP_1809, 1811 and 1812]

Question 4

Do you consider that the Local Plan:

Is sound

No

Question 4a

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

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

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

Question 5

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

After this stage, 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.

Introduction and Background

Our client owns land at Stone Court Farm (from hereon in referred to as "the Site") which is positioned on the north-eastern side of Pembury, in one of the only areas around Pembury that is **not** located in an Area of Outstanding Natural Beauty. It adjoins the Limits to Built development and is well related to the village core area. It is considered entirely suitable for residential development. Furthermore, it is available now and it is deliverable. The purpose of this submission therefore is to request the release of the site from the Green Belt (like Tunbridge Wells Borough Council have done for other 6 other sites in Pembury) and to allocate the land for housing. Submissions are therefore being made in relation to:

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

Policy STR1: The Development Strategy

One of the tests of soundness is that the Plan must be effective. This means that it should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities. It is our assertion that Policy STR1 is not effective because there are not enough housing allocations to meet the housing needs in adjoining authority areas. We are also of the view that additional smaller housing sites should be required to ensure a sustainable delivery from early in the Plan Period.

The Development Strategy depends on the large strategic sites which will inevitably take a long time to deliver. 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.

It is important therefore that additional smaller housing sites are allocated in the Plan, especially Site 354 (Land at Stone Court Farm) which is available now and can importantly be delivered within the 5 years.

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 order for Policy STR1 to be effective, housing numbers need to increase, and additional smaller sites need to be identified for allocation – specifically Site 354 Land at Stone Court Farm.

We welcome the fact that point 7 of Policy STR1 provides for some reductions in the area of the Green Belt around Pembury where exceptional circumstances warrant this and where an effective long-term Green Belt is maintained. Site 354 Land at Stone Court Farm is another site that should be identified for release 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:

In order to ensure the Plan is found sound.

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

Future Notifications

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

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

Supporting Information File Ref No: SI_147

Comment

Consultee	Andrew Richards ([REDACTED])
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Andrew Richards ([REDACTED])
Comment ID	PSLP_2090
Response Date	03/06/21 21:42
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Supporting Information - Andrew Richards Redacted.pdf
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Mr Andrew Richards
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 2.8 and 4.10
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 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.

Objectively Assessed Need

- 1 I **object** to the approach used in the Pre-submission Local Plan (PSLP) to determine the Borough's housing needs. This is reliant on an over-zealous application of the standard method set out in the NPPF and fails to apply the relaxations available through policy.
- 2 Planning policy requires:
 - a. *"The preparation and review of all policies should be underpinned by relevant and up-to-date evidence . . . and take into account relevant market signals"* (NPPF 31)
 - b. *"strategic policies should be informed by a local housing need 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"* (NPPF 60)
 - c. *"Is the use of the standard method for strategic policy making purposes mandatory?"*

No, if it is felt that circumstances warrant an alternative approach but authorities can expect this to be scrutinised more closely at examination. There is an expectation that the standard method will be used and that any other method will be used only in exceptional circumstances" (PPG 2a-003-20190220)
 - d. *Within the current planning system the standard method does not present a 'target' in plan-making, but instead provides a starting point for determining the level of need for the area, . . . It is for local authorities to determine precisely how many homes to plan for and where those homes most appropriately located.* (Government response to the local housing need proposals, Apr 2021: see web link)

1 Whereas:

- a. The threshold of an "exceptional" need has already been applied in the PSLP to the destruction of Green Belt land, and therefore presumably should be applied to the planning policy associated with determining housing need. It therefore follows that exceptional circumstances **do indeed** apply and that alternatives to the Standard Method are allowable. To do otherwise would be inconsistent.
- b. Para 2.30 of the Housing Needs Assessment Topic Paper demonstrates that deliverability of the housing need is challenging and therefore potentially unachievable. It identifies that the new capped Standard Method figure of 678 dwellings per year represents more than double the 2010 Core Strategy requirement and a 37% increase in recent house-building rates. By any measure, this is not deliverable and is therefore planning to fail – it is therefore **unsound**.
- c. The PSLP should have examined the latest demographic data to determine if any adjustments to the Standard Method were appropriate. This would have identified that:

1. Population growth is slowing: “*The UK population growth rate is slower than in the 2014-based projections; the projected population is 0.6 million less in mid-2026 and 2.0 million less in mid-2041*” (Office of national Statistics (ONS), Source – Subnational population projections for England: 2016-based[1]. This showed a 10 year population growth for Tunbridge Wells Borough of 3758 over the period 2016-2026 – see below:

(TWBC Comment - see attached document for maps included within comment - Figure 2 : Population change for local authorities in England between mid 2016 and mid 2026)

2. Household growth is also slowing, having reduced from 210,000 per year for England in 2014 to 159,000 per year in 2016. The ONS identifies an increase in households for TWBC over the period 2016 – 2041 of 8085 (16.6%). = 323/yr vs the 484 from the standard method (Source – ONS Household projections in England: 2016-based)[2]

(TWBC Comment - see attached document for maps included within comment - Figure 3: Projected percentage change in number of households for local authorities in England 2016 to 2041)

3. And updated projections based on 2018 data shows a further slowdown in population growth “*The UK population growth rate is slower than in the 2016-based projections; the projected population is 0.4 million less in mid 2028 and 0.9 million less in mid 2043*” (Source – ONS National population projections: 2018-based)[3]

4. Overall, the 2016-based data suggests that TWBC will need around 4.5% less housing than projected using the 2014 figures.

d. The assertion in para 4.10 of the PSLP that “*national policy clarifies that this would be a minimum target*” is inaccurate. The concept of the OAN being a ‘target’ is not supported by the NPPF nor by the most recent Government guidance (see 2d above).

1 On this basis, TWBC have failed to underpin their analysis using “*relevant and up-to-date evidence*”, and the PSLP is therefore **unsound**.

[1]

(see web link)

[2]

(see web link)

[3]

(see web link)

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.

TWBC needs to re-assess its demand projections to reflect more up-to-date figures produced by the ONS, resulting in a lower OAN.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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_149

Comment

Consultee	Andrew Richards ([REDACTED])
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Andrew Richards ([REDACTED])
Comment ID	PSLP_2116
Response Date	03/06/21 21:42
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	Supporting Information STR1 Appendix D.pdf
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Mr Andrew Richards
Question 3	
To which part of the Local Plan does this 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

Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel

Policy EN 25 Flood Risk

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.

Flood risk – Paddock Wood

- 1 I believe the Pre-submission Local Plan (PSLP) has failed to address adequately the risk of flooding, both now and in the future. Policy on this is clear:
 - 1 The NPPF states that:
 - . *“Inappropriate development in areas 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”.*
 - 2 And the PPG provides further clarification:

“What is considered to be the lifetime of development in terms of flood risk and coastal change?

 - . *Residential development should be considered for a minimum of 100 years . . .*” (Paragraph: 026 Reference ID: 7-026-20140306”
 - 1 The PSLP correctly identifies flooding as a key issue/challenge in a number of places such as para 2.33, the Development Strategy (STR 1), and against the strategy for Paddock Wood (STR/SS1) in particular. The Level 2 SFRA (para 5.1.4) concludes that *“the assessment generally shows that the principle of development can be supported. . . . An exception to this general conclusion is the eastern development area considered at parcel 1 [in Paddock Wood]”.*
 - 2 However, it is not clear that the analysis is sufficiently complete to make such statements. For instance, flood risk modelling was undertaken by *“raising developed areas completely above the flood level”* with the unsurprising result of removing flood risk to the affected parcel and increasing downstream risk. The SFRA acknowledges that *“the representation of development in the model has been simplistic”* and identifies a range of measures (unmodelled) that could be adopted to improve flood resilience, but then surprisingly concludes *“the outputs show that the principle of development can be supported”*. I disagree and regard this statement as **unsound**.
 - 3 For those sites facing more pronounced flood risks (parcels 1, 2, 3, 5 & 6) the SFRA states that *“more substantive interventions are needed to manage the change in flood risk”*. In particular, for parcel 1 (part of the Paddock Wood site), *“strategic storage of flood water was the approach with the potential to mitigate the increased risk . . (although other flood risk management measures considered could contribute)”*. This is both vague and likely to be expensive, so the SFRA unsurprisingly concludes *“it is important to investigate the potential for this measure to be realised”*. Such incomplete analysis is no basis on which to state that the principle of development on such a strategic site as Paddock Wood can be supported, so again this assertion is **unsound**.
 - 4 There is also a not unreasonable presumption that developers will pay for the flood mitigation measures. For instance, para 4.91 specifies that *“it is expected that future infrastructure to mitigate the impact of development, or in the case of the strategic sites at Paddock Wood to deliver*

'betterment' in flooding terms to particular areas, should be largely funded by development to ensure that the development is acceptable in planning terms".

- 5 However, the level of flood risk mitigation set out in the SFRA for Paddock Wood and some other parcels is acknowledged to require the raising of land, storage of water, and potentially further measures, and then additional analysis (see para 4 above). The costs associated with these measures are not consistent with the aspiration in para 4.91 to seek development funding. Indeed, this logic of seeking developer funding for such significant interventions is particularly flawed given the acknowledgement in the SFRA Appendix I (Parcel 1) that raised ground floors (for individual properties) *"was not implemented as it was agreed with the council that it would be unlikely to be deliverable given the scale and type of development being proposed"*. If developers cannot be expected to pay for raising ground floors then it is **unsound** for the PSLP to assume they will pay for the larger scale interventions illustrated in the SFRA.
- 6 In passing, it is worth noting (anecdotally) that housing currently being built in Paddock Wood is not popular with prospective purchasers, who are put off both by the area's reputation for flooding and by the cost associated with flood mitigation measures.
- 7 There is then the issue of climate change to consider, and the impact of the 2080 forecasts on flood risk. The NPPF para 155 requires the PSLP to demonstrate that each development will be *"safe for its lifetime"*, defined as 100 years. The developments at Paddock Wood (hand-drawn outline in red) have been overlaid against the maps in SFRA Appendix D and the results are shown below.

(TWBC Comment - map included within comment has been appended to this comment)

9. This shows (in orange and green) the expansion to be expected in the extent of flood zone 3a arising from climate change in 60 years time, which increases the already considerable risk facing Paddock Wood. These developments would not be safe for their lifetime, so the PSLP in this respect is not compliant with 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.*

After this stage, 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 for Paddock Wood needs to be re-appraised. It is a known flood risk area that will get worse with climate change. Proposals to seek developer funding for the significant flood mitigation measures required are not credible (at levels that would be economically attractive for purchasers) and need to be re-thought.

Question 7

Please note *the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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	Mrs Carol Richards [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mrs Carol Richards [REDACTED]
Comment ID	PSLP_1861
Response Date	04/06/21 11:43
Consultation Point	Policy STR 1 The Development Strategy (View)
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 Carol Richards
Question 3	
To which part of the Local Plan does this 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 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.

1.24The central aim of the NPPF is to achieve a significant boost to housing delivery, unless it is unsustainable to do so. TWBC have not pushed back on the delivery of a large number of homes to be built between 2020-2038 and have not used the exceptional circumstances (ANOB and Green Belt) to do so.

The threshold of an "exceptional" need has however been applied in the Local Plan to the destruction of Green Belt land, and therefore presumably should have been applied to the planning policy associated with determining housing' need.' TWBC have also failed to take into account, the ONS projections based on 2018 data showing a slowdown in population growth. 2016 data suggests that TWBC will need 4.5% less housing than projected in 2014. They have failed to justify the destruction of the Green Belt at Tudeley and the failure to use OPNS data makes this plan unsound.

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.

TWBC should have taken an opportunity to reduce the total 'need' of housing 2020-2038 and have failed to challenge the standard method for determining the housing need. Thus, putting unnecessary pressure on the requirement to build homes- in totally inappropriate sites. Especially with the most recent government advice in April 2020- Changes to the current planning system.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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	Mrs Carol Richards [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mrs Carol Richards [REDACTED]
Comment ID	PSLP_1890
Response Date	04/06/21 11:43
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.8

Data inputter to enter their initials here KH

Question 1

Respondent's Name and/or Organisation Mrs Carol Richards

Question 3

To which part of the Local Plan does this 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

Policy STR/SS3 The Strategy for Tudeley Village

[TWBC: this representation has been input against Policies STR 1 and STR/SS 3 – see Comment Numbers PSLP_1890 and PSLP_1893]

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:	<ul style="list-style-type: none">It is not positively preparedIt is not effectiveIt is not justifiedIt 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 Strategy for Tudeley Village

Site Reference : Sustainability Appraisal: Capel Reasonable Alternative Option 1 Land at Tudeley site 446 and 448

In the Parish of Capel, Tudeley, is a very small little **Hamlet**. The site overlooks the Medway Floodplain. The 'Masterplan' is to basically build a **Town** on the edge of Tonbridge-1.2 miles away. **This is no garden village**. The whole Tudeley site is bisected by a railway line- one of the busiest in the county. This is not ideal for the potential occupants- who wants to live near a railway line? The original plan was to have a railway station and Tudeley. The cost of this proposal it would cost millions and the bridge over the railway line would need to be widened, Apart from the fact that British Rail have not said yes to this proposal- bearing in mind that there is a very short distance to Tonbridge by train- there seems little point in them doing so. Tonbridge which is not in the borough of T.Wells is small compared to T.Wells itself. Tonbridge suffers from being prone to flooding and has two pinch points at either end of the High street the River Medway and Tonbridge Rail Station, (which from a rail point of view runs North /South and East/ West and has Eurostar zooming through it too.) It only takes one small set of road work to bring the town to a standstill. All arteries to the town are gridlocked. The belief that the potential town at Tudeley (which could for all intense and purposes be a commuter town) will not add to the chaos at the station in the morning and afternoon is laughable- and that is without TMBC adding more homes in Tonbridge. There is just no available space to accommodate this increase in Traffic. The use of bikes and walking in the winter will only be used by the hardest of individuals. There is the added problem that currently, there was at Reg18, 5,206 (probably more in the next academic year) pupils attending schools between the Woodgate Roundabout and Brook Street. There is also a private school Somerhill near the Woodgate roundabout with a further 750 plus pupils. There is just not the capacity to accommodate another town so close to Tonbridge. Tonbridge is creaking under the strain as it is.

In suitability p7 of 17 TWBC state this site is considered a suitable location and sights NPPF 72 to support this claim. This statement is not true and unjustified . Tudeley is not a suitable location and is unsound

NPPF 72 and TWBC state such,” an approach is acknowledged in the NPPF, which states (at paragraph 72) that “the supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements...”

This is the justification for building on Green Belt Land. The release of which is against NPPF guidelines and recent 1 April 2021 government guidelines- counters these arguments..

The government response to the local housing need proposals in, 'Changes to current planning system update 1/4/21 states :-More broadly, we heard suggestions in the consultation that in some places the numbers produced by the standard method pose a risk to protected landscapes and Green Belt. We should be clear that meeting housing need is never a reason to cause unacceptable harm to such places. But harm or homes is not a binary choice. We can plan for well designed, beautiful homes, with access to the right infrastructure in the places where people need and want to live while also protecting the environment and greenspaces communities most value. If we do this well, we can achieve all this whilst giving a new generation the chance to access the homes they deserve. The same chances generations before them were given. This is a matter of social justice and inter-generational fairness. It would be wrong for our built environment to respond only to the needs of older, wealthier people. We can and must strive to build more homes, but to do so with sensitivity and care for the environment, heritage and the character of existing communities.

Tudeley also happens to be owned by one individual, so makes life very easy for the planners to deal with one person and not multiple landowners. Taking the easy option and creating harm as a result should not be a Local Plan.

This site will provide substantial housing- which will be a commuter TOWN – Village is an incorrect and inaccurate – misleading term..5.220 The site is on the small minor road B2017 between Tonbridge and Paddock Wood The distance from Tonbridge is 1.2 miles (I have measured it) to Paddock Wood 2 miles (I have used TWBC measurements) The scale of these homes between these distances is 6,800 homes this is not a development it is a concentration and a sprawl. The proposed Tudeley site is not a vision it is a nightmare to those Living in Tonbridge. This urban sprawl is unjustified

The Tudeley site provides 38.9 % of TWBC 's need' and Paddock Wood 58.9% numbers making a total of 6800, make up 945% of the minimum allocation of 7221 dwellings. I do not call this a 'vision'. I call it the 'easy option' facilitated by an offer- in the case of Tudeley to use prime agricultural Green Belt land. The only 'vision' I see at Paddock Wood is yet more problems with sewage and flooding. I would like to also point out that your Map on page 35 of the Local Plan is very misleading in terms of scale of growth. At first glance it would appear that Tunbridge Wells will grow massively, but what it really shows is small growth around established towns coloured grey and small dwelling growth in pink around these centres. Where the real growth is, - are the much larger pink rings at Tudeley and Paddock Wood. Maybe a Map showing the number of dwelling increases in the borough by towns would be more honest? This map is not effective in helping to understand the numbers TWBC have proposed elsewhere.

TWBC state that a new settlement can be an extension to existing villages / towns . Well, Tudeley is a hamlet on Green Belt Land and the town it will effect -is Tonbridge. For all the above reasons a location near Tonbridge is not well located. It is not an appropriate site for a garden/new town and the infrastructure will not support the community at this site. Journeys will be made to shops in both Tonbridge first and secondly to Tunbridge Wells.

a) There will be no environmental gain because:1. The land is grade 1 farmland above a wetland landscape on Greenbelt Land. No environmental gains.2. The infrastructure here is poor and the railway station is not going to be built for reasons explained above . Argument unsound.b) The expectations of employment are unrealistic, especially as TWBC are proposing a **major employment allocation site** on the other side of the A21. One begs the question why not put a garden settlement there, as this will facilitate low carbon commuter-walking . There is also as a result of the constraints in Tonbridge there is no good access this side of the A21 and road improvements from Five Oak Green/ Tudeley/ Tonbridge are 'offline.' Therefore, poor access - apart from some roundabouts improvements which will not help throughflow -because of the sheer volume of traffic. Other employment is likely to be in London – i.e. a journey to Tonbridge Rail Station.c)the building of this site will cause major traffic gridlock into Tonbridge -again not a headache for T. Wells but local Tonbridge Residents.d) This proposal is already on a Greenbelt site

This proposal will have far reaching effects on the Medway floodplain below. **This point e) assumes that the site for a garden/town settlement is not on Greenbelt land.** The NPPF pt143 Proposals

affecting the Green Belt states- inappropriate development, is by definition, harmful to the Greenbelt and should not be approved except in very special circumstances. (TWBC trying to fill its housing quota is not good enough especially when the consideration below are taken into consideration). Pt145 of the NPPF states a local planning should regard the construction of new buildings as inappropriate in the Green Belt. None of the exceptions apply. The above comments make para 72 considerations unsound. This site will not provide opportunities to create strong links to the key nearby settlement i.e. Tonbridge -it will however cause big headaches for every resident in the town of Tonbridge.

This site is not suitable and not sustainable. It is totally and unequivocally unsound and unjustifiable. The vision of this site was enabled by the offer of one landowner and then TWBC have leaped at the chance to build thousands of homes on an inappropriate site. The inhabitants of this site will mix with the surrounding towns – it is not going to be a 'perfect bubble' and stand alone.

(TWBC Comment: Map included within comments has been appended to this comment)

Appendix D shows by 2080 the flooding will cross the Sherneden Road and flood the lower of the garden settlement. The winter of 2019/20 was a taste of what is to come with global warming and the Appendices of 2016 could prove to be a bit optimistic. In my response to Reg 18 in 2019 I said the Hartlake Road would need to be raised and a few months later in early 2020 you could swim along the road. My prediction was correct. I have to ask is this why there is a proposal to close the Hartlake Road -to solve the problem of flooding by closing access across the floodplain -totally- and as a result instead create gridlock in Tonbridge and Five Oak Green for locals in Hadlow and Golden Green- which are in TMBC? Is this how TWBC cooperate with TMBC- by railroading the inhabitants of Tonbridge/Hadlow/Golden Green/East Peckham and riding roughshod over them? Duty to cooperate missing here.

In the winter of 2019/20 all the dykes were full and there was surface water on all the fields. When I use the word biblical -it was. The whole of the Tudeley site is totally inappropriate and unsound. This site should not be used for a new town. The ramifications for houses downstream in East Peckham and Yalding from runoff are real and the potential for the houses lower down the slope at the new town are as well.

I would like to note that should this site have been within TMBC boundaries -barely metres away- I do not believe they would ever have considered Tudeley as a viable site because at the TMBC Planning and Transportation Advisory Meeting on 2/10/19 no one in the room was happy- because they are fully aware of the fact that flooding will occur beyond Sherneden Road from the Medway River and by 2020 it almost did! The site at the Hamlet of Tudeley is totally unsuitable and unsustainable. Locals know this area is more like a wetland area, home to many species of birds and the pollution from 2800 homes on the horizon will do damage to this environment. It would be unsound to build here. In the winter of 2019/20 all the dykes were full to capacity and there was surface water on the fields. When I use the word biblical -it was. The whole of Tudeley site is totally unsound. This site should not be used for a new town. The ramifications for houses downstream in East Peckham and Yalding from runoff are real and the potential for houses lower down the slope are as well.

The exception tests NPPF would fail here as a) the development will cause harm downstream and b) The development- only parts- of would be safe for a life time (deemed 100 years). As both elements should be satisfied to allow development NPPF 161- this development should not be allowed.

Tudeley lies on a ridge above the Medway Flood Plain and this means the precipitation on hard -standing areas, of 2,800-5000 homes- will cause faster run-off during a large event- into the flood plain below, it is also on a site on Wadhurst clay that is normally found in rural outcrops – as here- and is not normally built on. Where it has been this soil is prone to slippage- which could cause problems for a large housing development especially with large run off.

In the Transport Strategy Review: context and way forward page 28 it states: "Enabling growth without gridlock has been highlighted as a key challenge for Kent & Medway and one that will only be achieved through a combination of measures that influence behaviour and improve infrastructure." Bearing in mind that although TWBC still believe that British Rail have not said yes or no to building a new station- how can TWBC have a 'masterplan' for Tudeley which assumes a new station **will** be built. The time issue (there will be no time for the train to gather speed between Paddock Wood and Tonbridge) apart from the cost it is totally impractical for British Rail to build a new station when the current stations are already close enough? The railway bridge on the Hartlake Road will need to be widened too. There are also plans to close the Hartlake Road- which is the only crossing point across the Medway floodplain. This is the only road that shortens the distance from T. Wells to Hadlow and Golden Green, without

either going around the Industrial Estate in Tonbridge along the A26 or travelling through Five Oak Green and East Capel where TWBC are also planning more housing . All I can envisage is sitting in my car and pumping out more fumes while I wait in Gridlocked Traffic. How can this be classified as sustainable development? **The Hartlake must not be shut!!!!!!** This document talks of ideals -it does not concentrate on the biggest changes in population and hence traffic conditions in the TWB area i.e. Paddock Wood and Tudeley. There is no explanation as to how this is to be **practically tackled** . In fact Fig 5 shows the route between Paddock Wood and Tudeley as 'Off-line' whatever that means? Pt 7 in the Transport Strategy States, '.... road transport contributes to a third of Kent's CO2 emissions and pollutants have negative effects on air quality in addition to noise and consequently on human health and the natural environment.' So how can a proposal to build 6390 homes between Paddock wood and Tudeley bringing a minimum of 6400 probably more like 8000 to 9000 extra cars on the B228 between Wetsted to Seven Mile Lane/ the B2017 from Five Oak Green to Tonbridge and the B2015 from East Peckham to Watlingbury. This scenario is so unsustainable, so undeliverable it is laughable and this is called a plan? Point 109 of the NPPF states, 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. I think these proposals are so severe point 109 should be upheld and planning refused on these grounds.

The report drawn by SWECO for TWBC is very illuminating – basically the work was undertaken to understand what mitigation levels can be achieved to reduce congestion-. and has been written in cooperation with the team working on the Garden Settlement plan. Can I ask if TMBC were involved in these talks ? The minutes of the meeting with KCC Dtc Appendix H4 dates 16/9/20 , 11/11/20 and 19/1/21 , 8/2/21/23/2/21 Also Appendix H2 Highways England 7/2/2020 and 3/2/2021 are unavailable be electronic copy. I cannot see how this report is not biased towards a positive outcome for TWBC.

The main thrust of mitigation, so I understand , is to have a hugely improved bus service and cycle routes. This for a country where people like driving cars (comfortable) and it rains a lot and only hardened individuals use their bikes. Most congestion occurs at peaks times as the report says and this is because individuals are either going to school or work. Bus services will solve school traffic but I cannot see cycle routes being used for long distance in the autumn/winter/spring for commuters. Cycle routes will be used as a recreational asset. I live in Hadlow and am really cross that because TWBC are so hell bent on building a new town at Tudeley and don't even humour me by calling it a garden settlement that I will no longer be able to drive along the Hartlake Road / B2017. There are nearly 6000 residents in Hadlow and Golden Green and we shall be unable to cross from T. Wells to Hadlow via this route. It is the **only** road across the Medway Flood Plain. Instead we shall have to sit in extra traffic trying to go through the Tonbridge Industrial Estate off the A21 now even more congested or travel through Southborough and Tonbridge Town centre sitting in traffic causing CO2 emissions as I shall be stationary for so long or travel the very long way round and go via Five Oak Green and turn off the A228 at East Peckham and follow that route to Three Elm Lane. Taking as a starting point the A264/A21/A228 junction my 14..5 k short cut that takes about 15/20 minutes will now take an extra 10 minutes and add 4k on to my journey through another small village of I could go down 7 mile lane and travel an extra 7k and add an extra 15 minutes to my journey as the roundabout at Alders Wood will be chronic. **The Hartlake Road must not be shut.**

This all because TWBC want to build homes at Tudeley and Paddock Wood/Capel (94%) of their allocation and cause chaos for anyone else but not their residents, as these areas are right on the edge of their boundaries and won't affect their residents- in their more leafy boroughs. I do not believe causing me, along with other residents on the North and Eastern side of Tonbridge so much inconvenience and extra cost and time can be sustainable in terms of emissions just because TWBC believe they can justify building a new town right next to Tonbridge. This is unsound and the extra amount of traffic will cause so much extra traffic on roads that are difficult to improve and **ALREADY CONGESTED**. The only way to 'improve' through traffic is to dual the B2017 from the Badsell/ Capel Grange roundabout all the way to the roundabout near Somerhil School and dual from there to the A26 the Woodgate Roundabout near the A21 and Vauxhall pub. There is no way to 'improve' the A2014 from the Vauxhall pub to the Tonbridge Train Station for cars or bikes and the footpaths are overcrowded with school pupils.

The mitigation schemes are not viable because of the limited available space and topography constraints. The roads around this area are not capable of taking the 'load' of extra traffic. Page 89 10.3.2 Highways England say there is a need to demonstrate how proposals will reduce car trips and improve accessibility for all modes and only then consider appropriate and proportional mitigation ,

measures that assess the likely impact of residual car trips. HE goes on to advise local planning authorities to “refuse or place conditions on developments only where the residual cumulative impacts of development on the capacity of the SRN (once proposed mitigations are taken into account) are still assessed to be severe.” In Paragraph 41, HE also states that the promoter should take all reasonable steps to minimise the level of physical mitigation required, through the use of measures such as Travel Plans and travel demand management measures. Consequently, a key aim of the Local Plan work outlined here is to minimise the residual new car trips on the highway network that would need further physical highway mitigation measures.

TWBC have shown that there is a need to mitigate new car trips but realistically who is going to use a bike who will make regular use of a bus service. Individuals for the most part will use their car whenever possible and that is what will happen here. This report presumes too much on the alteration of human behaviour at peak traffictime.

It took over 40 years to improve the A21 just from Tonbridge to Pembury – hardly a great distance, How long before these other so called ‘mitigation measures’ are implemented.-which will not alleviate the traffic congestion! It seems ridiculous to me why you would want to build on the Tonbridge side of the A21 anyway -when as I said after 40 years waiting for the A21 --,TWBC have build bicycle routes on the other side -all the infrastructure IS ALREADY on that side of the A21. THIS is where you need to make use of the infrastructure that is already in position. **Why waste more public money ?** Also with houses on that side of the road – some homeowners will use High Brooms Rail station which would alleviate the pressure on the access to Tonbridge Rail station. The Medway and its floodplain too -are miles away-. on the other side of the A21.

The KCC West Kent ‘Map of Transport Priorities for Tunbridge Wells shows NO improvement of roads between Paddock Wood and Tonbridge- only the a228 Colt’s Hill Relief Scheme and junction improvements. No plans to improve the infrastructure any time soon for Tonbridge Residents then. Unsound!

This report does not persuade me that the traffic congestion in Tonbridge – that the Tudeley development will cause- will be solved and is therefore not viable/workable/ and is unsound. It also has the **gall** to for the ‘convenience of implementing this development -to close the Hartlake Road which is totally **unacceptable** as not only will this cause even more congestion in Tonbridge, It will add more CO2 into the atmosphere as Tonbridge residents queue around the Tonbridge Industrial Estate- THAT is not so EFFECTIVE then is it ?. Does TWBC have any consideration for others, so intent .are they to build at Tudeley- residents of North Tonbridge , Hadlow and Golden Green can have their lives disrupted and go hang. MP Tom Tugendhat and TMBC are all of the view this development is not justified and unworkable and unsound. The Tudeley development will add 25% to the population of Tonbridge and that is before TMBC look to accommodate their own ‘need’

5.218 TWBC state that this development provides an opportunity for a new rail station at Tudeley- if this can be realized in the future after 2038.. This is a ridiculous statement to make. This station will never be built as Tudeley is too close to Tonbridge rail station- so why put it in this local plan-it is a disingenuous statement to make.5.224 The infrastructure will not be able to support a minimum of 2,800 cars. The by pass at Five Oak Green will not be used by Tudeley residents, so this will not alleviate highway issues caused by development at Tudeley New Town- (not garden city – this is just a posh term) as they will all be travelling in the other direction to the A21 and Tonbridge Station and improving the roundabout near Somerhill school will not enable the traffic to flow.

Policy STR 2 p45 states all new development must use the following principle relevant to its location, scale and use.

Point 1 Fails here as it does not enhance the quality of existing communities and their environs and creating a town at Tudeley is not appropriate.

Point 3 Conserve and enhance assets of historic, landscape or biodiversity.TWBC Fail to save the listed church at Tudeley from being surrounded by 2,800 homes and fails to save Green Belt land and the wetland floodplain below and the biodiversity value- which they have not even bothered to assess.

Point 9 TWBC will protect the future residents and users with regard to noise, vibration (difficult with the number of trains bisecting the site),smell, loss of light, privacy and overbearing impact. I am sure the existing residents of Tonbridge would like to be treated with such consideration themselves.

Policy STR 9 Green Belt States an effective Green belt will be maintained through the application of national planning policy and believe the removal of Green belt land in this plan is fully justified there

are NO exceptional circumstances and the objections above show how much harm this development will produce to the surrounding countryside and existing residents. THIS DEVELOPMENT IS INAPPROPRIATE -NPPF 145 AND THERE ARE NO EXCEPTIONAL CIRCUMSTANCES. This plan regarding Tudeley should not be allowed it is unsound does not have any backing from TMBC or the MP for this constituency, has been poorly prepared with regard to its surroundings, constraints and existing residents, not legally compliant as it fails NPPF guidelines 133, 134 a)-e) 136, 137, 143, 144, 145, 155, 157. 160. 161. 163. Totally unjustifiable.

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 development of Tudeley was only considered when a single landowner offered the site at Tudeley. TWBC have made every effort to make this Development work in a totally inappropriate site and are determined to push this so called 'Masterplan' through. I consider this proposal a disgrace to the planning process on so many levels. I should be stopped altogether.

I think TWBC should look to spread a reduced need throughout the borough, concentrating on towns and villages that have existing good bus routes into T. Wells. I believe there should be a mix of bungalows and affordable housing throughout the borough. I would look to build a little more old peoples residential housing in the Benenden area to make use of a hospital there-, which would reduce the pressure on Pembury Hospital and could if planned well reduce the pressure on Social Services. I would look to have greater amounts of affordable housing for younger generations in some of the largest towns- Tunbridge Wells, Southborough and Pembury – as well as in some of the smaller towns and villages as I said above.

I believe the concentration of development along the northern fringes of the borough to be nothing but urban sprawl. I also strongly disapprove of a 'plan' to build on land known to flood and all these proposed homes have the river Medway behind them- and will either flood themselves or cause harm further downstream.

This local plan is fundamentally flawed because TWBC have not pushed back on their 'need' and have relied on only three inappropriate sites to fulfil this 'need' and have chosen to deal with very few landowners -making life easy.

The borough of T.Wells planning should not be easy with the amount of ANOB and GREENBELT land. JBA consulting did a comprehensive assessment of the flooding or lack of potential for all the first call for sites. I would have only looked at flood Zones 1 and 2 and only then slit those into good/ bad bus routes -then visited them all. TWBC seem to have concentrated on nearly all the sites prone to Flood/or cause harm elsewhere as their starting point. A flawed 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)?

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

Agent	[REDACTED]
Email Address	[REDACTED]
Company / Organisation	Bloomfields
Address	77 Commercial Road PADDOCK WOOD TN12 6DS
Consultee	Ben Ward [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Rosconn Strategic Land
Address	Rosconn House 1 Grove Road Stratford-upon-Avon CV37 6PE
Event Name	Pre-Submission Local Plan
Comment by	Rosconn Strategic Land [REDACTED]
Comment ID	PSLP_850
Response Date	01/06/21 14:10
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.3
Files	PSLP_847 & 850-852_Rosconn_SI_1.pdf PSLP_847 & 850-852_Rosconn_SI_2 and 3.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Rosconn Strategic Land
Question 2	
Agent's Name and Organisation (if applicable)	Bloomfields
Question 3	

To which part of the Local Plan does this 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 4

Do you consider that the Local Plan:

Is legally compliant Yes

Is sound No

Complies with the Duty to Cooperate Yes

Question 4a

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

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

- . It is not effective
- . It is not 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.

Rosconn Strategic Land (RSL) is promoting land south of Brenchley Road, Horsmonden for residential development. It is welcome that the Pre-Submission Local Plan ("the Plan") proposes to allocate this site for development and it is in this context that RSL wishes to express its general support for the development strategy as set out in Draft Policy STR 1.

The development strategy is based upon meeting, in full, the assessed local housing need for the area along with a "buffer" for flexibility. This is welcome, in principle, since the Plan's evidence base indicates very limited scope to apportion unmet housing need to neighbouring authorities, since neighbouring authorities experience many of the same constraints as Tunbridge Wells. As a result of this, the development strategy must respond pragmatically but sensitively to the Borough's principal constraints, namely the High Weald Area of Outstanding Natural Beauty (AONB) and the Metropolitan Green Belt. The need to safeguard these areas must be carefully balanced against the need to achieve a sustainable pattern of growth and, in general terms, undertaking this balancing act has been found by Inspectors to be justified through local plan examinations elsewhere in the country (e.g. Guildford and Central Bedfordshire). That said, the contribution to development needs from the non-constrained area of the Borough must, within reason, be maximised to limit the extent of Green Belt release and encroachment by new development within the AONB. In Green Belt release terms, this is essential to making the case for "exceptional circumstances" as per paragraphs 136 and 137 of the National Planning Policy Framework (NPPF), and, in AONB terms, to demonstrating that great weight has been provided to

conserving and enhancing the AONB and limiting the scale and extent of development within the AONB (NPPF, paragraph 172). Implicitly, the need to maximise areas beyond the Green Belt and AONB has already been acknowledged by the Plan's proposed transformational expansion of Paddock Wood, which apart from being a sustainable location, also has the advantage of avoiding the AONB and would entail only some Green Belt release. This "avoidance" strategy should run through the Plan's as a whole in order for it to be sound in its conformity with national policy.

Given the above, welcome the decision (described at paragraph 4.48 of the Plan's supporting text) to reduce the level of growth previously proposed in the AONB as being beneficial to the overall soundness of the Plan. In part compensation, the Plan has seen a greater focus on urban intensification and brownfield which has been identified as a lynchpin of the development strategy in Draft Policy STR 1. It must be recognised, however, that urban intensification and brownfield redevelopment have limits and those sites that are available may not be quick to come forward given the myriad of issues that typically affect the deliverability of urban and brownfield land. By way of using urban land to its fullest potential in order to avoid directing growth to the Borough's more sensitive areas, the Brownfield and Urban Land Topic Paper (January 2021) details a very exhaustive approach to ensuring that these opportunities are maximised whilst ensuring that the level of growth planned through these means is deliverable and realistic.

Combined with the two strategic proposals in the Plan, Tudeley Village and the expansion of Paddock Wood, both of which exist within close proximity to each other and have complex infrastructure and phasing requirements, over-reliance on urban intensification and brownfield sites coming forward could result in a "top-heavy" development strategy unless it is accompanied by a wider dispersal of small to medium sized sites that are capable of yielding housing completions quickly as well as contributing to the viability and vitality of rural areas. It is welcome that the Plan provides for these opportunities as they will diversify the sources of housing supply and ensure that the Plan retains flexibility to respond to changing circumstances. We would note from Figure 3 of the Housing Supply and Trajectory Topic Paper (February 2021) that expected housing completions within the plan period will ensure a consistent and steady supply to meet ongoing need, particularly in the earlier years, which is important given the Plan's reliance on strategic sites.

As set out above, opportunities for dispersing growth to the rural area generally will be limited by the AONB and the Green Belt which is why Horsmonden, as a sustainable settlement outside both of these areas, plays such a crucial role in the overall development strategy. We note from paragraph 6.66 of the Development Strategy Topic Paper (February 2021), for instance, that the lack of major constraints around Horsmonden has been fundamental to proposed allocation of suitable sites around the settlement. To this we would add that Horsmonden sets itself apart from other non-AONB rural settlements for its relative sustainability with the Settlement Role and Function Study (February 2021) identifying it as one of the best performing rural settlements in terms of the availability of services and facilities. With both of these factors in mind, the Sustainability Appraisal (SA) has highlighted Horsmonden's ability to make a "material contribution to meeting housing needs." Growth in Horsmonden can also enable the expansion of services and facilities to improve the sustainability credentials of the settlement which, in addition to being in the spirit of the Planning Practice Guidance and the National Planning Policy Framework, can facilitate delivery of the Plan's strategic objective of improving infrastructure, local services and amenities in line with community needs.

In general terms, we consider allocating a material level of growth at Horsmonden to be sound and fully supported by the Plan's evidence base. However, the contribution made by Horsmonden and the non-AONB/Green Belt rural settlements generally to the development strategy should be expressly recognised in Draft Policy STR 1 as it is an issue of strategic importance to reasonably maximise the contribution of areas outside the Green Belt and AONB toward meeting development needs. In so doing, drawing upon the evidence base, the development strategy should clearly set out the role and function of each higher order rural settlement, including Horsmonden, in order to explain more clearly in broad, strategic terms the role each one plays its part in delivering the Plan's overall strategy. For Horsmonden, we would request express recognition for the important role the settlement will play in meeting housing needs over the plan period in a sustainable location that is not affected by fundamental landscape or Green Belt constraints.

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.

Draft Policy STR 1 or a further policy should identify a clear hierarchy of settlements and growth areas to guide the apportionment of housing and explain how each one will play a part in delivering the Plan's development strategy. We note that Limb 3 of Draft Policy STR 1 already does this in respect of strategic allocations but this should be extended to the Borough's rural settlements alongside an express recognition that development outside the Green Belt and AONB should be maximised in order to safeguard these important designations to the extent consistent with broader sustainability objectives.

Question 7

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

Rosconn Strategic Land is promoting Land South of Brenchley Road, Horsmonden for development and is seeking changes to Draft Policy STR 1. Rosconn Strategic Land requests participation in the hearing sessions in order to contribute to discussions in relation to this Draft Policy and to articulate its case for suggested changes to it as well as to address any relevant points raised by the Local Planning Authority, the Inspector or by stakeholders.

Question 8

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

RSL supports the general thrust of the Sustainability Appraisal (SA) insofar as it substantiates the preferred development strategy as being preferable against the reasonable alternatives. The SA examines a number of scenarios for the distribution of growth across the Borough including, critically, a scenario which would meet full housing need but does not involve Green Belt release. This scenario (Growth Strategy 6) demonstrates that no Green Belt release would involve major strategic growth at a number of the Borough's rural settlements including those within the AONB thus demonstrating that some Green Belt release is necessary in order to deliver a sustainable pattern of development. We note that no scenario has been tested that would see full housing need met in areas completely outside the AONB. However, this would clearly involve similar major strategic growth in rural settlements

by obviating the contribution of Royal Tunbridge Wells and Southborough to meeting housing needs or else by generating excessive reliance on strategic expansions to Paddock Wood and Tudeley Village, which would most likely need to be enlarged. The SA therefore substantiates the need to deliver some growth within Green Belt and AONB.

We note that failure to meet standard housing need by avoiding the AONB or the Green Belt were accompanied by significant negative scores in relation to the delivery of new housing and economic development, as would be expected. We also noted scenarios that would see significant concentrations of growth within the AONB associated with significantly negative environmental effects particularly as regard to landscape, once more as expected. As a result, the SA supports the key limbs of the preferred development strategy of meeting full housing need and reducing the scale of development within the AONB from the Draft Local Plan as against the reasonable alternatives. However, the preferred spatial strategy (i.e. Growth Strategy 13) would still result in the concentration of significant development within the AONB alongside significant Green Belt release to accommodate a new settlement and the transformational expansion of Paddock Wood. The contribution by urban and brownfield land has also been maximised to the reasonable extent possible. As a result, the preferred development strategy is finely balanced and whilst noting since the Regulation 18 consultation the quantum of development has been decreased in some smaller rural settlements beyond the Green Belt and AONB, it is not practical to do so further without resulting in negative environmental effects and/or compromising the deliverability of the 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:

<input type="checkbox"/>	Yes, I wish to be notified of future stages of the Local Plan
--------------------------	---

Comment

Consultee	[REDACTED]
Email Address	[REDACTED]
Company / Organisation	Royal Tunbridge Wells Town Forum
Address	- - - -
Event Name	Pre-Submission Local Plan
Comment by	Royal Tunbridge Wells Town Forum [REDACTED]
Comment ID	PSLP_827
Response Date	01/06/21 08:15
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.2
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Royal Tunbridge Wells Town Forum
Question 3	
To which part of the Local Plan does this 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 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.

We generally support paragraphs 1,2,5,6,8 and 9 of Policy STR 1.

We are unable to judge whether paragraphs 3, 4 and 7 are sound and in particular whether proposed loss of Green Belt land around Royal Tunbridge Wells for residential purposes is actually justified by exceptional circumstances when so much scope seems to exist for densification of certain allocations and redevelopment within the LBD of the existing town and in other settlements. 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 a poor suburban density in a large conurbation.

Question 7

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

So that we can illustrate for the inspector the scope for increases in density of allocations within RTW and for redevelopment of areas of the town to yield higher housing numbers.

Comment

Agent	[REDACTED]
Email Address	[REDACTED]
Company / Organisation	Sigma Planning Services
Address	[REDACTED] [REDACTED] ROYAL TUNBRIDGE WELLS [REDACTED]
Consultee	Kevin Willcox [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Rydon Homes
Address	[REDACTED] [REDACTED] FOREST ROW [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Rydon Homes [REDACTED]
Comment ID	PSLP_1710
Response Date	03/06/21 13:25
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	Sigma Planning for Rydon Homes_RYDON 3.pdf Sigma Planning for Rydon Homes_RYDON 18.pdf Sigma Planning for Rydon Homes_RYDON 10.pdf Sigma Planning for Rydon Homes_RYDON 16.pdf Sigma Planning for Rydon Homes_RYDON 11.pdf Sigma Planning for Rydon Homes_RYDON 13.pdf Sigma Planning for Rydon Homes_RYDON 5.pdf Sigma Planning for Rydon Homes_RYDON 8.pdf Sigma Planning for Rydon Homes_RYDON 15.pdf Sigma Planning for Rydon Homes - covering letter.pdf Sigma Planning for Rydon Homes_RYDON 9.pdf Sigma Planning for Rydon Homes_List of Appendices TWBC LP.docx Sigma Planning for Rydon Homes_RYDON 7.pdf Sigma Planning for Rydon Homes_RYDON 4.pdf

[Sigma Planning for Rydon Homes Composite Representations.pdf](#)
[Sigma Planning for Rydon Homes RYDON 17.pdf](#)
[Sigma Planning for Rydon Homes RYDON 1.pdf](#)
[Sigma Planning for Rydon Homes RYDON 6.pdf](#)
[Sigma Planning for Rydon Homes RYDON 12.pdf](#)
[Sigma Planning for Rydon Homes RYDON 2.pdf](#)
[Sigma Planning for Rydon Homes RYDON 14.pdf](#)

Data inputter to enter their initials here KJ

Question 1

Respondent's Name and/or Organisation Rydon Homes Ltd

Question 2

Agent's Name and Organisation (if applicable) Sigma Planning Services

Question 3

To which part of the Local Plan does this 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 also representation numbers PLSP_1629, 1702, 1705, 1707, 1708, 1709, 1710, 1713, 1714, 1715, 1717, 1721, 1729, 1732, 1733, 1734, 1737, 1739, 1741, 1743, 1744, 1745 & 1746]

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.

[TWBC: see supporting documents attached, including composite of all representations].

The Development Strategy

The development strategy is flawed in that:-

- . the housing target of 12204 dwellings is too low. See the attached Technical Note prepared by Neame Sutton Ltd. (Rydon 4).
- . the strategy should include strategic growth at the main locations of Pembury, Hawkhurst and Cranbrook on a scale that is not “transformational” but constitutes expansion consistent with their scale and character and with their role as important service centres. The opportunity should be taken to enhance local facilities, infrastructure and services through controlled growth to the benefit of the existing and expanded communities.
- . the strategy should consider the potential for the provision of a new settlement outside of the Green Belt but should, at least, look to minimise the amount of land that needs to be taken out of the Green Belt.
- . the strategy of limiting development in the HWAONB to that which can be accommodated whilst still conserving its key characteristics is supported but this should not be limited to small scale development or at the expense of requiring more land to be taken out of the Green Belt. Exceptional circumstances exist to justify some major development in the AONB in terms of the large proportion of the District that is covered by the AONB designation and the need for housing, particularly affordable housing. This need is in evidence across the District but also in areas within the AONB that are remote from Tunbridge Wells and the Paddock Wood development focus. The strategy needs to focus more on those main towns in terms of:-
 - their local housing need.
 - to reduce the risk of the non-delivery of housing, particularly in the early part of the plan period by providing a range of smaller sites in different locations and making more effective use of existing infrastructure.
 - to assist in maintaining and enhancing the provision of social housing, local services, facilities and infrastructure at rural settlements.
 - improving the geographical balance of housing provision which is overwhelmingly focussed on the western part of the Borough.
 - to improve the choice of location for purchasers of new homes and reduce the risk of market saturation in the western part of 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)? . 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_146

Comment

Agent	David Neame ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Neame Sutton
Address	- - -
Consultee	David Neame ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Rydon Homes
Address	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Rydon Homes (David Neame [REDACTED])
Comment ID	PSLP_2092
Response Date	04/06/21 13:25
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.8
Files	Appendix 1 - Site Location Plan - Finches Farm, Five Oak Green.pdf Neame Sutton for Rydon Homes - full representation.pdf Appx 2d Five Oak Green Technical Note 240521.pdf Appx2a Landscape Appraisal.pdf Appx2b Five Oak Green FRA Tech Note.pdf Appx 2e Land at Finches Farm Vision Document.pdf Appx 2f Flinches Farm, 5 Oak Green Archaeological.pdf Appx2c Noise Report - Issue.pdf Appendix 5 - ED81 Inspectors Letter to TMBC 2.3.21.pdf Appendix 4 - 675 Land at Finches Farm Reg19 Landscape Advisory Note 210528.pdf APPEND~3.PDF
Data inputter to enter their initials here	KJ

Question 1

Respondent's Name and/or Organisation Rydon Homes Ltd

Question 2

Agent's Name and Organisation (if applicable) Neame Sutton

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

Paragraphs 4.1-4.18

[TWBC: the full representation attached has been set against PSLP (whole Plan) (PSLP_2089), Policy STR1 (PSLP_2092) and Policy STR/CA1 (PSLP_2093). Appendices listed have also been attached as supporting documents]

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.

1.0 Instructions and Introduction

1.1 Neame Sutton Limited, Chartered Town Planners, is instructed by Rydon Homes Limited (“Rydon”) to prepare and submit representations in relation to the Regulation 19 consultation version of the Tunbridge Wells Borough Local Plan (“the Plan”) published in March 2021.

1.2 This document sets out Rydon’s Representations on the Plan and deals with the following specific matters:

- . Matters of Legal Compliance
- . Consideration of the correct Housing Need and Housing Requirement within the Plan in the context of the Housing Supply identified by the Council; and,
- . Site-specific representations in relation to Rydon’s promotion site at Finches Farm, Five Oak Green

1.3 The relevant sections of the Plan, including paragraph and policy references, are cited throughout these representations along with the soundness tests that it is considered the Plan fails to comply with.

1.4 These representations are supported by a series of technical reports and appraisals prepared by Rydon’s professional project team, which comprise:

Table 1: Technical Reports and Appraisal Accompanying Representations

Document

Author

Appendix

Assessment of Housing Trajectory and Land Supply

Neame Sutton

Appendix 3

Green Belt Assessment Review

Allen Scott

Appendix 4

Site-Specific Technical Pack:

- Vision Document
- Access Appraisal
- Drainage Appraisal
- Landscape Appraisal
- Noise and Vibration Assessment
- Heritage and Archaeology Assessment

Richards Urban Design

RPS

SMA

Allen Scott

SMA

Orion Heritage

Appendix 2

Appendix 2

Appendix 2

Appendix 2

Appendix 2

Appendix 2

3.0 Housing Need, Housing Requirement/Target and, Supply

Policy STR1, SA, Paragraphs 4.1 – 4.18

OBJECT – UNSOUND – Not positively prepared, justified, effective or consistent with national policy

3.1 The importance of significantly boosting the supply of housing nationally cannot be under estimated as a core Government objective running to the heart of the planning system. In fact the Government's recent announcements through the Queen's Speech further reinforce its commitment to the delivery of more housing to meet the needs of the country allied to achieving a swift and sustained economic recovery as the country emerges from the global pandemic.

3.2 Set within this context the delivery of the right level of new housing across the Borough within the Plan is key to its Soundness, particularly in terms of planning positively, being consistent with national policy and being effective.

Setting the Correct Housing Requirement for the Plan period:

3.3 Rydon considers that the LHN figure of 678 dpa comprises the right starting point for the Plan. This figure is however only the starting point and does not necessarily represent the housing requirement figure.

3.4 The PPG confirms that the Standard Method comprises the minimum starting point. There can be circumstances where the LHN should be set higher than that calculated via the Standard Method, which may include meeting unmet need arising from a neighbouring authority⁷.

3.5 In the case of Tunbridge Wells, Rydon considers that there are two key reasons for why the Council should be planning for a higher figure than the minimum LHN calculated via the Standard Method:

3.5.1 Reason 1 – Unmet Need: It is clear that there is an increasing level of unmet need arising from Sevenoaks, which the Council has paid insufficient regard to in terms of determining whether any of that need can be met within the Borough as part of the Plan.

3.5.2 Further work is required in the context of the changing position in Sevenoaks to determine exactly how much of the unmet need can be accommodated in the Borough through the Plan. As set out in Section 2 of these Representations it is clear the Council has failed the DtC in relation to Sevenoaks and therefore further work will be required. In Rydon's view there is sufficient supply on suitable and sustainable sites across the Borough that could accommodate further housing to help meet the need arising from Sevenoaks.

3.5.3 Reason 2 – Worsening Affordability: Tunbridge Wells is one of the least affordable places to live in the country outside of London. The most recent median work place based affordability ratios published by ONS in March 2021 confirm a ratio of 13.27 for the Borough. This compares with a national average of only 7.84, which is itself a figure that the Government considers to be too high and one that urgent action is required to address through the delivery of more housing nationally.

3.5.4 When past trends are analysed it is evident the position in Tunbridge Wells has been worsening. Over the last 10 year period the ratio has increased from 9.91 to 13.27. In the last 12 month period the position has increased from 12.49 to 13.27.

3.5.5 A worsening affordability ratio in turn leads to an exponential increase in affordable housing need, which is reflect by the Council's current stated annual need of at least 323 dpa over the Plan

period⁸. This is an unsustainable level of need that is set to increase over the Plan period unless the worsening affordability trend is addressed now.

3.6 In simple terms the only way to address the above two points is to plan for more housing at a level above the LHN calculated using the Standard Method.

3.7 The answer as to how much additional housing to plan for is one that the Council needs to explore particularly in the light of the Sevenoaks situation. However, as a starting point Rydon considers the minimum housing requirement should be set at the uncapped Standard Method figure of 749 dpa. That would deliver a further 1,278 dwellings over the Plan period, which would go some way to addressing Sevenoaks unmet need of circa 2,000 dwellings as well as making a meaningful contribution to improving affordability beyond that already provided for within the Standard Method calculation.

3.8 A modest increase of 71 dpa would also assist the Council in meeting its growing affordable housing need over the Plan period.

3.9 Rydon therefore considers the minimum housing requirement for the Plan period should be set at **749 dpa** or **13,482 dwellings** over the 18 year Plan period.

3.10 It is perhaps of no surprise that the reasonable alternatives (10 and 11) set out in Table 12 of the SA i.e. uncapped 749 dpa and uncapped plus unmet need of 853 dpa are both considered to be 'reasonable alternatives' and score considerably better in terms of meeting the core national policy objective of delivering new housing to meet identified needs.⁹

Housing Trajectory and Supply:

3.11 Neame Sutton has undertaken a separate detailed analysis of the Housing Trajectory set out for the Plan period and the consequent ability of the Plan to maintain a rolling 5-year housing land supply. The detailed analysis is attached at **Appendix 3** of these Representations.

3.12 It is evident from the attached analysis that the Council has placed too much reliance on overly optimistic estimates of supply from the two strategic development locations at Paddock Wood and Tudeley Village, which are unsupported by robust or clear evidence. Furthermore the Council's supply across the first (current) 5-year period is reliant on supply sources that fail the Annex 2 test of deliverability. Finally, the Council expects a delivery rate from windfalls that is simply unsupported by robust evidence and certainly goes nowhere near to comprising the compelling evidence required by Paragraph 70 of the Framework 2019.

3.13 As a consequence the Plan fails to deliver a sound housing delivery trajectory and cannot demonstrate a 5-year supply at any point during the Plan period.

3.14 The simple solution here is to allocate further sites that are readily deliverable during the early years of the Plan period in order to support the slower lead in time of the two strategic development locations.

3.15 As set out in the Technical Paper attached at **Appendix 3** there is a need to allocate between **1,300 – 2,400 additional dwellings** in order to deliver a rolling 5-year housing land supply and provide an adequate buffer against potential future non-delivery from the identified supply sources. This additional dwelling allocation is necessary before giving consideration to the uplift to the minimum housing requirement as set out above.

Footnotes:

1 Paragraph 27 of National Planning Policy Framework (February 2019)

2 Paragraph 1.2 on Page 3 of the DtC Statement (March 2021)

3 Paragraph 4.18 on Page 46 of the DtC Statement refers

4 Paragraph 2.1.4 on Page 4 of SoCG between TWBC and SDC in Appendix A of DtC Statement – March 2021

5 Applying the Standard Method with a base date to 2021 and using the affordability Ratio data published in March 2021 by ONS.

6 Draft letter of representation presented to Extraordinary Planning and Transportation Advisory Board – Monday 17 May 2021

7 Paragraph: 010 Reference ID: 2a-010-20201216 – Housing and Economic Needs section of PPG

8 Paragraph 3.18 on Page 16 of Housing Needs Assessment Topic Paper – February 2021

9 See Table 12 on Page 51-52 and Table 22 on Page 74 and Table 23 on Page 76 of the SA

10 See also Table 49 on Page 142 of the SA that identifies the Promotion Site as a reasonable alternative site within Capel Parish

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.

5.0 Areas Where Changes are Required for Plan to be Legally Compliant and Sound

5.1 In order for the Plan to be found Sound and Legally Compliant there are a number of fundamental changes required:

5.1.1 **Change 1 – Legal Compliance:** The Council MUST revisit the DtC specifically (but not only) in relation to Sevenoaks and explore the opportunity for meeting at least some of the unmet need arising within the Plan. Once complete the evidence of active and ongoing engagement MUST be published alongside a fresh Regulation 19 consultation version of the Plan.

5.1.2 **Change 2 - Soundness:** There is a need to revisit the minimum housing requirement in the Plan in line with the evidence base and in particular dealing with unmet need and the worsening affordability in the Borough.

5.1.3 **Change 3 - Soundness:** The Council must revisit its housing delivery strategy and address the clear shortfall in supply across the whole Plan period and particularly within the first 5-years through the allocation of more sites that are ready and able to deliver in the early part of the Plan period.

5.1.4 **Change 4 - Soundness:** The Council must revisit its Green Belt Study and Landscape Sensitivity Assessment specifically in the context of Five Oak Green because the current approach taken in the Plan does not reflect that evidence base i.e. Rydon's Promotion Site comprises a suitable location for release from the Green Belt as part of a coordinated strategy for creating robust boundaries that will endure in the long term.

5.1.5 **Change 5 – Soundness:** The Council must revisit the Plan Strategy and its Key Evidence Base in relation to Tudeley given the lack of evidence to support the delivery rate relied upon by the Council combined with the lack of support in the current evidence base for the release of this site from the Green Belt and the fact that the immediate neighbouring authority Tonbridge and Malling Borough Council is raising objection to the unacceptable pressure the proposed development would have on infrastructure, services and, facilities located outside of the Plan area. In short terms there are significant concerns in relation to the capability of Tudeley to deliver a sustainable form of development in the timeframe required by the Council. As currently prepared the Tudeley allocation is Unsound.

5.1.6 **Change 6 – Soundness:** Rydon's Promotion Site should be allocated for approximately 140 no. dwellings capable of delivery in the first 5-years of the Plan period alongside a package of wider material planning benefits.

5.2 Unless the above changes are made the Plan will fail the Legal Compliance Test and will not be found Sound at Examination.

5.3 Rydon will take an active part in any future Examination to progress the matters raised in these Representations in the context of the issues raised by the Inspector in due course. In the meantime Rydon would welcome the opportunity to discuss its Promotion Site with the Council.

Question 7

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

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

Question 7a

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

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

The matters raised in these Representations cover a number of fundamental issues that go to the heart of the Plan's soundness and in particular its legal compliance. These matters will need to be explored in the relevant hearing sessions at the Examination in order to assist the Inspector in understanding the nature and extent of the concerns raised by Rydon Homes Limited.

In addition, there are a number of matters raised that are of a technical nature and relate to the Council's evidence base. These matters will also need to be explored in the relevant hearing sessions at the Examination.

Question 8

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

See attached Representation Documents

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_131a-c

Comment

Agent	Mr Simon Bell ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Knights Solicitors
Address	Regency House 25 High Street Tunbridge Wells TN1 1UT
Consultee	Save Capel ([REDACTED])
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Save Capel ([REDACTED])
Comment ID	PSLP_1973
Response Date	03/06/21 18:51
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.9
Files	PSLP_1964 & 1973-1987_Knights Solicitors for Save Capel_SI-3_Appendices.pdf PSLP_1964 & 1973-1987_Knights Solicitors for Save Capel_SI-1_Cover Letter.pdf PSLP_1964 & 1973-1987_Knights Solicitors for Save Capel_SI-2_Representation.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Save Capel
Question 2	
Agent's Name and Organisation (if applicable)	Knights Solicitors

Question 3

To which part of the Local Plan does this 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) 4.1-4.87

[TWBC: for further comments by Save Capel, please see Comment Numbers PSLP_1964 and PSLP_1973-1987]

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 attached: "Representation by Save Capel under Regulation 19", dated 3rd June 2021, and Appendices

[TWBC: the following extract is from "Representation by Save Capel under Regulation 19" - for the full representation and appendices, please see supporting documents]

3. The Development Strategy and Strategic Policies

STR1 The Development Strategy

Housing needs

3.1. The NPPF (at Section 5) prescribes a standard method of how to calculate the number of houses required throughout the plan period. However, it is the responsibility of the Council to determine the actual housing requirement using the latest information on local demographic and migratory trends.

3.2. Recent studies of housing need consistently demonstrate that the expected population growth 2020-2038 in the borough is slowing significantly – projections have decreased from 18,830 (2015 SHMA) to 13,859 (2017 SHMA) to only 6,155 (2018 ONS).

3.3. Despite this clear local trend, TWBC has interpreted the Standard Method as a target, with no regard to market or demographic indicators or the constraints of the Borough and propose to build around 12,200 houses for the (predicted) 6,155 residents.

3.4. Despite all the evidence to the contrary, TWBC has not entertained the very real possibility that “exceptional circumstances” exist which would have enabled them to propose an alternative and more realistic ‘objectively assessed’ housing need. Given that this Regulation 19 submission comes during a transitional period from the old Standard Method and the newly proposed methodology, it seems entirely reasonable to incorporate additional, supportive data to localise the output from the baseline calculation, rather than simply accepting it as a target.

3.5. We recognise that the Government confirmed that updated household projections should not be used as a reason for justifying lower housing need. However, they did not indicate that this data should not be considered to support planning forecasts if TWBC chose to propose an alternative calculation based on ‘exceptional circumstances’.

3.6. Tunbridge Wells borough includes 22% green belt land and has 70% AONB. In addition, the spatial strategy is proposing to deliver the majority of its housing in or adjacent to the borough’s largest area subject to flood risk (EA flood zone 3).

3.7. The threshold for claiming ‘exceptional circumstances’ must surely have been reached when the Council proposes to use Green Belt designated land for the vast majority of development in the Local Plan!

3.8. The Local Plan should serve the requirements of both current and future residents of the borough. Analysis of all demographic and market trends leads us to believe that the proposed Garden Village Growth Strategy does little to support the current or future needs of the increasingly elderly population of the borough.

3.9. On the contrary, the Plan seems designed to provide significantly more houses than residents or their families will require in an attempt to depress local house prices in order to encourage net migration from parts of the country with even higher affordability ratios (e.g. the London boroughs).

3.10. As such, the Plan is unsound as it is not “positively prepared” in assessing its ‘objectively assessed need’ and does not deliver against the most fundamental objective of serving the best interests of the residents of the borough. This policy also fails the test of soundness as it is “not consistent with the NPPF” and TWBC is wrong to have determined that ‘exceptional circumstances’ do not exist in the Borough which would allow a departure from the ‘standard method’.

3.11. On a side note: On the one hand, TWBC claims ‘exceptional circumstances’ to justify releasing and concreting over 100s of acres of Green Belt. On the other and despite clear evidence to the contrary, TWBC refuses to claim ‘exceptional circumstances’ to propose alternative calculations of housing need. This seems wholly inconsistent.

3.12. For further details, please refer to Save Capel’s topic paper on Housing Need – Appendix 9.

Sources of supply

3.13. Given the challenges faced by TWBC to meet housing needs, it is very surprising that other less constrained LPAs were not asked to meet some of the housing need themselves, e.g. Maidstone and Ashford.

3.14. There are several weaknesses in the development strategy followed by TWBC in establishing its spatial strategy:

- The plan has included an allowance for ‘windfall’ (i.e. non-allocated) sites which is understated and has not reflected the recent changes in legislation that promotes the change of use of urban sites to residential.

- . There is a significant opportunity from the amount of vacant commercial space (offices, shops, etc.) which has become apparent with the changing environment following the pandemic. This has not been reflected in the calculation of overall need for strategic allocations.
 - . TWBC has identified the need for a review of town centre regeneration (scheduled for around 2025) but this should be reflected in the strategy now. Young people need affordable housing close to employment and social amenities. The development of our towns into mixed retail/residential could provide the vibrancy that is so often lacking.
 - . The strategy ignored sites with less than 10 units which should have been considered for allocation. These would cumulatively make a notable contribution.
 - . With a focus on a growing older generation in the projected housing need, surely it is better to develop the fringes of existing settlements with access to local amenities rather than destroy the countryside in a remote location such as Tudeley.
- 3.15. TWBC has failed to adequately consider all these alternative options ahead of creating a garden settlement on Capel's beautiful, productive green belt, and extensive development on the floodplain.
- 3.16. In addition, the NPPF requires local plans to maximise density of housing in its allocations and this does not appear to have been the case.
- 3.17. Save Capel therefore submits that this Policy is not 'justified' and has not been prepared 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)? . 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:

Save Capel has sought to be actively involved in engaging with the Council throughout this review of the Local Plan. As a group we have developed particular expertise and have undertaken significant and extensive research in respect of the effects of the policies to which we have made representations. We consider that we will be able to assist the Inspector(s) examining the final submission significantly.

Question 8

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

Sustainability

3.18. The National Planning Policy Framework states (Feb 2019) that "Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives)". These three objectives comprise an economic, a social and an environmental objective.

3.19. In their Non-Technical Note (SA p.5), TWBC explain that they conducted SA assessments for individual sites which were then grouped to allow a cumulative impact assessment at parish level and ultimately for the borough. It goes on to state that the "the key findings of this process were that significant beneficial effects were expected for most economic and social sustainability objectives. The

environmental objectives were found to produce either highly mixed, neutral or negative scores essentially reflecting the increased pressures that employment sites and a significant number of new dwellings would put upon sensitive environmental features such as landscape and heritage.”

3.20. This seems to indicate that even by their own assessment, the TWBC Local Plan falls short of the NPPF’s sustainability objectives.

3.21. As Tudeley Village and East Capel are such a critical part of the overall Local Plan – contributing over half of total housing need – any SA assessment for these two sites must be heavily weighted and strongly impact the sustainability of the overall Local Plan.

3.22. Given the flawed and unsustainable scoring for Tudeley Village and East Capel, this implies that TWBC are NOT following the NPPF requirement for a balance between economic, social and environmental aspects. please refer to our comments on the Sustainability Appraisal in Section 2 and the ‘Alternative Sites Report’ in Appendix 8.

3.23. This development strategy is therefore NOT SUSTAINABLE

If you would like to attach a file in support of your comments, please upload it here. [PSLP 1964 & 1973-1987 Knights Solicitors for Save Capel SI-1 Cover Letter.pdf](#)

If you would like to attach a file in support of your comments, please upload it here. [PSLP 1964 & 1973-1987 Knights Solicitors for Save Capel SI-2 Representation.pdf](#)

If you would like to attach a file in support of your comments, please upload it here. [PSLP 1964 & 1973-1987 Knights Solicitors for Save Capel SI-3 Appendices.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 Schippers [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Brenchley [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Julie Schippers [REDACTED]
Comment ID	PSLP_1725
Response Date	04/06/21 07:51
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.5

Data inputter to enter their initials here KJ

Question 1

Respondent's Name and/or Organisation Julie Schippers

Question 3

To which part of the Local Plan does this 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.

We object to the TWBC Local Plan for the following reasons:

1 Economic

Much of our area is Green Belt and AONB. The plan fails to respect that. Limits to build are being moved. In the case of Capel 'Garden Village', the council has seized on the easy option of dealing with one landowner (Hadlow Estate) to proposed a huge estate of houses that is on flood land (wrong type of land), puts development before infrastructure so small rural roads and larger trunk road (A228) and Tonbridge will be clogged by traffic for years to come.

At a time when need to produce more food to mitigate the effects of Brexit, we are effectively ploughing under valuable farmland in East Paddock Wood and Horsmonden to create more homes. In effect doubling the size of these villages, again providing a wish list of infrastructure improvements (schools, gp surgeries and leisure facilities) that we know from experience (example Ryewood development in Sevenoaks) never see the light of day.

We challenge how this long-hatched plan fulfils the current government economic policy of levelling up and Brexit-based immigration policies to limit numbers of migrants. Do we need so many houses in Kent if this is the aim? The Local Plan has taken so long to forment, it has not taken these factors into account nor does it address the effects of the pandemic with many brownfield, urban sites being made available as commercial businesses close down or office space is reduced as companies adapt to workers working from home and less office space is required. The economic effect of this must be taken into account. Send this Local Plan back for reconsideration.

1 Social

The NPPF says a Local Plan should provide "by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being"

This plan does not do this. Again, it focusses on development with little detail and just vague ideas on how to make these new communities or add-on estates integrate, nor does it provide adequate planning for social facilities, job creation, shops, roads, GP surgeries, play/sport facilities and so on. There's little detail on creating routes for non- motorised traffic.

1 Environmental

There is no clear detail in the Local Plan to deal with the increased flood risk to new estates proposed in Capel and East Paddock Wood.

The plan will result in loss of species and destruction of habitats as land is converted to housing that does not respect the environment.

There is no air quality plan within the Local Plan.

We don't believe The Local plan is sustainable, deliverable or good for the economy. There should be a more holistic approach with housing sensitively added to all our communities rather than large swathes of housing being attached to particular villages/green areas, mostly based in the east of our council area.

Please send this Plan back to TWBC to rethink.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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	[REDACTED]
Email Address	[REDACTED]
Company / Organisation	Sevenoaks District Council
Address	Council Offices Argyle Road Sevenoaks TN13 1HG
Event Name	Pre-Submission Local Plan
Comment by	Sevenoaks District Council [REDACTED]
Comment ID	PSLP_1508
Response Date	03/06/21 15:42
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Sevenoaks District Council
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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

Policy STR 1 The Development Strategy

[TWBC: for further comments by Sevenoaks District Council, please see Comment Numbers PSLP_1509 and PSLP_1510]

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.

SDC is supportive of joint working with TWBC and other development partners to address strategic, cross boundary matters. You will be aware of the evidence which demonstrates on-going and constructive engagement between our authorities since 2015, on matters such as housing, infrastructure and employment needs. Much of the discussion has taken place as part of the wider West Kent group with Tonbridge & Malling Borough Council.

In May 2019, a Statement of Common Ground was signed between SDC and TWBC. This document sets out the issues and actions raised during duty to co-operate engagement, which include how both local authorities were seeking to meet a variety of development needs. We have discussed the preparation of an updated Statement of Common Ground and the latest version is with you for comment. The updated document will reflect the extent to which our respective strategic development needs can be met and a range of other cross boundary policy matters, including those related to employment, retail and strategic infrastructure.

All legal challenges associated with SDC's Local Plan have now concluded and the Council is working with stakeholders to ensure that an updated document can be put in place as soon as possible. We will keep you updated on this process as part of duty to co-operate discussions.

SDC is of the view that TWBC's approach to the pre-submission Local Plan is positive, proactive and reflects the requirements of the duty to co-operate. We will continue to engage with TWBC as both authorities progress their Local Plans. This will include further discussion on the extent to which our respective housing needs can be met.

Question 7

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

At this stage, SDC is content to rely on written submissions to express its views on TWBC's emerging Local Plan. Officers will inform you as soon as possible should this position change.

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_94

Comment

Agent	Ms Polly Canning [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Kember Loudon Williams
Address	[REDACTED] [REDACTED] ROYAL TUNBRIDGE WELLS [REDACTED]
Consultee	Mr Kevin Spencer [REDACTED]
Address	[REDACTED] [REDACTED] Langton Green -
Event Name	Pre-Submission Local Plan
Comment by	Mr Kevin Spencer [REDACTED]
Comment ID	PSLP_1695
Response Date	03/06/21 16:10
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	PSLP_1695_KLW for K Spencer - full representation Policy STR 1.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Mr Kevin Spencer
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

Question 4

Do you consider that the Local Plan:

Is legally compliant

No

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.

After this stage, 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.

Summary

Policy STR1 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. As a result of the lack of housing allocations (see below) the Plan cannot be said to be effective or consistent with National Policy.

Furthermore, the distribution of development as currently set out in Policy STR1 is not balanced, and in particular Langton Green should be required to grow.

Background

The purpose of these representations is to examine closely the housing need and Green Belt policies in order to put forward for allocation a housing site. The site is known as land at High View, Langton Road Langton Green and was considered under site reference 42 of the Site Assessment Sheets for Speldhurst Parish - Strategic Housing & Economic Land Availability Assessment SHELAA– Regulation 19 Consultation January 2021.

Housing Need

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 Sevenoaks District Council was unclear. However, following the failure of their High Court challenge, Sevenoaks District Council is now required

to begin the preparation of their Local Plan again. Since 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 Sevenoaks District. Not to do so would be contrary to NPPF policy and in our view this suggests that additional housing sites must be identified.

Given the stage reached in the Tunbridge Wells Local Plan process, it would be unreasonable for this Council to not assist Sevenoaks District in meeting part of its housing need. Paragraph 4.16 of the draft Local Plan postulates that Sevenoaks may have an unmet need of 1900 dwellings. Paragraph 4.18 also notes that sites may need to be greater in size to enable delivery of the numbers predicted. Paragraph 4.53-4.54 then explains that sites and other supply with sufficient capacity for 13,059 to 13,444 dwellings has been found. The mid point gives a buffer of 1,000 dwellings above the 12,200 requirement.

Notwithstanding the buffer and the situation in Sevenoaks, it is the case that Wealden District Council has fallen short of providing its required housing need and is some way off producing a new Local Plan. It is a neighbouring authority and subject to constraints relating to Ashdown Forest and the Habitat Regulations. Since it is within the same housing market area, it may be necessary for Tunbridge Wells to consider meeting some of its unmet housing need. In fact, following the rejection by the Local Plan Inspector of Wealden's Submission Plan, Wealden have re-wound their Plan preparation process and started from the beginning with an issues and options consultation. It is likely that this Plan is several years from fruition.

There is also sufficient uncertainty with Tonbridge and Malling's Local Plan and this Plan seems likely to follow in the footsteps of the Sevenoaks Plan. A shock to the local housing market seems likely with supply side constraint pushing up house prices and hindering access to homes. 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 currently identified.

Delivery of Homes

In relation to delivery of new homes, we are of the view that additional smaller housing sites 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 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 (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, which is why more smaller sites are needed.

The Settlement Hierarchy

No new sites are proposed in Langton Green which is surprising given its size and role in the settlement hierarchy. The Settlement Role and Function Study (February 2021) ranks 21 different settlements in a hierarchy according to the level of services and facilities available. Langton Green is number 8 on the list. The Study also groups settlements in terms of their characteristics, focusing on the range of services and facilities they provide (Table 6, page 24)

[TWBC: to view Table 6: Revised settlement groupings see full representation attached]

It seems unreasonable that Langton Green is not proposed to grow at all whilst other settlements in the same settlement category as Langton Green are due to grow significantly. Take for example, Horsmonden, which is expected to deliver 240 – 320 units. A more balanced approach should be adopted, and growth should be shared amongst settlements in order for the plan to be sustainable and in line with the National Planning Policy Framework.

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.

It is necessary to Modify STR1 to increase housing numbers to meet the unmet needs of Sevenoaks DC and other adjoining authorities. It is likely that this will require an addition 2000-3,000 more dwellings.

Langton Green should be required to accommodate some level of growth. 20 dwellings should come forward at Land at High View in Langton 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)? . Yes, I wish to participate in hearing session(s)

Question 7a

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

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

In order for the Plan to be found sound.

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_128

Comment

Agent	Miss Louise Darch ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Tetra Tech Planning
Address	5th Floor, Longcross Court 47 Newport Road Cardiff DF24 0AD
Consultee	([REDACTED])
Company / Organisation	Standard Life Investments UK Real Estate Fund
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Standard Life Investments UK Real Estate Fund (- [REDACTED])
Comment ID	PSLP_1960
Response Date	04/06/21 07:54
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	<u>PSLP_1954-1970_TetraTech for Standard Life SI (not inclusive).pdf</u>
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Standard Life Investment UK Real Estate Fund
Question 2	
Agent's Name and Organisation (if applicable)	Tetra Tech 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

Proposed Limit to Build Development (Policy STR10)

Inset Map 01 - RTW and Southborough

[TWBC: this representation has been input against Policies PSTR/RTW 1, ED 10, STR 1, ED 1, STR/RTW 1, AL/RTW 18, STR 5, EN 2, EN 7, TP 1 and TP 3 – see Comment Numbers PSLP_1954, PSLP_1959, PSLP_1960, PSLP_1961, PSLP_1963, PSLP_1965, PSLP_1966, PSLP_1967, PSLP_1968, PSLP_1969 and PSLP_1970]

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.

On behalf of Standard Life Investments UK Real Estate Fund, Tetra Tech Planning **object** to the current alignment of the Limit to Built Development identified on the proposed Policies Map in respect of land at Knights Park. The definitive boundary to the Limit to Built Development which runs along the Parks' eastern extent is presently difficult to establish on the Policies Map due to thickness of red line. Moreover, the proposed Limit to Built Development appears to be too close to the rear elevations of the main leisure terrace and omits areas of the existing service yard and emergency escape routes. It is felt that the Limit to Built Development should follow route identified below on the former Draft Local Plan Policy AL/RTW 15 Land at Knights Park allocation, to allow appropriate servicing space to the rear of the leisure development. On the basis of the current alignment, the Policies Map is neither considered to be 'justified' or 'effective' and therefore remains 'unsound'.

Question 6

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

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

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Proposed Modifications

The proposed modification is:

- . Amend Limits to Built Development on Policies Map - It is recommended that the Policies Map should be amended to reflect the eastern boundary of the former Draft Local Plan Policy AL/RTW 15 Land at Knights Park allocation seen below. [TWBC: See supporting document for map]

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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 deemed that the consideration of Limits to Built Development matters relating to Knights Park requires our attendance at the public examination of the Tunbridge Wells Borough Local Plan up to 2038.

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_99

Comment

Agent	Ryan Johnson [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Turley
Address	[REDACTED] Southampton [REDACTED]
Consultee	[REDACTED]
Company / Organisation	Taylor Wimpey UK Ltd
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Taylor Wimpey UK Ltd [REDACTED]
Comment ID	PSLP_1813
Response Date	04/06/21 09:57
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	PSLP_1772-1828 (not inclusive) Turley for Taylor Wimpey SI.pdf
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Taylor Wimpey
Question 2	
Agent's Name and Organisation (if applicable)	Turley
Question 3	
To which part of the Local Plan does this 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 the Pre-Submission Local Plan as a whole, Policies STR 1, STR 7, STR/SS 1, STR/SS 3, STR/CRS 1, AL/CRS 3, PSTR/HO 1, EN 2, EN 9, EN 14 and EN 26– see Comment Numbers PSLP_1772, PSLP_1813, PSLP_1818, PSLP_1819, PSLP_1820, PSLP_1821, PSLP_1823, PSLP_1824, PSLP_1825, PSLP_1826, PSLP_1827, and PSLP_1828. The full representation has been attached as Supporting Information]

Question 4

Do you consider that the Local Plan:

Is legally compliant No

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:

Question 5

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

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

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

TUNBRIDGE WELLS PRE-SUBMISSION LOCAL PLAN (REGULATION 19) CONSULTATION LAND WEST OF FRYTHE WAY, CRANBROOK (SHELAA REF: 25)

Thank you for the invitation to comment on the above consultation. We write on behalf of our client, Taylor Wimpey UK Ltd, who control land west of Frythe Way, which abuts the south eastern edge of Cranbrook (SHELAA Site Ref: 25).

We have examined the Pre-submission Local Plan (PSLP) and conclude that as drafted it is neither legally compliant, nor sound. The Council's Sustainability Appraisal (TWBC, 2021) concludes Option 13 (The Pre-Submission Local Plan) to be an 'appropriate strategy'. We are unable to reach the same conclusion, as the SA has not first taken into account 'reasonable' alternative strategies, contrary to paragraph 35 of the NPPF and the corresponding SEA Regulations.

We also conclude that Tunbridge Wells Borough Council's (TWBC) statutory Duty to Cooperate under Section 33A of the 2004 Act has not been discharged. The Council has not in our view demonstrated that there has been active, constructive or on-going engagement with adjoining authorities, including Sevenoaks District Council (SDC), in respect of known unmet housing needs. Nor has an effective strategy been put in place between the authorities to address such needs. The justification drawn from the SA process that TWBC are unable to assist SDC is contested. Distributing such unmet needs solely in line with SA Option 9 (Dispersed Countryside) is not a reasonable alternative in our client's

opinion. It serves only to support a pre-determined outcome to select Option 13 (Pre-Submission Local Plan) as the 'appropriate strategy'.

In addition, the site selection process that flows from the SA (TWBC, 2021) and SHELAA (TWBC, 2021) contains notable errors and inconsistencies, which appear to have contributed significantly to the omission of more suitable and sustainable sites in favour of those proposed in the PSLP.

The quantum of growth proposed in the PSLP, and the over reliance placed on two large strategic sites to deliver between 67-69% of newly allocated supply is also questioned. In relation to the first, we contend adjustments are required to the overall housing requirement to both reduce the evident shortfall in affordable homes, and to assist adjoining authorities with known and growing unmet housing needs. We contend this is particularly important given three of the adjoining LPAs have been reported on as failing to discharge their statutory duty to cooperate, with their Local Plan's either withdrawn or delayed as a consequence. In addition, the Secretary of State for Housing, Communities and Local Government has confirmed there are significant unmet and mounting housing needs requiring collaborative action with London within the next five years. All of which highlights how important it is for the emerging TWBC PSLP to be positively prepared.

Turning to the second issues, we outline concerns over the justification for, lead in times and annual yields purported for the two strategic sites. It is our contention that these are unrealistic, and are contrary to leading evidence bases published for sites of this scale. As a consequence, we suggest the quantum of growth envisaged will not come forward as fast or at the rates envisaged, nor will it be delivered within the plan period. We accordingly recommend additional allocations are made to compensate for this shortfall, in sustainable locations that are capable of being delivered in the first five years of the plan period. We outline concerns in relation to TWBC's land supply assumptions in this period to evidence such a need.

We also outline concerns over the quantum of growth directed to certain locations and settlements. We contend these proposals are unlikely to support the climate change objectives set out in Policy ST7 of the PSLP. Our client supports the justification for and benefits of strategic growth at Cranbrook, ranked 2nd in the Settlement Role and Function Study (TWBC, 2021). In this respect, our client's site (Site 25) represents a modest proposal for 70 homes that is well contained by woodland, is partly within the settlement, has good accessibility to the high street and other facilities by foot (far better than some of those chosen for allocation), and no other overriding constraints to development. We set out in detail the factual errors, inconsistencies and missing evidence in our comments on the SA and SHELAA process below, which has thus far led to the omission of this site for allocation.

Our client continues to respectfully purport the justification for and benefits of this site's allocation. This includes the sharing of an emerging vision for the future of this site (See Document A); and confirmation from Kent County Highways there are no overriding highway constraints to the delivery of the site (see Document B). The land required to deliver the proposed development, its accompanying infrastructure and community benefits is in the control of Taylor Wimpey. It is available for development now, can be delivered well within five years and is considered a suitable and logical location to direct some of the future growth needed at Cranbrook. The emerging vision document appended confirms there to be no known overriding constraints to the delivery of these proposals.

Given the nature and detail of our representations, specifically in relation to the plans legal compliance and soundness, we would respectfully request attendance to participate in the examination of the PSLP. In the interim, the following representations are made to assist the Council and Inspector in their examination of the PSLP.

Soundness

STR1 – The Development Strategy

Housing Requirement

National guidance [Paragraph: 010 Reference ID: 2a-010-20201216 (NPPG, 2020)] confirms that:

'The standard method for assessing local housing need provides a minimum starting point in determining the number of homes needed in an area. It does not attempt to predict the impact that future government policies, changing economic circumstances or other factors might have on demographic behaviour. Therefore, there will be circumstances where it is appropriate to consider whether actual housing need is higher than the standard method indicates. (Our emphasis).

The same guidance confirms that such 'factors' could include, 'but are not limited to', various situations.

Unmet Needs from Adjoining Authorities

PPG confirms one such factor is where an authority agrees to assist an adjoining authority with their unmet housing needs. This flows from the NPPF Paragraph 35 requirement to ensure plans are '*Positively Prepared*'.

For brevity we refer to our previous comments in relation to legal compliance and Duty to Cooperate matters. Whilst TWBC acknowledge their neighbours request to assist with the unmet needs of Sevenoaks district (1900 homes), insufficient evidence is provided to justify why TWBC cannot assist in any way.

Table 12 of the SA (TWBC, February 2021) summarises the reasonable alternative options TWBC have tested through the SA process to arrive at, '*an appropriate strategy.....based on proportionate evidence*;' (Paragraph 35, NPPF). Option 11 seeks to assess the implications for accommodating uncapped need and the unmet needs from Sevenoaks District. The latter is acknowledged to be in the order of 1900 homes. However, rather than exploring the most sustainable options to distribute this additional growth, including to the main towns and large villages, TWBC assess a distribution consistent only with Option 9 (Dispersed Countryside). This understandably leads to a more negative consequence, as this leads to growth in less sustainable locations that run contrary to many of the sustainability objectives of the plan.

At paragraph 6.2.7 of the SA, TWBC use this conclusion to dismiss this option. The same evidence is then used to justify why TWBC are unable to assist meeting acknowledged unmet needs for housing in the area. Our client contends distributing unmet needs solely in line with Option 9 is not a reasonable alternative. It appears only to support a pre-determined outcome to select Option 13 (Pre-Submission Local Plan) as the '*appropriate strategy*'.

We contend the Council ought to have explored distribution options for unmet needs more objectively, including an assessment of the contribution more sustainable settlements could make to this. For example at Cranbrook, which is ranked second only after Southborough in the Councils '*Settlement Role and Function Study*' (TWBC, Feb 2021). The outcome of the SA process therefore cannot be relied upon to conclude Option 13 is an appropriate strategy, as it has not taken '*into account the reasonable alternatives*', contrary to paragraph 35 of NPPF and the corresponding SEA Regulations requiring such alternatives to be '*reasonable*'. In its current form therefore the Local Plan is not in our view legally compliant or positively prepared. The SA and Local Plan should be updated to address such matters, with an additional round of consultation held prior to its formal submission.

In addition, TWBC will be aware of the significant unmet needs arising from the London Plan. A strategy for which the Secretary of State for Housing, Communities and Local Government has requested be agreed with adjoining authorities as a matter of urgency, and within the next five year transition period. This merits further consideration in our opinion to accord with paragraph 60 of the NPPF, as no mention is made of such needs in the Duty to Cooperate Statement (TWBC, 2021). At the very least this serves to highlight the importance of testing sufficiently robust reasonable alternative housing requirements.

Further justification for such an approach is evident if one examines the context emerging with the adjoining authorities. In March 2020, Sevenoaks DC received the Inspectors Report into their submitted Local Plan. The Inspector concluded the Council had not discharged its statutory duty to cooperate and that the plan was not consequently Legally Compliant. SDC have been unsuccessful in challenging that decision, so the delivery of much needed homes for households in acute need will be delayed yet further.

In 2020, Wealden District Council also withdrew its emerging Local Plan following the Inspectors concerns the Council had not discharged its statutory duty to cooperate with adjoining authorities over unmet needs amongst other matters.

In March 2021, Tonbridge and Malling BC received a letter from the Planning Inspector also confirming the plan as submitted had not discharged its statutory duty to cooperate with adjoining authorities over unmet needs amongst other matters. TMBC requested the Inspectors issue their final report before confirming next steps, but since that request, SDC have received confirmation their own challenge had failed. We therefore wait to hear whether TMBC follow the same path, but either way, the plans housing strategy will be delayed.

As a consequence, three of the adjoining authorities are delayed in their plan preparation and housing delivery strategies; and the SoS has confirmed there are significant unmet and mounting housing needs requiring collaborative action in London within the next five years. As we elaborate on below,

affordable housing need and affordability ratios continue to rise. The aforementioned delays to adjoining LPA plan production do nothing to assist those unable to gain access to housing, serving to highlight how important it is for the emerging TWBC Local Plan to be 'positively prepared' (Paragraph 35 NPPF). Further evidence should be commissioned to test a 'reasonable alternative' option to contribute to meeting unmet needs, ensuring the plan is positively prepared and effective over the plan period, particularly in the first five years.

Housing Need

Paragraph 4.12 of the 'Review of Local Housing Needs' (Iceni, Dec 2020) recommends, in line with PPG paragraph 2a-007-20190220, that TWBC test the uncapped housing need figure of 741pa through the SA process. As we outline in our comments on adjustments for unmet needs above, TWBC sought to assess this local need figure and the unmet needs of SDC in a single alternative option (Option 11), rather than disaggregate them. TWBC then sought to distribute this need to the rural areas consistent only with Option 9 (Dispersed Countryside). This understandably led to a more negative consequence, as this leads to growth in less sustainable locations that run contrary to many of the sustainability objectives of the plan.

At paragraph 6.2.7 of the SA, TWBC use this conclusion to dismiss both elements. Our client contends distributing such needs solely in line with Option 9 is not a reasonable alternative. It appears only to support a predetermined outcome to select Option 13 (Pre-Submission Local Plan) as the 'appropriate strategy'. Indeed, given the recommendations of Iceni in their report, it would have been reasonable to see the uncapped option tested in its own right, as the local need figure, and another option adding in unmet needs from adjoining LPAs. The TWBC approach does not therefore support a conclusion the plan is 'positively prepared'.

Moving on to adjustments required for *affordable housing need*. Paragraph 3.18 of the 'Housing Needs Assessment Topic Paper' (TWBC, 2021) confirms that some 323 affordable homes per annum are likely to be needed over the plan period. Table 9 of the 'Housing Supply and Trajectory Topic Paper' (TWBC, Feb 2021) confirms total projected housing completions of 13,257 over the plan period. Table 10 of this paper also confirms that crudely applying the Policy H3 thresholds of the TWBC PSLP to this figure, the Council are likely to fall well short of this requirement (224pa). Net additions from sites 6-9 units within the AoNB under this policy are not listed, but seem unlikely by their nature to contribute significantly to addressing this deficit. For avoidance of doubt the Council should therefore confirm the number of units anticipated from this source.

Paragraph 2.18 of the TWBC PSLP confirms, *'that in 2019, entry level house prices were approximately 12 times the (workplace based) earnings of households in the borough, representing around a 38% increase since 2009, from around eight times the earnings.'* (Our emphasis).

In addition, at paragraph 4.17 of the 'Review of affordable housing needs in the context of 'First Homes'' (jg consulting, Feb 2021) the consultant concludes:

'It does seem that there are many households in Tunbridge Wells who are being excluded from the owner-occupied sector. This can be seen by analysis of tenure change, which saw the number of households living in private rented accommodation increasing by 76% from 2001 to 2011 (with the likelihood that there have been further increases since). Over the same period, the number of owners with a mortgage dropped by 7%.' (Our emphasis).

The underlined sections serve to highlight the acute affordability issues in the borough, which seem likely to continue to worsen under a policy approach that seeks to undershoot need by some margin. It is unclear why therefore TWBC have not sought to adjust their housing requirement to help meet more of such needs. For all the above reasons, we feel there are strong grounds to make an upward adjustment to the baselinerequirement to improve the delivery and affordability of homes across the area. As drafted, the housing requirement is neither justified, effective nor positively prepared.

Housing Land Supply, Distribution and Delivery

National guidance [Paragraph: 010 Reference ID: 2a-010-20201216 (NPPG, 2020)] goes on to state, that the housing requirement *'....will need to be assessed prior to, and separate from, considering how much of the overall need can be accommodated (and then translated into a housing requirement figure for the strategic policies in the plan).'*

As outlined in the preceding sections, we are concerned that the housing requirement deduced as the base for the Local Plan has not been positively prepared, or informed by a robust SA process that

aligns with the SEA Regulations. Taking this our as position, we have nevertheless sought to examine the housing land supply and spatial distribution of homes proposed in the PSLP.

As set out in Policy STR1 and Table 9 of the Housing Supply and Trajectory Topic Paper (TWBC, 2021), the Council are seeking to deliver around 67- 69% of total new site allocations at Tudeley Village and Paddock Wood (inc. East Capel). This places a significant onus on two sites to deliver the bulk of the boroughs housing needs for the next 15 years. As a result, one would expect to see a high degree of contingency built into the plans housing supply and trajectory assumptions to ensure a continuous five year supply of land for housing is maintained.

On closer examination, we contend that the lead in times for delivery of both sites, and the expected annual yield from Paddock Wood (inc. East Capel) are overly optimistic and insufficiently justified by evidence. Paragraph 4.6 of the Housing Supply and Trajectory Topic Paper (TWBC, 2021) references an evidence source as '*Start to Finish: How Quickly do Large-Scale Housing Sites Deliver?*' (Lichfields, 2016). This report was updated in 2020, and is now entitled '*Start to Finish What factors affect the build-out rates of large scale housing sites? SECOND EDITION*' (Lichfields, 2020).

Table 9 of the Housing Supply and Trajectory Topic Paper (TWBC, 2021) assumes that the Paddock Wood (inc. East Capel) site will have commenced development within three years of anticipated adoption of the PSLP, and will deliver 300 homes in its first year of production in year four. As the latest referenced Lichfield Report concludes in its summary 'Key Figures', sites over 2000 homes are more likely on average to take 8.4 years from a valid planning application to the first dwelling being completed on site.

Given the PSLP development strategy relies so heavily on the delivery of these two strategic sites (67-69% of total allocations) in one particular geography of the borough (north west), it is essential in our view the Council take a realistic, if not cautious approach to such lead in times. We therefore request TWBC provide further information on the lead-in times for planning applications for this site, as this is not evident from paragraph 5.29 of the Housing Supply and Trajectory Topic Paper (TWBC, 2021). This rate is just short of double the rate evidenced in the latest Lichfields Report (160pa). TWBC have sought to justify the 300pa figure by taking an average of just 14 national case studies over 2000 units listed in Annex AX26 of the older Letwin Review (2018). This is not only an excessively small sample, it includes sites of a scale five times that of Paddock Wood, with a far greater number of outlets and wholly within the London HMA. The more recent Lichfields study we argue is a more comprehensive and up to date study, and is more reasonable as a basis to deduce such national baselines. TWBC have not presented evidence of comparable sites either locally or regionally to support such a significant departure. Given these two sites make up nearly 70% of proposed allocations relied upon for the entire plan period, we suggest this is a significant omission. Both the lead in time and delivery rates assumed therefore appear overly optimistic. These are not justified and are unlikely to be effective in delivering the proposed development strategy.

As a consequence, it seems likely a sizeable proportion of the two strategic sites will need to be delivered beyond the current plan period. Additional allocations should accordingly be made to compensate for this, with an opportunity to balance growth in the eastern parts of the borough in the process. Our clients site (Site 25) is respectfully recommended as a suitable opportunity to contribute to reducing this shortfall, one that is wholly deliverable in the first five years of the plan period.

Further clarification is also sought over the overall capacity of the Paddock Wood option. Paragraph 7.14- 7.16 of the Strategic Sites Topic Paper (TWBC, 2021) suggests '*discussions with the Environment Agency remain ongoing*' with respect to the sites capacity. As a result, the same paragraphs suggest an option for 2840 homes has been tested through the Councils viability assessments. At this level, the Council's viability consultants Dixon Searle raised potential issues with delivering the proposed 40% plan requirement for affordable housing. This needs clarification and assurance. If there is any doubt over this, additional suitable and readily deliverable allocations should be made to compensate for this. In this respect, our clients site (Site 25) at Cranbrook we contend should be allocated to contribute to this. This is suitable and wholly deliverable within the first five years of the plan period.

In respect of Tudeley Village, whilst we have no particular issue with the annual delivery rate, we have the same concerns on lead in time for this site. Particularly as this is a new garden village, as opposed to an urban extension, where significant new infrastructure will be critical to phasing and delivery. This includes, amongst many other items, on and off-line improvements to the A228 around Colts Hill, and the provision of a new highway which bypasses Five Oak Green. We elaborate further on this in our

comments to Policy STR/SS3, with specific reference to the Lichfield report '*Start to Finish What factors affect the build-out rates of large scale housing sites? SECOND EDITION*' (Lichfields, 2020).

It is evident from this, that the lead in time proposed for Tudeley Village in Table 9 of the Housing Supply and Trajectory Topic Paper (TWBC, 2021) is therefore unjustified and likely to lead in an ineffective development strategy.

In addition, very little if any evidence is presented on the implications for absorption rates for two strategic sites of this scale so close together. As Table 9 of the Housing Supply and Trajectory Topic Paper illustrates, both sites are envisaged to be up to full production within the fourth year post anticipated adopted. A significant amount of infrastructure disruption is likely given the scale of the projects and their proximity to each other. Existing local housing market delivery, coupled with two large strategic sites being delivered at the same time will inevitably influence market absorption rates. Further work is advised on this given how critical the delivery path and rates for these two sites are to the Council's Development Strategy.

Given the proportion of supply these two strategic sites contribute to total housing land supply, it is essential delivery rates are realistic and justified by evidence. It is equally important that sufficient contingency is built into the housing land supply to account for slower delivery rates and yields, particularly in the first five years of the plan period.

The Council's latest five year housing land supply statement was published in September 2020, with a base date of 1st April 2020. This confirmed TWBC could only demonstrate a 4.83 years supply. Delivery rates for the three previous years in question were at or about 500pa. Indeed, Figure 1 of the Housing Supply and Trajectory Topic Paper (paragraph 4.12) illustrates completion levels over the last 20 years have never exceeded 575pa. Whilst we agree and accept future completion levels will rise with the allocation of two large strategic sites, which have multiple outlets, these will take time to come on line. We fear that this will take much longer than the Council anticipate, as outlined above. It therefore seems a significant leap of faith to expect such significant step changes in supply in the first phase of the plan period. As is evident at Figure 3 (page 33) of the Housing Supply and Trajectory Topic Paper, TWBC envisage a significant step change rising to 932 pa even before the Local Plan's anticipated adoption. We are not the only ones to question the justification for this.

The Council's own consultants Icenl concluded similarly in December 2020 when commenting on the proposed housing trajectory in their 'Review of Local Housing Needs' (Icenl, Dec 2020).

At paragraph 7.35, the consultant concludes that the:

'particularly high completions envisaged in Year 2 look to be potentially overly optimistic, particularly given the wider economic backdrop which could arise,...'

At paragraph 7.37 of the same report, the consultant comments:

'The particular question which arises is whether the very high delivery rates in Years 1-5 can be achieved given the potential for housing market conditions to weaken in the short-term as unemployment rises as a result of the Covid-19 pandemic and Government support, such as through the Stamp Duty holiday, finishes. It is important to make a distinction here between potentially "deliverable supply" in terms of what could be delivered, which is influenced by planning, and what the market may in fact achieve, which is influenced by wider market conditions.

We share concerns with the delivery rates proposed being overly optimistic, particularly in advance of adoption of the Local Plan and bringing on stream the strategic sites.

Conclusion

In light of the evidence cited above, we contend the housing requirement requires an upward adjustment to account for more of the areas local needs, and to reduce the shortfall in affordable housing provision. This is particularly important when three of the adjoining LPAs have had their emerging plans found to be legally non-compliant, and have been withdrawn or delayed as a consequence.

There is equally evidence to suggest an upward adjustment is required to account for known and mounting unmet housing needs in the relevant functional housing market areas for TWBC. As we outline, the evidence presented in the SA to conclude no contribution could be made is in our view flawed, and based on an unreasonable alternative option destined to fail.

In housing land supply terms, we have shown the Council's housing land supply trajectory to be overly optimistic both in the critical first five years of the plan, and with respect to the lead in and delivery

rates for the two strategic site options that make up 67-69% of total new allocations proposed within the plan period. We contend this is likely to result in the delivery of these sites beyond the plan period, and there is a consequential need to allocate additional sites to compensate for this within the plan period.

We have also asked a question of the capacity of the Paddock Wood strategic site, to deduce if the Environment Agency require reduced net developable areas to address flooding issues. If so, any deficit should be compensated for by new allocations. Our client's site at Cranbrook (Site 25) is put forward as a suitable site to contribute to addressing some of this deficit, a site that is wholly deliverable within the first five years of the plan.

The Council provide a contingency of 8.6% in their land supply assumptions (inc. windfall) over the 15 year plan period. TWBC anticipate the cumulative completion of 13257 homes, versus a current target of 12204 homes (Table 9 of Housing Supply and Trajectory Topic Paper, TWBC, 2021). This buffer obviously reduces if, as we contend, the baseline housing requirement rises and/ or a proportion of the strategic sites delivery extends beyond the plan period. We would urge the Council and / or Inspector to accordingly increase this buffer, through the allocation of additional deliverable sites in sustainable locations, thereby ensuring the Development Strategy is positively prepared, effective and justified. In its current form, we contend the Development Strategy is unable to satisfy any of these tests.

We trust these comments are useful and duly noted. We would welcome the opportunity to elaborate on such matters at the forthcoming Examination into the subsequently submitted version of this 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)

Future Notifications

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

Supporting Information File Ref No: SI_125

Comment

Agent	Abraham Laker [REDACTED]
Email Address	[REDACTED]
Company / Organisation	MRPP
Address	[REDACTED] London [REDACTED]
Consultee	[REDACTED]
Company / Organisation	Tesco Stores Ltd
Address	Cirrus Building Shire Park WELWYN GARDEN CITY AL7 1AB
Event Name	Pre-Submission Local Plan
Comment by	Tesco Stores Ltd [REDACTED]
Comment ID	PSLP_1921
Response Date	04/06/21 12:25
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	<u>PSLP_1921-1930 (not inclusive) MRPP for Tesco SI.pdf</u>
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Tesco Stores
Question 2	
Agent's Name and Organisation (if applicable)	MRPP
Question 3	

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

Policy

Question 3a

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

Policy STR 1 The Development Strategy

Map 27, Map 67

[TWBC: this representation has been input against Policies STR 1, STR 6, AL/PE 6, EN 15, PSTR/PE 1, STR/SS 1 and STR/SS 2 – see Comment Numbers PSLP_1921, PSLP_1923, PSLP_1924, PSLP_1926, PSLP_1927, PSLP_1928 and PSLP_1930. Full copy of representation attached as supporting information]

Question 4

Do you consider that the Local Plan:

Is legally compliant

Don't know

Is sound

Don't know

Complies with the Duty to Cooperate

Don't know

Question 4a

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

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

Question 5

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

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

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

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

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

Background

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

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

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

Tesco in Royal Tunbridge Wells

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

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

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

Responses to Policies

Policy STR1 - The Development Strategy (support with conditions)

Tesco broadly supports the Council's development strategy, particularly the intention to make provision for all development needs inside the Borough boundary (i.e., without the assistance of neighbouring authorities). Tesco also supports the proposed growth of Paddock Wood (see later) but questions, in terms of the scale of new development to be directed there, and to Capel/Tudeley, whether the full potential of existing settlements to accommodate growth has been explored, and in so doing, enhancing their sustainability. Indeed, there appears to be an imbalance between the scale of development directed to certain settlements relative to their scale and sustainability. Such distribution must be fully justified and, if maintained as currently proposed, accompanied by proposals for commensurate improvements in local infrastructure, and services.

Question 7

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

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

Question 7a

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

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

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

Future Notifications

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

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

Comment

Consultee	Robert Tillotson [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Robert Tillotson [REDACTED]
Comment ID	PSLP_1945
Response Date	03/06/21 15:03
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.3

Data inputter to enter their initials here KJ

Question 1

Respondent's Name and/or Organisation Robert Tillotson

Question 3

To which part of the Local Plan does this 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 Nos. 2.16, 2.18, 4.10

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.

Evidence in the plan proposes an ONS figure of 5% population growth over the plan period, equating to an increase of 6155 people. The plan submitted clearly follows the national guidelines and standard methods mandated. But the consequence is to deliver a housing unit demand of 678 per annum to a total of 12,200 units, eg double required for the projected population.

This is unsound as currently the population is falling due to Brexit European departures, COVID deaths of over 500 people in Tonbridge and Tunbridge Wells health areas alone (and sadly this is not over yet) and ironically housing and rent costs locally.

The above paragraphs also describe housing costs locally at 12 x average earnings. It is intrinsic to the plan that adding supply will alleviate this bubble. It has never done in the past and it won't in this plan either. House pricing is not as a result of medium term supply constraints, but is Government policy delivered through financial measures eg supporting buyers and builders to buy what people cannot afford. "Sub prime" definitions of mortgage debt is not something that happened in 2008. It now applies to most first time mortgage applications.

The plan cites Conservative manifesto commitments to build at a rate of 300,000 units by mid term in the plan. Are we really setting development plans on political party manifestos? This is not sound, as anyone with a memory or common sense can attest to. Manifestos do not always turn into Government policy, especially when the states finances have been ravaged by pandemic spending.

The basis of the overall strategy is therefore unsound and not justified by the supporting 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.

A. Base the strategic plan on real projected demographic population increases, plus a reasonable margin and not twice that number.

B. Insert in the plan actions to mitigate and release underused housing stock eg big houses with low occupancy. Incentivise conversions to multiple occupancy, not currently considered.

C. Repurpose large areas of retail usage to central town living accommodation, as the current retail closures will accelerate due to e-commerce activity and changed consumer behaviour.

Question 7

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

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

Question 7a

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

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

The structure of the plan at 592 pages plus hundreds more attachments coupled with the restrictive response forms successfully stifle big objections to fundamental aspects of this plan.

It is not through challenging hedgehog counts, or identifying individual trees for retention that real change or influence can be brought to bear.

Question 8

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

Sustainability is a word which no longer has meaning, because of the definitions used by planning. At the current rate of concrete pouring, carbon emissions and habitat destruction, this plan is not in any true meaning sustainable for life on this planet. It is not compliance with wordsmiths or political manifesto definitions that really matters, but whether in reality the projected plan really changes our current trajectory for better or worse.

This plan proposes building on Green Belt land, areas of outstanding natural beauty and flood plains. Our water courses are being depleted locally, and we have the most polluted rivers in Europe. It removes areas of ancient woodland and is proposing new roads, when reducing travel is required. The word "Sustainability" is used thousands of times in this plan.

We need to get real and act now. As this plan comes into effect in 2022. COP 26 takes place in UK this year. Is this a good time to "set in concrete" a "sustainable" plan before the outcome is known?

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 Ian Bailey [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Tonbridge & Malling Borough Council
Address	Council Offices Gibson Building WEST MALLING ME19 4LZ
Event Name	Pre-Submission Local Plan
Comment by	Tonbridge & Malling Borough Council [REDACTED] [REDACTED]
Comment ID	PSLP_1502
Response Date	03/06/21 16:26
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.3

Data inputter to enter their initials here KJ

Question 1

Respondent's Name and/or Organisation Ian Bailey, Tonbridge & Malling Borough Council

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 Nos. 4.12 and 4.13

[TWBC: see also representations PSLP_1495 (covering letter whole Plan), PSLP_1496 (Policy STR/SS1), PSLP_1497-1501 (Policy STR/SS3), PSLP_1502 (Policy STR1) and PSLP_1503 (Policy STR/SS3 Maps 33 and 34)].

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.

Paragraph 4.12 refers to the situation with respect to unmet housing need in neighbouring Sevenoaks District as being 'unclear' although it recognises that a potential shortfall of 1,900 dwellings may be further tested in the event the Local Plan Examination is allowed to continue.

Since the Tunbridge Wells Local Plan was published for consultation on 26th March the request by Sevenoaks District Council to appeal the Judicial Review decision in respect of their Local Plan has been declined. Therefore, this contextual paragraph should now be updated.

Paragraph 4.13 recognises that there may be some unmet housing need and that it is therefore appropriate to assess the potential for also contributing to unmet needs. If this exercise has already been carried out, then there should be signposting to the relevant part of the evidence base. However, in light of the events described in paragraph 4.12, it may be more appropriate to update both paragraphs.

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 4.13 recognises that there may be some unmet housing need and that it is therefore appropriate to assess the potential for also contributing to unmet needs. If this exercise has already been carried out, then there should be signposting to the relevant part of the evidence base. However, in light of the events described in paragraph 4.12, it may be more appropriate to update both paragraphs.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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	Bjorn Simpole [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Tunbridge Wells Constituency Labour Party
Address	[REDACTED] [REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Tunbridge Wells Constituency Labour Party [REDACTED] [REDACTED]
Comment ID	PSLP_1531
Response Date	04/06/21 15:52
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	TW Labour Party
Question 3	
To which part of the Local Plan does this 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 4

Do you consider that the Local Plan:

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

Question 4a

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

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

Whilst Tunbridge Wells Labour Party supports the development at Tudeley, we are of the view that the planned expansion of Paddock Wood is unjustified, excessive and poorly thought out.

STR1 also does not contain a commitment to provide the much needed genuinely affordable social housing which the Borough needs.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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_56

Comment

Consultee	Mr John Hurst [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Tunbridge Wells Green Party
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Tunbridge Wells Green Party [REDACTED] [REDACTED]
Comment ID	PSLP_958
Response Date	02/06/21 09:38
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	PSLP_958_Tunbridge Wells Green Party_SI-1_PSLP Figures.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Tunbridge Wells Green Party
Question 3	
To which part of the Local Plan does this 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 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:	<input type="checkbox"/> It is not positively prepared
	<input type="checkbox"/> It is not effective
	<input type="checkbox"/> It is not justified
	<input type="checkbox"/> It is not consistent with national policy

Question 5

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

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

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

Summary

The PSLP has not been properly prepared because:

1. Despite being asked to build far more houses than a constrained Borough like Tunbridge Wells can responsibly accommodate, the Council failed to try and influence the Government to change the calculation method. As the Green Party highlighted in their 2019 DLP submission, adoption of the ONS's revised 2016 methodology would result in a 35% reduction in the number of houses to be built, and thereby enable use of the Green Belt to be avoided altogether.
2. The Council was misled in the documentation for its 3 Feb 2021 Full Council meeting by a statement that the Housing Minister's Dec 2020 reform of the standard method applies "mostly to cities", meaning Councillors were not briefed on the Secretary of State's reformed standard method, and hence their decision to approve the PSLP going to Regulation 19 consultation was invalid.

The PSLP is unsound because:

3. The PSLP ignores the Secretary of State's Dec 2020 clarification of his reformed standard method, which he said should use the housing numbers derived from the standard method as a "starting point" for planning around constraints, and instead places some 50% of the ca 8,500 new dwellings in the Green Belt; it also puts many in sensitive AONB locations.
4. The PSLP contains an additional 1,050 dwellings above the number derived from use of the standard method, resulting in particularly damaging developments being included in the PSLP, which further contributes to its being unsound.

[TWBC: For PSLP Figures Table, please see supporting documents]

Discussion

1. Not rejecting the excessive Government housing target for Tunbridge Wells

In round figures, the PSLP proposes placing some 50% of its 8,500 new houses in Green Belt areas, which is so serious, it means this valuable planning constraint has effectively been ignored.

The spreadsheet calculation of this percentage, based on the figures available to the public in January 2021 is attached, and while the PSLP's final figures are slightly different, it is valid for this submission's purposes.

When this gross intrusion into the Green Belt had become clear, the Council should have fed back to the Government the implications of the excessive housing numbers, and pressed for a reduction, preferably via a revised standard method, such as the "2016" version proposed by the Office for National Statistics.

The interactive map in this website demonstrates the impact the use of the 2016 methodology would have on Tunbridge Wells' numbers – a reduction of 35%:

(see web link)

It is noted that the Council DID push back on the "mutant algorithm" proposed by the Ministry for Housing, Communities and Local Government (MHCLG) in Q3 2020, and after many other Councils and MPs joined in, the proposed algorithm was dropped by MHCLG; Tunbridge Wells Borough Council should have done the same for the 2014 standard method, rather than continue to simply implement its damaging repercussions.

The PSLP has thus not been properly prepared.

2. Tunbridge Wells Borough Council was misled by the statement that the Dec 2020 reform of the standard method applies "mostly to cities"

On 26 January 2021, in the run-up to the Full Council meeting of 3 February 2021, TWBC issued a version of the PSLP for Councillors to review and approve, along with a preceding 23-page Summary document.

In paragraph 3.19 on page 10 of that Summary document, there is a statement that *"MHCLG confirmed, on 16th December 2020 that the changes to the standard method would essentially only apply to city areas."*

The crucial clarification of the reform of the standard method by MHCLG quoted in 3. below was not included in this guidance to Councillors, and together with the statement in paragraph 3.19, left the Councillors inadequately informed on the basis for the numbers in the PSLP, and the obligation on LPAs to make plans that take account of the Green Belt and other similar constraints.

This procedural error renders the 3 Feb 2021 Full Council decision to approve and progress the PSLP invalid, and means the PSLP itself has not been properly prepared.

3. Ignoring the Secretary of State's Dec 2020 statement clarifying the application of his reformed standard method

On 16th December 2020 the Minister of Housing, Communities and Local Government (MHCLG) Robert Jenrick stated on the Gov.uk website (where it remains) in relation to his reform of the standard method for assessing local housing need that:

"Within the current planning system the standard method does not present a 'target' in plan-making, but instead provides a starting point for determining the level of need for the area, and it is only after consideration of this, alongside what constraints areas face, such as the Green Belt, and the land that is actually available for development, that the decision on how many homes should be planned for is made. It does not override other planning policies, including the protections set out in Paragraph 11b of the NPPF or our strong protections for the Green Belt. It is for local authorities to determine precisely how many homes to plan for and where those homes most appropriately located. In doing this they should take into account their local circumstances and constraints. In order to make this policy position as clear as possible, we will explore how we can make changes through future revisions to the National Planning Policy Framework, including whether a renaming of the policy could provide additional clarity".

TWBC ignored this Ministerial statement, and continued to propose a Pre-Submission Local Plan (PSLP) that took no account of the Green Belt constraints, and it has put forward a PSLP that places some 50% of its new dwellings in the Green Belt, and also contains some developments in the High Weald Area of Outstanding Natural Beauty (AONB) that conflict with the intent of the NPPF.

The PSLP is thus unsound.

4. Including 1,050 additional houses above the standard method's numbers in the PSLP

Compounding the error caused by taking the outcome of the standard method as a "target" rather than a "starting point", TWBC retained 1,050 dwellings in its average target above the standard method's calculated numbers, with no robust rationale other than referring to it as a "buffer".

Examination of the PSLP at a high level reveals that this has resulted in some particularly damaging developments being left in, when they could have been omitted to the benefit of the environment, the local communities impacted, and the Borough as a whole.

Examples of this include, but are not limited to:

AL/RTW16 Land to the west of Eridge Road at Spratsbrook Farm (known locally as Ramslye Field); Green Belt - 120 dwellings

AL/RTW14 Land at Wyevale Garden Centre; Green Belt - 25 to 30 dwellings

AL/RTW5 Land to the south of Speldhurst Road and west of Reynolds Lane at Caenbrook Farm; Green Belt - 100 dwellings

STR/SS1 The Strategy for Paddock Wood's most flood-prone areas, including Site numbers 20, 79, 141, 142 and 309; Green Belt - some 600+ dwellings

AL/BE3 & BE4 Land at Benenden Hospital, East End; AONB - 75+ dwellings

The arbitrary addition of these 1,050 dwellings renders the PSLP unsound.

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.

Full reassessment of the Local Plan on the basis of a number of houses that can be developed without impacting the Green Belt or involving destructive developments in the High Weald AONB.

In any case, removal of the arbitrary additional 1,050 houses from the total, and deletion of the developments listed in paragraph 4 of our 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)? . Yes, I wish to participate in hearing session(s)

Question 7a

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

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

The representation made above describes some fundamental shortfalls in the PSLP and how it has been developed and approved, and I believe it would assist the Inspector if I could explain them in person.

Question 8

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

No additional comments, thanks.

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

[PSLP 958 Tunbridge Wells Green Party SI-1 PSLP Figures.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_152

Comment

Agent	Kelly Phillips ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Lichfields
Address	The Minster Building 21 Mincing Lane London EC3R 7AG
Consultee	[REDACTED]
Company / Organisation	U+I Group PLC & Robert Sheridan Bowie
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	U+I Group PLC & Robert Sheridan Bowie (- [REDACTED])
Comment ID	PSLP_2134
Response Date	04/06/21 11:15
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.8
Files	PSLP_2134_Lichfields for U+I & RSB Representation & Annex 1
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	U+I Group PLC & Robert Sheridan Bowie
Question 2	
Agent's Name and Organisation (if applicable)	Lichfields
Question 3	

To which part of the Local Plan does this 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) 4.35 – 4.60

Policies Map (Inset Map No(s)) 1

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.

Whilst U+I and RSB support the allocation of Land adjacent to Longfield Road (Policy AL/RTW 17) for employment use and Land at the former North Farm landfill site (Policy AL/RTW18) for recreational use, they have significant reservations about the overall development strategy for realistically meeting the required housing need of 12,204 dwellings over the plan period, and therefore formally object to the Plan. Please see letter of representations for further detail.

[TWBC: the following text is from the Letter of Representation - for the full representation, including Annex 1, please see supporting documents]

Tunbridge Wells Borough Council Pre-Submission Local Plan – Representations relating to Land South of Appletree and Devils Wood

On behalf of U+I Group PLC (U+I) and Robert Sheridan Bowie ('RSB'), we submit below representations in response to the Regulation 19 Tunbridge Wells Borough Council ('TWBC') Pre-Submission Local Plan issued for public consultation until 4 June 2021.

By way of background we have proactively engaged with the Council through the Local Plan preparation stages, including the submission of two sites at Land adjacent to Longfield Road and Land South of Appletree and Devils Wood in July 2016, in response to the Call for Sites for the Strategic Housing

and Economic Land Availability Assessment. We subsequently responded to the Issues and Options consultation and Call for Sites in June 2017, promoting these sites for development as a natural extension to the existing industrial area to the north of the city. In November 2019 we submitted further representations in response to the Regulation 18 Draft Local Plan public consultation, promoting Land South of Appletree and Devils Wood for future housing development.

Employment Land

U+I and RSB welcome the allocation of Land adjacent to Longfield Road for a new business park under Policy AL/RTW 17. U+I is committed to the delivery of this site to assist in meeting the Council's employment needs in the short to medium term. An application for outline planning permission for development was permitted on 12 March 2021 (ref. 19/02267/OUT).

Housing Land

U+I and RSB are aware of the wider development pressures and the need to accommodate considerable amounts of new housing development over the plan period to meet the needs of the Borough. The standard method housing need figure for the Borough is 678 dwellings per year; over the full plan period 2020-2038, this equates to a need of some 12,200 dwellings.

The proposed strategy for meeting this housing need is consolidated by Policy STR1, which sets out the quantum of development that will be allocated within or around settlements to meet the identified needs of the borough over the plan period. This strategy seeks to meet the majority of the Council's need via the delivery of a new Garden Village at Tudeley and through the strategic extension of Paddock Wood/East Capel, plus smaller sites distributed across the borough and limited Green Belt release.

It is noted that Land South of Appletree and Devils Wood has not been allocated in the Pre-Submission Local Plan. The site has previously been promoted by U+I and RSB as a sustainable option for future housing development and we consider that it can make a valuable contribution to meeting housing need. The site constitutes a parcel of land, under single ownership, to the north of Tunbridge Wells with an area of 53.95 ha. The site would form a natural extension to the existing residential development to the south west, with connections to Kingstanding business park, including new infrastructure and services to be delivered under outline permission 19/02267/OUT and has the potential to deliver circa 600 residential units.

Representations

U+I and RSB welcome the opportunity to comment on the Pre-Submission Local Plan and the Council's commitment to meeting the needs of the area. Whilst they support the allocation of Land adjacent to Longfield Road (Policy AL/RTW 17) for employment use and Land at the former North Farm landfill site (Policy AL/RTW18) for recreational use, they have significant reservations about the overall development strategy for realistically meeting the required housing need of 12,204 dwellings over the plan period, and therefore write to formally object to the Plan.

Development Strategy and Strategic Policy STR1

U+I and RSB's objections largely relate to the balance between strategic and non-strategic site allocations and the anticipated delivery trajectory. Of the new housing allocations (set out in Table 4 of the Pre-Submission Local Plan), 67% are to be delivered as part of the strategic extension to Paddock Wood (3,590 homes) and the new Garden Community at Tudeley (2,100 homes within the plan period). U+I and RSB have concerns that such a large proportion of the Borough's housing is concentrated in a small part of the Borough and on strategic sites. The development of both of these sites will require a fully master-planned approach, and the preparation of SPDs (see paras 5.193 and 5.229 of the Plan). These will need to be adopted before any planning permissions for substantial new development are granted and will therefore be a time-consuming process.

In relation to build-out rates, we would draw the Council's attention to Lichfields' 2020 research document – 'Start to Finish', which provides evidence pertaining to the speed and rate of delivery of large-scale housing, based on 180 assessed sites. It identifies that the average time taken from outline decision notice to first dwelling completion is 3 years on sites of 500+ homes. For larger scale sites (2,000+ homes) it estimates an average 8.4 years from validation of the first planning application to the first dwelling being completed.

The Housing Supply and Trajectory Topic Paper (HS&T) (2019) forecasts that the Tudeley Garden Community will begin to deliver homes from 2025/26 onward, with an initial build out rate of 150 dpa, rising to 200 dpa from year 6 onwards. Delivery of the site is expected to extend beyond the Plan

period (2036+). For the Paddock Wood extension, homes will start to be delivered in 2024/25 at an average build out rate of 333 dpa – which is over double the average rate for larger schemes identified in Lichfields' research (estimated 160 dpa for a scheme of 2,000+ dwellings). The higher build out trajectory is based on the fact that numerous house builders would be involved in the construction of different phases – although it is stated within the HS&T that TWBC cannot confirm how many housebuilders will deliver this site.

The Council appear to have underestimated the delivery/build-out rates of large strategic sites and Garden Communities. We refer to recent case law which comments on this matter - Inspector Roger Clews letter to the North Essex Authorities (15 May 2020) (IED/022) on the Examination of the Shared Strategic Section 1 Plan. The Inspector concludes that:

"I find there is no evidence to support the view that the proposed GC sites are capable of delivering at that level consistently (300 dpa)...over that timescale, the best evidence on likely delivery rates at the proposed GCs remains 'Start to Finish's' annual average figure of under 200dpa for greenfield sites of more than 2,000 dwellings." (para. 174 IED/022).

In relation to lead-in times, the Inspector states:

"In general terms, it is reasonable to assume that the planning approval process would allow housing delivery at any GC to start within four or five years from the adoption date of the plan (or plan revision) which establishes the GC in principle." (Para 176 of IED/022).

It is U+I and RSB's view the Council have applied an overly optimistic development trajectory for the delivery of these strategic sites, both in terms of the start date for completions and expected build out rates, disregarding the conclusions of the Lichfields' Start to Finish Report and the time it would take to masterplan and deliver the strategic sites. This fails to accord with para. 72 of the NPPF which requires strategic policy-making authorities to make a realistic assessment of likely rates of deliver, given the lead-in times for large scale sites.

TWBC's latest Five Year Housing Land Supply Statement (2019/20) identifies that the Council can currently demonstrate a housing land supply of 4.83 years. U+I and RSB are concerned that if the housing delivery slips beyond the trajectory identified in the HS&T, this result in less dwellings in the 5 year period, resulting in a fragile 5 year HLS. It is therefore considered that the Council should allocate more small-medium sized sites that could deliver homes in the short-medium term and help to bolster the 5 year HLS until Tudeley Village and Paddock Wood begin to delivery housing.

In addition, being overly reliant on a Garden Community, which does not benefit from existing infrastructure, to deliver the majority of the planned supply within the Plan period is not an appropriate strategy. The proposed infrastructure improvements to deliver Tudeley Village are significant and include:

- . On and off-line improvements to the A228 around Colts Hill;
- . The provision of a new highway which bypasses Five Oak Green;
- . Significant improvements to various local junctions;
- . Six-form entry secondary school, a three-form entry primary school; and
- . Cycling linkages to Paddock Wood.

Having reviewed the Infrastructure Delivery Schedule (Appendix 1 of the TWBC Infrastructure Delivery Plan, March 2021), the funding and delivery timetable of the above infrastructure is still relatively vague. It is also considered that the delivery of this significant infrastructure may prove highly vulnerable to obstacles to delivery, particularly given the Borough's environmental constraints. A greater proportion of development should therefore be directed towards the Borough's main settlement at Royal Tunbridge Wells, which is only allocated 18% of the total allocations (1,536 homes). This is a sustainable location for growth, already benefitting from significant infrastructure, which is to be further improved via the new plans under outline consent ref: 19/02267/OUT, and being the main settlement in the Borough, is a hub for employment, retail, education and public transport for the wider region.

Exceptional Circumstances for Green Belt Release

The Council has already identified that exceptional circumstances exist, in relation to meeting the Borough's housing need, to alter the boundaries of the Green Belt and to remove land from the designation for proposed development (para. 4.125). In essence, the Council have determined that there are no other reasonable alternatives other than releasing Green Belt land to meet the housing needs of TWBC. The NPPF (para. 138) indicates that when drawing up Green Belt Boundaries, the

Council should consider the need to promote a sustainable pattern of development, channelling development towards the urban area.

The Borough is heavily constrained with 74.5% of designated Green Belt land also within the AONB. Virtually any growth of the more sustainable parts of the Borough e.g. Royal Tunbridge Wells, would impact on the Green Belt and/or the AONB. Neighbouring local authorities have confirmed they are unable to meet any of TWBC's and therefore the release of Green Belt land is necessary to meet the identified development needs of the borough.

In addition to housing need, the following are considered to constitute exceptional circumstances that would justify releasing Land South of Appletree and Devils Wood from the Green Belt:

- . The allocation of the site would assist in the delivery of economic, social and environmental gains in accordance with the NPPF;
- . The site benefits from a sustainable location close to the Borough's main settlement, Royal Tunbridge Wells and in close proximity to local shops, services and employment opportunities within the Kingstanding Business Park;
- . There are sustainable modes of travel within close proximity to the site and there is also the opportunity to improve east to west pedestrian and cyclist connectivity;
- . The site can be delivered in the short to medium term; and
- . The entire site is under single ownership and is available for development.

For these reasons, it is considered that Land South of Appletree and Devils Wood could provide a natural extension to the existing urban area of Royal Tunbridge Wells and meets the exceptional circumstances test to be released from the Green Belt.

Site Suitability

Sustainable Location

Whilst the site falls outside of the boundary to Tunbridge Wells, it is considered suitable for residential development due to its close proximity to shops, other local services and employment opportunities located within the Kingstanding Business Park (allocated under Policy AL/RTW 17) and the existing employment area of North Farm.

There is a good level of sustainable modes of travel (bus and rail – High Brooms station is within close proximity) which connect the site to London, as well as other nearby facilities in Royal Tunbridge Wells centre. Significant improvements to cycling infrastructure and other sustainable and active modes are being provided through the development on the adjacent site (ref. 19/02267/OUT) and the site will benefit from this increased connectivity. The site also supports TWBC's aspirations to improve east to west pedestrian and cyclist connectivity, which could be achieved by utilising the existing bridleway/public right of way to the north of Land adjacent to Longfield Road, promoting routes through the site and providing a continuation of the development.

The site would integrate with the allocated adjacent site at North Farm (under Policy AL/RTW18), which is allocated for renewable or sustainable energy, sport, recreation, or leisure uses, and could provide an extension to this allocation. The proposed development would be led by a masterplan approach to ensure that the design is appropriate to its context and it is considered that through this approach supported by robust technical assessments site constraints can be responded to and mitigated as necessary.

Deliverability

The proposed allocation and development of the site will make a valuable contribution towards meeting the quantitative and qualitative needs of the community through delivering c. 600 residential dwellings. An illustrative masterplan for the site has been prepared and is included at Annex 1 of this letter.

The entire site is under single ownership and is available for development. It offers an opportunity for U+I to lend its significant technical knowledge and draw upon its longstanding track record of sensitive and successful delivery of development sites to help TWBC to meet their local housing needs. As is demonstrated by U+I's ongoing work to deliver employment land at Kingstanding, it is committed to high-quality design that responds to the sensitive site context.

The NPPF states that for a site to be both deliverable and developable, there should be a reasonable prospect that housing will be delivered on the land within five years. It is considered that the site presents a viable development opportunity with no abnormal site constraints on development anticipated at the site.

Accordingly, the site will be readily available and deliverable over the plan period and can make a substantial contribution to meeting housing need in TWBC as part of an appropriate strategy in the Local Plan. Given the TWBC's reliance on strategic sites to provide the majority of its housing requirement, this site could make an important contribution in the short-medium term and meet unmet need.

Whilst the site is located within the High Weald AONB, it is considered that its sustainability and early deliverability, as demonstrated above, provide the exceptional circumstances to justify its release from the Green Belt.

Concluding Remarks

These representations have been prepared by U+I and RSB in response to the Tunbridge Wells Borough Council Pre-Submission Local Plan Consultation. U+I and RSB has previously promoted Land South of Appletree and Devils Wood for residential redevelopment as part of the previous stages of the Local Plan review via the 'Call for Sites' process.

The purpose of these representations is to provide comment on the Council's proposed development strategy and specific proposals for allocated sites within the plan. In this respect, we consider the Local Plan strategy relies heavily on the delivery of strategic sites that would require the provision of supporting infrastructure. In addition, the Council have applied optimistic projections to the delivery of housing for the extension of Paddock Wood and the Tudeley Garden Village and as a result, will mean housing is delivered much later in the plan period.

We would therefore reiterate the importance of making efficient use of addition site available within the borough that are suitable for development. We consider that Land South of Appletree and Devils Wood meets the exceptional circumstances test to be released from the Green Belt and is suitable for residential development for the following reasons:

- . The entire site is under single ownership and is available for development.
- . It presents a natural, high quality extension to the north of Royal Tunbridge Wells in a sustainable location.
- . It presents a viable development opportunity with no abnormal site constraints on development anticipated at the site.
- . It could be delivered in the short to medium term.

It is U+I and RSB's view therefore that the site should be allocated. This will help to ensure that sufficient housing is brought forward early in the plan period avoiding the need to rely solely on the strategic sites.

We trust the contents of this representation are clear and we would welcome the opportunity to discuss further the real development potential of the site with TWBC.

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 consider that Land South of Appletree and Devils Wood meets the exceptional circumstances test to be released from the Green Belt and should be allocated for residential development. Please see letter of representations for further detail.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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 important the TWBC are able to meet their housing targets over the plan period. There will be important matters to discuss at the hearing sessions to ensure that the plan is sound in this regard.

If you would like to attach a file in support of your comments, please upload it here. [PSLP 2134 Lichfields for U+I & RSB Representation & Annex 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

Agent	Mr Adam Bunn ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Firstplan
Address	Broadwall House 21 Broadwall London SE1 9PL
Consultee	([REDACTED])
Company / Organisation	Waitrose
Address	Partnership House Carlisle Place London SW1P 1BX
Event Name	Pre-Submission Local Plan
Comment by	Waitrose ([REDACTED])
Comment ID	PSLP_2261
Response Date	04/06/21 13:18
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.2
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Waitrose & Partners
Question 2	
Agent's Name and Organisation (if applicable)	Firstplan
Question 3	
To which part of the Local Plan does this 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.

TUNBRIDGE WELLS LOCAL PLAN PRE-SUBMISSION VERSION – REGULATION 19 CONSULTATION – REPRESENTATIONS ON BEHALF OF WAITROSE & PARTNERS

On behalf of our clients Waitrose & Partners, we wish to submit representations to the Pre-Submission (reg.19) consultation draft of the Tunbridge Wells Borough Local Plan. Our representations specifically relate to the robustness of the Council's proposed policy approach to accommodating the identified quantitative convenience (food) goods retail needs which the supporting evidence base to the new Local Plan has identified.

The Pre-Submission Draft Local Plan is supported by an up-to-date retail needs assessment, the 'Tunbridge Wells Retail, Commercial Leisure and Town Centre Uses Study Update 2021' ('the retail study'), which was prepared by Nexus Planning and published in February 2021. This study identifies a positive residual convenience goods spend in the Borough throughout the period of the new Local Plan, including a current (2021) surplus of £39.0m of convenience goods spend, which is available to support the development of new convenience goods floorspace. This surplus convenience spend will increase to £68.2m by the end of the new Local Plan period in 2038, a growth of £29.2m. It is considered that this represents a significant level of expenditure growth to leave unaccounted for from a spatial planning perspective.

The retail study identifies that the above levels of surplus convenience spend translates into a positive requirement for new convenience goods floorspace (i.e., new foodstore floorspace) At the retail study and Local Plan base year, 2021, this requirement for new convenience floorspace is identified by the retail study as being between 3,100 sq.m and 5,400 sq.m net of additional floorspace which is required in the Borough. It is important to emphasise that this represents a current requirement to serve the existing residential population of Tunbridge Wells Borough, before any increases in population and expenditure growth are factored in. Therefore, the capacity identified is not long-term, strategic needs predicated on potential levels of population growth - it is capacity which is required to serve the current population of the Borough. As set out above, this is a significant level of capacity which is, under the current proposed policy approach, not accounted for in a spatial planning perspective.

Convenience goods floorspace capacity will increase further in the future as population and expenditure growth comes forward, and the retail study identifies a floorspace capacity of between 5,300 and 9,300 sq.m net additional convenience goods floorspace by 2038 in Tunbridge Wells. This is a significant quantitative requirement which will need to be met through the provision of several new foodstores

across the Borough, both in existing urban areas such as Royal Tunbridge Wells, and to serve both new communities/growth areas and existing residents.

In the case of the Royal Tunbridge Wells urban area alone there is a growth in convenience goods spend of £8.4m over the Local Plan period. The Council's retail study identifies that the majority of convenience goods floorspace in the Borough, and particularly larger format 'supermarket' floorspace (i.e. stores which meet main/ weekly shopping trips e.g. Sainsbury's at Linden Park Road and Tesco at Pembury) is already trading at significantly above average levels, and this will become further pronounced as population growth (and thus additional retail spend) comes forward. It is well-established that overtrading of floorspace is an important qualitative consideration when considering the 'need' for new retail floorspace.

Notwithstanding this clear identified 'need', Para 4.30 of the Reg.19 Local Plan confirms the Council does not intend to allocate any sites to meet the requirements identified by up-to-date evidence. Referencing the findings of the retail study, para 4.30 of the Reg.19 Local Plan states that:

'Although it [the retail study] does identify a quantitative capacity for new convenience floorspace, it is not recommended that specific allocations should be made to meet this need, but rather this floorspace capacity should be achieved through the bolstering of existing or proposed stores within existing centres in the adopted retail hierarchy, given the substantial amount of vacant retail floorspace currently available, particularly in Royal Tunbridge Wells Town Centre.'

Given the significant levels of population and expenditure growth identified, coupled with the substantial over-trading of existing larger foodstores in the Royal Tunbridge Wells area, it is therefore not considered robust that the Local Plan does not seek to positively plan for accommodating the identified needs by up-to-date evidence.

Furthermore, the proposed policy approach of strengthening existing/proposed stores (as set out above) will not accommodate the needs identified. For example, in Royal Tunbridge Wells, existing town centre foodstores are small-scale and on sites which do not readily lend themselves to expansion. Similarly, whilst we do not dispute the fact that there is vacant floorspace in Royal Tunbridge Wells town centre, for the Local Plan to infer that this floorspace can accommodate the identified convenience goods capacity is considered to be inaccurate. The floorspace currently vacant in Royal Tunbridge Wells town centre is split across a large number of units, most of which are small-scale in nature and unsuitable for foodstore operations. It is imperative that any site allocated should be capable of accommodating a foodstore that can compete effectively with the existing larger-format supermarkets in terms of its size, range of goods sold and car parking facilities.

In instances where town centres cannot meet the levels of need identified, the Planning Practice Guidance 'Town Centres and Retail' (Online - Paragraph: 005 Reference ID: 2b-005-20190722) makes it clear that ***'planning authorities should plan positively to identify the most appropriate alternative strategy for meeting the identified need for these main town centre uses, having regard to the sequential and impact tests (our emphasis).*** Accordingly, in line with this guidance, the Council should consider alternative sites outside of the Town Centre to meet the identified need for convenience goods floorspace where they satisfy the sequential approach and impact tests. In tandem, this approach could also ensure that new convenience goods floorspace can be provided on sites well related to the proposed housing growth locations, particularly in the southern part of Royal Tunbridge Wells.

It is important to note there continues to be active retail operator demand for store representation from foodstore operators such as Waitrose & Partners in Royal Tunbridge Wells and the Local Plan should provide clear guidance on where new convenience retail can be accommodated in order to meet residents' needs in a sustainable manner. We therefore disagree with the assertion at para 5.23 of the Reg.19 Local Plan that *'In terms of convenience retail, although there is some need identified, it is not considered necessary to allocate sites to meet this need.'*

On the basis of the above, it is requested that the Council's current policy approach of not allocating sites to meet the significant convenience (food) goods needs which have been identified by up-to-date evidence is reconsidered.

Waitrose & Partners would welcome discussions with officers on the points made in these representations once they have had an opportunity to review. In the meantime we look forward to receiving confirmation of receipt and that the representations have been duly made

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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_113

Comment

Agent	Mr James Finn [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Barton Willmore
Address	26 Kings Hill Avenue Kings Hill West Malling ME19 4AE
Consultee	Barry Chamberlain [REDACTED]
Email Address	homes@wealdenhomes.co.uk
Company / Organisation	Wealden Homes
Address	Wealden Court Church Street, Teston, Maidstone ME18 5AG
Event Name	Pre-Submission Local Plan
Comment by	Wealden Homes (Barry Chamberlain [REDACTED])
Comment ID	PSLP_1871
Response Date	04/06/21 11:19
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.7
Files	PSLP_1862 & 1871 Barton Willmore for Wealden Homes SI Full Representation with Appendices Redacted.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Wealden 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 STR 1 The Development Strategy

[TWBC: for further comments by Wealden Homes on Policy STR/HA 1, please see Comment Number PSLP_1862]

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.

Please refer to supporting submitted representations.

[TWBC: the below text is from relevant sections of the submitted representation, which has also been attached as a supporting document]

TUNBRIDGE WELLS BOROUGH - LOCAL PLAN

REGULATION 19 PRE-SUBMISSION CONSULTATION

LAND AT STREATLEY, HAWKHURST

REPRESENTATIONS SUBMITTED ON BEHALF OF WEALDEN HOMES

June 2021

1.0 INTRODUCTION

1.1 These representations are submitted on behalf of Wealden Homes in response to the Tunbridge Wells Borough Local Plan - Regulation 19 Consultation. The Consultation (26 March – 04 June 2021) comprises a "Pre-Submission" consultation document as part of the Local Plan process. It follows the earlier Reg 18 "Issues and Options" (May – June 2017) and Reg 18 "Draft Local Plan" (Sept – Nov 2019) stages of the Local Plan to which Wealden Homes has previously made representations to.

1.2 Wealden Homes is a local and SME housebuilder and has interests at land at the Streatley property on Horns Road, Hawkhurst (the “site”) which forms an omission site in the Local Plan. The site is assessed under site reference no. 52 as part of the Sustainability Appraisal (SA) and SHELAA processes.

1.3 Notwithstanding our client’s interests, these representations have been prepared in objective terms and assesses the Local Plan against the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG). In this regard, we set out below the main aspects of these representations as follows:

a) Local Plan Strategy – Meeting Housing Need

- The Local Plan seeks to meet the Government’s Standard Method for new homes (678dpa) over an 18-year Plan period (2020 – 2038);
- This entails a need for 12,204 units over 18 years;
- The Local Plan seeks to provide 13,069 – 13,444 dwellings during the Plan period;
- Taking the mid-point of the above, this provides a buffer of 8.6%;
- We consider that a buffer closer to 20% would address previous shortfalls, affordability issues in the Borough, as well as the potential for unmet needs arising from Sevenoaks;
- We consider that the range of dwellings proposed provides uncertainty as to the extent of housing need being met.

b) Land at Streatley, Horns Road, Hawkhurst

- Our client’s site provides a “suitable”, “achievable”, “available” and “deliverable” site for development up to 40 dwellings;
- These representations object to assessments of the site set out in the SA and SHELAA;
- The proposals would respond positively towards meeting housing need in the Borough area;
- The proposals would make a meaningful contribution towards achieving a 20% buffer in the Local Plan;
- Development of the Site would secure a sensitive design response in the AONB in which the site is located. We note that the AONB washes over Hawkhurst and other settlements in the Borough and the Local Plan includes site allocations in other parts of the AONB. Our client’s site can be considered positively in this context.

1.4 In summary, we consider that the Local Plan should achieve a 20% buffer in order for it to be “Sound” in accordance with the NPPF. Our client’s site can make a meaningful contribution towards achieving a 20% buffer.

2.0 LOCAL PLAN STRATEGY – “MEETING HOUSING NEEDS”

2.1 This section sets out our representations on the Local Plan spatial strategy with regard to meeting housing need. This has particular reference to **Policy STR1 (The Development Strategy)** and its supporting paragraphs.

a) Housing Need

2.2 In line with the Government’s Standard Method for housing need, the Local Plan needs to plan for the delivery of 12,204 new homes during the Plan period 2020 – 2038. This amounts to 678 dwellings per annum.

2.3 The emerging Local Plan is seeking to provide for a “lower” and “upper” range in the quantum of development, as extending from 13,059 – 13,444 dwellings. This is made up of existing committed sites and proposed allocations as follows:

Table 1: Local Plan housing strategy

Housing Strategy

Lower Provision

Upper Provision

Existing commitments/allocations

4,983
4,983
Proposed allocations
8,076
8,461

Total

13,059

13,444

Requirement

12,204

12,204

Buffer

855 (7%)

1,240 (10%)

2.4 We support the ability of the Plan to seek to meet its own needs in full. However, the use of “lower” and “upper” ranges, as above, provides uncertainty in terms of the quantum of development to be achieved by the Local Plan. In this context, we note that the Local Plan seeks to achieve a 7 – 10% buffer and this range entails a difference 385 dwellings.

2.5 We consider that the Plan should be seeking to achieve a greater buffer of up to 20%. There are a number of factors underpinning this objective as set below.

i. Delivering a sufficient supply of homes

2.6 Tunbridge Wells Borough Council has not been able to demonstrate a 5-year supply of housing land for a number of years (c. 5 years+). TWBC’s stated supply currently stands at 4.83 years.

2.7 Equally, the Housing Delivery Test Measurement (2020) amounts to 85% delivery in Tunbridge Wells in the previous three measurement years as follows:

Table 2: Housing Delivery Test Measurement 2020 (as at Feb 2021)

2017-18

2018-19

2019-20

Total

No. of homes required

494

688

624

1,807

No. of homes delivered

519

553

474

1,540

Shortfall/Surplus

85%

Action required

Action Plan

2.8 It is evident from the above that there has been recent and continued under delivery of homes in TWBC. The NPPF (footnote 39) is clear in-so-far as a 20% buffer should be applied whereby the HDT falls below 85%. The objective of this is to redress previous shortages in supply and in this light, we consider that up to/in the region of a 20% buffer should be applied for the Local Plan. This will ensure that flexibility in supply is provided as well as securing choice and competition in the market for new homes.

ii. Addressing Affordability

2.9 The ability to afford a home is a problematic issue in TWBC. This is the result of many socioeconomic factors; one of which relates to housing demand and the shortfall in supply. Delivery over the past 10 years (2010/11 – 2019/20) has averaged 330dpa in TWBC. This is **half** the housing need determined by the Council's Objective Assessment of Housing Need (OAN) determined under the policies of the 2012 NPPF (648dpa). The 2019 NPPF introduced the 'Standard Method' for calculating **minimum** local housing need, replacing the OAN. The **minimum** need calculated by this method is higher than the OAN at 678dpa for Tunbridge Wells. However, it is important to note how this figure is 'capped' due to the acute affordability problems in the Borough. If the Standard Method were uncapped, it shows need of 764dpa in Tunbridge Wells. As the PPG (ID2a-007) states, "*The cap is applied to help ensure that the minimum local housing need figure calculated using the standard method is as deliverable as possible*" however it also states that "*The cap reduces the minimum number generated by the standard method, but **does not reduce housing need itself***" (our emphasis). The minimum that should be targeted by the Council is delivery of 678dpa, as **actual** housing need in Tunbridge Wells is higher at 764dpa.

2.10 To put the affordability issues in context, the median affordability ratio is used for the purposes of calculating the Standard Method minimum. The ratio in Tunbridge Wells is currently 13.27. This means a household earning a median salary would require 13.27 times that salary to afford a median priced home in the Borough. A median priced home costs £390,000 as of 2020. The median ratio compares to an average of only 7.84 nationally, 9.92 in the south-east, and 10.06 across Kent. This means the ratio in Tunbridge Wells is 69% higher than the national average, 34% higher than the regional average, and 32% higher than the Kent average. The ratio also increased most from the previous 2019 ratio in Kent, and is the 12th highest in the country outside of London.

2.11 It is clear that additional housing is required in the Borough to address the acute affordability problems inherent there, which have only been exacerbated by the lack of delivery over the past decade. This is needed to address both supply and demand, thereby driving down price. A 20% buffer is therefore considered appropriate having regard to the above market signals and the need to address affordability concerns. Such a buffer has been accepted at Examinations for other nearby local authority areas (with similar/lower affordability ratios) including Canterbury (2017), Mid Sussex (2017/18) and Guildford (2018). It is thereby recommended that the planned supply of homes is increased in the Plan in order to secure a 20% buffer.

iii Responding to potential unmet needs from Sevenoaks

2.12 TWBC shares a number of functional relationships with adjacent local authority areas. This includes migratory patterns for school, work, etc. with other authorities including Sevenoaks, Tonbridge and Malling, Maidstone, Ashford, Rother and Wealden.

2.13 Tunbridge Wells shares the “West Kent Housing Market Area” with Sevenoaks and Tonbridge and Malling. Para 4.12 of the Local Plan refers to potential/“unknown” unmet needs (c. 1,900 dwellings) arising from Sevenoaks. TWBC’s Duty-to-Cooperate Statement (March 2021) goes on to refer to a formal request from Sevenoaks (April 2019) in terms of assisting with unmet need. The issue of Sevenoaks unmet needs was also the subject of lengthy discussions at the recent (Oct 2020) Examination of the Tonbridge and Malling Local Plan.

2.14 The DtC Statement recognises the current uncertainty regarding the progress of the emerging SDC and TMBC Local Plans. It is therefore considered that the Tunbridge Wells Local Plan should provide the appropriate flexibility in seeking to positively grapple with the unmet needs arising from Sevenoaks.

2.15 This can be achieved through an uplifted buffer to 20% and it is considered that the uplift in need can be addressed across Tunbridge Wells Borough, as including Hawkhurst. In this context, we note that TWBC has direct functional relationships to Sevenoaks, including the shared mainline train services to London. It is therefore a good location for unmet needs arising from Sevenoaks to be met.

iv Summary

2.16 The Local Plan currently seeks to provide a buffer of 7 – 10% above the identified need for new homes. A buffer in the Plan is welcomed, however, the current proposals provide uncertainty as to what can be achieved. This is important given the context set out above (items *i – iii*) and it is considered that the Plan should be seeking to secure a definitive buffer of up to 20%. This can be achieved by identifying and allocating further sites in the Local Plan.

2.17 In the next section, we address our client’s site at Streatley in the context of the ability of the site to make a meaningful contribution towards achieving an uplifted 20% buffer in the Local Plan.

b) Small to Medium sized sites

2.18 Wealden Homes is a member of the Kent SME Developers Network and as referred in separate representations submitted by the Network, Wealden Homes is disappointed that the Local Plan fails to support or recognise the role of SME developers/housebuilders in the Plan.

2.19 In this regard, the NPPF sets out that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should identify land to accommodate at least 10% of their housing requirement on small – medium sites (para 68). This amounts to 1,460 dwellings to be identified on small sites (having regard to a 20% buffer).

2.20 As referred in the Kent SME representations, TWBC’s evidence base confirms that only 290 dwellings across 9 sites are identified in the Local Plan that are yet to obtain a Planning Permission. Equally, even if the total number of small – medium sites (including those with a Planning Permission) are taken into account, this still amounts to only 641 dwellings across 17 sites – a shortfall of c. 800 small – medium sized sites. The Local Plan is thus considered unjustified in failing to meet its 10% target for small – medium sites.

i SME Small Sites Policy

2.21 Wealden Homes is concerned that the current Local Plan does not facilitate or support SMEs to bring forward housing in the Borough, particularly in rural areas, which in Tunbridge Wells is often covered by AONB.

2.22 Through its work with the Kent SME Network, it has sought to introduce a policy into emerging Local Plans that seeks to support small and medium sized developments, where there are limited opportunities through allocations in which the Council has made (i.e. on larger sites).

2.23 This recommended policy is set out below:

Table 3: Kent SME Network – Small Sites Policy

Policy [insert Policy Number] Small Sites

In order to recognise the value of SMEs and small sites, the council will support development of unallocated or windfall small scale housing (C3) and approve applications providing the harm does not demonstrably outweigh the benefits; and where:

- I. The site does not exceed 60 dwellings (net) and is of an appropriate scale to its location;
- II. The site is being brought forward by a recognised SME Developer and is not part of a larger site;
- III. The proposed development delivers;
 - a. A bespoke design approach;
 - b. A high quality design that is locally distinctive;
 - c. Is sympathetic to the character of its location;
- IV. All dwellings meet National Design Standards and endeavor to deliver a range of Carbon reduction build techniques;
- V. The proposed development preserves residential amenity, designated heritage assets and core environmental assets and increase net biodiversity.
- VI. A flexible approach will be encouraged to the delivery of Affordable Housing assessed on a site by site basis. When on site provision is demonstrated through evidence to be unviable or unattractive (less than 70% Open Market Value) to recognised Registered Providers, the Council will permit alternative levels of Affordable Housing or alternative forms of tenure, including First Homes, payment in-lieu of on site provision or another form of recognised Affordable Product as defined in the NPPF.

It is recognised that SMEs can deliver quickly and applicants are encouraged to explore if a reduced implementation period is appropriate.

2.24 A Small Sites policy can allow for SMEs to operate within the Plan Led system and will allow both small and medium sites to come forward (i.e. for sites up to 60 dwellings). Such a policy will allow an SME to come forward with a planning application that meets locally defined specific criteria, such as high-quality design, low carbon footprint, reduced time limits for implementation, etc and a flexible approach to the delivery of Affordable Housing.

2.25 Such a policy would provide for additional weight to be afforded to an SME application, and thus allow greater weight to be applied to the application in the overall planning balance. This would reduce risk to an SME and increase certainty at the planning stages, as the SME can tailor their scheme to meet the specific criteria. The policy would also secure development that meets the “building better, building beautiful” objectives and potentially addressing Climate Change issues.

2.26 The policy is designed to deliver up to 60 dwellings (and thus meet the M of SME as much as the S) but is worded in a way that seeks to ensure the development coming forward in any given location is consistent and respectful to the area that it is in i.e. a scheme of 60 dwellings may not be appropriate for a small village, but 20 maybe.

2.27 In addition, the 60 dwelling threshold is very much seen as the scale of developments where larger SME's start to compete with Volume housebuilders on sites. As volume housebuilder will tend not to drop below 60 dwellings and thus the Policy is designed to really assist SME delivery and support the delivery of bespoke high-quality development, but also directly respond to certain SME challenges, such as how to deliver small numbers of Affordable Housing on any given site.

2.28 The Network recognises that other Kent LPAs are seeking to introduce a Small sites policy¹ and a key aim for the policy is that there is a level of consistency in the wording across a number of LPAs, in order that the interpretation and understanding of the policy is also consistent on a cross boundary level – again seeking to reduce the risk at the planning stages to an SME. The above recommendations enable to Local Plan to be “sound” and the land at Streatley is able to make a meaningful contribution (40 dwellings) towards the small-medium sites quantum for the Local Plan.

[TWBC: Section 3 has been inputted against Policy STR/HA 1 (The Strategy for Hawkhurst Parish), please see Comment Number PSLP_1862]

4.0 CONCLUSION

4.1 These representations, as prepared on behalf of Wealden Homes, support the aspiration of the Local Plan to meet its housing needs in full. This should however be supplemented by a buffer closer to 20% rather than the current 7 – 10% buffer proposed in the Local Plan. This would address previous

shortfalls, affordability issues in the Borough, as well as the potential for unmet needs arising from Sevenoaks.

4.2 Our client's site provides a viable option for meeting uplifted housing needs in the Borough. Contrary to the SA and SHELAA assessments, development of the site would secure a sensitive design response in the AONB in which the site is located. We note that the AONB washes over Hawkhurst and other settlements in the Borough and the Local Plan includes site allocations in other parts of the AONB. Our client's site can be considered positively in this context.

4.3 The site is "suitable", "available", "achievable" and thus "deliverable" for development in the short-term and it is capable of delivering the following benefits:

- Up to 40no. dwellings (providing a range and mix of homes);
- The site could deliver a lesser extent of development in line with the objectives of the Hawkhurst Neighbourhood Plan;
- All units would be built to lifetimes homes standards and including provision for bungalows for older people;
- The site can offer a valuable contribution to the growth of Hawkhurst without expensive and challenging improvements to the infrastructure of the settlement. Equally the development of the site would lead to limited impacts upon the Hawkhurst crossroad as Horns Road offers an alternative route to the main A21 route to the west;
- Open space provision;
- New access road;
- Appropriate parking provision;
- On-site drainage/treatment facility placing no pressure on existing drainage system in Hawkhurst;
- Provision of 40% affordable housing; and
- Other obligations towards infrastructure provision (Incl. Community Hall).

4.4 In summary, we consider that the Local Plan should achieve a 20% buffer in order for it to be "Sound" in accordance with the NPPF. Our client's site can make a meaningful contribution towards achieving a 20% buffer in addition to the 10% requirement for small – medium sites.

1 Swale BC included such a policy in its Regulation 19 Local Plan Consultation.

2 Refer to Draft Local Plan (Reg 18 Consultation), Sept – Nov 2019

APPENDICES

APPENDIX 1 - Wealden Homes representations to Reg 18 Draft Local Plan (Sept - Nov 2019)

APPENDIX 2 - Wealden Homes – Landscape and Visual Impact Assessment

[TWBC: for appendices, please see supporting documents]

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 refer to supporting submitted representations.

[TWBC: the below text is from the submitted representation, which has also been attached as a supporting document]

b) Small to Medium sized sites

2.18 Wealden Homes is a member of the Kent SME Developers Network and as referred in separate representations submitted by the Network, Wealden Homes is disappointed that the Local Plan fails to support or recognise the role of SME developers/housebuilders in the Plan.

2.19 In this regard, the NPPF sets out that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should identify land to accommodate at least 10% of their housing requirement on small – medium sites (para 68). This amounts to 1,460 dwellings to be identified on small sites (having regard to a 20% buffer).

2.20 As referred in the Kent SME representations, TWBC's evidence base confirms that only 290 dwellings across 9 sites are identified in the Local Plan that are yet to obtain a Planning Permission. Equally, even if the total number of small – medium sites (including those with a Planning Permission) are taken into account, this still amounts to only 641 dwellings across 17 sites – a shortfall of c. 800 small – medium sized sites. The Local Plan is thus considered unjustified in failing to meet its 10% target for small – medium sites.

i SME Small Sites Policy

2.21 Wealden Homes is concerned that the current Local Plan does not facilitate or support SMEs to bring forward housing in the Borough, particularly in rural areas, which in Tunbridge Wells is often covered by AONB.

2.22 Through its work with the Kent SME Network, it has sought to introduce a policy into emerging Local Plans that seeks to support small and medium sized developments, where there are limited opportunities through allocations in which the Council has made (i.e. on larger sites).

2.23 This recommended policy is set out below:

Table 3: Kent SME Network – Small Sites Policy

Policy [insert Policy Number] Small Sites

In order to recognise the value of SMEs and small sites, the council will support development of unallocated or windfall small scale housing (C3) and approve applications providing the harm does not demonstrably outweigh the benefits; and where:

- I. The site does not exceed 60 dwellings (net) and is of an appropriate scale to its location;
- II. The site is being brought forward by a recognised SME Developer and is not part of a larger site;
- III. The proposed development delivers;
 - a. A bespoke design approach;
 - b. A high quality design that is locally distinctive;
 - c. Is sympathetic to the character of its location;
- IV. All dwellings meet National Design Standards and endeavor to deliver a range of Carbon reduction build techniques;
- V. The proposed development preserves residential amenity, designated heritage assets and core environmental assets and increase net biodiversity.
- VI. A flexible approach will be encouraged to the delivery of Affordable Housing assessed on a site by site basis. When on site provision is demonstrated through evidence to be unviable or unattractive (less than 70% Open Market Value) to recognised Registered Providers, the Council will permit alternative levels of Affordable Housing or alternative forms of tenure, including First Homes, payment in-lieu of on site provision or another form of recognised Affordable Product as defined in the NPPF.

It is recognised that SMEs can deliver quickly and applicants are encouraged to explore if a reduced implementation period is appropriate.

2.24 A Small Sites policy can allow for SMEs to operate within the Plan Led system and will allow both small and medium sites to come forward (i.e. for sites up to 60 dwellings). Such a policy will allow an SME to come forward with a planning application that meets locally defined specific criteria, such as high-quality design, low carbon footprint, reduced time limits for implementation, etc and a flexible approach to the delivery of Affordable Housing.

2.25 Such a policy would provide for additional weight to be afforded to an SME application, and thus allow greater weight to be applied to the application in the overall planning balance. This would reduce risk to an SME and increase certainty at the planning stages, as the SME can tailor their scheme to meet the specific criteria. The policy would also secure development that meets the “building better, building beautiful” objectives and potentially addressing Climate Change issues.

2.26 The policy is designed to deliver up to 60 dwellings (and thus meet the M of SME as much as the S) but is worded in a way that seeks to ensure the development coming forward in any given location is consistent and respectful to the area that it is in i.e. a scheme of 60 dwellings may not be appropriate for a small village, but 20 maybe.

2.27 In addition, the 60 dwelling threshold is very much seen as the scale of developments where larger SME's start to compete with Volume housebuilders on sites. As volume housebuilder will tend not to drop below 60 dwellings and thus the Policy is designed to really assist SME delivery and support the delivery of bespoke high-quality development, but also directly respond to certain SME challenges, such as how to deliver small numbers of Affordable Housing on any given site.

2.28 The Network recognises that other Kent LPAs are seeking to introduce a Small sites policy¹ and a key aim for the policy is that there is a level of consistency in the wording across a number of LPAs, in order that the interpretation and understanding of the policy is also consistent on a cross boundary level – again seeking to reduce the risk at the planning stages to an SME. The above recommendations enable to Local Plan to be “sound” and the land at Streatley is able to make a meaningful contribution (40 dwellings) towards the small-medium sites quantum for the Local Plan.

4.0 CONCLUSION

4.1 These representations, as prepared on behalf of Wealden Homes, support the aspiration of the Local Plan to meet its housing needs in full. This should however be supplemented by a buffer closer to 20% rather than the current 7 – 10% buffer proposed in the Local Plan. This would address previous shortfalls, affordability issues in the Borough, as well as the potential for unmet needs arising from Sevenoaks.

4.4 In summary, we consider that the Local Plan should achieve a 20% buffer in order for it to be “Sound” in accordance with the NPPF. Our client's site can make a meaningful contribution towards achieving a 20% buffer in addition to the 10% requirement for small – medium sites.

Question 7

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

Wealden Homes considers that the Local Plan housing supply should be uplifted by c. 1,500 homes. Accordingly, it considers that its site at Streatley, Hawkhurst can make a meaningful contribution to the supply and should thus be allocated. The site can also positively address the shortfall in small-medium sites. Wealden Homes would accordingly seek to present its planning arguments at the relevant examination hearing sessions.

Question 8

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

Please refer to supporting submitted representations.

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

[PSLP 1862 & 1871 Barton Willmore for Wealden Homes SI Full Representation with Appendices Redacted.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_104a-d

Comment

Agent	Christopher Sampson [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Kember Loudon Williams
Address	[REDACTED] [REDACTED] Tunbridge Wells [REDACTED]
Consultee	[REDACTED]
Company / Organisation	Wedgewood (New Homes) Ltd
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Wedgewood (New Homes) Ltd [REDACTED]
Comment ID	PSLP_1803
Response Date	04/06/21 14:36
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Wedgewood (New Homes) Ltd
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

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.

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 positively prepared, justified, 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 Sevenoaks District Council was unclear. However, following the failure of their High Court challenge, Sevenoaks District Council is now required to begin the preparation of their Local Plan again. Since 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 Sevenoaks District. Not to do so would be contrary to NPPF policy and in our view this suggests that additional sites must be identified.

Given the stage reached in the Tunbridge Wells Local Plan process, it would be unreasonable for this Council to not assist Sevenoaks District in meeting part of its housing need. Paragraph 4.16 of the draft Local Plan postulates that Sevenoaks may have an unmet need of 1900 dwellings. Paragraph 4.18 also notes that sites may need to be greater in size to enable delivery of the numbers predicted.

Paragraph 4.53-4.54 then explains that sites and other supply with sufficient capacity for 13,059 to 13,444 dwellings has been found. The mid point gives a buffer of 1,000 dwellings above the 12,200 requirement.

Notwithstanding the buffer and the situation in Sevenoaks, it is also the case that Wealden District Council has fallen short of providing its required housing need and is some way off producing a new Local Plan – having withdrawn its draft document. It is a neighbouring authority and subject to constraints relating to Ashdown Forest and the Habitat Regulations. Since it is within the same housing market area, it may be necessary for Tunbridge Wells to consider meeting some of its unmet housing need. In fact, following the rejection by the Local Plan Inspector of Wealden's Submission Plan, Wealden have re-wound their Plan preparation process and started from the beginning with an issues and options consultation. It is likely that this Plan is several years from fruition.

There is also sufficient uncertainty with Tonbridge and Malling's Local Plan and this Plan seems likely to follow in the footsteps of the Sevenoaks Plan. A shock to the local housing market seems likely with supply side constraint pushing up house prices. 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.

In relation to delivery of new homes, we are of the view that additional medium sized housing sites 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 smaller housing sites should be allocated in different locations – particularly focused on sustainable settlements, including villages, outside the AONB. Since NPPF seeks to boost the supply of housing and there is nothing 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. This would mitigate risks of delays to delivery on the larger sites and/or lower overall yields should constraints emerge during the detailed planning process. If over provision were to occur, 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

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 of Sevenoaks DC and other adjoining authorities. Alter the Policy to identify a need for additional smaller and medium sized sites (under 70 units in size). The policy may need to increase by a further 2-3,000 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 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_108

Comment

Agent	Mr Lyndon Gill [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Barton Willmore LLP
Address	[REDACTED] [REDACTED] Cambridge [REDACTED]
Consultee	Mr Jeff Wilson [REDACTED]
Company / Organisation	Wrenbridge Land Ltd
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Wrenbridge Land Ltd [REDACTED]
Comment ID	PSLP_1838
Response Date	04/06/21 11:43
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.8
Files	PSLP_1838-1844 (not inclusive) Barton Willmore for Wrenbridge Land SI.pdf
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Wrenbridge Land Ltd
Question 2	
Agent's Name and Organisation (if applicable)	Barton Willmore LLP
Question 3	

To which part of the Local Plan does this 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 3, ED 1 and ED 2 – see Comment Numbers PSLP_1838, PSLP_1841, PSLP_1842 and PSLP_1844. The full representation has been attached as supporting information]

Question 4

Do you consider that the Local Plan:

Is legally compliant

Don't know

Is sound

No

Complies with the Duty to Cooperate

Don't know

Question 4a

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

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

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

Question 5

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

After this stage, 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.

1.0 INTRODUCTION

1.1 These representations are made to the Regulation 19 Pre-Submission consultation for the Emerging Tunbridge Wells Borough Council Local Plan. These representations are made on behalf of Wrenbridge Land Ltd (hereafter 'Wrenbridge') by Barton Willmore LLP. Wrenbridge has a number of land interests across the borough and has successfully delivered a number of high-quality commercial redevelopments within the wider south east region. Wrenbridge specialise in providing high quality commercial developments on brownfield under-utilised land where the existing units are dated, and no longer fit for modern day business purposes.

1.2 These representations are made in relation to the pre-submission consultation outlined by the Council, in particular in regard to the employment uses across the borough and the location of such land uses.

2.0 RESPONSES TO THE REGULATION 19 CONSULTATION

2.1 This section sets out our responses on behalf of Wrenbridge to the current consultation. For brevity relevant sections and policy numbers are referenced accordingly.

Policy STR 1: The Development Strategy

2.2 Section 1 of Policy STR 1 states that, to achieve 14ha of additional employment land over the Plan period, the Local Plan “*Promotes the effective use of urban and previously developed (brownfield) land.*”

2.3 Wrenbridge supports the re-use of brownfield land and the long-term benefits it can bring which is consistent with the sustainable development objectives set out in Local and National planning policy. However, it should be stated in the emerging Local Plan that the intensification of brownfield land is encouraged, subject to where it accords with the wider development management policies within the Plan. We believe a greater emphasis on the optimisation of previously developed land, clarified within STR3 below, would contribute to the borough's objectively assessed employment needs.

3.0 SUMMARY AND CONCLUSIONS

3.1 These representations have been produced on behalf of Wrenbridge in relation to the Regulation 19 emerging Local Plan consultation being undertaken by Tunbridge Wells Borough Council.

3.2 Wrenbridge supports the Plan's emphasis on developing brownfield land to meet the borough's employment floorspace need. However, we believe the wording within Policy STR3 could be amended to seek the optimal use of all appropriate brownfield sites, not just those within close proximity to Town and Rural Centre designations.

3.3 Wrenbridge supports the retained designation of the 'Southborough High Broom Industrial Area'. However, we query the omission of Use Class B2 within the designation. There appears to be no evidence base precluding such a use that already exists within the defined employment area, and there are sufficient development management policies particularly around noise which can be used to assess planning applications on their own merits once submitted.

3.4 Furthermore, Wrenbridge suggests that any wording for this designation allows for suitable flexibility within B8, B2 and E Class Uses so that rapid changes can be made to suit the market at the time.

3.5 Finally, we suggest the policy wording for ED2 needs to be set out more clearly, as currently the requirement to redevelop employment sites for employment uses is overly onerous and will prevent new developments coming forward that meet modern requirements.

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.

2.3 Wrenbridge supports the re-use of brownfield land and the long-term benefits it can bring which is consistent with the sustainable development objectives set out in Local and National planning policy. However, it should be stated in the emerging Local Plan that the intensification of brownfield land is encouraged, subject to where it accords with the wider development management policies within the Plan. We believe a greater emphasis on the optimisation of previously developed land, clarified within STR3 below, would contribute to the borough's objectively assessed employment needs.

Question 7

Please note *the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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 do not consider that the employment land policies are sufficiently flexible to meet with potential future market demand, as outlined in our cover letter.

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	Steve Clarke [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Graham Simpkin Planning
Address	[REDACTED] [REDACTED] Longfield [REDACTED]
Consultee	[REDACTED]
Email Address	[REDACTED]
Company / Organisation	Yalding Parish Council
Address	[REDACTED] [REDACTED] MAIDSTONE [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Yalding Parish Council [REDACTED]
Comment ID	PSLP_616
Response Date	28/05/21 13:11
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	PSLP_616, 622-625_GSP for Yalding Parish Council_SI-2_Representation.pdf PSLP_616, 622-625_GSP for Yalding Parish Council_SI-1_Covering Letter_Redacted.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Yalding Parish Council
Question 2	

Agent's Name and Organisation (if applicable) Graham Simpkin 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: this representation has been input against Policies STR 1, STR 4, STR 6, STR/SS 1, STR/PW 1 - see Comment Numbers PSLP_616, PSLP_622, PSLP_623, PSLP_624, PSLP_625]

Question 4a

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

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

Question 5

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

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

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

Representations on the Tunbridge Wells Local Plan 2021 on behalf of Yalding Parish Council

1 INTRODUCTION

1.1 Graham Simpkin Planning has been instructed by Yalding Parish Council to review the Pre-submission (Regulation 19) Tunbridge Wells Local Plan 2021 (hereinafter referred to as the Local Plan) and its associated evidence base as to the potential effects of the plan on Yalding Parish and to consider whether the Local Plan is legally compliant and meets the test of soundness.

1.2 Yalding Parish lies immediately adjacent to the Tunbridge Wells Borough Council (TWBC) administrative area on its north-eastern edge with the southern part of the parish lying less than a mile from the existing northern part of the built-up area of Paddock Wood which contains a number of employment sites, a railway station on the Ashford to Tonbridge-London main-line and convenience retailing as well as a secondary school.

1.3 Yalding lies within Maidstone Borough Council's administrative area. To the west of the parish runs the A228, to which Yalding is connected by Gravelly Ways/Beltring Road at Beltring and the B2162 Hampstead Lane via the B2015 through the parish of Nettlestead. The parish also has a direct road connection through to Horsmonden to the south east via the B2162. Roads also connect Yalding village to Paddock Wood via Laddingford and Queen Street and along Willow Lane and Lucks Lane. Yalding village lies towards the north of the parish with Laddingford village to the south. The parish is heavily influenced by the three rivers that run through it (Medway, Teise and Beult) which all converge in Yalding. The parish is also served by the Medway Valley railway line which runs between Maidstone and Paddock Wood, with two stations at Yalding and Beltring.

1.4 The Parish are aware that any representations at this stage should relate to matters of compliance with legal and procedural requirements and the soundness of the Local Plan, as these are the matters that will be examined.

2 Legal Compliance

2.1 The Local Plan appears to have been prepared in line with the adopted Local Development Scheme (February 2021) and the adopted Statement of Community Involvement.

Duty to cooperate

2.2 Yalding Parish Council do not wish to specifically comment on whether the Plan is legally compliant in terms of the Duty to Cooperate preferring to leave that for the examining Inspector to determine. The Parish is also aware that there are likely to be imminent changes with regard to the Duty to Cooperate and that these are currently being considered by the Government alongside other potential reforms to the current planning system.

2.3 However, Yalding PC is aware that the emerging Local Plans of two local planning authorities have fallen at the Examination stage (Wealden and Sevenoaks) and that there are on-going concerns with regard to the Tonbridge and Malling Local Plan. The common problematic issue to all three plans is the Duty to Cooperate.

2.4 All of these Councils immediately adjoin TWBC.

2.5 Given that the Duty to Cooperate works in both directions, there must be some doubt therefore, that TWBC has met its legal obligations in this area and TWBC should have made clear how the Council has responded to the cooperation challenges identified by planning inspectors reporting on Local Plans in the above three council areas. They have failed to do so.

2.6 The Parish would also wish to put on record, as an adjoining authority whose administrative area lies immediately adjacent to the proposed significant expansion of Paddock Wood including newly proposed employment areas, that other than through the general consultation processes that have taken place in the preparation of the new Local Plan they have not been directly consulted by TWBC or been invited to actively engage with them as they have prepared this pre-submission (Reg 19 draft).

Sustainability Appraisal (SA)

2.7 Again the Parish Council do not wish to specifically comment on the comprehensiveness or assumptions and findings of the SA preferring to leave that for the examining Inspector to determine.

2.8 TWBC must however have clearly set out in the SA how they have approached the various options assessed and how they have reached the conclusions on their preferred options and why some have progressed and some not. It is incumbent on the Council to demonstrate that the SA has not been designed in a way that justifies its own preferred approach rather than genuinely considering potential spatial development options and then basing the preferred strategy on how each option performs. Given that the Council's preferred strategy has not fundamentally changed since the Reg 18 consultation, the fact that additional spatial development scenarios have been added to the SA since the Regulation 18 draft does provide a degree of uncertainty as to whether the SA has actually led the development of the Council's preferred spatial strategy or has been designed to justify it.

3 Soundness

3.1 Yalding Parish Council's comments have been considered in the light of and are based on the four tests of soundness.

- . **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 authorities 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 the NPPF.

3.2 The Parish Council expressed concerns in their response to the Regulation 18 Consultation in relation to the proposed strategy in two main areas that of Transportation and Flooding and in particular, the potential implications of the proposed significant expansion of Paddock Wood on both as they may directly affect land within the Parish Council's area.

3.3 In its Regulation 19 Pre-Submission version of the Local Plan, TWBC are still proposing very significant growth at Paddock Wood and East Capel of approximately 4000 new dwellings (Table 4/page 42), plus employment (11.2ha - Table 5/page 43) and associated leisure and education and health/community facilities. As stated above, Paddock Wood lies very close to the southern boundary of Yalding Parish and Maidstone Borough Council's administrative area. Indeed, the proposed urban extension of Paddock Wood would extend almost to the boundary shared by the Boroughs.

3.4 Yalding PC acknowledges the master-planning work that has taken place since the Regulation 18 consultation, in particular that of the Strategic Sites Working Group that Maidstone BC is represented on. In this regard, the progress which has led to the Paddock Wood and East Capel Structure Plan (map 28 page 149) which has sought to clarify and provide more detail on how the expansion might be delivered is noted.

3.5 We also note the fact that extensive SuDS and Green and Blue Strategic Landscape Corridors are proposed on the northern side of Paddock Wood, whilst noting that the proposed employment areas have significantly less of these proposed features.

3.6 Nevertheless the Parish Council remain of the view that it has not yet been demonstrated that the plan is positively prepared, justified and effective on the grounds of Transport and Flood Risk and the potential for the significant levels of new development proposed for the Paddock Wood area to impact on traffic through the Parish and the risk of flooding downstream.

As a result, the Parish Council have particular concerns regarding elements of the following policies;

STR1 The Development Strategy

STR5 Ensuring Comprehensive Development

STR6 Transport and Planning

STR/SS1 The Strategy for Paddock Wood including land at East Capel

STR/PW1 The Strategy for Paddock Wood

The reasons for which are discussed in greater detail below.

4 TRANSPORT

4.1 The Paddock Wood economic opportunities report (December 2020 by SQW) prepared as part of the evidence base of the Regulation 19 Plan and the master-planning work indicates that only 30% of the workforce in Paddock Wood live and work in the town, 30% commute to Tunbridge Wells, 20% commuting out to Tonbridge and Malling and some 5% commuting out to Maidstone and. In terms of in-commuting some 30% commute in from Tonbridge and Malling, 25% from Tunbridge Wells and 15% from Maidstone.

4.2 Having analysed the economic baseline of Paddock Wood SQW concludes as follows;

'7.2 The strategic context and rationale for this paper is that the DLP plans for the significant growth of Paddock Wood in terms of housing and population: the town will nearly double in size. The clear focus of all of TWBC's adopted and emerging planning and economic development policy is on Tunbridge Wells itself, and its relationship with the wider functional economic area, including Tonbridge and Sevenoaks. The target sectors and economic priorities / objectives do not align well with the Paddock Wood economy: one that is principally and increasingly dominated by large-scale wholesale/distribution and logistics employers, growing at the expense of other economic sectors; housing unaffordability for those who live and work in Paddock Wood is growing; outward commuting is increasing as well.

7.3 Sat within this context, there is a risk that a consequence of the planned growth of Paddock Wood could be a significant increase in out-commuting with a mis-match between the future population and the employment base/sectors.'

4.3 Whilst the Plan has been amended to reflect some of the recommendations of SQW it is difficult to see how the Council will ensure that the wholesale/distribution and logistics sectors will not continue

to dominate employment provision in Paddock Wood especially in the light of potential longer-term structural changes to working patterns and consumer demands as a result of fall-out from the Covid-19 pandemic.

4.4 Any significant increase in out-commuting would inevitably lead to a proportion of those additional journeys heading towards Maidstone and passing through Yalding Parish and potentially in particular the constrained historic bridges that are already congested.

4.5 If out-commuting increases as a result of the dominance of the wholesale/distribution/logistics sector, and the jobs are not filled by Paddock Wood residents then it is logical that they will be filled by workers from elsewhere including from within Maidstone District, again with potential implications for traffic flows into and out of Yalding Parish.

4.6 The Regulation 19 Plan and relevant policies/supporting text (see paragraph 3.6 above) and supporting evidence is silent on this issue and thus in the opinion of Yalding Parish Council not effective or justified.

4.7 Then there is the issue of modal shift and the extent of the Plan's reliance on this and the proposed public transport improvements. The proposals for significant development in the Paddock Wood area remain predicated on the fact that significant public transport improvements, alongside junction and highway improvements will ensure that additional transport impacts on the local road network will be sufficiently mitigated. The supporting evidence base is clear, that in order to mitigate the effect of this substantial planned growth the active transport measures, enhanced public transport and the associated highway improvement works are all required to render the proposed level of development at Paddock Wood/East Capel anywhere near acceptable in terms of impact on the local highway network.

4.8 Clearly work as part of the master-planning for the proposed allocation has put some further 'flesh on the bones' of the public transport improvements in an attempt to highlight anticipated modal shift targets and shed further light on the highway works necessary to mitigate some of the impact of the proposed growth on the local highway network.

4.9 However, the analysis behind this conclusion still does not guarantee that there will be the significant modal shift necessary to mitigate the impact of planned growth.

4.10 Public Transport is largely run on a commercial basis and whilst contributions to 'kick-start' services can be sought from developers, these cannot fund the provision of these services in-perpetuity and in any event it is also very likely to be the case that the improvements will only be provided once a 'critical mass' of new homes to supply the passengers has been reached. There is also of course no guarantee that once any developers' subsidy/contribution ceases or is exhausted, that the services will be at that stage be commercially viable and continue. Or for that matter, there is no guarantee that people can be enticed from their private cars onto public transport in the first instance.

4.11 As with the earlier Regulation 18 Consultation draft, the Regulation 19 Draft and the supporting evidence base does not sufficiently consider cross-border traffic movements and therefore fails to consider whether there will be traffic impacts beyond the areas where public transport improvements are proposed.

4.12 Currently there is an established level of commuter traffic movements between Maidstone and Tunbridge Wells that use 'B' roads and other roads that connect to the A228 corridor that run through the Yalding Parish. With the level of development proposed for Paddock Wood and TWBC's aspirations for Tunbridge Wells itself and the changes to the employment offer of both, there is potential for these movements to increase.

4.13 There is also inconsistency between the assumptions in the Stantec Access and Movement Report for Paddock Wood/East Capel and Tudeley Village and the SQW report as to the extent of internal and external movements.

4.14 Due to the longer distance of these commuting movements the proposed public transport improvements that are focussed on Paddock Wood are not considered to present a suitable mitigation package.

4.15 It is also clear that even with the highway mitigation proposed key junctions on the A228 and others to the north of Paddock Wood will be over capacity. The two junctions on the A228, the 'Hop Farm' roundabout and the Branbridges Road/Boyle Way roundabout, have both been assessed as being over capacity and yet mitigation is only proposed for one of them. Given that the Beltring Road/Gravelly Ways junction (one of the key connections with the A228 for the highway network in

Yalding Parish also falls in this section it is likely that users of this road will be affected, particularly due to the need to use both roundabouts if travelling from Tunbridge Wells/Paddock Wood to Yalding. (Refer to SWECO March 2021 Report Appendix G).

4.16 Given that the public transport improvements will not extend into the Yalding Parish it is considered that it is reasonable to assume that there will at least be an increase of traffic movements affecting key junctions within Yalding Parish although it cannot be established how significant these increases would be. A similar concern is also raised about the development proposed for Horsmonden and the potential increase in traffic on the B2162. Modelling that has been undertaken shows an increase in potential distribution of traffic northwards on the B2162 towards Yalding

4.17 There are also concerns about a potential indirect impact of the proposed 'Colts Hill Bypass' on the A228. Currently due to the constraints of this part of the A228 some commuters travelling from the Maidstone area to the Tunbridge Wells/Tonbridge area seeks alternative routes that avoid the A228 mainly going via the A26 and thus avoiding both the A228 and the Yalding area. It is possible that with the creation of the bypass that some of this traffic will return to using the A228 including accessing it via routes that run through Yalding Parish.

4.18 Overall it is argued that the transport evidence base insufficiently considers cross-border impacts with Yalding Parish and this therefore impacts on the conclusion as to whether the level of development in the Paddock Wood area is sustainable or whether it would lead to additional unmitigated impact on the local road network in Yalding Parish, particularly to the south of Yalding and Laddingford as well as the High Street/Town Bridge area of Yalding.

4.19 Yalding Parish Council also wishes to put on record at this stage their concerns and strong objections to the suggested possibilities (however remote and medium to long-term they may be) at paragraph 4.12 of the Local Cycling and Walking Infrastructure Plan (LCWIP): Phase 2 prepared by PJA for the closure to all vehicular traffic, except buses, of the Maidstone Road Railway Bridge and to close Commercial Road to through traffic in effect reinstating measures that had been installed by KCC and subsequently removed. This is likely to render access to Paddock Wood Town Centre and its services very problematic for residents of Yalding Parish, forcing them to use unsuitable rural lanes to the east of Paddock Wood or onto the congested A228 Whetsted Road and B2017 Badsell Road to gain access to the Town Centre and local services. The Parish notes that the above possibilities do not appear in the costed proposed set of cycling and walking improvements that are set out in the LCWIP and would hope that the possibilities set out at paragraph 4.12 are nothing more than a 'kite-flying' exercise. They also note that the Stantec report does not mention this as possibility, but they do note the Strategic Sites Masterplanning & Infrastructure Study (David Lock Associates) does raise the possibility of introducing a new bridge and link over the railway to the west of the Town Centre to provide easier access to the northern employment areas and reduce traffic on Maidstone Road, but recognises that this will require extensive discussions between the various landowners/developers and Network Rail (or their successor body).

4.20 It is the case that significant elements of the proposed transport mitigation package remain to be determined and are uncertain. In this regard the Parish Council considers the plan and the policies relating to Paddock Wood to not be justified or effective.

5 FLOODING

5.1 The impact of any development on the river network remains a significant consideration for Yalding Parish. The parish is the meeting point for three rivers; Medway, Teise and Beult. On reviewing the local plan and the relevant parts of the evidence base, the Parish has concerns regarding the impact of the proposed development strategy on two of these river networks; the Medway and the Teise.

5.2 Flooding issues within Yalding arise from three types of flooding (fluvial, surface water and groundwater).

5.3 In respect of fluvial flooding, the SFRA recognises that a primary cause of fluvial flooding events on the River Medway is the overloading of foul and/or sewer systems in the Paddock Wood area. The proposed level of development is thus potentially likely to increase this issue. The Parish Council recognises that additional work has been undertaken by JBA in association with the 'Structure Plan' for Paddock Wood/East Capel undertaken on behalf of TWBC by David Lock Associates. JBA have stated the following in their January 2021 Technical Note.

'The proposed Masterplan layouts have not been assessed in the River Medway flood risk model, as modelling of development parcels prepared for the Level 2 SFRA indicated that the influence of

development on flood risk from the Medway was smaller in scale than from Paddock Wood Streams. Flood risk from the River Medway is confined to the northern extent of the masterplan area (at the periphery of the River Medway floodplain), and potential impacts brought about by development are more influenced by potential loss of floodplain storage, compared with potential obstruction to flood flows as in Paddock Wood.'

It is clear that more work is required to ensure that the proposed level of development does not result in the loss of floodplain storage which in turn will have a potential knock-on effect on flood risk from the River Medway and as a direct consequence an adverse impact on land and property in Yalding Parish. It is essential that this work is undertaken to avoid the level of development and any loss of floodplain storage having an adverse cross-boundary impact.

In this regard Yalding Parish Council do not consider the plan to be effective or justified.

5.4 Yalding Parish Council note the work that has been done to include and assess the impact of 'conveyance routes' across the new development to ease previous concerns about development blocking flood paths.

5.5 They welcome the apparent conclusion that these conveyance routes and other potential mitigation appear to show a possible reduction, albeit minor, across significant areas of the Queen Street and Fowle Hall areas of the Parish east of the Medway Valley railway-line. See extract from Appendix B of the JBA Technical Note (1%AEP +70% Climate change) plan below.

[TWBC: For extract map, please see full representation attached as a supporting document]

The JBA Technical Note concludes

'While this strategic representation of the sites and conveyance routes still shows some areas with increased flood depths, the majority of these areas are within the masterplan area. The modelling demonstrates the benefit of localised drainage measures and it is considered that more comprehensive drainage arrangements accompanied by more detailed analyses would enable the development of the residential sites outlined in Option 1 to be brought forward without any off-site increases in flood depths being predicted. On this basis it is considered that the principle of development can be supported for the layout described by Option 1 (TWBC's preferred Option) provided that appropriate provision is made for the layout of drainage and flow routes through the proposed development. These measures would need to be supported by more detailed analyses that reflected the level of design detail and evidenced that the measures were appropriate. Consideration would need to be given to the long-term management and maintenance of the mitigation measures, so these were not inadvertently compromised for the lifetime of the development.'

5.6 So while it is clear that a potentially significant step forward has been made in terms of modelling Flood Risk much work remains to be done to ensure that the potential level of development and detailed drainage design achieves what is considered theoretically possible in the Technical Note bearing in mind the final caveat of the Technical Note states;

'The layout, form and location of the conveyance routes has been chosen to provide a strategic understanding of the implications of proposed development and should not be used as the basis to define the detailed design or geometry of the measures that will need to be included in the preparation of more detailed development layout designs. It is also possible that there are other mitigation options or measures that could be considered, and the results of the study are not intended to imply that other options would not be appropriate.'

5.7 Yalding Parish Council remains to be convinced that the proposed expansion of Paddock Wood and its environs will not have a resultant knock-on effect on land and property with the Parish Boundary in terms of increased Flood Risk.

5.8 In respect of the River Teise, the SFRA is heavily focused on issues at Paddock Wood and fails to consider the potential surface water impacts of development at Matfield and Horsmonden on the River Teise and no further work appears to have been undertaken since the Regulation 18 Consultation draft.

5.9 A key issue with the SFRA is that in respect of cross-border issues it places emphasis on the development management role rather than seeking to analyse and address potential issues at the local plan examination stage. It is considered unsustainable and ineffective to propose a high level of development in and around a settlement where there are recognised surface water and fluvial flooding issues without consideration of cross-border issues at the local plan stage.

5.10 Pertinently, the continued lack of consideration of cross-boundary issues at this stage does not comply with DEFRA guidance which seeks to address cross-boundary flooding issues at the local plan preparation stage. Overall it is considered that this is an ineffective approach to consideration of flooding matters within the local plan and that the plan is not justified or effective in this regard.

6 CONCLUSION

6.1 Yalding Parish Council recognises there has been a step forward with regard to some aspects of the assessment of flood risk but there remains a worrying lack of consideration of the impact on the River Medway flood plain and a lack of detail and uncertainty in other areas. Leaving the details to application stage is not an effective and justified way to prepare a Local Plan.

6.2 The Local Plan and evidence base is also relatively and unacceptably silent on cross boundary traffic implications regarding the scale and mix of the proposed level of development at Paddock Wood/East Capel, particularly with regards to the concerns of SQW with regard to the on-going structure of the Paddock Wood economy and the availability and location of the workforce needed to service the economy. There is a consequent danger that inward and outward commuting from an expanded Paddock Wood will have considerable impact on the road network through Yalding Parish and this has not been appropriately or effectively modelled.

6.3 The Plan places great emphasis on public transport and active travel measures to mitigate the impact of the development on the local highway network, yet even with these and the proposed highway improvements junctions that provide vital links to the road network to and from Yalding Parish will remain over-capacity and some of these are not proposed to be mitigated in any event. There is no certainty that the public transport and active travel measures will be sustainable and effective in the long term.

6.4 In conclusion, the review of the Regulation 19 Local Plan and its associated evidence base has raised concerns about whether the Local Plan's approach to and the proposed level of development in the Paddock Wood Area is justified and effective in terms of potential cross-boundary implications in particular for Yalding Parish.

Question 7

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

If you would like to attach a file in support of your comments, please upload it here. [PSLP_616_622-625_GSP for Yalding Parish Council_SI-1_Covering Letter_Redacted.pdf](#)

If you would like to attach a file in support of your comments, please upload it here. [PSLP_616_622-625_GSP for Yalding Parish Council_SI-2_Representation.pdf](#)

Local Plan Regulation 19 representations in document order

Comments on Section 4: Policy STR2: Place Shaping and Design

Comment

Consultee	Jacqui Avery ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] Tunbridge Wells TN4 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Jacqui Avery ([REDACTED])
Comment ID	PSLP_2278
Response Date	04/06/21 09:31
Consultation Point	Policy STR 2 Place Shaping and Design (View)
Status	Processed
Submission Type	Email
Version	0.3
Files	Residents Against Ramslye Development whole submission redacted.pdf

Data inputter to enter their initials here HB

Question 1

Respondent's Name and/or Organisation Jacqui Avery

Question 3

To which part of the Local Plan does this 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: see also further comments on individual sections and policies - PSLP_2269 and 2272-2279. The whole representation form (personal details redacted) has also been attached as it contains plans and images]

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:	<ul style="list-style-type: none">. 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 response is made on behalf of the 669 signatories on the petition submitted in response to Regulation 18 which was delivered to TWBC Planning Services in 2019 and the Facebook group 'Residents Against Ramslye Development' whose membership is currently 247 (names can be provided if required). We have noted guidance 4.3 and have encouraged the people opposed to the development of site 137/ Policy AL/RTW 16 'Land to the west of Eridge Road at Spratsbrook Farm' not to make separate responses repeating the same points as those made here; some however will no doubt have submitted individual responses.

We support the broad thrust of this policy. We are encouraged by the form of words used in "setting requirements" rather than "having regard to". In particular we support point 3 of the requirements to "Conserve and enhance assets of historic, landscape, or biodiversity value". With this in mind we consider any development of site RTW 16 which has significant value in terms of historic, landscape and biodiversity (including the eastern side) would breach this 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.

Remove site 137/ AL/RTW 16 'Land to the west of Eridge Road at Spratsbrook Farm' from the plan.

Question 7

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

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

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

Future Notifications

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

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

Supporting Information File Ref No: SI_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_1016
Response Date	02/06/21 12:44
Consultation Point	Policy STR 2 Place Shaping and Design (View)
Status	Processed
Submission Type	Email
Version	0.3
Files	PSLP_1014_Charterhouse Strategic Land Representation SI.pdf
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

If 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.

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 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

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

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

For office use only

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

Comment

Consultee	Julie Davies [REDACTED]
Email Address	[REDACTED]
Company / Organisation	CPRE Kent
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	CPRE Kent (Julie Davies [REDACTED])
Comment ID	PSLP_465
Response Date	27/05/21 10:23
Consultation Point	Policy STR 2 Place Shaping and Design (View)
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.

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

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 (View)
Status	Processed
Submission Type	Email
Version	0.3
Files	PSLP_1571-1623(not inclusive)_CRS NDP Steering Group Representation.pdf
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]

Question 4a

If 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 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

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

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](#)

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 (Mrs Hilary Hosford [REDACTED])
Comment ID	PSLP_754
Response Date	31/05/21 11:35
Consultation Point	Policy STR 2 Place Shaping and Design (View)
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

If 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.

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.

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

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

No, but other members of the CCAAC may wish to do so.

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_2066
Response Date	04/06/21 15:53
Consultation Point	Policy STR 2 Place Shaping and Design (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	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 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-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-2 Appendix 2 Flood Risk & Drainage Overview PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-6 Appendix 3 Fig.1 Site Context 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-10_Appendix 3_Fig. 5 Visual Appraisal 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-7_Appendix 3_Fig. 2 Topography 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-4_Appendix 3A.1

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 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

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 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.

[TWBC: the following paragraphs are relevant extracts from the representation. For the full representation and appendices, please see supporting documents]

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.

4.15 Crest supports the overall principles of these policies, but considers them to be unsound, as the policy wording could be more positively prepared and justified.

4.16 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.

4.17 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.

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 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

Comment

Consultee	Richard Dowse ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Benenden TN17 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Richard Dowse ([REDACTED])
Comment ID	PSLP_2149
Response Date	03/06/21 11:56
Consultation Point	Policy STR 2 Place Shaping and Design (View)
Status	Processed
Submission Type	Other
Version	0.3
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Richard Dowse
Question 3	
To which part of the Local Plan does this 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
Policy STR 2 Place Shaping and Design
Policy STR 3 Brownfield Land
Policy STR 5 Infrastructure and Connectivity
Policy STR 6 Transport and Parking
Policy STR 7 Climate Change

Policy STR 8 Conserving and Enhancing the Natural, Built, and Historic Environment

Policy PSTR/BE 1 The Strategy for Benenden parish

Policy AL/BE 1 Land adjacent to New Pond Road (known as Uphill), 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

[TWBC: this representation has been input against Policies STR1, STR 2, STR 3, STR 5, STR 6, STR 7, STR 8, PSTR/BE1, AL/BE 1, AL/BE 3, AL/BE 4 and EN 1, please see Comment Numbers PSLP_2147, PSLP_2149, PSLP_2150, PSLP_2151, PSLP_2152, PSLP_2153, PSLP_2154, PSLP_2155, PSLP_2156, PSLP_2129, PSLP_2133 and PSLP_2157]

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.*”

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 Cleveland's. 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.

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 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, 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'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 PSLP'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.

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 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.

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/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)? . 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	Environment Agency [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Environment Agency
Address	[REDACTED] [REDACTED] WEST MALLING [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Environment Agency [REDACTED]
Comment ID	PSLP_471
Response Date	26/05/21 10:55
Consultation Point	Policy STR 2 Place Shaping and Design (View)
Status	Processed
Submission Type	Email
Version	0.7
Files	PSLP_462, 467, 471, 473-480, 484, 486 Environment Agency SI-1 Representation.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Environment Agency
Question 3	
To which part of the Local Plan does this 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 4a	

If 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.

Biodiversity

Place Shaping and Design covers – ecology; flooding; water supply; wastewater.

We welcome the reference to Kent Design Guide, as there are dedicated sections around the riverine environment and sensitivities. We would suggest to ensure a clear definition of “adaptation measures against the future impacts of climate change” is included, as referenced within Place shaping chapter. The elements aimed sustainability are appropriate and valid for ensuring careful decisions are made, but it would be an enhancement to the objectives if the design principles also stated to foster better resilience for wildlife corridors and incorporation of green/blue corridors.

[TWBC: For general response please see Comment Number PSLP_462]

Question 7

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

If you would like to attach a file in support of your comments, please upload it here. [PSLP 462, 467, 471, 473-480, 484, 486 Environment Agency SI-1 Representation.pdf](#)

Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2171
Response Date	04/06/21 16:56
Consultation Point	Policy STR 2 Place Shaping and Design (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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

Policy STR 2 Place Shaping and Design

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2

(PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

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

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

Question 5

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

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

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

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

The County Council welcomes reference to the Kent Design Guide in this section.

Public Health

In respect of its responsibilities concerning public health, the County Council is supportive of Policy STR 2, Policy STR 6 and Policy STR 7 which include considerations around active travel, air quality, climate change and a number of references to improving promoting healthy lifestyles. The County Council suggests that aligning the priorities and objectives from the Borough Council's Five Year Plan (2017-2022) could help strengthen the ability to address health inequalities in the Borough.

To ensure the robustness of any policies supporting improvements in population health, a greater use of the evidence base is recommended using data from the Kent Joint Strategic Needs Assessment (JSNA) and/or other sources of public health data from the Public Health Outcomes Framework (PHOF), including ward level data, in addition to referencing how these policies support the Kent Health and Wellbeing Strategy. Providing evidence of the health needs of the population is in line with the National Planning Policy Framework and will further justify planning policies regarding health and wellbeing.

Biodiversity

The County Council welcomes consideration that the biodiversity value of an area will be 'conserved and enhanced'. This fits in with national biodiversity policy (Natural Environment and Rural Communities Act 2006 and section 15 of the National Planning Policy Framework).

Question 6

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

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

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

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

Question 7

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

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

Question 7a

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

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

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

Future Notifications

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

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

Supporting Information File Ref No: SI_54a-b

Comment

Consultee	Ms Noreen O'Meara [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Residents Against Ramslye Development
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Residents Against Ramslye Development [REDACTED] [REDACTED]
Comment ID	PSLP_926
Response Date	02/06/21 08:48
Consultation Point	Policy STR 2 Place Shaping and Design (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Residents Against Ramslye Development whole submission redacted.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Noreen O'Meara on behalf of Residents Against Ramslye Development
Question 3	
To which part of the Local Plan does this 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: see also further comments on individual sections and policies - PSLP_914, 925, 926, 928, 929, 930, 931, 932, 933, 938. The whole representation form (personal details redacted has also been attached as it contains plans and images]

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.

This response is made on behalf of the 669 signatories on the petition submitted in response to Regulation 18 which was delivered to TWBC Planning Services in 2019 and the Facebook group 'Residents Against Ramslye Development' whose membership is currently 247 (names can be provided if required). We have noted guidance 4.3 and have encouraged the people opposed to the development of site 137/ Policy AL/RTW 16 'Land to the west of Eridge Road at Spratsbrook Farm' not to make separate responses repeating the same points as those made here; some however will no doubt have submitted individual responses.

We support the broad thrust of this policy. We are encouraged by the form of words used in "setting requirements" rather than "having regard to". In particular we support point 3 of the requirements to "Conserve and enhance assets of historic, landscape, or biodiversity value". With this in mind we consider any development of site RTW 16 which has significant value in terms of historic, landscape and biodiversity (including the eastern side) would breach this 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.

Remove site 137/ AL/RTW 16 'Land to the west of Eridge Road at Spratsbrook Farm' from the 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	[REDACTED]
Email Address	[REDACTED]
Company / Organisation	Royal Tunbridge Wells Town Forum
Address	- - - -
Event Name	Pre-Submission Local Plan
Comment by	Royal Tunbridge Wells Town Forum [REDACTED]
Comment ID	PSLP_828
Response Date	01/06/21 08:15
Consultation Point	Policy STR 2 Place Shaping and Design (View)
Status	Processed
Submission Type	Email
Version	0.2
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Royal Tunbridge Wells Town Forum
Question 3	
To which part of the Local Plan does this 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 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.

We generally support the provisions of this policy but advocate that greater use of masterplanning, (as provided for under Policy STR 4), should be made whenever justified and not just on major allocations.

Question 7

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

Supporting Information File Ref No: SI_131a-c

Comment

Agent	Mr Simon Bell ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Knights Solicitors
Address	Regency House 25 High Street Tunbridge Wells TN1 1UT
Consultee	Save Capel ([REDACTED])
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Save Capel ([REDACTED])
Comment ID	PSLP_1974
Response Date	03/06/21 18:51
Consultation Point	Policy STR 2 Place Shaping and Design (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	PSLP_1964 & 1973-1987_Knights Solicitors for Save Capel_SI-2_Representation.pdf PSLP_1964 & 1973-1987_Knights Solicitors for Save Capel_SI-3_Appendices.pdf PSLP_1964 & 1973-1987_Knights Solicitors for Save Capel_SI-1_Cover Letter.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Save Capel
Question 2	
Agent's Name and Organisation (if applicable)	Knights Solicitors

Question 3

To which part of the Local Plan does this 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 Save Capel, please see Comment Numbers PSLP_1964 and PSLP_1973-1987]

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 attached: "Representation by Save Capel under Regulation 19", dated 3rd June 2021, and Appendices

[TWBC: the following extract is from "Representation by Save Capel under Regulation 19" - for the full representation and appendices, please see supporting documents]

STR 2 Place Shaping and Design

3.24. This policy is not consistent with Policy STR 1 in that the development at Tudeley and East Capel will not respond positively to the local character and preserve and enhance the quality of the existing community and its environs.

3.25. The TWBC's Local Plan seeks low levels of car use, yet Tudeley Village is an isolated location, which relies on the private car.

3.26. The Tudeley Village Proposals do not demonstrate how the scheme has been informed by landscape character and context. An early understanding of character and context is a basic requirement of good design as set out in the Kent Design Guide (Kent County Council 2000) and the more recent MHCLG 2019 policies and guidance relating to AONB and its setting.

3.27. The design principles that have been presented do not follow established best practice 'placemaking principles. Features such as straight roads, extensive use of rear parking courtyards; and limited opportunities to integrate green infrastructure do not reflect best practice principles, such as those set out in the National and County Design Guide, 'Manual for Streets and Parking what works where'. Overall, the vignette appears to lack cohesion and clear strategy for public realm streets and open space.

3.28. The policy states that "all new development must respond positively to local character and context to preserve and enhance the quality of existing communities..." The existing community in Capel is characteristically rural, centred around an agricultural landscape. How does creating an urban residential development complete with all associated infrastructure enhance the quality of this community?

Question 7

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

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

Save Capel has sought to be actively involved in engaging with the Council throughout this review of the Local Plan. As a group we have developed particular expertise and have undertaken significant and extensive research in respect of the effects of the policies to which we have made representations. We consider that we will be able to assist the Inspector(s) examining the final submission significantly.

If you would like to attach a file in support of your comments, please upload it here. [PSLP 1964 & 1973-1987 Knights Solicitors for Save Capel SI-1 Cover Letter.pdf](#)

If you would like to attach a file in support of your comments, please upload it here. [PSLP 1964 & 1973-1987 Knights Solicitors for Save Capel SI-2 Representation.pdf](#)

If you would like to attach a file in support of your comments, please upload it here. [PSLP 1964 & 1973-1987 Knights Solicitors for Save Capel SI-3 Appendices.pdf](#)

Future Notifications

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

Local Plan Regulation 19 representations in document order

Comments on Section 4: Policy STR3: Brownfield Land

Supporting Information File Ref No: SI_151

Comment

Agent	Lorraine Lau ()
Email Address	
Company / Organisation	ROK Planning
Address	16 Upper Woburn Place London WC1H 0AF
Consultee	Gabriella Atkinson ()
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Gabriella Atkinson ()
Comment ID	PSLP_2131
Response Date	04/06/21 16:56
Consultation Point	Policy STR 3 Brownfield Land (View)
Status	Processed
Submission Type	Email
Version	0.12
Files	<u>PSLP_2131-2132, 2137-2139, 2141 ROK Planning for G Atkinson Cover Letter</u>
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Gabriella Atkinson
Question 2	
Agent's Name and Organisation (if applicable)	Rok Planning
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Given national policy emphasis on focusing new developments within brownfield and previously developed land, Part 3 of Policy STR 3 restrictive is considered restrictive in its position on the redevelopment of brownfield land outside established settlement boundaries.

[TWBC: the following paragraph is from the cover letter - for the full cover letter, please see supporting documents]

Conclusion

As detailed above, specific policy stipulations within the emerging Local Plan are considered unjustified and unsound against relevant NPPF guidance. The LPA is urged to take into account the proposed amendments to policy wording to accord with national policy, enabling greater flexibility to:-

- . the redevelopment of brownfield land outside established settlement boundaries;
- . development within rural areas and the High Weald AONB; and
- . the conversion of rural buildings for business, recreational, tourism and housing purposes.

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 following amended wording is proposed to encourage redevelopment of brownfield land beyond established settlement boundaries:-

3. Such proposals in the countryside (i.e. brownfield sites outside defined Limits to Built Development) will be supported where:

a. first sufficient consideration is given to the re-use of existing buildings, including any suitable extensions;b. they are compatible with and, where possible, enhance, the landscape setting and local amenities;c. for residential developments, the site is well related and accessible to a defined settlement and there is, or the development will provide, safe access by foot, cycling, or public transport for a high proportion of trips;d. for all proposals relating to existing brownfield sites in employment use, the criteria in Policy ED 2: Retention of Existing Employment Sites and Buildings are met;e. if relevant, they represent an appropriate use of a heritage asset or, in respect of enabling development, this is necessary to secure its future, in accordance with Policy EN 5: Heritage Assets;f. there is no unacceptable highway impact and the nature and volume of traffic is otherwise compatible with the local road network;g. they are in accordance with other relevant development plan 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)?

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

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

PSLP_2131-2132, 2137-2139, 2141_ROK Planning for G Atkinson_Cover Letter

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_159

Comment

Consultee	Jacqui Avery ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] Tunbridge Wells TN4 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Jacqui Avery ([REDACTED])
Comment ID	PSLP_2277
Response Date	04/06/21 09:31
Consultation Point	Policy STR 3 Brownfield Land (View)
Status	Processed
Submission Type	Email
Version	0.3
Files	Residents Against Ramslye Development whole submission redacted.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Jacqui Avery
Question 3	
To which part of the Local Plan does this 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	
[TWBC: see also further comments on individual sections and policies - PSLP_2269 and 2272-2279. The whole representation form (personal details redacted) has also been attached as it contains plans and images]	
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.

This response is made on behalf of the 669 signatories on the petition submitted in response to Regulation 18 which was delivered to TWBC Planning Services in 2019 and the Facebook group 'Residents Against Ramslye Development' whose membership is currently 247 (names can be provided if required). We have noted guidance 4.3 and have encouraged the people opposed to the development of site 137/ Policy AL/RTW 16 'Land to the west of Eridge Road at Spratsbrook Farm' not to make separate responses repeating the same points as those made here; some however will no doubt have submitted individual responses.

We support the inclusion of a policy on Brownfield development. We consider the policy should be further strengthened to ensure that development of Brownfield land should be completed and built out before Green field sites and certainly before any land is released 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.

Remove site 137/ AL/RTW 16 'Land to the west of Eridge Road at Spratsbrook Farm' from the plan.

Question 7

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

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

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

Future Notifications

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

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

Supporting Information File Ref No: SI_148

Comment

Agent	Mr Jonathan Buckwell ()
Email Address	
Company / Organisation	DHA Planning Ltd
Address	Eclipse House Eclipse Park MAIDSTONE ME14 3EN
Consultee	Axiom Developments ()
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Axiom Developments ()
Comment ID	PSLP_2106
Response Date	03/06/21 11:33
Consultation Point	Policy STR 3 Brownfield Land (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	DHA Planning for Axiom Developments-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Axiom Developments 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 3 Brownfield Land

[TWBC: the full representation attached has been divided between Policy STR/RTW1 (PSLP_2099), Vision and Strategic Objectives (PSLP_2104), Policies STR3 (PSLP_2106), STR9 (PSLP_2107), and AL/RTW17 (PSLP_2108).

Question 4a

If 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 Axiom Developments Limited (hereafter referred to as Axiom) in respect of the Tunbridge Wells Borough Council Regulation 19 Local Plan consultation.

1.1.2 These representations relate to land at Colebrooke Park, which Axiom is promoting for employment-generating development 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 Our client has been promoting land at Colebrooke House for a business park within an attractive parkland campus setting. The site was promoted via the original Call for Sites process in 2016 (site 101) and representations were made at the previous Reg 18 consultation. The site boundary is shown in Figure 1.

1.2.2 The site lies outside of the current settlement boundary for Royal Tunbridge Wells and within both the High Weald Area of Outstanding Natural Beauty (AONB) and the Green Belt.

1.2.3 As a result of the recent A21 dualling project, the site benefits from direct access onto the A21 via the Fairthorne junction. This now provides the site with excellent access to the national road network, whilst also being well-located in relation to the existing employment areas along Longfield Road. The A21 improvements present an excellent opportunity for the site to make a substantial contribution to the local economy through development of the site.

1.2.4 The 8.5ha site comprises a large 19th century residential property set in parkland grounds. Whilst being habitable, the property is currently in need of repairs following a period of under-investment. Its value as a residential property has been substantially affected as a result of the A21 dualling works.

[TWBC: see full representation attached for Figure 1: Proposed allocation site boundary].

1.2.5 There is a unique opportunity to provide employment-generating development which makes the most of the existing characteristics of the site. For example, this could take the form of a high-quality business park, or other employment-generating use set within an established parkland setting and based around the existing 19th century Colebrooke House.

1.2.6 The site provides an opportunity to provide an attractive business location, accessible to the A21 as well as local businesses and services. A Vision Document has been prepared and was submitted with our Regulation 18 representations previously which shows that the site would be capable of delivering around 11,750 sqm of employment-generating floorspace, which would be capable of supporting between 885 and 1,437 jobs if in office use.

1.2.7 The Council's Economic Needs Study (ENS) demonstrates the need for good quality economic development land locally. This was also backed up by responses from stakeholders identifying Tunbridge Wells as a good office and industrial location. ENS paragraph 9.66 in particular identifies demand for offices, and especially higher quality Grade A accommodation in accessible locations, which is the type of development proposed at Colebrooke House. It would score well against all of the bullet points set out in ENS paragraph 10.29, i.e. excellent accessibility; public transport and parking availability; and it being an area with a critical mass of employment use and amenities which would be attractive to investors.

1.2.8 The development would have excellent strategic transport links to the newly upgraded A21 as well as providing opportunities to create and improve existing pedestrian, cycle and public transport links to North Farm, Tunbridge Wells and Tonbridge. Pedestrian, cycle and emergency access links could also be provided into the land to the west, which is also proposed for development as part of the Local Plan proposals.

1.2.9 In respect of deliverability, the site has no planning history of relevance nor a history of unimplemented permissions, and there are no known impediments to the sites being phased for potential development. There is an excellent opportunity to deliver a high-quality employment development scheme during the plan period.

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 3: Brownfield Land

1.5.14 We **SUPPORT** this policy which provides in principle support for the effective use of redundant, disused or under-utilised brownfield land and buildings in sustainable locations.

1.6 Summary and Conclusions

1.6.1 In summary, this representation has been prepared on behalf of Axiom Developments 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 generally support the Council's overall strategy and do not object to the proposal for the site to be removed from the Green Belt and safeguarded for future employment uses. However, for the reasons set out in these representations, we believe there are strong arguments in favour of allocating the land for development now.

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

1.5.8 We broadly support the general thrust of the vision and these objectives. In particular, we especially welcome the recognition that the planned increase in housing should also be matched by a proportionate expansion in employment and other supporting opportunities across the borough.

1.5.9 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.

1.5.10 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 borough-wide needs will actively be pursued in full and in a manner that best complements the distinctive qualities of the borough'.

1.5.11 With the above modification, 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_136

Comment

Agent	Mr Jonathan Buckwell ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	DHA Planning Ltd
Address	Eclipse House Eclipse Park MAIDSTONE ME14 3EN
Consultee	([REDACTED])
Company / Organisation	Barth-Haas UK Ltd
Address	[REDACTED] Paddock Wood TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Barth-Haas UK Ltd ([REDACTED])
Comment ID	PSLP_2024
Response Date	03/06/21 12:06
Consultation Point	Policy STR 3 Brownfield Land (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	DHA Planning for Barth-Haas-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Barth-Haas Uk 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 3 Brownfield Land

[TWBC: the full representation attached has been divided into Policies STR/SS1 (PSLP_2019), STR/SS2 (PSLP_2020), Policy ED2 (PSLP_2021), Vision and Strategic Objectives (PSLP_2022), Policies STR1 (PSLP_2023), STR3 (PSLP_2024) and STR4 (PSLP_2025)]

Question 4a

If 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 Barth-Haas UK Ltd (herein 'BarthHaas') in respect of the Tunbridge Wells Borough Council Pre-Submission (Regulation 19) Local Plan (PSLP) consultation.

1.1.2 These representations relate to BarthHaas' existing site at Hop Pocket Lane, Paddock Wood.

1.2 The site

1.2.1 The site comprises the Barth Haas UK headquarters and production facility, which is located east of Hop Pocket Lane in Paddock Wood.

1.2.2 Barth Haas UK forms part of the Barth Haas Group – who are the world's largest supplier of hop products and services. It operates across all continents and provides support to its customers and partners throughout the production and sale cycle. This includes research and development, breeding /growing and marketing. As is recognised in PSLP paragraph 5.236, Paddock Wood evolved around the production of hops, and so as a company who continue to trade in hop products, BarthHaas provides an important link with the history of the town, as well as being an important local employer in its own right.

1.2.3 Our client is currently considering options to expand their facilities. This is likely to require relocation, with an alternative location in or close to Paddock Wood preferred, which will then free up the site. The existing premises are dated and no longer suit the needs of modern businesses – especially being an imposing five storey building – it is likely that the site would need to be redeveloped in order to be attractive to future occupiers.

1.2.4 The extent of the site is shown in Figure 1 overleaf.

[TWBC: for Figure 1: Site Location Plan see full representation attached]

1.2.5 The site was promoted for development through a response to the Regulation 18 consultation draft Local Plan.

1.2.6 The site is very close to both the town centre and the railway station, the latter being accessible via a pedestrian access point immediately south of the site.

1.2.7 The site was assessed by the Council as part of the Strategic Housing and Economic Land Availability Assessment (SHELAA). This concluded that the site could be suitable to be redeveloped to accommodate between 40 and 140 dwellings. The SHELAA concludes that the site is suitable, available and deliverable for such a use, and is in a sustainable location. It is therefore suitable to be allocated for this form of development.

1.2.8 Strategic Sites Masterplanning and Infrastructure Main Report paragraph 4.152 also recognises that some other town centre uses (e.g. retail and leisure) may also be appropriate in this location.

1.3 Local Plan 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 as well as wider legal compliance.

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, 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.

1.5 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

1.5.8 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.

Policy STR 3: Brownfield Land

1.5.10 We **SUPPORT** this policy which provides in principle support for the effective use of redundant, disused or under-utilised brownfield land and buildings in sustainable locations. The existing BarthHaas site clearly falls into this category.

1.6 Summary and Conclusions

1.6.1 In summary, this representation has been prepared on behalf of BarthHaas 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 fully support the proposed expansion of Paddock Wood to create a balanced mix of housing and employment development, and especially the identification of the existing BarthHaas site as being suitable for residential-led development.

1.6.3 However, we object to the wording of Policy ED2 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_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 (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	PSLP_1014_Charterhouse Strategic Land Representation_SI.pdf
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

[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

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

After this stage, 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.

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

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

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

For office use only

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

Comment

Consultee	Julie Davies ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	CPRE Kent
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	CPRE Kent (Julie Davies - [REDACTED])
Comment ID	PSLP_466
Response Date	27/05/21 11:36
Consultation Point	Policy STR 3 Brownfield Land (View)
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 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	Richard Dowse ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Benenden TN17 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Richard Dowse ([REDACTED])
Comment ID	PSLP_2150
Response Date	03/06/21 11:56
Consultation Point	Policy STR 3 Brownfield Land (View)
Status	Processed
Submission Type	Other
Version	0.3
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Richard Dowse
Question 3	
To which part of the Local Plan does this 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
Policy STR 2 Place Shaping and Design
Policy STR 3 Brownfield Land
Policy STR 5 Infrastructure and Connectivity
Policy STR 6 Transport and Parking
Policy STR 7 Climate Change

Policy STR 8 Conserving and Enhancing the Natural, Built, and Historic Environment

Policy PSTR/BE 1 The Strategy for Benenden parish

Policy AL/BE 1 Land adjacent to New Pond Road (known as Uphill), 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

[TWBC: this representation has been input against Policies STR1, STR 2, STR 3, STR 5, STR 6, STR 7, STR 8, PSTR/BE1, AL/BE 1, AL/BE 3, AL/BE 4 and EN 1, please see Comment Numbers PSLP_2147, PSLP_2149, PSLP_2150, PSLP_2151, PSLP_2152, PSLP_2153, PSLP_2154, PSLP_2155, PSLP_2156, PSLP_2129, PSLP_2133 and PSLP_2157]

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.*”

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 Cleveland's. 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.

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 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, 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 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.

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 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.

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/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)?

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

Supporting Information File Ref No: SI_132

Comment

Agent	Mr Jonathan Buckwell [REDACTED]
Email Address	[REDACTED]
Company / Organisation	DHA Planning Ltd
Address	Eclipse House Eclipse Park MAIDSTONE ME14 3EN
Consultee	[REDACTED]
Company / Organisation	Inter-Leisure Ltd
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Inter-Leisure Ltd [REDACTED]
Comment ID	PSLP_1992
Response Date	02/06/21 15:17
Consultation Point	Policy STR 3 Brownfield Land (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	DHA Planning for Inter-Leisure Ltd full representation and SI.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Inter-Leisure 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 3 Brownfield Land

[TWBC: the full representation attached has been divided between Policy STR/PW1 (PSLP_1988), Policy STR/SS1 (PSLP_1989), Vision and Objectives ((PSLP_1990), Policies STR1 (PSLP_1991), STR3 (PSLP_1992), STR4 (PSLP_1993), EN1 (PSLP_1994), EN3 (PSLP_1995) and ED2 (PSLP_1996)

Question 4a

If 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 Inter-Leisure Ltd in respect of the Tunbridge Wells Borough Council Pre-Submission (Regulation 19) Local Plan (PSLP) consultation.

1.1.2 These representations relate to land at Paddock Wood Garden Centre that forms part of the proposed strategic expansion area of Paddock Wood.

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

1.2 The site

1.2.1 Our client controls Paddock Wood Garden Centre, Maidstone Road (herein 'the Garden Centre' or 'the Site') and it was promoted for development through the response to the Regulation 18 draft Local Plan. It is available for development and will contribute toward meeting identified development needs.

1.2.2 The site is an established and operational retail Garden Centre located on the northern periphery of Paddock Wood (see figure 1).

[TWBC: for Figure 1 Location of Paddock Wood Garden Centre see full representation attached].

1.2.3 It consists of a mix of hardstanding, permanent buildings, glass houses and temporary structures. It constitutes previously developed land but is situated outside of the existing Tunbridge Wells 'limits to built development' ('LBD'), but within the new LBD as proposed in the PSLP.

1.2.4 The site is not located within the Metropolitan Green Belt or within an Area of Outstanding Natural Beauty.

1.2.5 The site falls within the administrative area of TWBC, albeit close to the borough boundary with Maidstone Borough Council, which is demarked by Wagon Lane.

1.2.6 The existing built up area of Paddock Wood is located approximately 400m to the south of the site, whilst the town centre is situated approximately 1km in the same direction. Immediately north of the site is a commercial plant hire yard, whilst railway station is Paddock Wood (1km) to the south.

1.2.7 We have included an illustrative masterplan with this representation (Appendix 1) to show how the site could be developed to provide additional retail provision to support the new housing and employment uses proposed. An extract is provided below for ease of reference.

[TWBC: for Figure 3: Illustrative site layout plan (Appendix 1) see full representation attached].

1.2.8 The proposals highlight the potential to provide additional comparison or convenience retail development (circa 1,895 sqm) by making efficient use of the extensive and underutilised parking areas.

1.2.9 The site could also be made available for other employment generating uses should there be a greater unmet need.

1.3 Local Plan 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 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 as well as wider legal compliance.

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, 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.

1.5 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 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

1.5.10 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.

Policy STR 3: Brownfield Land

1.5.12 We **SUPPORT** this policy which provides in principle support for the effective use of redundant, disused or under-utilised brownfield land and buildings in sustainable locations. The under-utilised parts of the Paddock Wood Garden Centre site clearly fall into this category.

1.6 Summary and Conclusions

1.6.1 In summary, this representation has been prepared on behalf of Inter Leisure 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 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 retail/employment development is supported at Paddock Wood Garden Centre.

1.6.3 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.

1.6.4 Finally we object to the wording of Policy ED2.

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.

1.6 Summary and Conclusions

1.6.1 In summary, this representation has been prepared on behalf of Inter Leisure 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 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 retail/employment development is supported at Paddock Wood Garden Centre.

1.6.3 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.

1.6.4 Finally we object to the wording of Policy ED2.

Question 7

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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	Andrew Teage [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Cushman Wakefield
Address	No 1 Marsden Street Manchester M2 1HW
Consultee	Ministry of Justice [REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Ministry of Justice [REDACTED]
Comment ID	PSLP_976
Response Date	02/06/21 13:12
Consultation Point	Policy STR 3 Brownfield Land (View)
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Ministry of Justice
Question 2	
Agent's Name and Organisation (if applicable)	Andrew Teage, Cushman & Wakefield
Question 3	
To which part of the Local Plan does this 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

Paragraph Nus. 4.68, 4.69, 4.70 and 4.71

[TWBC: see also PSLP_969 under Policy STR 1 The Development Strategy]

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 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.

MoJ are supportive of the principles of paragraphs 4.68, 4.69, 4.70, 4.71 of the Local Plan, which seek to make as much use as possible (optimal use) of suitable PDL (previously developed land)/brownfield sites and under-utilised land that serve to protect the Borough's important heritage, landscape qualities and designations (AONB), and Green Belt.

MoJ welcomes the Council's recognition at paragraph 4.71 that brownfield/PDL sites outside of Limits to Built Development will come forward for development but within the context of land in its ownership at HMP Blantyre House, Horden, Goudhurst does not agree that the future of substantial brownfield/PDL sites located within the countryside but outside of the Greenbelt and High Weald AONB should be left to consideration as part of the Local Plan's windfall allowance.

To reiterate MoJ's response to Policy STR1, and given the importance that is placed on the effective use of brownfield and urban land in the NPPF1, Policy STR1, and Policy STR3, it is strange that the Council is relying on a windfall allowance to deliver a considerable proportion of its development need from such a significant land use category, particularly when there are large previously developed sites such as HMP Blantyre House, Horden, Goudhurst located within the Borough that may become available for alternative development during the plan period.

HMP Blantyre House is in the ownership of the Ministry of Justice and is a substantial property that extends to 11.75 hectares. It has incrementally developed over time from its original use as a Fegan Home for Boys, through its conversion to a Detention Centre for young offenders, before its final conversion to a resettlement prison for long term prisoners, which was designed to prepare men for their eventual release through training, education and lifestyle skills. The Blantyre House estate is therefore much more than just the main residential accommodation; it has a range of subsidiary buildings and infrastructure that extend the developed footprint of the site comprising some 26 buildings, a swimming pool, farm area, and associated hardstanding and car parking, all of which is consistent with the definition of previously developed land contained within Annex 2 of the NPPF2.

Blantyre House officially closed as a resettlement prison in 2019 and had been vacant more than 2 years prior to that. Substantial decommissioning of the site has also been undertaken. The Ministry of Justice is currently considering the property's appropriateness for alternative secure accommodation uses within the same use class (C2a) but the property may become surplus to requirements during the plan period, at which point it will be marketed and sold for alternative uses.

This substantial, previously developed site would, at this point in time enter a new chapter and a new future use would need to be found, otherwise there is a significant risk that it will fall into dereliction, which would disbenefit local residents and harm the local environment. This would be contrary to the Council's policy direction that such land can make a significant contribution to the development needs of the Borough, thereby avoiding unacceptable impacts on protected areas such as the Greenbelt and High Weald AONB, and in doing so deliver overall sustainability benefits.

Leaving the future of such a substantial previously developed land asset to be resolved through the windfall allowance of the Local Plan is not considered to represent positive planning, and is certainly not the most effective strategy for finding the right solution for the re-purposing/re-use/re-development of such an important previously developed site.

It is recognised that the Council has considered HMP Blantyre House as a reasonable alternative for a garden settlement³, as well as a reasonable alternative development site for the settlement of Goudhurst⁴, and have concluded that it does not merit formal allocation within the Local Plan. The principal reason for this being that the sites accessibility was not considered to be sufficiently positive.

The MoJ does not believe that this assessment outcome has considered all reasonable alternatives to finding the optimum planning outcome for such a large previously developed site in the countryside and outside the Green Belt and High Weald AONB. The Local Plan therefore fails to make appropriate provision for the proper assessment of such sites by means of an appropriate and proportionate evaluation of its future alternative use.

Table 62 in Appendix O of the Sustainability Appraisal of the Pre-Submission Local Plan (February 2021) determines that the site has a positive score against both the Land Use objective and health assessment, which should in themselves suggest that greater attention should be paid to the future of this significant brownfield asset in the Countryside. Furthermore, Table 62 identifies that setting issues and heritage asset issues may need consideration, alongside concern surrounding its accessibility and remote location. These issues are not unsurmountable and with due care and proper consideration, sustainable site-based solutions will be able to be found that will ensure that such an important previously developed property and land asset does not fall into dereliction. For example, the Council recognise in the commentary on Goudhurst reasonable alternative sites on page 173 of the Sustainability Appraisal that the nearest train station at Marden is relatively near but the direct bus service is poor, which is a situation that can be positively addressed through the consideration of specific site based sustainable travel options and investment.

Positive, effective, and clear policy guidance is required on the future of such substantial previously developed sites outside of Limits to Development, rather than leaving the future of such important assets to windfall opportunities, which is an approach that clearly leads to the risk that such valuable brownfield assets will fall into dereliction.

Providing positive, effective, and clear policy guidance on the future of such substantial previously developed sites approach is clearly aligned and consistent with national policy and advice, specifically paragraph 118. and 79. of the National Planning Policy Framework (NPPF) where planning policies should:

118. (a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside; 118. (d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained, and available sites could be used more effectively; and 79. (c) re-use redundant or disused buildings and enhance their immediate setting.

Paragraph 119 of the NPPF further supports the case for specific policy guidance for substantial previously developed sites outside of Limits to Development and not within the Green Belt or High Weald AONB. This paragraph makes it clear that local planning authorities should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, including suitable sites held in public ownership where this can help to bring more land forward

for meeting development needs and/or secure better development outcomes. HMP Blantyre House is currently within public ownership (MoJ) and the landowner, MoJ, has previously made it clear to the Council that the property may become surplus to requirements during the plan period.

For the Local Plan to be positively prepared and justified, specific attention must be paid to substantial previously developed sites such as HMP Blantyre House that lie outside of Limits to Development but are not within the Green Belt or High Weald AONB.

2 land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.³ Table 27 Sustainability Appraisal of the Pre-Submission Local Plan February 2021.⁴ Table 62 and Appendix O Sustainability Appraisal of the Pre-Submission Local Plan February 2021.

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.

MoJ does not consider that Policy STR3 requires any amendments because it believes that its suggested amendment to Policy STR1 addresses the current Local Plan shortcomings in relation to being positively prepared and justified (as set out in MoJ's response to Policy STR1).

MoJ does however consider that a new paragraph is added to the explanatory text that precedes Policy STR3. This text should make clear the positive contribution that substantial previously developed sites outside of Limits to Development and not within the Green Belt or High Weald AONB can make to the future development needs of the Borough, which will assist in reducing unacceptable impacts on protected areas such as the Greenbelt and High Weald AONB, and in doing so deliver overall sustainability benefits.

This explanatory text should be linked back to the suggested new criterion 10. of Policy STR1, which for the purposes of comprehensiveness is repeated here:

10. Safeguard substantial previously developed sites that are located in the Countryside but outside of the Green Belt or High Weald AONB for future development, where such development will make an important contribution to meeting the development needs of the Borough over the whole of the Plan period and can demonstrate through a site wide masterplan that there will be no material or adverse effect on the character and amenities of the surrounding area, including an assessment against criteria 3. of Policy STR3 Brownfield Land.

Question 7

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

On the basis that the property may become surplus to requirements during the plan period, and as a responsible public sector landowner⁵, MoJ considers it important that every opportunity is given to exploring all reasonable approaches to achieving the optimum planning outturn for such a large previously developed site in the countryside. Having the ability for MoJ's planning advisors Cushman & Wakefield to participate in the relevant hearing sessions represents positive planning to the MoJ, particularly in working with the Council and Inspector to achieve the most effective strategy and solution for the future re-purposing/re-use/re-development of such an important previously developed site.

Question 8

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

Reiterating our representations made in question 5. above, it is recognised that the Council has considered HMP Blantyre House as a reasonable alternative for a garden settlement⁶, as well as a reasonable alternative development site for the settlement of Goudhurst⁷, and have concluded that it does not merit formal allocation within the Local Plan. The principal reason for this being that the site's accessibility was not considered to be sufficiently positive.

The MoJ does not believe that this assessment outcome has considered all reasonable alternatives to finding the optimum planning outturn for such a large previously developed site in the countryside and outside the Green Belt and High Weald AONB. The Local Plan therefore fails to make appropriate provision for the proper assessment of such sites by means of an appropriate and proportionate evaluation of its future alternative use.

Table 62 in Appendix O of the Sustainability Appraisal of the Pre-Submission Local Plan (February 2021) determines that the site has a positive score against both the Land Use objective and health assessment, which should in themselves suggest that greater attention should be paid to the future of this significant brownfield asset in the Countryside. Furthermore, Table 62 identifies that setting issues and heritage asset issues may need consideration, alongside the concern surrounding its accessibility and remote location. These issues are not unsurmountable and with due care and proper consideration, sustainable site based solutions will be able to be found that will ensure that such important previously developed property and land assets do not fall into dereliction. For example, the Council recognise in the commentary on Goudhurst reasonable alternative sites on page 173 of the Sustainability Appraisal that the nearest train station at Marden is relatively near but the direct bus service is poor, which is a situation that can be positively addressed through the consideration of specific site based sustainable travel options and investment.

Positive, effective, and clear policy guidance is required on the future of such substantial previously developed sites outside of Limits to Development and not within the Green Belt or High Weald AONB, rather than leaving the future of such important assets to windfall opportunities, which is an approach that clearly leads to the risk that such valuable brownfield assets will fall into dereliction.

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 Raymond Moon ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] Paddock Wood TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Raymond Moon ([REDACTED])
Comment ID	PSLP_2283
Response Date	02/06/21 14:54
Consultation Point	Policy STR 3 Brownfield Land (View)
Status	Processed
Submission Type	Web
Version	0.2

Data inputter to enter their initials here HB

Question 1

Respondent's Name and/or Organisation Raymond Moon

Question 3

To which part of the Local Plan does this 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

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.

Policy STR 3

Brownfield Land (Statement)

Where is the real evidence that Brownfield land is being considered across the Borough rather than Greenfield build in PW and Capel?

a-g. These list all the reasons why Brownfield development could be unacceptable but logically they should also apply to the proposed new dwellings in PW. Within the plan they seem not to apply. Why the mismatch in policy in the DLP?

Question 7

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

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

Comment

Consultee	Mr Raymond Moon ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Paddock Wood Labour Party (PWLP)
Address	[REDACTED] TONBRIDGE TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Paddock Wood Labour Party (PWLP) (Mr Raymond Moon - [REDACTED])
Comment ID	PSLP_2309
Response Date	02/06/21 15:02
Consultation Point	Policy STR 3 Brownfield Land (View)
Status	Processed
Submission Type	Web
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Paddock Wood Labour Party
Question 3	
To which part of the Local Plan does this 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
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.

Policy STR 3

Brownfield Land (Statement)

Where is the real evidence that Brownfield land is being considered across the Borough rather than Greenfield build in PW and Capel?

a-g. These list all the reasons why Brownfield development could be unacceptable but logically they should also apply to the proposed new dwellings in PW. Within the plan they seem not to apply. Why the mismatch in policy in the DLP?

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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_54a-b

Comment

Consultee	Ms Noreen O'Meara [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Residents Against Ramslye Development
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Residents Against Ramslye Development [REDACTED] [REDACTED]
Comment ID	PSLP_928
Response Date	02/06/21 08:48
Consultation Point	Policy STR 3 Brownfield Land (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Residents Against Ramslye Development whole submission redacted.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Noreen O'Meara on behalf of Residents Against Ramslye Development
Question 3	
To which part of the Local Plan does this 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

[TWBC: see also further comments on individual sections and policies - PSLP_914, 925, 926, 928, 929, 930, 931, 932, 933, 938. The whole representation form (personal details redacted has also been attached as it contains plans and images]

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.

This response is made on behalf of the 669 signatories on the petition submitted in response to Regulation 18 which was delivered to TWBC Planning Services in 2019 and the Facebook group 'Residents Against Ramslye Development' whose membership is currently 247 (names can be provided if required). We have noted guidance 4.3 and have encouraged the people opposed to the development of site 137/ Policy AL/RTW 16 'Land to the west of Eridge Road at Spratsbrook Farm' not to make separate responses repeating the same points as those made here; some however will no doubt have submitted individual responses.

We support the inclusion of a policy on Brownfield development. We consider the policy should be further strengthened to ensure that development of Brownfield land should be completed and built out before Green field sites and certainly before any land is released 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.

Remove site 137/ AL/RTW 16 'Land to the west of Eridge Road at Spratsbrook Farm' from the 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	██████████
Email Address	██
Company / Organisation	Royal Tunbridge Wells Town Forum
Address	- - - -
Event Name	Pre-Submission Local Plan
Comment by	Royal Tunbridge Wells Town Forum ██████████
Comment ID	PSLP_831
Response Date	01/06/21 08:15
Consultation Point	Policy STR 3 Brownfield Land (View)
Status	Processed
Submission Type	Email
Version	0.2
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Royal Tunbridge Wells Town Forum
Question 3	
To which part of the Local Plan does this 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	
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.

We strongly support the provisions of this policy. Together with intensification when Brownfield land is redeveloped, this should be capable of eliminating the loss of Green Belt around RTW both now and in the future and allow the creation of an ever more sustainable community to combat climate change.

Question 7

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

Supporting Information File Ref No: SI_131a-c

Comment

Agent	Mr Simon Bell ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Knights Solicitors
Address	Regency House 25 High Street Tunbridge Wells TN1 1UT
Consultee	Save Capel ([REDACTED])
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Save Capel ([REDACTED])
Comment ID	PSLP_1975
Response Date	03/06/21 18:51
Consultation Point	Policy STR 3 Brownfield Land (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	PSLP_1964 & 1973-1987_Knights Solicitors for Save Capel_SI-2_Representation.pdf PSLP_1964 & 1973-1987_Knights Solicitors for Save Capel_SI-3_Appendices.pdf PSLP_1964 & 1973-1987_Knights Solicitors for Save Capel_SI-1_Cover Letter.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Save Capel
Question 2	
Agent's Name and Organisation (if applicable)	Knights Solicitors

Question 3

To which part of the Local Plan does this 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

[TWBC: for further comments by Save Capel, please see Comment Numbers PSLP_1964 and PSLP_1973-1987]

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 attached: "Representation by Save Capel under Regulation 19", dated 3rd June 2021, and Appendices

[TWBC: the following extract is from "Representation by Save Capel under Regulation 19" - for the full representation and appendices, please see supporting documents]

STR 3 Brownfield Land

3.29. TWBC has not exhaustively analysed the availability of Brownfield sites (BFS) in the borough and has ignored potential sites for strategic development in those areas outside GB and AONB.

3.30. The register was reviewed in 2020 but we believe there are more sites that could be utilised. TWBC passively "requested" new BFS but did not proactively seek new BFS, in order to state that its register is up to date – to meet the legal not more than 1 year old basis. No new sites came forward

but Save Capel has sought potential BFS and found the potential for a great deal of housing on sites not on the TWBC BFS register.

3.31. TWBC's latest Brownfield Register contains 38 sites with a total of 805 proposed dwellings.

3.32. Of these, 30 sites have been permissioned. This would yield a total of only 500 housing units from brownfield sites – failing to make a meaningful contribution to the Plan.

3.33. While the brownfield potential in the borough is constrained, the existing Register is far from complete and there is a MUCH larger brownfield potential that needs to be identified and evaluated as a priority BEFORE resorting to building on Green Belt / AONB land.

3.34. TWBC has not proactively undertaken this effort to date.

3.35. Through our own efforts we have identified c. 50 brownfield sites with an incremental housing potential of c. 1,800 dwellings (at 30 dph). This is incremental to the Alternative Sites numbers.

3.36. Increasing housing density from 30 dph to 50 dph which we believe should be the norm – especially for brownfield sites would increase the housing yield for these new brownfield sites from 1,800 to 2,900 dwellings (in addition to the existing 500 dwellings on the register).

3.37. Save Capel's assessment of Brownfield potential is included in 'Alternative sites' - Appendix 8.

Question 7

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

Save Capel has sought to be actively involved in engaging with the Council throughout this review of the Local Plan. As a group we have developed particular expertise and have undertaken significant and extensive research in respect of the effects of the policies to which we have made representations. We consider that we will be able to assist the Inspector(s) examining the final submission significantly.

If you would like to attach a file in support of your comments, please upload it here. [PSLP_1964 & 1973-1987_Knights Solicitors for Save Capel_SI-1_Cover Letter.pdf](#)

If you would like to attach a file in support of your comments, please upload it here. [PSLP_1964 & 1973-1987_Knights Solicitors for Save Capel_SI-2_Representation.pdf](#)

If you would like to attach a file in support of your comments, please upload it here. [PSLP_1964 & 1973-1987_Knights Solicitors for Save Capel_SI-3_Appendices.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_108

Comment

Agent	Mr Lyndon Gill [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Barton Willmore LLP
Address	[REDACTED] [REDACTED] Cambridge [REDACTED]
Consultee	Mr Jeff Wilson [REDACTED]
Company / Organisation	Wrenbridge Land Ltd
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Wrenbridge Land Ltd [REDACTED]
Comment ID	PSLP_1841
Response Date	04/06/21 11:43
Consultation Point	Policy STR 3 Brownfield Land (View)
Status	Processed
Submission Type	Email
Version	0.8
Files	<u>PSLP_1838-1844 (not inclusive) Barton Willmore for Wrenbridge Land SI.pdf</u>
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Wrenbridge Land Ltd
Question 2	
Agent's Name and Organisation (if applicable)	Barton Willmore LLP
Question 3	

To which part of the Local Plan does this 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

[TWBC: this representation has been input against Policies STR 1, STR 3, ED 1 and ED 2 – see Comment Numbers PSLP_1838, PSLP_1841, PSLP_1842 and PSLP_1844. The full representation has been attached as supporting information]

Question 4

Do you consider that the Local Plan:

Is legally compliant

Don't know

Is sound

No

Complies with the Duty to Cooperate

Don't know

Question 4a

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

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

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

Question 5

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

After this stage, 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.

1.0 INTRODUCTION

1.1 These representations are made to the Regulation 19 Pre-Submission consultation for the Emerging Tunbridge Wells Borough Council Local Plan. These representations are made on behalf of Wrenbridge Land Ltd (hereafter 'Wrenbridge') by Barton Willmore LLP. Wrenbridge has a number of land interests across the borough and has successfully delivered a number of high-quality commercial redevelopments within the wider south east region. Wrenbridge specialise in providing high quality commercial developments on brownfield under-utilised land where the existing units are dated, and no longer fit for modern day business purposes.

1.2 These representations are made in relation to the pre-submission consultation outlined by the Council, in particular in regard to the employment uses across the borough and the location of such land uses.

2.0 RESPONSES TO THE REGULATION 19 CONSULTATION

2.1 This section sets out our responses on behalf of Wrenbridge to the current consultation. For brevity relevant sections and policy numbers are referenced accordingly.

Policy STR 3: Brownfield Development

2.4 Section 1 of Policy STR 3 states that brownfield development within the limits of existing settlements shall have “*proper regard to their detailed impacts, notably design*.” Section 2 of Policy STR1 states that brownfield proposals either within, or a short walking distance away from ‘Defined Town and Rural Service Centres’ “*will be expected to make optimal use of land and buildings*.”

2.5 Wrenbridge are supportive of Section 1 of this policy and agree that modern commercial units within existing settlements should be commensurate with the surrounding environment. However, we believe that Section 2 is reductive in only emphasising the optimal use of brownfield land within close proximity to the ‘Defined Town and Rural Service Centres’. The NPPF sets out in paragraph 117 that planning policies should make “*as much use as possible of previously-developed or ‘brownfield’ land*.” To achieve this, it is considered that the principle for the optimisation of brownfield land should instead be supported holistically, subject to all other technical matters being satisfied. The appropriateness of any intensification at a specific brownfield site can then be a matter for the decision taker at planning application stage.

3.0 SUMMARY AND CONCLUSIONS

3.1 These representations have been produced on behalf of Wrenbridge in relation to the Regulation 19 emerging Local Plan consultation being undertaken by Tunbridge Wells Borough Council.

3.2 Wrenbridge supports the Plan’s emphasis on developing brownfield land to meet the borough’s employment floorspace need. However, we believe the wording within Policy STR3 could be amended to seek the optimal use of all appropriate brownfield sites, not just those within close proximity to Town and Rural Centre designations.

3.3 Wrenbridge supports the retained designation of the ‘Southborough High Broom Industrial Area’. However, we query the omission of Use Class B2 within the designation. There appears to be no evidence base precluding such a use that already exists within the defined employment area, and there are sufficient development management policies particularly around noise which can be used to assess planning applications on their own merits once submitted.

3.4 Furthermore, Wrenbridge suggests that any wording for this designation allows for suitable flexibility within B8, B2 and E Class Uses so that rapid changes can be made to suit the market at the time.

3.5 Finally, we suggest the policy wording for ED2 needs to be set out more clearly, as currently the requirement to redevelop employment sites for employment uses is overly onerous and will prevent new developments coming forward that meet modern requirements.

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.

3.0 SUMMARY AND CONCLUSIONS

3.1 These representations have been produced on behalf of Wrenbridge in relation to the Regulation 19 emerging Local Plan consultation being undertaken by Tunbridge Wells Borough Council.

3.2 Wrenbridge supports the Plan’s emphasis on developing brownfield land to meet the borough’s employment floorspace need. However, we believe the wording within Policy STR3 could be amended to seek the optimal use of all appropriate brownfield sites, not just those within close proximity to Town and Rural Centre designations.

3.3 Wrenbridge supports the retained designation of the 'Southborough High Broom Industrial Area'. However, we query the omission of Use Class B2 within the designation. There appears to be no evidence base precluding such a use that already exists within the defined employment area, and there are sufficient development management policies particularly around noise which can be used to assess planning applications on their own merits once submitted.

3.4 Furthermore, Wrenbridge suggests that any wording for this designation allows for suitable flexibility within B8, B2 and E Class Uses so that rapid changes can be made to suit the market at the time.

3.5 Finally, we suggest the policy wording for ED2 needs to be set out more clearly, as currently the requirement to redevelop employment sites for employment uses is overly onerous and will prevent new developments coming forward that meet modern requirements.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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 do not consider that the employment land policies are sufficiently flexible to meet with potential future market demand, as outlined in our cover letter.

Future Notifications

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

Local Plan Regulation 19 representations in document order

Comments on Section 4: Policy STR4: Ensuring Comprehensive Development

Supporting Information File Ref No: SI_136

Comment

Agent	Mr Jonathan Buckwell ()
Email Address	
Company / Organisation	DHA Planning Ltd
Address	Eclipse House Eclipse Park MAIDSTONE ME14 3EN
Consultee	()
Company / Organisation	Barth-Haas UK Ltd
Address	 Paddock Wood TN12
Event Name	Pre-Submission Local Plan
Comment by	Barth-Haas UK Ltd ()
Comment ID	PSLP_2025
Response Date	03/06/21 12:06
Consultation Point	Policy STR 4 Ensuring Comprehensive Development (View)
Status	Processed
Submission Type	Email
Version	0.3
Files	DHA Planning for Barth-Haas-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Barth-Haas Uk 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 Policies STR/SS1 (PSLP_2019), STR/SS2 (PSLP_2020), Policy ED2 (PSLP_2021), Vision and Strategic Objectives (PSLP_2022), Policies STR1 (PSLP_2023), STR3 (PSLP_2024) and STR4 (PSLP_2025)]

Question 4a

If 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 Barth-Haas UK Ltd (herein 'BarthHaas') in respect of the Tunbridge Wells Borough Council Pre-Submission (Regulation 19) Local Plan (PSLP) consultation.

1.1.2 These representations relate to BarthHaas' existing site at Hop Pocket Lane, Paddock Wood.

1.2 The site

1.2.1 The site comprises the Barth Haas UK headquarters and production facility, which is located east of Hop Pocket Lane in Paddock Wood.

1.2.2 Barth Haas UK forms part of the Barth Haas Group – who are the world's largest supplier of hop products and services. It operates across all continents and provides support to its customers and partners throughout the production and sale cycle. This includes research and development, breeding /growing and marketing. As is recognised in PSLP paragraph 5.236, Paddock Wood evolved around the production of hops, and so as a company who continue to trade in hop products, BarthHaas provides an important link with the history of the town, as well as being an important local employer in its own right.

1.2.3 Our client is currently considering options to expand their facilities. This is likely to require relocation, with an alternative location in or close to Paddock Wood preferred, which will then free up the site. The existing premises are dated and no longer suit the needs of modern businesses – especially being an imposing five storey building – it is likely that the site would need to be redeveloped in order to be attractive to future occupiers.

1.2.4 The extent of the site is shown in Figure 1 overleaf.

[TWBC: for Figure 1: Site Location Plan see full representation attached]

1.2.5 The site was promoted for development through a response to the Regulation 18 consultation draft Local Plan.

1.2.6 The site is very close to both the town centre and the railway station, the latter being accessible via a pedestrian access point immediately south of the site.

1.2.7 The site was assessed by the Council as part of the Strategic Housing and Economic Land Availability Assessment (SHELAA). This concluded that the site could be suitable to be redeveloped to accommodate between 40 and 140 dwellings. The SHELAA concludes that the site is suitable, available and deliverable for such a use, and is in a sustainable location. It is therefore suitable to be allocated for this form of development.

1.2.8 Strategic Sites Masterplanning and Infrastructure Main Report paragraph 4.152 also recognises that some other town centre uses (e.g. retail and leisure) may also be appropriate in this location.

1.3 Local Plan 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 as well as wider legal compliance.

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, 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.

1.5 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

1.5.8 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.

Policy STR 4: Ensuring Comprehensive Development

1.5.11 We have **NO OBJECTION** to the aims and objectives of Policy STR 4, which seeks a holistic and fully integrated approach to the urban expansion of Paddock Wood.

1.5.12 We would however **COMMENT** that whilst the principle of masterplanning the expansion of the town is agreed, it is noted that whilst initial masterplanning work has already been undertaken by David Lock Associates, it is proposed to undertake further work which will result in the publication of Supplementary Planning Documents (SPDs) in due course.

1.5.13 The existing BarthHaas site is, in the context of the wider plans for Paddock Wood, a relatively small site, which is identified in the Strategic Sites Masterplanning and Infrastructure Main Report as being suitable for residential, retail and leisure uses.

Given that BarthHaas would not vacate the site until replacement premises have been secured and built, and that the redevelopment of the site may be necessary to help fund any such relocation, it is important that there are no unnecessary planning barriers to securing permission for redevelopment in the short term.

1.5.14 So long as the proposed development remains broadly in line with that set out in the initial Strategic Sites Masterplanning and Infrastructure Main Report, if necessary this site should be able to come forward in advance of the publication of a future SPD, so long as:

- the proposals are generally in accordance with the aims and objectives of existing masterplanning work and the emerging Local Plan, unless there are good planning reasons to depart from these;• the proposals do not conflict with the aim set out at PSLP paragraph 4.77 of the PSLP, which states that “the key requirement should be to ensure that a coordinated approach to new developments which have a clear inter-relationship is taken to achieve the efficient use of land, providing for different land uses in most appropriate places, and overall good planning.”

1.6 Summary and Conclusions

1.6.1 In summary, this representation has been prepared on behalf of BarthHaas 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 fully support the proposed expansion of Paddock Wood to create a balanced mix of housing and employment development, and especially the identification of the existing BarthHaas site as being suitable for residential-led development.

1.6.3 However, we object to the wording of Policy ED2 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_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 (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	DHA Planning for Caenwood Estates Ltd - full representation and supporting documents.pdf
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

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_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_1018
Response Date	02/06/21 12:44
Consultation Point	Policy STR 4 Ensuring Comprehensive Development (View)
Status	Processed
Submission Type	Email
Version	0.3
Files	PSLP_1014_Charterhouse Strategic Land Representation SI.pdf
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

[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

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

After this stage, 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.

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 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

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

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

For office use only

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

Comment

Consultee	Julie Davies [REDACTED]
Email Address	[REDACTED]
Company / Organisation	CPRE Kent
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	CPRE Kent [REDACTED]
Comment ID	PSLP_468
Response Date	27/05/21 10:29
Consultation Point	Policy STR 4 Ensuring Comprehensive Development (View)
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

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_2067
Response Date	04/06/21 15:53
Consultation Point	Policy STR 4 Ensuring Comprehensive Development (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	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-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-4 Appendix 3A.1 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-2 Appendix 2 Flood Risk & Drainage Overview 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-13_Appendix 3_Site Context 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-12_Appendix 3_Site Appraisal Photos](#)
[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-6_Appendix 3_Fig.1_Site Context 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? 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: 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]

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 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.

[TWBC: the following paragraphs are relevant extracts from the representation. For the full representation and appendices, please see supporting documents]

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.

4.15 Crest supports the overall principles of these policies, but considers them to be unsound, as the policy wording could be more positively prepared and justified.

4.16 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.

4.17 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.

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 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_143

Comment

Agent	Mr Jonathan Buckwell ()
Email Address	
Company / Organisation	DHA Planning Ltd
Address	Eclipse House Eclipse Park MAIDSTONE ME14 3EN
Consultee	()
Company / Organisation	Gallagher Properties Ltd
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Gallagher Properties Ltd ()
Comment ID	PSLP_2065
Response Date	02/06/21 17:52
Consultation Point	Policy STR 4 Ensuring Comprehensive Development (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	DHA Planning for Gallagher Properties - full representation and appendix.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Gallagher Properties 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 Policy STR/SS1 (PSLP_2061), Vision and Strategic Objectives (PSLP_2062), Policy STR1 (PSLP_2063), Policy STR4 (PSLP_2065) and Development Management Policies (PSLP_2075)

Question 4a

If 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 Gallagher Properties Ltd (hereafter referred to as Gallagher) in respect of the Tunbridge Wells Borough Council Regulation 19 Pre-Submission Local Plan (PSLP) consultation.

1.1.2 These representations relate to land at Swatlands Farm, Lucks Lane that forms part of the employment allocations proposed for the expansion of Paddock Wood.

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

1.2 The Site

1.2.1 Our client is promoting employment development at Swatlands Farm, Lucks Lane, which formed site 347 of the Strategic Housing and Employment Land Availability Appraisal (SHELAA). The site location is shown on the plan overleaf. *[TWBC: see full representation attached]*

1.2.2 The site is located to the south-east of Maidstone Road and south of Lucks Lane. It lies adjacent to, but outside, the defined Limits to Built Development (LBD) boundary of Paddock Wood in the adopted Local Plan, but within the proposed Paddock Wood strategic development area and within the proposed LBD in the PSLP.

1.2.3 The site comprises an undeveloped parcel of agricultural land. It has a largely grassed surfaced with boundaries are marked by hedgerows and trees. A small wooded area lies to the west, adjacent to Maidstone Road, and a central tree/hedge line which partially divides the site. There is also a water course running along the rear boundary of the site and a small stream that runs across part of the site from Lucks Lane.

1.2.4 Gallaghers are proposing to develop the site for employment development. It is currently anticipated that a range of size and types of employment units could be provided on the site, providing up to 18,500 sqm of employment floorspace within up to seven buildings.

1.2.5 The Council's SHELAA site assessment confirms that the site is suitable for economic uses, and is available and deliverable. It is therefore identified as being suitable for an allocation in the Local Plan as a logical extension to a key employment area.

[TWBC: for site location plan see full representation attached]

1.2.6 The site is deliverable in the short term and therefore represents an excellent opportunity to deliver meaningful new employment, and by providing the type of units for which there is currently the highest level of demand. It is important that, whilst constraints clearly need to be respected, the Local Plan allows the best use to be made of what is a key employment growth opportunity.

1.3 Local Plan 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 as well as wider legal compliance.

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, 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.

1.5 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

1.5.9 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.

Policy STR 4: Ensuring Comprehensive Development

1.5.11 We have **NO OBJECTION** to the aims and objectives of Policy STR 4, which seeks a holistic and fully integrated approach to the urban expansion of Paddock Wood.

1.5.12 We would however **COMMENT** that whilst the principle of masterplanning the expansion of the town is agreed, it is noted that the initial masterplanning work already undertaken by David Lock Associates, to which we have also contributed, it is proposed to undertake further work which will result in the publication of Supplementary Planning Documents (SPDs) in due course.

1.5.13 The proposed employment development at Swatlands Farm is in line with the masterplanning work which has been carried out to date. Given the importance of ensuring that employment proposals come forward at an early stage, to increase the prospects of expanded employment opportunities being available to existing and future residents as soon as possible, if necessary this site should be able to come forward in advance of the publication of a future SPD, so long as:

- the proposals are generally in accordance with the aims and objectives of existing masterplanning work and the emerging Local Plan, unless there are good planning reasons to depart from these;• the proposals do not conflict with the aim set out at PSLP paragraph 4.77 of the PSLP, which states that “the key requirement should be to ensure that a coordinated approach to new developments which have a clear inter-relationship is taken to achieve the efficient use of land, providing for different land uses in most appropriate places, and overall good planning.”

1.6 Summary and Conclusions

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

1.6.2 We fully support the proposed expansion of Paddock Wood to create a balanced mix of housing and employment development, including employment development at Swatlands Farm.

1.6.3 We do however object to the detailed wording of certain aspects of Policy STR/SS1 as set out above, although the general principles are supported. We also have concerns about 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_85a-i

Comment

Agent	Chris Pattison [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Turnberry
Address	[REDACTED] London [REDACTED]
Consultee	[REDACTED]
Company / Organisation	Hadlow Estate
Address	[REDACTED] [REDACTED] TONBRIDGE [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Hadlow Estate [REDACTED]
Comment ID	PSLP_1632
Response Date	04/06/21 15:44
Consultation Point	Policy STR 4 Ensuring Comprehensive Development (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	PSLP_1630-1645_Turnberry for Hadlow Estate_SI-2_A-1_Ecological Appraisal.pdf PSLP_1630-1645_Turnberry for Hadlow Estate_SI-3_A-2_Highways and Transportation Report.pdf PSLP_1630-1645_Turnberry for Hadlow Estate_SI-9_A-8_Development Strategy.pdf PSLP_1630-1645_Turnberry for Hadlow Estate_SI-7_A-6_Landscape and Visual Appraisal.pdf PSLP_1630-1645_Turnberry for Hadlow Estate_SI-8_A-7_Green Belt Appraisal.pdf PSLP_1630-1645_Turnberry for Hadlow Estate_SI-5_A-4_Heritage Constraints Appraisal.pdf PSLP_1630-1645_Turnberry for Hadlow Estate_SI-6_A-5_Archaeology Assessment.pdf PSLP_1630-1645_Turnberry for Hadlow Estate_SI-4_A-3_Flood Risk Review.pdf

Data inputter to enter their initials here HB

Question 1

Respondent's Name and/or Organisation Hadlow Estate

Question 2

Agent's Name and Organisation (if applicable) Turnberry

Question 3

To which part of the Local Plan does this 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: for further comments by Hadlow Estate, please see Comment Numbers PSLP_1630-1645]

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.

Although we consider the Plan that the Plan is sound generally, we consider that certain details of the policies identified in our representations require amendment. These amendments are set out in our submitted representation and supporting technical evidence.

1 Comments on the Draft Plan

We have reviewed the Proposed Submission Plan and its supporting material to ensure the proposed spatial strategy for the Plan is both robust and justified in its identification of Tudeley for 2,800 homes. This section first reviews the Tudeley Village allocation and offers minor amendments to the detailed wording of the policy, before moving on to our observations on strategic and other supporting policies in the Plan. We set out our broad in principle support for the majority of the Plan's policies, however we make certain representations regarding amendments below.

Policy STR4 Ensuring Comprehensive Development

We support the principle of this policy, which requires masterplans for the urban expansion of Paddock Wood and Tudeley Village. Despite this in principle support for masterplans, we would question the need for a detailed SPD for Tudeley Village given that the land is entirely within the ownership of the Hadlow Estate, ensuring that development will come forward comprehensively and following significant public consultation in accordance with a masterplan.

There is an ability to bring forward and adopt a masterplan for the site without the requirement to undertake the full SPD process. This would be consistent with paragraph 126 of the NPPF which states, in relation to design guides and SPDs, that their level of detail and degree of prescription should be tailored to the circumstances in each place and should allow a suitable degree of variety where this would be justified.

[TWBC: for full representation, please see supporting documents]

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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 refer to paragraph 3.14 of the Procedure Guide for Local Plan Examinations which sets out the circumstances in which representors may be invited to appear at examination stage. It would be helpful to the LPA as well as the Inspector if we were invited to participate to assist the Inspector's understanding of a soundness or legal compliance issue. Moreover, as we are suggesting helpful modifications it would be appropriate for us to participate in hearing sessions related to those areas within which we have suggested modifications.

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_132

Comment

Agent	Mr Jonathan Buckwell [REDACTED]
Email Address	[REDACTED]
Company / Organisation	DHA Planning Ltd
Address	Eclipse House Eclipse Park MAIDSTONE ME14 3EN
Consultee	[REDACTED]
Company / Organisation	Inter-Leisure Ltd
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Inter-Leisure Ltd [REDACTED]
Comment ID	PSLP_1993
Response Date	02/06/21 15:17
Consultation Point	Policy STR 4 Ensuring Comprehensive Development (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	DHA Planning for Inter-Leisure Ltd full representation and SI.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Inter-Leisure 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 3 Brownfield Land

[TWBC: the full representation attached has been divided between Policy STR/PW1 (PSLP_1988), Policy STR/SS1 (PSLP_1989), Vision and Objectives ((PSLP_1990), Policies STR1 (PSLP_1991), STR3 (PSLP_1992), STR4 (PSLP_1993), EN1 (PSLP_1994), EN3 (PSLP_1995) and ED2 (PSLP_1996)

Question 4a

If 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 Inter-Leisure Ltd in respect of the Tunbridge Wells Borough Council Pre-Submission (Regulation 19) Local Plan (PSLP) consultation.

1.1.2 These representations relate to land at Paddock Wood Garden Centre that forms part of the proposed strategic expansion area of Paddock Wood.

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

1.2 The site

1.2.1 Our client controls Paddock Wood Garden Centre, Maidstone Road (herein 'the Garden Centre' or 'the Site') and it was promoted for development through the response to the Regulation 18 draft Local Plan. It is available for development and will contribute toward meeting identified development needs.

1.2.2 The site is an established and operational retail Garden Centre located on the northern periphery of Paddock Wood (see figure 1).

[TWBC: for Figure 1 Location of Paddock Wood Garden Centre see full representation attached].

1.2.3 It consists of a mix of hardstanding, permanent buildings, glass houses and temporary structures. It constitutes previously developed land but is situated outside of the existing Tunbridge Wells 'limits to built development' ('LBD'), but within the new LBD as proposed in the PSLP.

1.2.4 The site is not located within the Metropolitan Green Belt or within an Area of Outstanding Natural Beauty.

1.2.5 The site falls within the administrative area of TWBC, albeit close to the borough boundary with Maidstone Borough Council, which is demarked by Wagon Lane.

1.2.6 The existing built up area of Paddock Wood is located approximately 400m to the south of the site, whilst the town centre is situated approximately 1km in the same direction. Immediately north of the site is a commercial plant hire yard, whilst railway station is Paddock Wood (1km) to the south.

1.2.7 We have included an illustrative masterplan with this representation (Appendix 1) to show how the site could be developed to provide additional retail provision to support the new housing and employment uses proposed. An extract is provided below for ease of reference.

[TWBC: for Figure 3: Illustrative site layout plan (Appendix 1) see full representation attached].

1.2.8 The proposals highlight the potential to provide additional comparison or convenience retail development (circa 1,895 sqm) by making efficient use of the extensive and underutilised parking areas.

1.2.9 The site could also be made available for other employment generating uses should there be a greater unmet need.

1.3 Local Plan 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 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 as well as wider legal compliance.

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, 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.

1.5 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 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

1.5.10 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.

Policy STR 4: Ensuring Comprehensive Development

1.5.13 We have **NO OBJECTION** to the aims and objectives of Policy STR 4, which seeks a holistic and fully integrated approach to the urban expansion of Paddock Wood.

1.5.14 We would however **COMMENT** that whilst the principle of masterplanning the expansion of the town is agreed, it is noted that the initial masterplanning work already undertaken by David Lock Associates, to which we have also contributed, it is proposed to undertake further work which will result in the publication of Supplementary Planning Documents (SPDs) in due course.

1.5.15 The Paddock Wood Garden Centre site is a relatively small site, which is proposed in the Strategic Sites Masterplanning and Infrastructure Main Report for additional retail and/or employment uses. Given that the site is already in garden centre retail use, and that the proposals for the site are effectively to make best use of existing brownfield but open land within the site, there is no planning reason why such development should be prevented from coming forward in the short term.

1.5.16 So long as the proposed development remains broadly in line with that set out in the initial Strategic Sites Masterplanning and Infrastructure Main Report, if necessary this site should be able to come forward in advance of the publication of a future SPD, so long as:

- the proposals are generally in accordance with the aims and objectives of existing masterplanning work and the emerging Local Plan, unless there are good planning reasons to depart from these; • the proposals do not conflict with the aim set out at PSLP paragraph 4.77 of the PSLP, which states that “the key requirement should be to ensure that a coordinated approach to new developments which have a clear inter-relationship is taken to achieve the efficient use of land, providing for different land uses in most appropriate places, and overall good planning.”

1.6 Summary and Conclusions

1.6.1 In summary, this representation has been prepared on behalf of Inter Leisure 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 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 retail/employment development is supported at Paddock Wood Garden Centre.

1.6.3 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.

1.6.4 Finally we object to the wording of Policy ED2.

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.

1.6 Summary and Conclusions

1.6.1 In summary, this representation has been prepared on behalf of Inter Leisure 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 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 retail/employment development is supported at Paddock Wood Garden Centre.

1.6.3 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.

1.6.4 Finally we object to the wording of Policy ED2.

Question 7

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

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

Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2172
Response Date	04/06/21 16:56
Consultation Point	Policy STR 4 Ensuring Comprehensive Development (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	Policy STR 4 Ensuring Comprehensive Development

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2 (PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

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

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

Question 5

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

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

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

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

Provision and Delivery of County Council Community Services and Facilities

Paragraph 4.85

On large sites with multiple developers (perhaps where land may be in more than one ownership), the County Council would support the use of land equalisation agreements to avoid dispute and delays on the development of land for education or other community infrastructure requirements which could affect the delivery of sustainable residential growth. With the use of equalisation agreements, community infrastructure can be apportioned fairly and agreed early on in the process.

The County Council as key infrastructure provider would welcome continued engagement from the early stages of master-planning to ensure that infrastructure requirements are integrated within the design of new developments from the outset.

Question 6

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

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

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

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

Question 7

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

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

Question 7a

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

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

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

Future Notifications

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

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

Comment

Consultee	Mr Raymond Moon ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] Paddock Wood TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Raymond Moon ([REDACTED])
Comment ID	PSLP_2287
Response Date	02/06/21 14:54
Consultation Point	Policy STR 4 Ensuring Comprehensive Development (View)
Status	Processed
Submission Type	Web
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Raymond Moon
Question 3	
To which part of the Local Plan does this 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	
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.

Policy STR 4

Ensuring Comprehensive Development (Statement)

“A comprehensive approach to site development will be expected to ensure the good planning of the area and, in relation to allocated sites, to ensure that the policy provisions, read as a whole, are achieved. Where sites have several land use elements or are in multiple ownerships, this will be secured by an appropriate means of masterplanning, the form of which will include consideration of”

the strategic significance of the proposal

the extent of different land uses proposed across the overall site

whether there are multiple land ownerships forming the allocation.

Within this part of the DLP, mention is made of Masterplans and these must **make** proper consideration of the proposed urban expansion of Tudeley village and Paddock Wood and provide a joined up masterplan to link the two proposals together. In all circumstances full consideration must be given to the policy requirements such as access and connectivity, open space, drainage and other infrastructure, as well as affordable housing) relating to the site as a whole, with a phasing plan where appropriate, will be achieved. Delivery **must be** secured through a legal agreement with all the Utilities and stakeholders such as KCC schools provision, the developers, being required to sign a legal agreement to ensure they are in place before any development takes place within the Masterplan. Deadline dates must be included in this legal agreement. A previous masterplan was promised by TWBC and it never happened!

“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.” “The council strongly encourages” is not strong enough to ensure the masterplans are acted on and completed as part of the DLP. The council must ensure legally that 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, commit to the plans Vision and Objectives. Failure to do so will result in unsustainable development in PW and Capel.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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_145

Comment

Agent	Mr Jonathan Buckwell ()
Email Address	
Company / Organisation	DHA Planning Ltd
Address	Eclipse House Eclipse Park MAIDSTONE ME14 3EN
Consultee	()
Company / Organisation	Owners of Land East of Transfesa
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Owners of Land East of Transfesa ()
Comment ID	PSLP_2080
Response Date	02/06/21 17:26
Consultation Point	Policy STR 4 Ensuring Comprehensive Development (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	DHA Planning for owners of Land east of Transfesa - full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Owners of Land east of Transfesa, Paddock Wood
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 between Policy STR/SS1 (PSLP_2076), Vision and Strategic Objectives (PSLP_2078), Policy STR1 (PSLP_2079), Policy STR4 (PSLP_2080) and Development Management Policies (PSLP_2081)

Question 4a

If 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 the owner of land at Land East of Transfesa in respect of the Tunbridge Wells Borough Council Regulation 19 Local Plan consultation.

1.1.2 These representations relate to a 20 acre parcel of land at land East of Transfesa, Lucks Lane (part of Call for Sites site 218) that forms part of the employment allocations proposed for the expansion of Paddock Wood.

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

Development Strategy and Strategic Policies

1.4.10 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.

Policy STR 4: Ensuring Comprehensive Development

1.4.12 We have **NO OBJECTION** to the aims and objectives of Policy STR 4, which seeks a holistic and fully integrated approach to the urban expansion of Paddock Wood.

1.4.13 We would however **COMMENT** that whilst the principle of masterplanning the expansion of the town is agreed, it is noted that the initial masterplanning work already undertaken by David Lock Associates, to which we have also contributed, it is proposed to undertake further work which will result in the publication of Supplementary Planning Documents (SPDs) in due course.

1.4.14 The proposed employment development at Land East of Transfesa is in line with the masterplanning work which has been carried out to date. Given the importance of ensuring that employment proposals come forward at an early stage, to increase the prospects of expanded employment opportunities being available to existing and future residents as soon as possible, if necessary this site should be able to come forward in advance of the publication of a future SPD, so long as:

- the proposals are generally in accordance with the aims and objectives of existing masterplanning work and the emerging Local Plan, unless there are good planning reasons to depart from these;
- the proposals do not conflict with the aim set out at PSLP paragraph 4.77 of the PSLP, which states that "the key requirement should be to ensure that a coordinated approach to new developments which

have a clear inter-relationship is taken to achieve the efficient use of land, providing for different land uses in most appropriate places, and overall good planning.”

1.5 Summary and Conclusions

1.5.1 In summary, this representation has been prepared 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 fully support the proposed expansion of Paddock Wood to create a balanced mix of housing and employment development, including employment development at Land East of Transfesa. We confirm that our client's land is available, much of it is in Flood Zone 1, and that they are also willing to allow necessary expansion of the sewage works on the site.

1.5.3 We do however 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)?

Comment

Consultee	Mr Raymond Moon ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Paddock Wood Labour Party (PWLP)
Address	[REDACTED] TONBRIDGE TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Paddock Wood Labour Party (PWLP) (Mr Raymond Moon - [REDACTED])
Comment ID	PSLP_2310
Response Date	02/06/21 15:02
Consultation Point	Policy STR 4 Ensuring Comprehensive Development (View)
Status	Processed
Submission Type	Web
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Paddock Wood Labour Party
Question 3	
To which part of the Local Plan does this 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

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.

Policy STR 4

Ensuring Comprehensive Development (Statement)

“A comprehensive approach to site development will be expected to ensure the good planning of the area and, in relation to allocated sites, to ensure that the policy provisions, read as a whole, are achieved. Where sites have several land use elements or are in multiple ownerships, this will be secured by an appropriate means of masterplanning, the form of which will include consideration of”

the strategic significance of the proposal

the extent of different land uses proposed across the overall site

whether there are multiple land ownerships forming the allocation.

Within this part of the DLP, mention is made of Masterplans and these must make proper consideration of the proposed urban expansion of Tudeley village and Paddock Wood and provide a joined up masterplan to link the two proposals together. In all circumstances full consideration must be given to the policy requirements such as access and connectivity, open space, drainage and other infrastructure, as well as affordable housing) relating to the site as a whole, with a phasing plan where appropriate, will be achieved. Delivery must be secured through a legal agreement with all the Utilities and stakeholders such as KCC schools provision, the developers, being required to sign a legal agreement to ensure they are in place before any development takes place within the Masterplan. Deadline dates must be included in this legal agreement. A previous masterplan was promised by TWBC and it never happened!

“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.” “The council strongly encourages” is not strong enough to ensure the masterplans are acted on and completed as part of the DLP. The council must ensure legally that 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, commit to the plans Vision and Objectives. Failure to do so will result in unsustainable development in PW and Capel.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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_154a-b

Comment

Agent	Miss Judith Ashton ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Judith Ashton Associates
Address	Maytham Farmhouse Maytham Road Cranbrook TN17 4QA
Consultee	([REDACTED])
Company / Organisation	Redrow Homes Ltd and Persimmon Homes South East
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Redrow Homes Ltd and Persimmon Homes South East (- [REDACTED])
Comment ID	PSLP_2165
Response Date	04/06/21 09:43
Consultation Point	Policy STR 4 Ensuring Comprehensive Development (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	PSLP_2159-2198_Judith Ashton Ass for Redrow Homes (1) PSLP_2159-2198_Judith Ashton Ass for Redrow Homes
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Redrow Homes Ltd & Persimmon Homes South East
Question 2	

Agent's Name and Organisation (if applicable) Judith Ashton 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 4 Ensuring Comprehensive Development

[TWBC: this representation has been input against Policies STR 1, STR 4, STR 5, STR/SS 1, STR/PW 1, EN1, EN2, EN3, EN9, EN13, H3, H6 and H9 – see Comment Numbers PSLP_2159, PSLP_2165, PSLP_2166, PSLP_2167, PSLP_2173, PSLP_2179, PSLP_2182, PSLP_2186, PSLP_2189, PSLP_2191, PSLP_2194, PSLP_2197 and PSLP_2198. See Supporting Information for representation in full]

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.

I write with reference to the above. As you will be aware, I act for both Redrow Homes Limited and Persimmon Homes South East who have various interests in Tunbridge Wells, including those east and south east of Paddock Wood (SHLAA sites '20', '374', '371', '344' and '376'), (LPA sites PW 1_7, 1_9, 1_11 and 1_12), (parcels 7, 9, 11 and 12).

Whilst, having regard to the above, Redrow and Persimmon both support the Reg 19 Plan in principle, especially the proposed allocation of the land at Paddock Wood (policies STR/SS1 and STR/PW1), they do have specific concerns about certain aspects of policies STR/SS1 and STR/PW1 and the evidence base underpinning the plan.

In saying this we acknowledge that the Strategic Sites Topic Paper (March 2021) provides a detailed critique of the rationale behind the proposed allocation of the land at Paddock Wood and Capel, with section 8 explaining how the development looks to address the requirements of para 72 of the NPPF;

and the plan and its associated evidence as a whole looks to demonstrate why the proposed allocation is justified, is deliverable and will be effective in meeting the requirements of the plan and national government guidance.

8 Strategic Policies

Policy STR4

8.2 Whilst not objecting in principle to policy STR4, we believe, for the reason set out in our response to policy STR/SS 1 that any SPD has, in the context of the development at Paddock Wood and Tudeley, to be agreed concurrently with any future applications so as to ensure there are no unnecessary delays in the delivery of these sites. This is, as set out below, implicit within para 5.93 of the Reg 19 Plan and para 8.19 of the Strategic Sites Topic Paper, and should we believe be acknowledged within policy STR4/ the preamble to this policy. This would ensure a positively prepared and effective plan, consistent with national government guidance.

Whilst many of our comments on the strategic and development management policies are, we believe, capable of resolution by simple rewording/ a review of the evidence base so as to justify the position being advocated, we are concerned that the extent of repetition between policies is leading to misrepresentation; and would recommend that the policy approach is reviewed with a view to being more succinct and direct in what it is seeking to achieve. This will we believe assist everyone concerned in the development process, and is something we, as inducted above, would be happy to talk to the borough council about, especially in terms of compiling a Statement of Common Ground to address the policy requirements for the land east of Paddock Wood.

To conclude, whilst we support the Reg 19 Plan and the proposed allocation of the land at Paddock Wood for strategic scale expansion, we do have a number of concerns about the overall housing supply and trajectory, the rationale behind the assessment of the reasonable alternatives assessed in the Sustainability Appraisal, and alternatives assessed; the consistency in the infrastructure requirements being sought from the development of the land at Paddock Wood in the IDP, VA and Strategic Sites Masterplanning and Infrastructure Study; the actual requirements for the land east of Paddock Wood – in terms of what, when and how much; some of the assumptions used in the VA; the wording of policies STR/SS1, STR/PW1 and justification for some of the criteria contained therein; and the wording of policies EN1, EN2, EN3, EN9, EN13, H3, H6, and H9 and justification for some of the criteria contained therein.

We look forward to talking to you further about the 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:

Redrow and Persimmon have an interest in land east of Paddock Wood – part of STR/SS1, one of the main strategic allocations in the Plan. They are also active elsewhere in the Borough and have an interest in ensuring the legality and soundness of the Local Plan. They therefore wish me to participate in the examination

Future Notifications

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

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

Comment

Consultee	[REDACTED]
Email Address	[REDACTED]
Company / Organisation	Royal Tunbridge Wells Town Forum
Address	- - - -
Event Name	Pre-Submission Local Plan
Comment by	Royal Tunbridge Wells Town Forum [REDACTED]
Comment ID	PSLP_835
Response Date	01/06/21 08:15
Consultation Point	Policy STR 4 Ensuring Comprehensive Development (View)
Status	Processed
Submission Type	Email
Version	0.2
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Royal Tunbridge Wells Town Forum
Question 3	
To which part of the Local Plan does this 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

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.

We strongly support the masterplanning approach in this policy as against the unfortunately failed policy of "Areas of Change" under the present Local Plan. We also strongly support the use of Supplementary Planning Documents in relation to sites of any importance in Royal Tunbridge Wells and in the Borough as a whole. We also welcome the opportunity for greater participation as stakeholders, for example in the development of the proposed Town Centre Area Plan.

The greater use of compulsory purchase powers, where appropriate, is also supported in the context of a masterplanning approach to major developments in RTW and elsewhere 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)

Supporting Information File Ref No: SI_84a--u

Comment

Agent	[REDACTED]
Email Address	[REDACTED]
Company / Organisation	Sigma Planning Services
Address	[REDACTED] [REDACTED] ROYAL TUNBRIDGE WELLS [REDACTED]
Consultee	Kevin Willcox [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Rydon Homes
Address	[REDACTED] [REDACTED] FOREST ROW [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Rydon Homes [REDACTED]
Comment ID	PSLP_1713
Response Date	03/06/21 13:25
Consultation Point	Policy STR 4 Ensuring Comprehensive Development (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	Sigma Planning for Rydon Homes_RYDON 11.pdf Sigma Planning for Rydon Homes - covering letter.pdf Sigma Planning for Rydon Homes_RYDON 7.pdf Sigma Planning for Rydon Homes_RYDON 18.pdf Sigma Planning for Rydon Homes_RYDON 10.pdf Sigma Planning for Rydon Homes_RYDON 15.pdf Sigma Planning for Rydon Homes_RYDON 13.pdf Sigma Planning for Rydon Homes_RYDON 8.pdf Sigma Planning for Rydon Homes_RYDON 1.pdf Sigma Planning for Rydon Homes_RYDON 9.pdf Sigma Planning for Rydon Homes_List of Appendices TWBC LP.docx Sigma Planning for Rydon Homes_RYDON 3.pdf Sigma Planning for Rydon Homes_RYDON 17.pdf

[Sigma Planning for Rydon Homes_RYDON 16.pdf](#)
[Sigma Planning for Rydon Homes_Composite Representations.pdf](#)
[Sigma Planning for Rydon Homes_RYDON 12.pdf](#)
[Sigma Planning for Rydon Homes_RYDON 2.pdf](#)
[Sigma Planning for Rydon Homes_RYDON 5.pdf](#)
[Sigma Planning for Rydon Homes_RYDON 14.pdf](#)
[Sigma Planning for Rydon Homes_RYDON 6.pdf](#)
[Sigma Planning for Rydon Homes_RYDON 4.pdf](#)

Data inputter to enter their initials here KJ

Question 1

Respondent's Name and/or Organisation Rydon Homes Ltd

Question 2

Agent's Name and Organisation (if applicable) Sigma Planning Services

Question 3

To which part of the Local Plan does this 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: see also representation numbers PLSP_1629, 1702, 1705, 1707, 1708, 1709, 1710, 1713, 1714, 1715, 1717, 1721, 1729, 1732, 1733, 1734, 1737, 1739, 1741, 1743, 1744, 1745 & 1746]

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.

[TWBC: see supporting documents attached, including composite of all representations].

Ensuring Comprehensive Development

This policy is generally supported but there are concerns that the production of Supplementary Planning Documents, although essential to the proper planning of those major new development areas, will inevitably delay the process of bringing the sites forward and delivering housing from them. Similarly, the prospect of the need for Compulsory Purchase Orders and the associated administrative and legal processes give rise to significant concerns about potential delay. This puts the Council's housing trajectory at serious risk and it must properly reflect the potential delays associated with the lawful preparation, consultation and adoption of SPDs and the drawing up and execution of CPOs. These potential delays need to be realistically factored into any housing delivery trajectory and this heightens the need for a wider range of housing sites to be identified to provide a different type, scale and location of sites, suitable for development by small and medium builders rather than national housebuilders and capable of early delivery to maintain a five year supply of housing, particularly in the early part of the plan period where the "transformational" sites will be within a protracted lead in 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)

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_131a-c

Comment

Agent	Mr Simon Bell ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Knights Solicitors
Address	Regency House 25 High Street Tunbridge Wells TN1 1UT
Consultee	Save Capel ([REDACTED])
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Save Capel ([REDACTED])
Comment ID	PSLP_1976
Response Date	03/06/21 18:51
Consultation Point	Policy STR 4 Ensuring Comprehensive Development (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	PSLP_1964 & 1973-1987_Knights Solicitors for Save Capel_SI-3_Appendices.pdf PSLP_1964 & 1973-1987_Knights Solicitors for Save Capel_SI-1_Cover Letter.pdf PSLP_1964 & 1973-1987_Knights Solicitors for Save Capel_SI-2_Representation.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Save Capel
Question 2	

Agent's Name and Organisation (if applicable) Knights Solicitors

Question 3

To which part of the Local Plan does this 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: for further comments by Save Capel, please see Comment Numbers PSLP_1964 and PSLP_1973-1987]

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 attached: "Representation by Save Capel under Regulation 19", dated 3rd June 2021, and Appendices

[TWBC: the following extract is from "Representation by Save Capel under Regulation 19" - for the full representation and appendices, please see supporting documents]

STR 4 Ensuring Comprehensive Development

3.38. The garden settlement at Tudeley can never be one settlement as it is divided by a railway line that has very narrow, weak crossings. Putting in larger crossings at frequent points across the railway may be possible but it will not tie the two halves of the settlement together enough to make it one settlement, so it will not satisfy garden settlement principles.

3.39. A key strategic item underpinning the comprehensive development and therefore sustainability of the development is the proposed station at Tudeley, however this has been dismissed by Network Rail as unviable both financially and operationally.

3.40. Tudeley garden settlement constitutes a very large portion of the apparent housing need and the delivery of this undertaking is an extremely complex development transforming a rural farming area with no real infrastructure, into an urban settlement. TWBC are entrusting control and development of this pivotal part of their Local Plan to the inexperienced landowner to deliver who is relying on a collective of experts with no common goal to deliver this vanity project. For the landowner to claim alignment and parity with The Prince's Trust housing developments at locations such as Poundbury in Dorset (still not completed after some 28 years) is arrogant in the extreme.

3.41. Masterplanning of Tudeley is lacking in any detail and what is shown only relates to the proposed settlement and does not dovetail with the overall Capel scheme, with disconnected masterplanning by David Lock Associates ("DLA").

3.42. Sites need to make economic sense for housing developers to consider optioning. For any major housing developer who is capable of delivering Tudeley as proposed, the sheer amount of cost that will be consumed by the infrastructure requirements means they will struggle to breakeven or make a profit on what is, for them, a relatively small number of overall units. Securing developers who are willing to risk this maybe a challenge in itself.

3.43. TWBC has not considered the cumulative impact with the local plans of neighbouring LPAs, where development is proposed at Laddingford, adjacent to East Capel (MBC) and the effect of cumulative development in the Tonbridge area (TMBC). This has huge implications on transport & infrastructure, in particular, and demonstrates that this plan is not "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)? . 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:

Save Capel has sought to be actively involved in engaging with the Council throughout this review of the Local Plan. As a group we have developed particular expertise and have undertaken significant and extensive research in respect of the effects of the policies to which we have made representations. We consider that we will be able to assist the Inspector(s) examining the final submission significantly.

If you would like to attach a file in support of your comments, please upload it here. [PSLP 1964 & 1973-1987 Knights Solicitors for Save Capel SI-1 Cover Letter.pdf](#)

If you would like to attach a file in support of your comments, please upload it here. [PSLP 1964 & 1973-1987 Knights Solicitors for Save Capel SI-2 Representation.pdf](#)

If you would like to attach a file in support of your comments, please upload it here. [PSLP 1964 & 1973-1987 Knights Solicitors for Save Capel SI-3 Appendices.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_66

Comment

Agent	Mr Julian Black [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Kember Loudon Williams
Address	unknown unknown unknown
Consultee	Mr Anthony Whetstone [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED], [REDACTED] Five Oak Green Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Anthony Whetstone [REDACTED]
Comment ID	PSLP_1129
Response Date	03/06/21 12:20
Consultation Point	Policy STR 4 Ensuring Comprehensive Development (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	PSLP_1125, 1129, 1132_KLW for Mr and Mrs Whetstone_SI_Representations_redacted.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Mr & Mrs Whetstone
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 STR 4 Ensuring Comprehensive Development

Question 4

Do you consider that the Local Plan:

Is sound

No

Question 4a

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

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

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

Question 5

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

After this stage, 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 guiding principles of Policy STR4, setting out the importance of adopting a comprehensive approach to the delivery of all development and that the allocated sites are delivered in complete accordance with policy provisions are sound: these are, after all, some of the founding principles of the planning system. However, as currently drafted, the policy wording is vague, imprecise and lacks the level of commitment from Tunbridge Wells Borough Council (TWBC) that is required to ensure that sites are brought forward in their entirety. This is completely envisaged by TWBC and, in the case of the large strategic sites, the Council's appointed/integrated master-planning/professional/technical consultant team. In this regard, Policy STR4 requires amendment to ensure compliance.

The National Planning Policy Framework (NPPF) establishes in Part d of Paragraph 16 that policies must be clearly written and unambiguous. Part f of the same paragraph requires that policies should serve a clear purpose. The policy as presently drafted does not fully meet these tests.

The draft wording of the policy states that where sites have several land use elements or are in multiple ownerships, comprehensive development will be secured by "an appropriate means of master planning". In broad terms this is supported, but the policy must go further to ensure that the masterplan vision is delivered in its entirety as envisaged/planned for particularly in circumstances where there are multiple or fractured land-owning interests.

Whilst a masterplan will generate the vision and guiding principles for the development of the site, the 'nuts and bolts' of its practical delivery must be supported and underpinned by a clear policy requirement that states:

- 1) TWBC will not support fractured or piecemeal forms of development aligned with land ownership;
- 2) That allocated sites must come forward in their entirety in fulfilment of the masterplan; and
- 3) That TWBC will require equalisation agreements between the various landowning/developer interests to ensure that the masterplan vision(s) are delivered comprehensively.

As currently drafted, these elements are lacking in the draft policy – it is considered ambiguous and therefore unsound.

The supporting text to the policy explains at Paragraph 4.80 that “*Different means of ensuring a comprehensive approach exist and will be case specific*”. Hence, the policy sets out the guiding principles to determine what would be most appropriate. We accept the sentiment but are concerned that the wording is not sufficiently clear and robust to ensure and support comprehensive project delivery.

The Strategic Sites Masterplanning and Infrastructure Study (February 2021), prepared by independent consultants David Lock Associates (DLA), supported by a wide ranging body of appointed professionals covering, inter alia, highway assessment, landscape and visual impact requirements, ecology, flooding and water management, has quite rightly an entire chapter dedicated solely to delivery (Chapter 7). After all, delivery is the fundamental premise of realising the development/housing/infrastructure needs of the Borough. Chapter 7 highlights that “*instances may arise where one developer is meeting the full cost of infrastructure shared by all, or one is disproportionately contributing in a different way such as by providing land*”. It then goes on to say that “*Developers should be invited to form their own collaboration agreement or alternative mechanism for the equal sharing of costs. Should this not occur, **TWBC should facilitate this process***”. The latter is key, as only with the direct and meaningful involvement of the Planning Authority can true parity and fairness occur to support the realisation of TWBC’s land-use vision.

TWBC’s own professional advisors have, therefore, clearly and correctly recommended that the TWBC must step in if it is becoming clear that an equalisation agreement is unachievable. Furthermore, they point out that this should be actioned in a timely fashion so that the delivery of the development is not delayed unnecessarily. Without the comprehensive realisation of the strategic sites as planned through collaborative working, we would question the validity and public benefit of adopting a master planning approach. This is, in our view, the correct approach, but it is reliant on being met in full.

It is therefore important that this land equalisation agreement be enshrined into the policy wording now to avoid unnecessary project suspension. The present wording contained within the draft policy (*It is highly likely the delivery of the development will require land equalisation agreements*) is weak and lacks clarity. The correct vehicle to drive through the development of Paddock Wood is through an equalisation agreement and it is critical that TWBC take charge of this process absent of private interests/agreements between the affected stakeholders. Moreover, the policy should include a clear statement that the Council will not support applications/schemes that do not meet and provide the full and comprehensive realisation of the strategic master planned sites.

It is inappropriate to defer this issue to a later stage in the development process (i.e. in a Supplementary Planning Document “SPD”). SPDs fall outside the examination process and are not, therefore, subject to full public scrutiny and the rigours of the examination. In view of this there is a real danger that in the absence of a policy requirement to fully address the land equalisation agreements and comprehensive delivery, this fundamental issue will be overlooked. Within this there is the potential and opportunity for the larger landowning and developer communities to work to their own agendas to the detriment of the wider comprehensive master planning approach.

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

Put simply, this is a strategic matter which must be addressed now at the front end of the Local Plan and master planning processes. This will ensure that the planning objectives of collaboration and a comprehensive approach to development, elements that help contribute to place shaping and a good quality environment, are met in full. Failure to attend to this important component now will render the plan undeliverable and therefore unsound.

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.

TWBC should adhere to their own independent consultant's advice (DLA) and commit to facilitating the process of land equalisation agreements in the absence of agreement between the affected stakeholders. The second paragraph to Policy STR4 should be replaced with the following:

"Where sites have several land use elements or are in multiple ownerships, Developers should be invited to form their own collaboration agreement or alternative mechanism for the equal sharing of costs. Should this not occur, TWBC will facilitate this process". And,

"The Council will not support piecemeal proposals that fall outside of or contradict the provisions of the policy and adopted masterplans and/or the principles of comprehensive 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:

In order to ensure that the Plan is found sound.

If you would like to attach a file in support of your comments, please upload it here. [PSLP 1125, 1129, 1132 KLV for Mr and Mrs Whetstone SI Representations redacted.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_44a-b

Comment

Agent	Steve Clarke [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Graham Simpkin Planning
Address	[REDACTED] [REDACTED] Longfield [REDACTED]
Consultee	[REDACTED]
Email Address	[REDACTED]
Company / Organisation	Yalding Parish Council
Address	[REDACTED] [REDACTED] MAIDSTONE [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Yalding Parish Council [REDACTED]
Comment ID	PSLP_622
Response Date	28/05/21 13:11
Consultation Point	Policy STR 4 Ensuring Comprehensive Development (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	PSLP_616, 622-625_GSP for Yalding Parish Council_SI-2_Representation.pdf PSLP_616, 622-625_GSP for Yalding Parish Council_SI-1_Covering Letter_Redacted.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Yalding Parish Council
Question 2	

Agent's Name and Organisation (if applicable) Graham Simpkin 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: this representation has been input against Policies STR 1, STR 4, STR 6, STR/SS 1, STR/PW 1 - see Comment Numbers PSLP_616, PSLP_622, PSLP_623, PSLP_624, PSLP_625]

Question 4a

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

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

Question 5

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

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

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

Representations on the Tunbridge Wells Local Plan 2021 on behalf of Yalding Parish Council

1 INTRODUCTION

1.1 Graham Simpkin Planning has been instructed by Yalding Parish Council to review the Pre-submission (Regulation 19) Tunbridge Wells Local Plan 2021 (hereinafter referred to as the Local Plan) and its associated evidence base as to the potential effects of the plan on Yalding Parish and to consider whether the Local Plan is legally compliant and meets the test of soundness.

1.2 Yalding Parish lies immediately adjacent to the Tunbridge Wells Borough Council (TWBC) administrative area on its north-eastern edge with the southern part of the parish lying less than a mile from the existing northern part of the built-up area of Paddock Wood which contains a number of employment sites, a railway station on the Ashford to Tonbridge-London main-line and convenience retailing as well as a secondary school.

1.3 Yalding lies within Maidstone Borough Council's administrative area. To the west of the parish runs the A228, to which Yalding is connected by Gravelly Ways/Beltring Road at Beltring and the B2162 Hampstead Lane via the B2015 through the parish of Nettlestead. The parish also has a direct road connection through to Horsmonden to the south east via the B2162. Roads also connect Yalding village to Paddock Wood via Laddingford and Queen Street and along Willow Lane and Lucks Lane. Yalding village lies towards the north of the parish with Laddingford village to the south. The parish is heavily influenced by the three rivers that run through it (Medway, Teise and Beult) which all converge in Yalding. The parish is also served by the Medway Valley railway line which runs between Maidstone and Paddock Wood, with two stations at Yalding and Beltring.

1.4 The Parish are aware that any representations at this stage should relate to matters of compliance with legal and procedural requirements and the soundness of the Local Plan, as these are the matters that will be examined.

2 Legal Compliance

2.1 The Local Plan appears to have been prepared in line with the adopted Local Development Scheme (February 2021) and the adopted Statement of Community Involvement.

Duty to cooperate

2.2 Yalding Parish Council do not wish to specifically comment on whether the Plan is legally compliant in terms of the Duty to Cooperate preferring to leave that for the examining Inspector to determine. The Parish is also aware that there are likely to be imminent changes with regard to the Duty to Cooperate and that these are currently being considered by the Government alongside other potential reforms to the current planning system.

2.3 However, Yalding PC is aware that the emerging Local Plans of two local planning authorities have fallen at the Examination stage (Wealden and Sevenoaks) and that there are on-going concerns with regard to the Tonbridge and Malling Local Plan. The common problematic issue to all three plans is the Duty to Cooperate.

2.4 All of these Councils immediately adjoin TWBC.

2.5 Given that the Duty to Cooperate works in both directions, there must be some doubt therefore, that TWBC has met its legal obligations in this area and TWBC should have made clear how the Council has responded to the cooperation challenges identified by planning inspectors reporting on Local Plans in the above three council areas. They have failed to do so.

2.6 The Parish would also wish to put on record, as an adjoining authority whose administrative area lies immediately adjacent to the proposed significant expansion of Paddock Wood including newly proposed employment areas, that other than through the general consultation processes that have taken place in the preparation of the new Local Plan they have not been directly consulted by TWBC or been invited to actively engage with them as they have prepared this pre-submission (Reg 19 draft).

Sustainability Appraisal (SA)

2.7 Again the Parish Council do not wish to specifically comment on the comprehensiveness or assumptions and findings of the SA preferring to leave that for the examining Inspector to determine.

2.8 TWBC must however have clearly set out in the SA how they have approached the various options assessed and how they have reached the conclusions on their preferred options and why some have progressed and some not. It is incumbent on the Council to demonstrate that the SA has not been designed in a way that justifies its own preferred approach rather than genuinely considering potential spatial development options and then basing the preferred strategy on how each option performs. Given that the Council's preferred strategy has not fundamentally changed since the Reg 18 consultation, the fact that additional spatial development scenarios have been added to the SA since the Regulation 18 draft does provide a degree of uncertainty as to whether the SA has actually led the development of the Council's preferred spatial strategy or has been designed to justify it.

3 Soundness

3.1 Yalding Parish Council's comments have been considered in the light of and are based on the four tests of soundness.

- . **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 authorities 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 the NPPF.

3.2 The Parish Council expressed concerns in their response to the Regulation 18 Consultation in relation to the proposed strategy in two main areas that of Transportation and Flooding and in particular, the potential implications of the proposed significant expansion of Paddock Wood on both as they may directly affect land within the Parish Council's area.

3.3 In its Regulation 19 Pre-Submission version of the Local Plan, TWBC are still proposing very significant growth at Paddock Wood and East Capel of approximately 4000 new dwellings (Table 4/page 42), plus employment (11.2ha - Table 5/page 43) and associated leisure and education and health/community facilities. As stated above, Paddock Wood lies very close to the southern boundary of Yalding Parish and Maidstone Borough Council's administrative area. Indeed, the proposed urban extension of Paddock Wood would extend almost to the boundary shared by the Boroughs.

3.4 Yalding PC acknowledges the master-planning work that has taken place since the Regulation 18 consultation, in particular that of the Strategic Sites Working Group that Maidstone BC is represented on. In this regard, the progress which has led to the Paddock Wood and East Capel Structure Plan (map 28 page 149) which has sought to clarify and provide more detail on how the expansion might be delivered is noted.

3.5 We also note the fact that extensive SuDS and Green and Blue Strategic Landscape Corridors are proposed on the northern side of Paddock Wood, whilst noting that the proposed employment areas have significantly less of these proposed features.

3.6 Nevertheless the Parish Council remain of the view that it has not yet been demonstrated that the plan is positively prepared, justified and effective on the grounds of Transport and Flood Risk and the potential for the significant levels of new development proposed for the Paddock Wood area to impact on traffic through the Parish and the risk of flooding downstream.

As a result, the Parish Council have particular concerns regarding elements of the following policies;

STR1 The Development Strategy

STR5 Ensuring Comprehensive Development

STR6 Transport and Planning

STR/SS1 The Strategy for Paddock Wood including land at East Capel

STR/PW1 The Strategy for Paddock Wood

The reasons for which are discussed in greater detail below.

4 TRANSPORT

4.1 The Paddock Wood economic opportunities report (December 2020 by SQW) prepared as part of the evidence base of the Regulation 19 Plan and the master-planning work indicates that only 30% of the workforce in Paddock Wood live and work in the town, 30% commute to Tunbridge Wells, 20% commuting out to Tonbridge and Malling and some 5% commuting out to Maidstone and. In terms of in-commuting some 30% commute in from Tonbridge and Malling, 25% from Tunbridge Wells and 15% from Maidstone.

4.2 Having analysed the economic baseline of Paddock Wood SQW concludes as follows;

'7.2 The strategic context and rationale for this paper is that the DLP plans for the significant growth of Paddock Wood in terms of housing and population: the town will nearly double in size. The clear focus of all of TWBC's adopted and emerging planning and economic development policy is on Tunbridge Wells itself, and its relationship with the wider functional economic area, including Tonbridge and Sevenoaks. The target sectors and economic priorities / objectives do not align well with the Paddock Wood economy: one that is principally and increasingly dominated by large-scale wholesale/distribution and logistics employers, growing at the expense of other economic sectors; housing unaffordability for those who live and work in Paddock Wood is growing; outward commuting is increasing as well.

7.3 Sat within this context, there is a risk that a consequence of the planned growth of Paddock Wood could be a significant increase in out-commuting with a mis-match between the future population and the employment base/sectors.'

4.3 Whilst the Plan has been amended to reflect some of the recommendations of SQW it is difficult to see how the Council will ensure that the wholesale/distribution and logistics sectors will not continue

to dominate employment provision in Paddock Wood especially in the light of potential longer-term structural changes to working patterns and consumer demands as a result of fall-out from the Covid-19 pandemic.

4.4 Any significant increase in out-commuting would inevitably lead to a proportion of those additional journeys heading towards Maidstone and passing through Yalding Parish and potentially in particular the constrained historic bridges that are already congested.

4.5 If out-commuting increases as a result of the dominance of the wholesale/distribution/logistics sector, and the jobs are not filled by Paddock Wood residents then it is logical that they will be filled by workers from elsewhere including from within Maidstone District, again with potential implications for traffic flows into and out of Yalding Parish.

4.6 The Regulation 19 Plan and relevant policies/supporting text (see paragraph 3.6 above) and supporting evidence is silent on this issue and thus in the opinion of Yalding Parish Council not effective or justified.

4.7 Then there is the issue of modal shift and the extent of the Plan's reliance on this and the proposed public transport improvements. The proposals for significant development in the Paddock Wood area remain predicated on the fact that significant public transport improvements, alongside junction and highway improvements will ensure that additional transport impacts on the local road network will be sufficiently mitigated. The supporting evidence base is clear, that in order to mitigate the effect of this substantial planned growth the active transport measures, enhanced public transport and the associated highway improvement works are all required to render the proposed level of development at Paddock Wood/East Capel anywhere near acceptable in terms of impact on the local highway network.

4.8 Clearly work as part of the master-planning for the proposed allocation has put some further 'flesh on the bones' of the public transport improvements in an attempt to highlight anticipated modal shift targets and shed further light on the highway works necessary to mitigate some of the impact of the proposed growth on the local highway network.

4.9 However, the analysis behind this conclusion still does not guarantee that there will be the significant modal shift necessary to mitigate the impact of planned growth.

4.10 Public Transport is largely run on a commercial basis and whilst contributions to 'kick-start' services can be sought from developers, these cannot fund the provision of these services in-perpetuity and in any event it is also very likely to be the case that the improvements will only be provided once a 'critical mass' of new homes to supply the passengers has been reached. There is also of course no guarantee that once any developers' subsidy/contribution ceases or is exhausted, that the services will be at that stage be commercially viable and continue. Or for that matter, there is no guarantee that people can be enticed from their private cars onto public transport in the first instance.

4.11 As with the earlier Regulation 18 Consultation draft, the Regulation 19 Draft and the supporting evidence base does not sufficiently consider cross-border traffic movements and therefore fails to consider whether there will be traffic impacts beyond the areas where public transport improvements are proposed.

4.12 Currently there is an established level of commuter traffic movements between Maidstone and Tunbridge Wells that use 'B' roads and other roads that connect to the A228 corridor that run through the Yalding Parish. With the level of development proposed for Paddock Wood and TWBC's aspirations for Tunbridge Wells itself and the changes to the employment offer of both, there is potential for these movements to increase.

4.13 There is also inconsistency between the assumptions in the Stantec Access and Movement Report for Paddock Wood/East Capel and Tudeley Village and the SQW report as to the extent of internal and external movements.

4.14 Due to the longer distance of these commuting movements the proposed public transport improvements that are focussed on Paddock Wood are not considered to present a suitable mitigation package.

4.15 It is also clear that even with the highway mitigation proposed key junctions on the A228 and others to the north of Paddock Wood will be over capacity. The two junctions on the A228, the 'Hop Farm' roundabout and the Branbridges Road/Boyle Way roundabout, have both been assessed as being over capacity and yet mitigation is only proposed for one of them. Given that the Beltring Road/Gravelly Ways junction (one of the key connections with the A228 for the highway network in

Yalding Parish also falls in this section it is likely that users of this road will be affected, particularly due to the need to use both roundabouts if travelling from Tunbridge Wells/Paddock Wood to Yalding. (Refer to SWECO March 2021 Report Appendix G).

4.16 Given that the public transport improvements will not extend into the Yalding Parish it is considered that it is reasonable to assume that there will at least be an increase of traffic movements affecting key junctions within Yalding Parish although it cannot be established how significant these increases would be. A similar concern is also raised about the development proposed for Horsmonden and the potential increase in traffic on the B2162. Modelling that has been undertaken shows an increase in potential distribution of traffic northwards on the B2162 towards Yalding

4.17 There are also concerns about a potential indirect impact of the proposed 'Colts Hill Bypass' on the A228. Currently due to the constraints of this part of the A228 some commuters travelling from the Maidstone area to the Tunbridge Wells/Tonbridge area seeks alternative routes that avoid the A228 mainly going via the A26 and thus avoiding both the A228 and the Yalding area. It is possible that with the creation of the bypass that some of this traffic will return to using the A228 including accessing it via routes that run through Yalding Parish.

4.18 Overall it is argued that the transport evidence base insufficiently considers cross-border impacts with Yalding Parish and this therefore impacts on the conclusion as to whether the level of development in the Paddock Wood area is sustainable or whether it would lead to additional unmitigated impact on the local road network in Yalding Parish, particularly to the south of Yalding and Laddingford as well as the High Street/Town Bridge area of Yalding.

4.19 Yalding Parish Council also wishes to put on record at this stage their concerns and strong objections to the suggested possibilities (however remote and medium to long-term they may be) at paragraph 4.12 of the Local Cycling and Walking Infrastructure Plan (LCWIP): Phase 2 prepared by PJA for the closure to all vehicular traffic, except buses, of the Maidstone Road Railway Bridge and to close Commercial Road to through traffic in effect reinstating measures that had been installed by KCC and subsequently removed. This is likely to render access to Paddock Wood Town Centre and its services very problematic for residents of Yalding Parish, forcing them to use unsuitable rural lanes to the east of Paddock Wood or onto the congested A228 Whetsted Road and B2017 Badsell Road to gain access to the Town Centre and local services. The Parish notes that the above possibilities do not appear in the costed proposed set of cycling and walking improvements that are set out in the LCWIP and would hope that the possibilities set out at paragraph 4.12 are nothing more than a 'kite-flying' exercise. They also note that the Stantec report does not mention this as possibility, but they do note the Strategic Sites Masterplanning & Infrastructure Study (David Lock Associates) does raise the possibility of introducing a new bridge and link over the railway to the west of the Town Centre to provide easier access to the northern employment areas and reduce traffic on Maidstone Road, but recognises that this will require extensive discussions between the various landowners/developers and Network Rail (or their successor body).

4.20 It is the case that significant elements of the proposed transport mitigation package remain to be determined and are uncertain. In this regard the Parish Council considers the plan and the policies relating to Paddock Wood to not be justified or effective.

5 FLOODING

5.1 The impact of any development on the river network remains a significant consideration for Yalding Parish. The parish is the meeting point for three rivers; Medway, Teise and Beult. On reviewing the local plan and the relevant parts of the evidence base, the Parish has concerns regarding the impact of the proposed development strategy on two of these river networks; the Medway and the Teise.

5.2 Flooding issues within Yalding arise from three types of flooding (fluvial, surface water and groundwater).

5.3 In respect of fluvial flooding, the SFRA recognises that a primary cause of fluvial flooding events on the River Medway is the overloading of foul and/or sewer systems in the Paddock Wood area. The proposed level of development is thus potentially likely to increase this issue. The Parish Council recognises that additional work has been undertaken by JBA in association with the 'Structure Plan' for Paddock Wood/East Capel undertaken on behalf of TWBC by David Lock Associates. JBA have stated the following in their January 2021 Technical Note.

'The proposed Masterplan layouts have not been assessed in the River Medway flood risk model, as modelling of development parcels prepared for the Level 2 SFRA indicated that the influence of

development on flood risk from the Medway was smaller in scale than from Paddock Wood Streams. Flood risk from the River Medway is confined to the northern extent of the masterplan area (at the periphery of the River Medway floodplain), and potential impacts brought about by development are more influenced by potential loss of floodplain storage, compared with potential obstruction to flood flows as in Paddock Wood.'

It is clear that more work is required to ensure that the proposed level of development does not result in the loss of floodplain storage which in turn will have a potential knock-on effect on flood risk from the River Medway and as a direct consequence an adverse impact on land and property in Yalding Parish. It is essential that this work is undertaken to avoid the level of development and any loss of floodplain storage having an adverse cross-boundary impact.

In this regard Yalding Parish Council do not consider the plan to be effective or justified.

5.4 Yalding Parish Council note the work that has been done to include and assess the impact of 'conveyance routes' across the new development to ease previous concerns about development blocking flood paths.

5.5 They welcome the apparent conclusion that these conveyance routes and other potential mitigation appear to show a possible reduction, albeit minor, across significant areas of the Queen Street and Fowle Hall areas of the Parish east of the Medway Valley railway-line. See extract from Appendix B of the JBA Technical Note (1%AEP +70% Climate change) plan below.

[TWBC: For extract map, please see full representation attached as a supporting document]

The JBA Technical Note concludes

'While this strategic representation of the sites and conveyance routes still shows some areas with increased flood depths, the majority of these areas are within the masterplan area. The modelling demonstrates the benefit of localised drainage measures and it is considered that more comprehensive drainage arrangements accompanied by more detailed analyses would enable the development of the residential sites outlined in Option 1 to be brought forward without any off-site increases in flood depths being predicted. On this basis it is considered that the principle of development can be supported for the layout described by Option 1 (TWBC's preferred Option) provided that appropriate provision is made for the layout of drainage and flow routes through the proposed development. These measures would need to be supported by more detailed analyses that reflected the level of design detail and evidenced that the measures were appropriate. Consideration would need to be given to the long-term management and maintenance of the mitigation measures, so these were not inadvertently compromised for the lifetime of the development.'

5.6 So while it is clear that a potentially significant step forward has been made in terms of modelling Flood Risk much work remains to be done to ensure that the potential level of development and detailed drainage design achieves what is considered theoretically possible in the Technical Note bearing in mind the final caveat of the Technical Note states;

'The layout, form and location of the conveyance routes has been chosen to provide a strategic understanding of the implications of proposed development and should not be used as the basis to define the detailed design or geometry of the measures that will need to be included in the preparation of more detailed development layout designs. It is also possible that there are other mitigation options or measures that could be considered, and the results of the study are not intended to imply that other options would not be appropriate.'

5.7 Yalding Parish Council remains to be convinced that the proposed expansion of Paddock Wood and its environs will not have a resultant knock-on effect on land and property with the Parish Boundary in terms of increased Flood Risk.

5.8 In respect of the River Teise, the SFRA is heavily focused on issues at Paddock Wood and fails to consider the potential surface water impacts of development at Matfield and Horsmonden on the River Teise and no further work appears to have been undertaken since the Regulation 18 Consultation draft.

5.9 A key issue with the SFRA is that in respect of cross-border issues it places emphasis on the development management role rather than seeking to analyse and address potential issues at the local plan examination stage. It is considered unsustainable and ineffective to propose a high level of development in and around a settlement where there are recognised surface water and fluvial flooding issues without consideration of cross-border issues at the local plan stage.

5.10 Pertinently, the continued lack of consideration of cross-boundary issues at this stage does not comply with DEFRA guidance which seeks to address cross-boundary flooding issues at the local plan preparation stage. Overall it is considered that this is an ineffective approach to consideration of flooding matters within the local plan and that the plan is not justified or effective in this regard.

6 CONCLUSION

6.1 Yalding Parish Council recognises there has been a step forward with regard to some aspects of the assessment of flood risk but there remains a worrying lack of consideration of the impact on the River Medway flood plain and a lack of detail and uncertainty in other areas. Leaving the details to application stage is not an effective and justified way to prepare a Local Plan.

6.2 The Local Plan and evidence base is also relatively and unacceptably silent on cross boundary traffic implications regarding the scale and mix of the proposed level of development at Paddock Wood/East Capel, particularly with regards to the concerns of SQW with regard to the on-going structure of the Paddock Wood economy and the availability and location of the workforce needed to service the economy. There is a consequent danger that inward and outward commuting from an expanded Paddock Wood will have considerable impact on the road network through Yalding Parish and this has not been appropriately or effectively modelled.

6.3 The Plan places great emphasis on public transport and active travel measures to mitigate the impact of the development on the local highway network, yet even with these and the proposed highway improvements junctions that provide vital links to the road network to and from Yalding Parish will remain over-capacity and some of these are not proposed to be mitigated in any event. There is no certainty that the public transport and active travel measures will be sustainable and effective in the long term.

6.4 In conclusion, the review of the Regulation 19 Local Plan and its associated evidence base has raised concerns about whether the Local Plan's approach to and the proposed level of development in the Paddock Wood Area is justified and effective in terms of potential cross-boundary implications in particular for Yalding Parish.

Question 7

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

If you would like to attach a file in support of your comments, please upload it here. [PSLP_616_622-625_GSP for Yalding Parish Council_SI-1_Covering Letter_Redacted.pdf](#)

If you would like to attach a file in support of your comments, please upload it here. [PSLP_616_622-625_GSP for Yalding Parish Council_SI-2_Representation.pdf](#)

Local Plan Regulation 19 representations in document order

Comments on Section 4: Policy STR5: Infrastructure and Connectivity

Supporting Information File Ref No: SI_159

Comment

Consultee	Jacqui Avery ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] Tunbridge Wells TN4 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Jacqui Avery ([REDACTED])
Comment ID	PSLP_2276
Response Date	04/06/21 09:31
Consultation Point	Policy STR 5 Infrastructure and Connectivity (View)
Status	Processed
Submission Type	Email
Version	0.3
Files	Residents Against Ramslye Development whole submission redacted.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Jacqui Avery
Question 3	
To which part of the Local Plan does this 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: see also further comments on individual sections and policies - PSLP_2269 and 2272-2279. The whole representation form (personal details redacted) has also been attached as it contains plans and images]

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.

This response is made on behalf of the 669 signatories on the petition submitted in response to Regulation 18 which was delivered to TWBC Planning Services in 2019 and the Facebook group 'Residents Against Ramslye Development' whose membership is currently 247 (names can be provided if required). We have noted guidance 4.3 and have encouraged the people opposed to the development of site 137/ Policy AL/RTW 16 'Land to the west of Eridge Road at Spratsbrook Farm' not to make separate responses repeating the same points as those made here; some however will no doubt have submitted individual responses.

We welcome the inclusion of plans to allocate land to provide a new medical centre at Showfields Road. The surgery at Rowan Tree closed in January 2020. The policy seeks to "ensure adequate healthcare infrastructure is provided as part of new development". In view of the closure of the Rowan Tree surgery this appears to be no more than aspiration. We do not consider the policy is likely to be effective or meet residents' reasonable expectations, nor are there any clear, objective measures that would enable residents to hold TWBC to account. This policy should be revised to explain what "adequate" means by reference to availability of services within a distance that would also meet the active travel policy objective (i.e. walking distance).

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 site 137/ AL/RTW 16 'Land to the west of Eridge Road at Spratsbrook Farm' from the plan.

Question 7

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

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

Future Notifications

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

Supporting Information File Ref No: SI_101

Comment

Consultee	Lynne Butler [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Brenchley & Matfield Parish Council
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Brenchley & Matfield Parish Council [REDACTED] [REDACTED]
Comment ID	PSLP_1775
Response Date	03/06/21 17:19
Consultation Point	Policy STR 5 Infrastructure and Connectivity (View)
Status	Processed
Submission Type	Web
Version	0.5
Files	B&M comments Local Plan.docx
Question 1	
Respondent's Name and/or Organisation	Brenchley & Matfield Parish Council
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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

STR1, STR5, STR6, STR, STR8, STR10, PSTR/BM1, AL/BM1, AL/BM2, EN1, EN19, OSSR1, OSSR2.

[TWBC: relevant parts of this representation have been duplicated against the above policies: see PSLP_1775-1786 inclusive]

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.

The language is not sufficiently robust in some of the policies and introduces ambiguity. Small rural parishes have very different requirements to the larger settlements, having less housing allocations, limited facilities and poor public transport. Consequently some policies have no relevance in rural areas and include no provision of additional facilities. Although the parish has a small housing allocation, the quality of life will be significantly affected by development in Paddock Wood/Capel/Horsmonden/Pembury. There should be some provision for the mitigation of the effects within other parts of the borough of increased traffic on safety, noise and air quality.

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.

Pre-submission Comments from Brenchley and Matfield Parish C council

TWBC Pre-Submission Local Plan

STR5: Infrastructure and Connectivity

It is felt there are insufficient plans on infrastructure in the parish and surrounding area. This matter has not been addressed and the language used is ambiguous. There is a lack of information about the funding of infrastructure and its timing in relation to development.

The borough is in a high stress water area and there is concern about the adequacy of the water supply for additional housing and whether planning policies reduce consumption and conserve grey water sufficiently.

The OSSR policies do not meet the needs of small rural communities like Brenchley and Matfield Parish where the size of developments falls below the threshold for the provision of facilities or funding contributions.

Question 7

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

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

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 Parish Council supports the overall negative scores of the sites in Brenchley and Matfield that were put forward in the Call for Sites. There are very few positive scores for any of the sites and a significant number of high negative scores. Many of the sites involve the loss of high-grade agricultural land and would have a negative impact on biodiversity, landscape and heritage. Sustainability is also a factor for many of the sites, which lack a proximity to facilities and public transport.

The villages of Brenchley and Matfield have limited sustainability, with poor facilities in Matfield but a reasonable bus service to Paddock Wood and Tunbridge Wells. Brenchley has more facilities but three bus services to Paddock Wood on only two days during the week. There are no bus services in the evenings that would allow commuters to use public transport.

If you would like to attach a file in support of your comments, please upload it here. [B&M comments Local Plan.docx](#)

Comment

Consultee	Lady Elizabeth Akenhead [REDACTED]
Email Address	[REDACTED]
Company / Organisation	British Horse Society
Address	[REDACTED] [REDACTED] TONBRIDGE TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	British Horse Society [REDACTED] [REDACTED]
Comment ID	PSLP_1514
Response Date	04/06/21 11:58
Consultation Point	Policy STR 5 Infrastructure and Connectivity (View)
Status	Processed
Submission Type	Email
Version	0.2
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	British Horse Society
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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

Policy STR 5 Infrastructure and Connectivity
Paragraph Number: 6.585

Question 4

Do you consider that the Local Plan:

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

Question 4a

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

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

Question 5

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

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

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

The Open Space, Sport and Recreation Study referred to completely fails to consider the facilities available to or the needs of equestrians

The Sport and Recreation section of the policy does not in fact meet the needs of all communities across the borough since it fails to consider the needs of, or make any provision for, equestrians, either within expanding existing communities or within the new communities to be created.

As the majority of horse riders are women and girls, this arguably fails to comply with the Equality duty.

Please see also our general 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.

The policies OSSR1 and OSSR2 referred to in this policy should be amended to include equestrian facilities, i.e. riding schools, livery stables, public bridleways, restricted byways and open spaces with equestrian access.

Question 7

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

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_1019
Response Date	02/06/21 12:44
Consultation Point	Policy STR 5 Infrastructure and Connectivity (View)
Status	Processed
Submission Type	Email
Version	0.3
Files	PSLP_1014_Charterhouse Strategic Land Representation SI.pdf
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]

Question 4a

If 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.

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 5 – Infrastructure and Connectivity

Charterhouse supports policy STR 5.

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

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 (View)
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 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.

After this stage, 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 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

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

After this stage, 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.

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_1696
Response Date	04/06/21 16:05
Consultation Point	Policy STR 5 Infrastructure and Connectivity (View)
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.

After this stage, 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 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

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

After this stage, 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.

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	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 (View)
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.

Powered by Objective Online 4.2 - page 2

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

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 (View)
Status	Processed
Submission Type	Email
Version	0.3
Files	PSLP_1571-1623(not inclusive)_CRS NDP Steering Group Representation.pdf
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]

Question 4a

If 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 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

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

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_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_2068
Response Date	04/06/21 15:53
Consultation Point	Policy STR 5 Infrastructure and Connectivity (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	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-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-12 Appendix 3 Site Appraisal Photos 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-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 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-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

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 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

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

After this stage, 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]

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.

After this stage, 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 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

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

Comment

Consultee	Richard Dowse ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Benenden TN17 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Richard Dowse ([REDACTED])
Comment ID	PSLP_2151
Response Date	03/06/21 11:56
Consultation Point	Policy STR 5 Infrastructure and Connectivity (View)
Status	Processed
Submission Type	Other
Version	0.3
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Richard Dowse
Question 3	
To which part of the Local Plan does this 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
Policy STR 2 Place Shaping and Design
Policy STR 3 Brownfield Land
Policy STR 5 Infrastructure and Connectivity
Policy STR 6 Transport and Parking
Policy STR 7 Climate Change

Policy STR 8 Conserving and Enhancing the Natural, Built, and Historic Environment

Policy PSTR/BE 1 The Strategy for Benenden parish

Policy AL/BE 1 Land adjacent to New Pond Road (known as Uphill), 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

[TWBC: this representation has been input against Policies STR1, STR 2, STR 3, STR 5, STR 6, STR 7, STR 8, PSTR/BE1, AL/BE 1, AL/BE 3, AL/BE 4 and EN 1, please see Comment Numbers PSLP_2147, PSLP_2149, PSLP_2150, PSLP_2151, PSLP_2152, PSLP_2153, PSLP_2154, PSLP_2155, PSLP_2156, PSLP_2129, PSLP_2133 and PSLP_2157]

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.*”

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 Cleveland's. 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.

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 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, 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'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 PSLP'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.

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 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.

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/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)?

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

Supporting Information File Ref No: SI_28

Comment

Consultee	Environment Agency
Email Address	
Company / Organisation	Environment Agency
Address	 WEST MALLING
Event Name	Pre-Submission Local Plan
Comment by	Environment Agency
Comment ID	PSLP_473
Response Date	26/05/21 10:55
Consultation Point	Policy STR 5 Infrastructure and Connectivity (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	PSLP_462, 467, 471, 473-480, 484, 486 Environment Agency SI-1 Representation.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Environment Agency
Question 3	
To which part of the Local Plan does this 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
Question 4a	

If 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.

Infrastructure and Connectivity

We suggest to enhance wording for examples within “**Green:** network of natural and semi-natural features, including, for example, street trees, green roofs, parks, ponds, rivers, woodlands.” There are wet woodlands within the Tunbridge Wells district, suggest to add ‘all types of woodland’.

[TWBC: For general response please see Comment Number PSLP_462]

Question 7

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

If you would like to attach a file in support of your comments, please upload it here. [PSLP_462, 467, 471, 473-480, 484, 486 Environment Agency SI-1 Representation.pdf](#)

Comment

Consultee	Mr Jeff Fenton [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Jeff Fenton [REDACTED]
Comment ID	PSLP_902
Response Date	01/06/21 13:16
Consultation Point	Policy STR 5 Infrastructure and Connectivity (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Jeff Fenton
Question 3	
To which part of the Local Plan does this 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	
Page 54 Policy STR 5 (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 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.

Policy STR 5 clearly states "New residential and commercial development will be supported if sufficient infrastructure capacity is **either available, or can be provided in time to serve the development**," The PSLP fails to support this policy as most of the infrastructure necessary to support the proposed developments will not be started until a number of years after significant numbers of dwellings have been occupied. No up front funding is being made available either and so the PSLP is Unsound.

Similarly, as the infrastructure relies upon two major developments being constructed in tandem to release funding for the infrastructure, there is no guarantee that such funding will be available as planning application delays on one site alone can seriously impact ALL infrastructure. This has not been considered in the PSLP.

Therefore the PSLP is Unsound.

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.

One solution is to use the public purse to allocate funding for ALL major highways infrastructure prior to any developments commencing, but this has a critical point of failure in that it will only require a single developer to delay start of works or withdraw their application and the whole plan is liable to fail or only be partly built. This is a serious risk that is not considered in the PSLP.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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 lead for Capel Road Safety Campaign and Co-ordinator for Kent Police Community Speedwatch, I have a good and realistic knowledge of highways in the area and the many issues that the PSLP has highlighted. It is important that proper debate takes place.

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_37

Comment

Consultee	Mrs Farah Brooks-Johnson [REDACTED]
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Mrs Farah Brooks-Johnson [REDACTED]
Comment ID	PSLP_564
Response Date	28/05/21 11:31
Consultation Point	Policy STR 5 Infrastructure and Connectivity (View)
Status	Processed
Submission Type	Web
Version	0.3
Files	GSP Friends of Tudeley Final.pdf (5)
Question 1	
Respondent's Name and/or Organisation	Friends of Tudeley
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
STR5 Infrastructure and Connectivity	
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.

The Tunbridge Wells MP, Greg Clark, has said "Infrastructure First"; it therefore seemed reasonable to expect the draft Plan to contain a coherent timeline on the creation of infrastructure that will assure us that houses will be built only after the necessary infrastructure is in place. In fact, it contains no evidence of a deliverable infrastructure plan for the proposed Tudeley Village. The foundations and assumptions on which the approach to infrastructure is laid out in the Local Plan are fragile and in some cases farcical.

The speed at which the proposal for the Tudeley Village has been prepared means that sound infrastructure delivery planning cannot be demonstrated. The means of delivery, and timescale for delivery of important infrastructure items has not been carefully identified. A wide range of infrastructure is essential to the delivery of sustainable development, and habitat network (green infrastructure) improvements and community facilities must be carefully included in the delivery plans. It is essential that the timing of infrastructure provision must complement the delivery of policies and this does not appear to be the case. The plan is not effective.

A detailed description of the inadequacy of TWBC's approach to infrastructure is in section 4.6 of the attached report by Graham Simpkin Planning.

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 all references to the proposed Tudeley Village from 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)? . 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:

Friends of Tudeley is an unincorporated association of local residents concerned about the soundness of TWBC's proposal to create a new settlement at Tudeley. We will make an important local contribution to the matters under discussion

If you would like to attach a file in support of your comments, please upload it here. [GSP Friends of Tudeley Final.pdf \(5\)](#)

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 David Bushell [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Friends of Woodbury Park Cemetery
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Friends of Woodbury Park Cemetery [REDACTED] [REDACTED]
Comment ID	PSLP_1557
Response Date	04/06/21 11:20
Consultation Point	Policy STR 5 Infrastructure and Connectivity (View)
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Friends of Woodbury Park Cemetery
Question 3	
To which part of the Local Plan does this 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: see also whole response on the whole Plan (PSLP_1549) and separated comments on the following: Policies STR5 (PSLP_1557), STR8 (PSLP_1558), EN4 (PSLP_1560), EN9 (PSLP_1561), EN10 (PSLP_1562), EN12 (PSLP_1563), EN26 (PSLP_1564), H11 (PSLP_1565), Section 7 (PSLP_1566) and Policy AL/RTW 4 (PSLP_1567)]

Question 4a

If 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.

12 We warmly welcome and strongly support as a context for urgent measures to reduce the threat of detriment to WPC the following strategic and policy sections of the Plan:

. STR 5 recognition of parks, amenity and natural green spaces.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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_85a-i

Comment

Agent	Chris Pattison [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Turnberry
Address	[REDACTED] London [REDACTED]
Consultee	[REDACTED]
Company / Organisation	Hadlow Estate
Address	[REDACTED] [REDACTED] TONBRIDGE [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Hadlow Estate [REDACTED]
Comment ID	PSLP_1633
Response Date	04/06/21 15:44
Consultation Point	Policy STR 5 Infrastructure and Connectivity (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-1_Representation.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-4_A-3_Flood_Risk_Review.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-5_A-4_Heritage_Constraints_Appraisal.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-2_A-1_Ecological_Appraisal.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-6_A-5_Archaeology_Assessment.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-9_A-8_Development_Strategy.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-8_A-7_Green_Belt_Appraisal.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-3_A-2_Highways_and_Transportation_Report.pdf

Data inputter to enter their initials here HB

Question 1

Respondent's Name and/or Organisation Hadlow Estate

Question 2

Agent's Name and Organisation (if applicable) Turnberry

Question 3

To which part of the Local Plan does this 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 Hadlow Estate, please see Comment Numbers PSLP_1630-1645]

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.

Although we consider the Plan that the Plan is sound generally, we consider that certain details of the policies identified in our representations require amendment. These amendments are set out in our submitted representation and supporting technical evidence.

1 Comments on the Draft Plan

We have reviewed the Proposed Submission Plan and its supporting material to ensure the proposed spatial strategy for the Plan is both robust and justified in its identification of Tudeley for 2,800 homes. This section first reviews the Tudeley Village allocation and offers minor amendments to the detailed wording of the policy, before moving on to our observations on strategic and other supporting policies in the Plan. We set out our broad in principle support for the majority of the Plan's policies, however we make certain representations regarding amendments below.

[TWBC: for full representation, please see supporting documents]

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 STR5 Infrastructure and Connectivity

We support this policy as proposed, however request for clarity that the text or supporting text be amended to clearly state that Capel/ Paddock Wood will be exempt from CIL.

Question 7

Please note *the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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 refer to paragraph 3.14 of the Procedure Guide for Local Plan Examinations which sets out the circumstances in which representors may be invited to appear at examination stage. It would be helpful to the LPA as well as the Inspector if we were invited to participate to assist the Inspector's understanding of a soundness or legal compliance issue. Moreover, as we are suggesting helpful modifications it would be appropriate for us to participate in hearing sessions related to those areas within which we have suggested modifications.

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_52

Comment

Consultee	Mr Mark Behrendt [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Home Builders Federation
Address	4 Orchards Way SOUTHAMPTON SO17 1RD
Event Name	Pre-Submission Local Plan
Comment by	Home Builders Federation [REDACTED] [REDACTED]
Comment ID	PSLP_892
Response Date	02/06/21 08:32
Consultation Point	Policy STR 5 Infrastructure and Connectivity (View)
Status	Processed
Submission Type	Email
Version	0.3
Files	PSLP_885_Home Builders Federation_SI.pdf
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Home Builders Federation
Question 3	
To which part of the Local Plan does this 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: Representations made against STR 1, STR 5, EN2, EN 3, EN 9, H 3, H 6 and H 8 - See PSLP_885, PSLP_892, PSLP_894, PSLP_896, PSLP_897, PSLP_898, PSLP_900 & PSLP_901]

Question 4a

If 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.

Response by the Home Builders Federation to the consultation on the Tunbridge Wells Local Plan

1. Thank you for consulting the Home Builders Federation (HBF) on the Pre-Submission Local Plan. The HBF is the principal representative body of the housebuilding industry in England and Wales and our representations reflect the views of discussions with our membership of national and multinational corporations through to regional developers and small local housebuilders. Our members account for over 80% of all new housing built in England and Wales in any one year.

STR 5 – Infrastructure and connectivity

This policy is unsound as it is not consistent with national policy.

15. In addressing the impact of development on infrastructure it is important to ensure that all contributions are, as set out in the NPPF and paragraph 122 of the CIL Regulations 2010, necessary, directly related to the development and fairly and reasonably related in scale and kind to the development. However, regardless of the impact it would appear from part 1 of this policy that a significant contribution will be required. Such a statement is not consistent to the more proportionate approach set out in both legislation and policy.

Conclusion

35. At present we do not consider the plan to be sound, as measured against the tests of soundness set out in paragraph 35 of the NPPF, in the following key areas:

- Insufficient housing supply to ensure the necessary flexibility and improvements in the delivery of affordable housing;
- Requirement for all homes to be built to the higher option technical standard on accessibility have not been sufficiently justified;
- Sustainable design standards are not consistent with 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.

After this stage, 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.

Recommendation

16. That the word “significant” is removed from part 1 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:

36. As such I can confirm that I wish to participate in the relevant hearing sessions in order to full represent our concerns which reflect the views of discussions with our membership who account of 80% of the market housing built in England and Wales.

Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2174
Response Date	04/06/21 16:56
Consultation Point	Policy STR 5 Infrastructure and Connectivity (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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

Policy STR 5 Infrastructure and Connectivity

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2

(PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

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

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

Question 5

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

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

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

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

Provision and Delivery of County Council Community Services and Facilities

There is need to ensure that all growth is delivered with an appropriate range of community facilities, including Early Years provision, Youth Services, Adult Social Care, Community Facilities and Social Services. As set out within the Kent County Council Education Commissioning Plan, assessing the childcare market and ensuring sufficiency and long-term viability of provision for early years is complex and presents a significant challenge for local authorities. The County Council (commissioned through The Education People) is required to work with providers in making available a sufficient range of flexible provision, in the right geographical areas, at the right times and offering the right sessions to fit with both standard and atypical working patterns. The County Council would welcome engagement with the Borough Council to ensure adequate early years provision is provided to support growth.

The County Council recommends that the Local Plan includes policy wording that requires community buildings to be designed and built to be inclusive to all users – this should include:

- Design that is dementia friendly with dementia friendly decoration and signage
- A catering area which is compliant with the Government's Access to and use of buildings: Approved Document M, including

adjustable height work surfaces, wash areas and cupboards• Toilets and changing facilities for the severely disabled in accordance with the Changing Places specification:
http://www.changing-places.org/the_campaign/what_are_changing_places_toilets_.aspx

KCC recommends that the Local Plan supports the delivery of specialist care accommodation through developer contributions secured through section 106 agreements. The Local Plan should ensure the delivery of specialised homes that support the diverse and evolving range of needs of the local community, including those with learning and physical disabilities and other vulnerable groups. KCC would welcome continued engagement with the Borough Council in ensuring that the necessary homes to support a sustainable community are delivered.

Waste Management

The County Council welcomes the additional detail provided within this Regulation 19 consultation in respect of waste management, following the comments provided within the KCC Regulation 18 consultation response. Pressures on the County Council waste disposal service continue to grow and KCC would recommend a number of amendments within the Local Plan to ensure that waste management needs are fully captured and considered.

The County Council, as Waste Disposal Authority, and the Borough Council, as Waste Collection Authority, have received feedback regarding delays to collection rounds which are caused by limited capacity - there is currently no capacity for contingency or resilience to change in the Borough. KCC is committed to close working with the Borough Council to ensure a sustainable future in respect of waste management. As set out in the Local Plan Regulation 19 consultation, KCC will require a new facility to be delivered in order to support the planned growth. The timescale for the delivery of the proposed new facility was set at five to ten years within the Infrastructure Delivery Plan, however, issues are beginning to arise with capacity now and so KCC has revised this timescale down to five years. KCC therefore requests that the Local Plan and evidence base are updated accordingly and will welcome further engagement to take this forward.

Libraries

The County Council is keen to continue the partnership working within the Borough including bringing more services under one roof at new or improved premises, for example at the Southborough Civic Centre, The Amelia and the planned new community centre at Cranbrook. Working in partnership is a way for library services to remain at the heart of communities and provide fit for purpose buildings to accommodate existing and new residents in the future.

Public Rights of Way

The Public Rights of Way network (PRoW) has an integral role in the delivery of sustainable growth. Growth in the Borough should seek to maintain and enhance the PRoW network to provide opportunities for active travel and outdoor recreation, improve connectivity to local services and boost the health and wellbeing of new and existing communities. To ensure that this consideration is factored into planning for growth at early stages of developments, the County Council would recommend that PRoW is included in the relevant place-shaping and development management policies throughout the Local Plan (including the following policies: Policy STR 2 - Place Shaping and Design, Policy STR 4 - Ensuring Comprehensive Development and STR 6 - Transport and Parking).

Question 6

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

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

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

or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

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

Question 7

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

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

Question 7a

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

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

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

Future Notifications

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

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

Supporting Information File Ref No: SI_78a-c

Comment

Agent	Mr Troy Hayes [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Troy Planning & Design
Address	[REDACTED] [REDACTED] London [REDACTED]
Consultee	Mrs Nichola Reay [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Paddock Wood Town Council
Address	The Podmore Building St Andrews Recreation Ground TONBRIDGE TN12 6HT
Event Name	Pre-Submission Local Plan
Comment by	Paddock Wood Town Council [REDACTED] [REDACTED]
Comment ID	PSLP_1450
Response Date	04/06/21 16:11
Consultation Point	Policy STR 5 Infrastructure and Connectivity (View)
Status	Processed
Submission Type	Email
Version	0.10
Files	PSLP_1448-1479(not inclusive)_Troy Planning for PWTC SI-1 Cover Letter Redacted.pdf PSLP_1448-1479(not inclusive)_Troy Planning for PWTC SI-2 Representation.pdf PSLP_1448-1479(not inclusive)_Troy Planning for PWTC SI-3 PW TC Response to Reg. 18.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Paddock Wood Town Council

Question 2

Agent's Name and Organisation (if applicable) Troy Planning & Design

Question 3

To which part of the Local Plan does this 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 other comments by Paddock Wood Town Council, please see Comment Numbers PSLP_1448-1456, PSLP_1461, PSLP_1471, PSLP_1474, PSLP_1475-1477 and PSLP_1479]

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.

Tunbridge Wells Pre-Submission Local Plan – Paddock Wood Town Council Representation

Please find enclosed our representations to the Council's Pre-Submission Local Plan. These Representations are prepared and submitted on behalf of Paddock Wood Town Council (PWTC) and the representations are supported by the Paddock Wood Neighbourhood Plan Steering Group.

We also enclose the Council's Representation Form with our signature confirming that we do wish to take part in the Local Plan Examination Hearings.

We would like to point out that the majority of PWTC's representations to the Regulation 18 consultation were not addressed by TWBC. Given that the Local Plan has changed very little between that earlier consultation and the current period of representations on the Regulation 19 Local Plan we enclose these earlier representations and request that TWBC takes these into account and ensures they are supplied to the Secretary of State if the Council decides to proceed to submission stage.

We request that you please include this letter as part of our formal representations.

Our representations conclude that the Local Plan and its evidence base fail all the tests of soundness set out in the National Planning Policy Framework (NPPF) and that the Local Plan is not legally compliant.

Our representations go to the heart of the soundness and legality of the Local Plan, its policies, and the process TWBC has undertaken in preparing its Local Plan. We therefore consider that the entirety of the Local Plan is unsound as it is not legally compliant. Whilst we have singled out a number of specific policies that we consider to be unsound it would simply not be possible to comment on every single policy in the Local Plan which is a 515-page document.

We trust that TWBC appreciates the importance of the Local Plan proposals to the Paddock Wood community in terms of the inappropriateness of the proposals which would, if the Local Plan in its current form were to be implemented, have irreversible negative impacts on Paddock Wood and the wider area.

We urge TWBC to reconsider its development strategy which is set to fail at Local Plan Examination in Public and to restart the Local Plan process using an evidence base led approach which would conclude that Paddock Wood is an unsuitable and unsustainable location for strategic housing growth. Such an approach would save TWBC, the taxpayers and all the stakeholders involved in the Local Plan process an enormous amount of time and resources debating a Local Plan which is clearly unsound and not legally compliant.

1 Infrastructure

General

13.1. TWBC has failed to comply with paragraph 20b) of the NPPF, as the Local Plan's Development Strategy (Policy STR1) fails to set out the key infrastructure projects to be delivered over the Plan period. This is a fundamental oversight, which, contrary to paragraph 20 of the NPPF, fails to provide details on how *"strategic policies [...] make sufficient provision for [...] infrastructure"*. It is therefore evident that the Development Strategy is underpinned on an unsustainable development pattern as it solely focuses on the delivery of homes.

13.2. In the absence of details regarding infrastructure needs and delivery in Policy STR1, it is expected that Policy STR5 (Infrastructure and Connectivity) of the Local Plan sets out the strategy for development, including how the Plan makes "sufficient provision" for infrastructure, as per paragraph 20 of the NPPF. However, this is not the case. Policy STR5 merely confirms that infrastructure will be delivered during the Plan period yet fails to address what the specific needs are and how they will be met. For example, in terms of healthcare, Policy STR5 states that *"ensure that essential healthcare infrastructure is provided as part of new development in the form of new or expanded healthcare facilities"*. The above statement is grossly inadequate as it indicates a clear level of ambiguity from TWBC which could result in an undersupply of healthcare facilities. As such, this is a clear dereliction of duty from TWBC whereby the Local Plan strategic policies fail to comply with paragraph 22 of the NPPF, which stipulates that *"strategic policies should look ahead over a minimum 15-year period from adoption, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure"*.

INFRASTRUCTURE REQUIREMENTS

Education

13.3. PWTC is concerned that the IDP and Local Plan's strategy for Tudeley Village will result in an unsustainable pattern of development, where infrastructure projects deemed 'essential priority' in the IDP will not be phased in alignment with the timeframes set out in the IDP.

13.4. Within Kent County Council's Regulation 18 representation, they stated that *"the policy referring to Land to east of Tonbridge/west of site for Tudeley Village (Policy AL/CA 2) relates to land proposed for the establishment of a new six form entry secondary school. The establishment of a new school is wholly required to support the proposed level of growth."* The IDP infrastructure schedule includes an

entry for the aforementioned 6 form-entry as “essential priority, timing dependent on a number of factors (2024-2028), indicative cost £31,931,850, funding position KCC/developer funding”. Local Plan Policy STR/SS3 (The Strategy for Tudeley Village, 2a) states that “approximately 2,800 dwellings (2,100 by 2038)” will be delivered. As part of the proposal for this site, the developer has produced a Delivery Strategy⁴⁴ which states that the six form-entry secondary school will be delivered in the fourth phase (of six) of the scheme. Whilst no indicative dates are provided within this document, it does state that “580 new homes will be delivered during this phase, increasing the total number of dwellings at Tudeley to 1900”. Based on the wording of Policy STR/SS3, it is therefore reasonable that Phase 4 of Tudeley Village will be delivered in the latter years of the Local Plan period, as Phase 4 housing delivery falls just 200 homes short of the 2100 home Local Plan target delivery by 2038. This is extremely concerning as, based on the developer’s own delivery strategy, the secondary school will likely not be delivered until the mid-2030s. This is an approximate 7-year delay based on the timeframes set out in the IDP. This oversight illustrates TWBC’s haphazard approach to infrastructure delivery, which, if delivered upon, would result in a considerable borough-wide undersupply in secondary school places. As such, this example demonstrates TWBC’s non-compliance with paragraph 22 of the NPPF, as the longterm education requirements for the borough (based on the level of growth proposed at Paddock Wood, East Capel and Tudeley Village) will not be sufficiently met.

13.5. Further to the above, the funding position of the new Tudeley Village secondary school (six form-entry) is uncertain, as Kent County Council’s earlier Regulation 18 representation stated that “the school will need to be wholly funded by development and therefore the financial contributions from contributing developments would need to be increased to cover the additional costs derived from both the site’s abnormalities and the likely need to deviate from the Department of Education’s baseline design.” Despite this, the IDP stipulates that the project will be funded by “KCC/developer contributions”. Therefore, it is unclear as to whether the abnormal site constraints have been overcome and whether Kent County Council has since agreed to part-fund the site. If this is not the case, the proposal is unviable as there is no clarity as to whether the site will be wholly funded by the developer.

13.6. The current round of development at Paddock Wood planned to pay for a primary school (2 Form entry) on the Persimmon site. This was supposed to open this year. KCC is yet to take ownership of the land to enable the Tenax Academy Trust to begin and have not submitted a planning application yet.

Wastewater

13.7. Wastewater requirements have not been adequately detailed within the TWBC Local Plan. It is acknowledged that issues relating to wastewater infrastructure requirements were raised by Greg Clarke MP in a House of Commons debate in October 2019. Greg Clarke MP⁴⁵ stated that “Plans to upgrade the sewerage network in Paddock Wood, despite repeated discussions with Paddock Wood Town Council, have come to nothing. Residents of Paddock Wood now see development happening that they were assured would take place only when the sewerage system had been upgraded to deal with the current overuse and problems and to remove the worsening of that situation, let alone cope with the planned development”. Furthermore, the SFRA (Levels 1 and 2 combined, July 2019)⁴⁶ also states that “Paddock Wood has been identified as an area which has experienced a number of surface water flood events associated with small watercourses, sewerage and private drainage systems. The Paddock Wood Stage 1 Surface Water Management Plan (SWMP), undertaken in 2011 identified that reported instances of flooding have occurred due to surface water and minor watercourses, often occurring relatively rapidly from the onset of heavy rainfall.”

13.8. With the above in mind, it is entirely inappropriate for the IDP infrastructure schedule to state that in Paddock Wood “additional wastewater treatment capacity required over the Plan Period [is] to be determined” and “safeguarding of land around the existing wastewater treatment works at Paddock Wood for future expansion works” are both to be delivered over a “short, medium and long” timeframe. No details on wastewater infrastructure are provided in Policy STR/SS1 (the Strategy for Paddock Wood, including land at east Capel). Given the above, it is evident that TWBC have failed to address concerns relating to previous deficits and issues with the existing sewerage system, and this is likely to accentuate the potential flood risk within Paddock Wood. As such, it is clear that the growth proposed in Policy STR/SS1 (the Strategy for Paddock Wood, including land at east Capel) is entirely unsustainable, as supporting infrastructure is unable to meet the needs of the present and future local community. Therefore, Policy STR/SS1 (the Strategy for Paddock Wood, including land at east Capel) does not comply with paragraph 22 of the NPPF, which clarifies that infrastructure requirements and opportunities over a minimum 15-year period should be addressed in strategic policies.

13.9. Given that the IDP states that “*additional wastewater treatment capacity required over the Plan Period [is] to be determined*” it also unclear as to how the Local Plan’s Viability Study (Stage 2, Appendix 2a47) has established an approximate construction cost of £450,000 (Paddock Wood Shared Costs, Appraisal 1) for sewerage work upgrades and foul water new connections and diversions. Due to the omission of specific wastewater infrastructure requirements within the IDP, it is not possible to cross-reference the viability testing outputs with infrastructure that is proposed within either the Local Plan or IDP. This could therefore result in several inaccuracies, which, in turn, could have implications for the overall viability of the scheme.

13.10. There is no land available for expanding the existing wastewater treatment works and PWTC has confirmation from Southern Water even before the current proposals that that treatment works were already at capacity.

13.11. PWTC has, for at least six years, been requesting that Southern Water deal with surcharged sewer network in town based on the current growth. PWTC has argued that their proposals for dealing with additional waste from the three current developments are not adequate and will result in even more sewer flooding. There has been no engagement by Southern Water to assess infrastructure needs for the development proposed in this Local Plan. Southern Water refuse to work up plans unless there is ‘planning certainty’ – and it has turned out that even then they do not plan anything under the site are under construction and do not enable the developers to design in areas needed for pipework and kit such as pumping stations.

Health

13.12. The IDP states that one new GP practice will be required to support the level of growth proposed in Paddock Wood and East Capel. The Strategic Sites Masterplanning and Infrastructure Study highlights that, under scenario 1 (both sites come forward), there are three potential sites for the new GP practice, as shown below (potential GP sites circled in orange). It is noted that all potential site options lie in the western area of Paddock Wood and two of three site options are situated within the East Capel Site Allocation. This does not constitute sustainable development, as, if developed, those residing in the Paddock Wood Eastern Extension would have inadequate access to healthcare, as they would have to travel approximately over 1km with no direct active travel means such as walking and cycling infrastructure. As such, TWBC have failed to comply with paragraph 8b) of the NPPF as “*communities’ health, social and cultural well-being*” would not be supported (our emphasis added).

13.13. It is important to note that with the current three developments in Paddock Wood, they relied on the Howell Surgery In Brenchley (four miles away) taking the excess demand. Howell Surgery is now closed to new patients from Paddock Wood as rolls are full. Woodlands Surgery in Paddock Wood does not have capacity either. East Peckham Surgery located nearby in Maidstone Borough lost its surgery last year.

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

Cemeteries

13.14. PWTC has calculated a potential requirement for an additional 3 acres of land suitable for cemetery space to provide for the additional population in Paddock Wood and has sought a discussion and confirmation of this with TWBC but has never had a reply. This is a particularly important issue given that cemeteries cannot be located on land susceptible flooding. The Local Plan does not address this issue.

Transport – A228/Colts Hill bypass

13.15. The Colts Hill/A228 bypass is classified as ‘*critical priority, medium timing, £30 million scheme funded solely by developer funding*’ in the IDP. The costs of this scheme align with the Stage 2 Local Plan Viability Study (Appendix 11a)48, as appraisal one for Paddock Wood (with shared costs) and Tudeley (with shared costs) amount to £20 million (£11,040,000 and £8,960,000 respectively). It is worth noting that the Paddock Wood assumptions are based on all strategic allocations coming forward within Paddock Wood. This in itself presents a significant level of risk, as if one development proposal was to be refused planning permission, funding for the A228 Colts Hill bypass would not be secured. This concern is also reflected in the Stage 2 Viability Study, which states that “*the results of any viability process at this stage can only indicate a likelihood of delivery rather than anything more specific. As discussed above, a small change in one assumption can have a relatively large impact on the outcome / result*”. Given that both policies (and allocations) STR/SS1 (The Strategy for Paddock Wood and East Capel) and STR/SS3 (The Strategy for Tudeley Village) are due to be built-out from 2025/2026

onwards (as based on evidence within the Housing Supply and Topic Paper for Pre-Submission Local Plan)⁴⁹ and the Tudeley Village site has an expected completion date after the Plan period (i.e., post-2038), it is unclear as to how funding for the A228 bypass will be fully secured by the 'medium' project timeframe set out in the IDP. The IDP provides no definition for a 'medium' timeframe, however, it is assumed that 'medium' would be within the middle years of the Local Plan period i.e., from 2026-2032. PWTC therefore question the assumptions stated within the IDP, as the proposed phasing/timeframe is unrealistic as developer contributions are likely to be staggered at certain trigger points throughout the development timeline and will therefore not all be available throughout the 'medium' timeframe stated.

13.16. The above issue is exceptionally concerning, as evidence provided the Local Plan's supporting Transport Assessment confirms that baseline and 2038 scenario testing found that the A228 Maidstone Road/B2017 Badsell Road Paddock Wood roundabout would remain at >95% capacity. This assessment also found that, despite the provision of the new Colts Hill/A228 bypass, further mitigation will be required to reduce congestion on the proposed bypass. With this in mind, the Local Plan has adopted an unsatisfactory approach to highway infrastructure planning, as delivery timescales (as stipulated in the IDP) are unrealistic and unlikely to be met. This would result in unsustainable travel routes and non-compliance with paragraph 102a) of the NPPF on the grounds that the potential impacts of development on the transport network have not been addressed (our emphasis added).

13.17. The signalised junction at Badsell /Maidstone Rd was to be funded by the current three developments in Paddock Wood. This is not on the KCC list of works for this financial/council year and Berkley Homes (a corner of whose site was required for the works) are at odds with KCC whose inaction is delaying the finalisation of design and construction of that section of their site.

Transport –congestion in Paddock Wood

13.18. Concerns regarding congestion within Paddock Town Centre have not be adequately addressed within the Local Plan. It is acknowledged that the IDP details three improvements to the B2160 (Maidstone Road). These include:

- . *Improved B2017 Badsell Road/B2160 Maidstone Road signalised junction*
- . *Improved A228 Maidstone Road/Whetsted Road priority junction*
- . *Improved A228 Whetsted Road/A228 Bransbridges Road/B2160 Maidstone Road roundabout*
- . *Improved B2160 Maidstone Road/Commercial Road priority junction*
- . *Widening at junction of B2160 and Lucks Lane*

13.19. It is clear that the above infrastructure projects will not alleviate congestion on the B2160, as the above measures focus on allowing those using private vehicles residing in the proposed urban extensions to access the centre of Paddock Wood. Maidstone Road is a narrow B-road which narrows into a single carriageway in places. Access in and out of the town centre to the north at the A228 Whetsted Road/A228 Bransbridges Road/B2160 Maidstone Road junction is particularly concerning, as the Local Plan's Transport Assessment indicates that this junction will be overcapacity at 104% (volume over capacity) under the Local Plan scenario, equating to an increase of 12% volume compared to the 2018 baseline. It should also be noted that both the 'highways mitigation' and 'sustainable mitigation' scenarios (whereby additional transport improvements are modelled) also lead to congested roads, equating to 102% and 101% volume over capacity figures respectively. This confirms that planned highways infrastructure is not capable of supporting the level of growth earmarked for the proposed strategic allocations within Paddock Wood and Capel Parish. This oversight does not accord with paragraph 108c) of the NPPF, as significant impacts from the development on the transport network (in terms of capacity and congestion) cannot be cost effectively mitigated to an acceptable degree (our emphasis added).

[TWBC: for full representation, please see supporting documents]

Question 7

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

Paddock Wood Town Council confirms that it wishes to participate in the Local Plan Examination hearing sessions. Given the scale of strategic development proposed at Paddock Wood and nearby at the proposed new settlement, its extensive representations, and its role as a statutory consultee, PWTC considers it critical that it has the opportunity to provide further input into the Local Plan Examination process including the hearing sessions to respond to other evidence and arguments put forward.

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

[PSLP 1448-1479\(not inclusive\) Troy Planning for PWTC SI-1 Cover Letter Redacted.pdf](#)

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

[PSLP 1448-1479\(not inclusive\) Troy Planning for PWTC SI-2 Representation.pdf](#)

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

[PSLP 1448-1479\(not inclusive\) Troy Planning for PWTC SI-3 PW TC Response to Reg. 18.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_154a-b

Comment

Agent	Miss Judith Ashton ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Judith Ashton Associates
Address	Maytham Farmhouse Maytham Road Cranbrook TN17 4QA
Consultee	([REDACTED])
Company / Organisation	Redrow Homes Ltd and Persimmon Homes South East
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Redrow Homes Ltd and Persimmon Homes South East (- [REDACTED])
Comment ID	PSLP_2166
Response Date	04/06/21 09:43
Consultation Point	Policy STR 5 Infrastructure and Connectivity (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	PSLP_2159-2198_Judith Ashton Ass for Redrow Homes (1) PSLP_2159-2198_Judith Ashton Ass for Redrow Homes
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Redrow Homes Ltd & Persimmon Homes South East
Question 2	
Agent's Name and Organisation (if applicable)	Judith Ashton 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 5 Infrastructure and Connectivity

[TWBC: this representation has been input against Policies STR 1, STR 4, STR 5, STR/SS 1, STR/PW 1, EN1, EN2, EN3, EN9, EN13, H3, H6 and H9 – see Comment Numbers PSLP_2159, PSLP_2165, PSLP_2166, PSLP_2167, PSLP_2173, PSLP_2179, PSLP_2182, PSLP_2186, PSLP_2189, PSLP_2191, PSLP_2194, PSLP_2197 and PSLP_2198. See Supporting Information for representation in full]

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.

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 write with reference to the above. As you will be aware, I act for both Redrow Homes Limited and Persimmon Homes South East who have various interests in Tunbridge Wells, including those east and south east of Paddock Wood (SHLAA sites '20', '374', '371', '344' and '376'), (LPA sites PW 1_7, 1_9, 1_11 and 1_12), (parcels 7, 9, 11 and 12).

Whilst, having regard to the above, Redrow and Persimmon both support the Reg 19 Plan in principle, especially the proposed allocation of the land at Paddock Wood (policies STR/SS1 and STR/PW1), they do have specific concerns about certain aspects of policies STR/SS1 and STR/PW1 and the evidence base underpinning the plan.

In saying this we acknowledge that the Strategic Sites Topic Paper (March 2021) provides a detailed critique of the rationale behind the proposed allocation of the land at Paddock Wood and Capel, with section 8 explaining how the development looks to address the requirements of para 72 of the NPPF; and the plan and its associated evidence as a whole looks to demonstrate why the proposed allocation is justified, is deliverable and will be effective in meeting the requirements of the plan and national government guidance.

8 Strategic Policies

Policy STR5

8.3 Whilst agreeing in principle to the need for all new development to be supported by the provision of the necessary infrastructure, services, and facilities that have been identified to serve the needs arising from new development in a timely way, we are concerned as to how the requirements set out in policy STR5 are being arrived at. This policy appears, given paras 4.94 – 4.95 to be based upon the Infrastructure Delivery Plan (IDP), yet as set out above the IDP appears to be at odds with the infrastructure requirements identified in the Strategic Sites Masterplanning and Infrastructure Study and the Viability Appraisal Stage 2 assessment, such that the necessary infrastructure, services, and facilities required to meet the needs of the proposed developments needs to be clarified and policy STR5 and its preamble clarified so there is no ambiguity, and the plan requirements are both justified and effective.

Whilst many of our comments on the strategic and development management policies are, we believe, capable of resolution by simple rewording/ a review of the evidence base so as to justify the position being advocated, we are concerned that the extent of repetition between policies is leading to misrepresentation; and would recommend that the policy approach is reviewed with a view to being more succinct and direct in what it is seeking to achieve. This will we believe assist everyone concerned in the development process, and is something we, as inducted above, would be happy to talk to the borough council about, especially in terms of compiling a Statement of Common Ground to address the policy requirements for the land east of Paddock Wood.

To conclude, whilst we support the Reg 19 Plan and the proposed allocation of the land at Paddock Wood for strategic scale expansion, we do have a number of concerns about the overall housing supply and trajectory, the rationale behind the assessment of the reasonable alternatives assessed in the Sustainability Appraisal, and alternatives assessed; the consistency in the infrastructure requirements being sought from the development of the land at Paddock Wood in the IDP, VA and Strategic Sites Masterplanning and Infrastructure Study; the actual requirements for the land east of Paddock Wood – in terms of what, when and how much; some of the assumptions used in the VA; the wording of policies STR/SS1, STR/PW1 and justification for some of the criteria contained therein; and the wording of policies EN1, EN2, EN3, EN9, EN13, H3, H6, and H9 and justification for some of the criteria contained therein.

We look forward to talking to you further about the 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:

Redrow and Persimmon have an interest in land east of Paddock Wood – part of STR/SS1, one of the main strategic allocations in the Plan. They are also active elsewhere in the Borough and have an interest in ensuring the legality and soundness of the Local Plan. They therefore wish me to participate in the examination

Future Notifications

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

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

Supporting Information File Ref No: SI_54a-b

Comment

Consultee	Ms Noreen O'Meara [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Residents Against Ramslye Development
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Residents Against Ramslye Development [REDACTED] [REDACTED]
Comment ID	PSLP_929
Response Date	02/06/21 08:48
Consultation Point	Policy STR 5 Infrastructure and Connectivity (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	Residents Against Ramslye Development whole submission redacted.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Noreen O'Meara on behalf of Residents Against Ramslye Development
Question 3	
To which part of the Local Plan does this 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: see also further comments on individual sections and policies - PSLP_914, 925, 926, 928, 929, 930, 931, 932, 933, 938. The whole representation form (personal details redacted has also been attached as it contains plans and images]

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.

This response is made on behalf of the 669 signatories on the petition submitted in response to Regulation 18 which was delivered to TWBC Planning Services in 2019 and the Facebook group 'Residents Against Ramslye Development' whose membership is currently 247 (names can be provided if required). We have noted guidance 4.3 and have encouraged the people opposed to the development of site 137/ Policy AL/RTW 16 'Land to the west of Eridge Road at Spratsbrook Farm' not to make separate responses repeating the same points as those made here; some however will no doubt have submitted individual responses.

We welcome the inclusion of plans to allocate land to provide a new medical centre at Showfields Road. The surgery at Rowan Tree closed in January 2020. The policy seeks to "ensure adequate healthcare infrastructure is provided as part of new development". In view of the closure of the Rowan Tree surgery this appears to be no more than aspiration. We do not consider the policy is likely to be effective or meet residents' reasonable expectations, nor are there any clear, objective measures that would enable residents to hold TWBC to account. This policy should be revised to explain what "adequate" means by reference to availability of services within a distance that would also meet the active travel policy objective (i.e. walking distance).

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 site 137/ AL/RTW 16 'Land to the west of Eridge Road at Spratsbrook Farm' from the plan.

Question 7

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

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

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

Future Notifications

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

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

Supporting Information File Ref No: SI_137

Comment

Consultee	Mr Alan Chilvers [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Residents of Golden Green Association & KeepKent.Green
Address	[REDACTED] [REDACTED] Tonbridge, Kent TN11 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Residents of Golden Green Association & KeepKent.Green (Mr Alan Chilvers - [REDACTED])
Comment ID	PSLP_2037
Response Date	04/06/21 11:48
Consultation Point	Policy STR 5 Infrastructure and Connectivity (View)
Status	Processed
Submission Type	Email
Version	0.3
Files	PSLP_2026-2031, 2033, 2037-2040 KeepKent.Green & Residents of Golden Green Association Representation
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Golden Green Residents Association & KeepKent.Green
Question 3	
To which part of the Local Plan does this 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 KeepKent.Green and the Golden Green Residents Association, please see Comment Numbers PSLP_2026-2031, PSLP_2033 and PSLP_2037-2040]

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.

[TWBC: the following extract is from the representation submitted by KeepKent.Green and the Golden Green Residents Association - for the full representation, please see supporting documents]

KKG Objects to Policies STR/SS1 and STR/ SS3 as well as providing additional commentary on other policies, that lead to conclude the Local Draft Plan is not legally compliant, is not positively prepared, is not justified or effective or consistent with NPPF.

Infrastructure- STR5

Significant concerns were raised within regulation 18 responses regarding infrastructure -

- a) The overall costs and viability at Tudeley and East Capel
- b) Schedule and timings of implementation of key infrastructure
- c) Lack of detail
- d) Key infrastructure funding
- e) Majority of infrastructure would not be constructed until almost maturity of the LP even though rated critical within IDP.
- f) Local community, no consultation, Non Disclosure Agreements with various stakeholders to ensure proposed land allocations were not disclosed, even today, parcels of land have been included within infrastructure Compulsory Purchase Act but land owners have not had any communication from TWBC.
- g) Tudeley late submission to the LP , strong opposition and concerns from the local community as well as neighbouring LPA TMBC who held exclusive EGM prior to responding to Reg 18.

h) Confusion regarding CIL and section 106 policy- “The final IDP will also form an important part of the evidence base for a Community Infrastructure Levy (CIL) charging schedule, should the Council wish to pursue the implementation of CIL in the future – a decision will be made on this by the Council by the end of 2019”.

i) Some of the transport measures for Paddock Wood will also serve and connect the proposed garden settlement - Tudeley Village on land within Capel parish, therefore some of the larger infrastructure funding costs appear to be reliant on implementation of both sites.

The delivery of successful strategic sites requires new infrastructure to mitigate the impact of planned development. Further, this infrastructure needs to be planned comprehensively, delivered in a timely manner, funded through the development and seek to contribute to a step change in transport modal shift to align with garden settlement principles.

The full cost of a bypass at Colts Hill could not be funded through development alone, as the viability assessment confirmed that inclusion of the full £50million scheme would undermine viability and deliverability of the allocations.

Safety concerns regarding the A228 at Colts Hill will be further exacerbated through the development, and as such, options to mitigate the impact should be considered and funding for improvement secured.

The 2 key items of identified infrastructure to mitigate the growth proposed at Paddock Wood and east Capel, and Tudeley Village are Colts Hill and Five Oak Green Link Bypass.

Recent funding application for the offline Colts Hill Bypass has not been successful and funding has been unsuccessfully pursued for the last 40 years. The recommended phase 1 Colts Hill improvement scheme appears to be a temporary fix and will not mitigate the safety concerns that are already a major issue and will only increase as more traffic comes on line from these developments.

Due to the scale of these village settlements critical infrastructure should be prioritised and brought forward before any 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)? 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:

KeepKent.green would like to attend and participate in any Inspectors Hearing regarding the TWBC Local Plan.

If you would like to attach a file in support of your comments, please upload it here. PSLP_2026-2031, 2033, 2037-2040_KeepKent.Green & Residents of Golden Green Association Representation

Comment

Consultee	Andrew Richards ([REDACTED])
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Andrew Richards ([REDACTED])
Comment ID	PSLP_2105
Response Date	03/06/21 21:42
Consultation Point	Policy STR 5 Infrastructure and Connectivity (View)
Status	Processed
Submission Type	Email
Version	0.5
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Mr Andrew Richards
Question 3	
To which part of the Local Plan does this 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	
Policy STR 6 Transport and Parking	
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 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.

After this stage, 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.

Duty to Cooperate and broader engagement

1. I believe TWBC has failed in its Duty to Cooperate and engage with neighbouring communities, infrastructure providers and relevant LPAs, notably those in TMBC. The NPPF states that:

a. 16. "Plans should:

c) be shaped by early, proportionate and effective engagement between planmakers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees"

b. "27. In order to demonstrate effective and on-going joint working, strategic policymaking authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these. These should be . . . made publicly available throughout the plan-making process to provide transparency"

c. " 35 . . . Plans are 'sound' if they are:

c) Effective - . . . 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"

2. These policy requirements are of particular importance in the context of the Pre-submission Local Plan (PSLP), given the location of the Tudeley and Paddock Wood proposals on the boundary with TMBC. These proposals will have a significant impact on Tonbridge, Golden Green, East Peckham and other communities that lie close to the proposed garden settlements. As a result, TWBC should have engaged early, both with the local communities and with TMBC as the LPA. However:

a. Community engagement has been very limited (a copy of the Draft Local Plan was not automatically lodged at the Tonbridge library).

b. 202 responses were received by TWBC in response to questions regarding Settlement Groupings (which introduced the concept of garden settlements), and of those that expressed an opinion (around 92%) the majority (around 70%) disagreed with the suggested groupings. Despite this, the plan process ignored these responses and in the DLP proposed a garden settlement at Tudeley. This undermines the effectiveness of and confidence in the public consultation process run by TWBC.

c. Further to the above point, TWBC jumped straight from a broad identification of Strategic Option 5 in its Issues and Options paper, which was to consider the principle of garden settlements, to the selection of that as an adopted policy and then to the actual selection of specific sites (notably Tudeley (2,800 dwellings) and Paddock Wood (4,000 dwellings)) in the DLP. To announce, without public notice, allocations representing 50% of the OAN with such a significant impact on a neighbouring borough does not represent the "early, proportionate and effective engagement" required by policy.

d. The PSLP (STR 5) asserts that TWBC has “*fully consulted*” with Southern Water regarding the supply of fresh water and removal of foul, yet Greg Clark (the MP for Tunbridge Wells) is on record in advising that:

(1) “*Plans to upgrade the sewerage network in Paddock Wood, despite repeated discussions with Paddock Wood Town Council, have come to nothing. Residents of Paddock Wood now see development happening that they were assured would take place only when the sewerage system had been upgraded to deal with the current overuse and problems and to remove the worsening of that situation, let alone to cope with the planned development*” (House of Commons, 28 Oct 2019)

(2) This demonstrates the ineffectiveness of infrastructure planning, where this fails to provide the up-front investment needed to put in place the infrastructure needed in advance of development taking place. Without addressing such past poor performance the PSLP is unsound.

e. The PSLP (but not the preceding DLP) sets out proposals to close the Hartlake Road at its junction with Tudeley Road, and to close Maidstone Road in Paddock Wood. Both of these routes are well-used by communities in Tonbridge and Malling and their closure would add significantly to journey times, traffic congestion and pollution. Yet the absence of any effective dialogue from TWBC means that these proposals are only now being made visible.

f. A Statement of Common Ground has yet to be agreed between TWBC and TMBC. Yet the PSLP is at Reg 19 stage, far too late for constructive engagement with TMBC.

3. TMBC is on record in objecting to the DLP, noting that (letter of 16 Oct 19 from TMBC):

a. “*this is the first opportunity to comment on the detailed development strategy set out in the draft Local Plan*”.

b. “*the proximity of some of the major development proposals to the borough boundary . . . is a matter of serious concern due to the potential impacts on the local highway network, rail services and other community infrastructure including health care and education*”.

c. “*appropriate access across the railway will be an important consideration for master planning and viability*”.

These is hardly the response to be expected from an adjoining Borough that has had effective cross-boundary consultation on strategic matters.

4. As noted in another representation, this lack of engagement has also meant that any discussion with other LPAs about “*whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground (NPPF para 137c)*” has not been possible.

5. I therefore conclude that TWBC has failed in its Duty to Cooperate and that the PSLP is therefore **unsound**.

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.

This is not capable of resolution at this stage. A Duty to Cooperate is a policy requirement during plan preparation that TWBC has failed to address.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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 regular user of the Hartlake Road and would want to contribute to any discussion regarding its closure or curtailment

Future Notifications

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

Comment

Consultee	[REDACTED]
Email Address	[REDACTED]
Company / Organisation	Royal Tunbridge Wells Town Forum
Address	- - - -
Event Name	Pre-Submission Local Plan
Comment by	Royal Tunbridge Wells Town Forum [REDACTED]
Comment ID	PSLP_836
Response Date	01/06/21 08:15
Consultation Point	Policy STR 5 Infrastructure and Connectivity (View)
Status	Processed
Submission Type	Email
Version	0.2
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Royal Tunbridge Wells Town Forum
Question 3	
To which part of the Local Plan does this 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	
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.

We generally support the provisions of this policy but are unable to judge (and have a certain scepticism as to) how effective they may be in practice in delivering required infrastructure in a timely manner or at all, given that so much lies outside the Council's direct control.

The requirement that developers should contribute sums satisfactory to the Council when their development creates a need for new or improved infrastructure is strongly supported though we have doubts as to how adequate contributions will be in practice. The policy provision for effective monitoring paid for by the developer seems a considerable improvement over current practice.

Provisions on education, health and water appear imprecise. Although it is recognised that TWBC is not the lead authority in respect of any of these services, we believe that it should draw attention to the lack of joined up thinking by some responsible Authorities such as KCC, which continues to follow school siting policies that substantially increase traffic congestion in RTW with resulting damage to public health and the urban environment. KCC must in future pay more attention to the climate emergency across all its policies.

The provisions on green, grey and blue infrastructure are supported but It will be essential for adequate funds to be secured from all available sources, including from developers, to make these provisions a reality.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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 Brian Lippard [REDACTED]
Email Address	[REDACTED]
Company / Organisation	RTW Civic Society
Address	[REDACTED] ROYAL TUNBRIDGE WELLS [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	RTW Civic Society [REDACTED]
Comment ID	PSLP_1537
Response Date	03/06/21 11:58
Consultation Point	Policy STR 5 Infrastructure and Connectivity (View)
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Brian Lippard, Vice Chairman, RTW Civic Society
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 STR 5 Infrastructure and Connectivity	
Paragraph Nos. 4.90, 4.91, 4.94	
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

Question 5

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

After this stage, 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.

Infrastructure and Connectivity (paras 4.90-4.91, 4.94)

Existing infrastructure needs more than 'protecting'. It is unrealistic to expect all the required infrastructure improvements to be obtained by negotiation on new development. Infrastructure betterment needs exist in addition to those mentioned (flooding at Paddock Wood), for example to promote 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.

Re-word para 4.90 – As set out previously in Sections 2 and 3, **reviewing** existing infrastructure and securing investment from all sources in new infrastructure is key **to meeting the objectives of the Plan for sustainability and enhancement of the environment**.

Re-word 4.94: Alongside this Local Plan, the Council has developed an Infrastructure Delivery Plan (IDP), which seeks to identify the key elements of infrastructure that will be required to support the level and distribution of development being proposed **and the other objectives of the Local Plan** and how it will be delivered and phased. It also sets out what mechanisms will be used to ensure the timely delivery of infrastructure. It is critical that the necessary infrastructure (whether physical or social) is delivered in a timely way, to ensure that the development programme **and the objectives of the Plan for sustainability and environmental improvement are** not delayed and that built development and infrastructure is brought forward in a comprehensive approach.

Reason: Sustainability and enhancing the built and natural environment require reducing road traffic and providing infrastructure for walking and cycling, including in areas not affected by new 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)?

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	[REDACTED]
Email Address	[REDACTED]
Company / Organisation	Sevenoaks District Council
Address	Council Offices Argyle Road Sevenoaks TN13 1HG
Event Name	Pre-Submission Local Plan
Comment by	Sevenoaks District Council [REDACTED]
Comment ID	PSLP_1509
Response Date	03/06/21 15:42
Consultation Point	Policy STR 5 Infrastructure and Connectivity (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Sevenoaks District Council
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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

Policy STR 5 Infrastructure and Connectivity

[TWBC: for further comments by Sevenoaks District Council, please see Comment Numbers PSLP_1508 and PSLP_1510]

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.

In relation to education and health infrastructure, SDC recognises that many pupils and patients travel between our respective authorities to access these services. We are committed to working with TWBC, Kent County Council and the Kent and Medway Clinical Commissioning Group to deliver the services that are necessary for sustainable growth.

In relation to highway and rail infrastructure, SDC recognises the importance of the A21 and rail service to London in particular. We are committed to working with TWBC, Kent County Council and Network Rail to ensure any necessary improvements to support sustainable growth are delivered in a timely manner.

SDC will continue to work with infrastructure providers and partners on cross boundary matters, including through mechanisms such as the production of Infrastructure Delivery 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)?

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:

At this stage, SDC is content to rely on written submissions to express its views on TWBC's emerging Local Plan. Officers will inform you as soon as possible should this position change.

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_128

Comment

Agent	Miss Louise Darch ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Tetra Tech Planning
Address	5th Floor, Longcross Court 47 Newport Road Cardiff DF24 0AD
Consultee	([REDACTED])
Company / Organisation	Standard Life Investments UK Real Estate Fund
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Standard Life Investments UK Real Estate Fund (- [REDACTED])
Comment ID	PSLP_1966
Response Date	04/06/21 07:54
Consultation Point	Policy STR 5 Infrastructure and Connectivity (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	<u>PSLP_1954-1970_TetraTech for Standard Life SI (not inclusive).pdf</u>
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Standard Life Investment UK Real Estate Fund
Question 2	
Agent's Name and Organisation (if applicable)	Tetra Tech 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 5 Infrastructure and Connectivity

[TWBC: this representation has been input against Policies PSTR/RTW 1, ED 10, STR 1, ED 1, STR/RTW 1, AL/RTW 18, STR 5, EN 2, EN 7, TP 1 and TP 3 – see Comment Numbers PSLP_1954, PSLP_1959, PSLP_1960, PSLP_1961, PSLP_1963, PSLP_1965, PSLP_1966, PSLP_1967, PSLP_1968, PSLP_1969 and PSLP_1970]

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.

After this stage, 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.

Standard Life Investments UK Real Estate Fund stand by representations made in respect of the Draft Local Plan (Regulation 18) consultation document in respect of Policy STR 5 Essential Infrastructure & Connectivity (please refer to **Attachment A**) and maintain that the current wording of is not deemed to be 'positively prepared', 'justified', 'effective' or 'consistent with national policy' as required by the NPPF for the given reasons. As such, the Pre-Submission policy approach is deemed to remain 'unsound'.

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 refer to **Attachment A** relating to Policy STR 5 Essential Infrastructure & Connectivity.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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_133

Comment

Consultee	Mr David Hanes ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	The Pembury Society
Address	[REDACTED] [REDACTED] Tunbridge Wells TN2 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	The Pembury Society (Mr David Hanes [REDACTED])
Comment ID	PSLP_2000
Response Date	03/06/21 22:38
Consultation Point	Policy STR 5 Infrastructure and Connectivity (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	PSLP_1997-2001_The Pembury Society_SI(not inclusive).pdf
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	The Pembury Society
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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

Policy STR 5 Infrastructure and Connectivity

[TWBC: this representation has been input against Policies PSTR/PE 1, Section 3 - Vision & Objectives, STR 5 and STR 6 – see Comment Numbers PSLP_1997, PSLP_1998, PSLP_2000 and PSLP_2001. Full response attached as Supporting Information]

Question 4a

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

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

Question 5

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

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

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

Strategic Objectives

- a. There are 11 points raised, yet the majority are found relating to development,
 - 1 Transport is limited to a policy of giving priority to active travel and public transport,
 - 2 There is but reference to “ensuring the borough is vibrant, culturally rich, and economically buoyant”, and
 - 3 “conserving and enhancing the valued historic, built and natural environments, including Green Belt”, however
- b. The majority of the Plan relates to “sustainable development”, sites and their uses, and there is nothing specific or being envisioned about the matters raised in “Vision and Objectives” above.

Infrastructure and Connectivity

- a. 4.91 states “It is expected that future infrastructure to mitigate the impact of development....funded by....”, “to ensure that the development is acceptable in planning terms”.
- b. However, there is little infrastructure proposed that mitigates the likely increase in traffic movements by the up to 15000 cars that will be generated by the proposed developments in the vicinity of Pembury, Capel and Paddock Wood.
- c. Indeed there is little being proposed to alleviate the existing and declared congestions on the roads surrounding Tunbridge Wells. It may meet the “planning terms” but is distinctly unlikely to meet the aspirations of those who reside in the borough, who are already frustrated by the congestion and use of “rat runs” for their necessary travel needs.
- d. The only mitigation involving additional or new roads is the Colts Hill bypass. While the dualling of the A21 from Kippings Cross to Lamberhurst is noted it is unlikely to be aspirational for many years if the Tonbridge Kipping Cross section is anything to go by.

SUMMARY

- 1 The Local Plan concentrates on achieving and ticking a box regarding Government objectives in order to meet a calculated housing need, while we note that such number mechanisms are already being seen as flawed. Should Government pursue the strategy of levelling between north and south, ‘Northern Powerhouse’, it is possible that the housing needs in the south-east may need to be re-assessed downwards.
- 2 The Local Plan majors on development and development sites in order to achieve numbers and has little to do with the aspirations of the people of the Borough.
- 3 While the Local Plan does seek to detail all the relative aspects to be considered in relation to development sites, Neighbourhood Development Plans urgently need to be developed with relative local support, ensuring that each community has such housing as is beneficial and sustainable, in the context of each community's needs, available employment, enhanced infrastructure and supporting services.

- 4 While it promotes the use of “active travel”, the impact of essential travel as opposed to leisure use is, in our view, highly suspect and vehicle use is likely to increase. This necessitates a much deeper look at long term highway strategy, which should be part of this Local Plan.
- 5 The enhancement of Tunbridge Wells for tourism, leisure, artistic and cultural amenities, as well as shopping experience, will only come about with renewed vision, and a major scheme to remove road congestion such as a ring road.
- 6 Finally, we would like transparency on the financial aspects of the proposed site developments, and the vision that arises from the use of the extra rateable value, which on the basis of say 12,200 dwellings (alone), amounts to £18,300,000 pa by the end of the Local Plan period, 2038, at current values.

Question 7

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

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

Comment

Consultee	Ms Bridget Fox [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Woodland Trust
Address	Kempton Way Grantham NG31 6LL
Event Name	Pre-Submission Local Plan
Comment by	Woodland Trust [REDACTED]
Comment ID	PSLP_1412
Response Date	04/06/21 16:31
Consultation Point	Policy STR 5 Infrastructure and Connectivity (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Woodland Trust
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR 5 Infrastructure and Connectivity	
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.

We support this policy and welcome the addition of the explicit reference to hedgerows and street trees, in addition to the prior welcome inclusion of woodland and community orchards, in the section headed *Green, grey and blue infrastructure*, as we requested in our response to the Regulation 18 consultation.

We support the inclusion of natural green space as part of the range of provision of space for sport and recreation.

Question 7

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

Local Plan Regulation 19 representations in document order

Comments on Section 4: Policy STR6: Transport and Parking

Comment

Consultee	Hilary Andrews [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Whetsted Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Hilary Andrews [REDACTED]
Comment ID	PSLP_962
Response Date	03/06/21 11:14
Consultation Point	Policy STR 6 Transport and Parking (View)
Status	Processed
Submission Type	Web
Version	0.1
Question 1	
Respondent's Name and/or Organisation	Hilary and Nick Andrews
Question 3	
To which part of the Local Plan does this 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	
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

Question 5

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

After this stage, 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 are residents of East Capel, having lived in our house for 28 years. We consider certain aspects of the Tunbridge Wells local plan to be unsound, ill thought through and not justified.

We believe this policy of the local plan to be unsound. We object to the proposal to close the bridge over the railway line in Paddock Wood B2160 Maidstone Road except for buses, pedestrians and cycles. We strongly dispute statements made in the supporting documentation "Local Cycling and Walking Infrastructure Plan Phase 2 – Final Report". This report states, in regard to the proposal "This is likely to reduce the number of vehicle trips in the town". Where is the proof for this assumption? This road restriction will simply push traffic from East Peckham, Yalding, and sites North of Paddock Wood via other unsuitable routes into the town and create more problems for traffic along the A228, B2017, and B2160 south of the town. For example, residents from these neighbourhoods doing their weekly heavy shopping in the town will simply not consider cycling as an option. If the road restriction over the bridge does reduce traffic then it may hinder the vibrancy and commercial success of the shops in 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.

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 this bridge closure 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

Supporting Information File Ref No: SI_97

Comment

Agent	David Murray-Cox [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Turley
Address	[REDACTED] [REDACTED] Reading [REDACTED]
Consultee	[REDACTED]
Company / Organisation	Bellway Homes Strategic
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Bellway Homes Strategic [REDACTED]
Comment ID	PSLP_1748
Response Date	04/06/21 12:23
Consultation Point	Policy STR 6 Transport and Parking (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	PSLP_1747-1748, 1750-1756, 1758_Turley for Bellway Homes_Representation_Redacted.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Bellway Homes Strategic
Question 2	
Agent's Name and Organisation (if applicable)	Turley
Question 3	

To which part of the Local Plan does this 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 Bellway Homes Strategic, please see Comment Numbers PSLP_1747-1748, PSLP_1750-1756, PSLP_1758]

Question 4a

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

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

Question 5

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

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

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

TUNBRIDGE WELLS PRE-SUBMISSION LOCAL PLAN – REPRESENTATIONS ON BEHALF OF BELLWAY

We write on behalf of our client, Bellway Homes Strategic, in relation to the Pre-Submission draft Local Plan for Tunbridge Wells Borough which is currently subject to public consultation. This letter provides the background to Bellway's interest in the Borough and sets out representations on their behalf.

BACKGROUND

Bellway has a legal interest in the land to the north and south of High Woods Lane (Mouseden Farm) on the eastern edge of the built up area of Tunbridge Wells/Hawkenbury which it is promoting for residential led development. The site is separated by High Woods Lane. The area south of High Woods Lane is currently in agricultural use and bordered to the east by woodland, to the south by existing sports uses and to the west by existing residential development. The area north of High Woods Lane is also within agricultural use, with further agricultural uses/woodland to the east and an indoor bowls club and allotments to the west.

The adopted Proposals Map indicates that both parts of the site are within the Green Belt and AONB.

On the basis of the Proposals Map published as part of this consultation indicates that the southern part of the land (south of High Woods Lane) is to be designated under Policy RTW1923 with that area to adjoin the 'Proposed Limited to Built Development'. The northern part of the land promoted by Bellway is not subject to any other proposed allocations. The draft Proposals Map appears to indicate that both parts of the site will continue to be located within the Green Belt and AONB.

Policy STR6: Transport and Parking

We note that this Policy explains how the "transport and parking strategy is to: ... Deliver future development in accessible locations, normally within, or in close proximity to, existing towns and villages

across the borough, where it is a scale which supports the necessary infrastructure and services to allow the community to function self sufficiently on a day to day basis.”

We set out concerns elsewhere in these representations as to the extent to which the draft Local Plan fulfils that strategy.

SUMMARY

These representations set out **significant concerns** regarding the draft Local Plan for Tunbridge Wells Borough. In summary, the level of housing required to address issues of affordability and does not provide any realistic opportunities to make a meaningful contribution to meeting affordable housing needs. Whilst the Council claims that the housing supply represents a buffer over the planned requirement, this is based on extremely optimistic assumptions and short lead in times before the key sites deliver. In the case of Paddock Wood the Plan then relies upon very high delivery rates.

A more diverse and greater range of sites are required to address affordability, provide affordable housing and to help ensure that the housing requirement is achievable.

The Plan also provides a disproportionately low level of new housing at Tunbridge Wells despite the sustainability of this settlement, in comparison to other, less sustainable locations. This is borne out by the selection of the Tudeley Village site as a location for a new garden village in a remote location where the extent of measures to support sustainable travel is extremely unclear. Alternative options are available which would direct development to the most sustainable settlement (i.e. Tunbridge Wells) and which are in sustainable locations.

This conclusion is supported by the Council's own evidence which demonstrates the availability and suitability, sustainability and logic of alternative sites on the edge of Tunbridge Wells (including the land promoted by Bellway which is subject to these representations).

The Council's own evidence has overstated the contribution that certain sites, including the land promoted by Bellway which is subject to these representations) makes to the Green Belt. When the land is assessed in a more robust manner (and when assessed independently rather than as part of wider Broad Areas), the contribution is significantly reduced.

The southern part of the land promoted by Bellway (i.e. the land south of High Woods Lane) is subject to a planning permission for recreational uses. That application was submitted by the Borough Council, despite it having no interest in the land. In contrast, Bellway has a legal interest in the land and is promoting this area, as part of a wider site, for residential development. Bellway would be willing to work with the Borough Council to explore opportunities for bringing forward the approved recreational facilities in the area, which residential development on the site could help deliver.

Whilst the Council is pursuing (by allocating and seeking planning permission) land outside of its control for sports and recreation uses, it is concurrently planning to release a number of sites which are already within those uses for residential development which the Council does own. As a matter of general principle this approach appears unjustified.

As it is currently drafted the Local Plan is unsound. It relies on unsustainable and undeliverable solutions to housing needs and is partly premised on releasing the Council's own land for housing whilst proposing land it does not own for compensatory sports and recreation purposes. These fundamental issues of unsoundness are compounded by a lack of documentary evidence to explain why the Council has selected the approaches and proposed allocations in the emerging Local Plan.

Bellway would be willing to enter in to dialogue regarding the land north and south of High Wood Lane and the extent to which this site could deliver housing (delivering the greater range and diversity of sites) in a sustainable location. Bellway would be willing to discuss the manner in which such housing could assist in delivering additional recreational facilities in the area.

[TWBC: for full representation, please see supporting documents]

Question 7

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

If you would like to attach a file in support of your comments, please upload it here. [PSLP 1747-1748, 1750-1756, 1758 Turley for Bellway Homes Representation Redacted.pdf](#)

Supporting Information File Ref No: SI_10

Comment

Consultee	Lynne Butler [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Brenchley & Matfield Parish Council
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Brenchley & Matfield Parish Council [REDACTED] [REDACTED]
Comment ID	PSLP_1776
Response Date	03/06/21 17:19
Consultation Point	Policy STR 6 Transport and Parking (View)
Status	Processed
Submission Type	Web
Version	0.4
Files	B&M comments Local Plan.docx
Question 1	
Respondent's Name and/or Organisation	Brenchley & Matfield Parish Council
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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

STR1, STR5, STR6, STR, STR8, STR10, PSTR/BM1, AL/BM1, AL/BM2, EN1, EN19, OSSR1, OSSR2.

[TWBC: relevant parts of this representation have been duplicated against the above policies: see PSLP_1775-1786 inclusive]

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.

The language is not sufficiently robust in some of the policies and introduces ambiguity. Small rural parishes have very different requirements to the larger settlements, having less housing allocations, limited facilities and poor public transport. Consequently some policies have no relevance in rural areas and include no provision of additional facilities. Although the parish has a small housing allocation, the quality of life will be significantly affected by development in Paddock Wood/Capel/Horsmonden/Pembury. There should be some provision for the mitigation of the effects within other parts of the borough of increased traffic on safety, noise and air quality.

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.

Pre-submission Comments from Brenchley and Matfield Parish C council

TWBC Pre-Submission Local Plan

STR6: Transport and Parking

The proposals are inadequate to prevent further major deterioration of the quality of life in the parish from traffic and rat running through rural lanes whenever there are problems on the A21 or other main roads. The current problems will be exacerbated by the major developments planned for Paddock Wood and East Capel, unless the A228 improvements have already been made.

There is no provision for highways improvements within the parish to mitigate against the effects of increased traffic from the developments planned for the north and east of the parish. The situation is already hazardous for pedestrians and cyclists, with no safe crossing points on Maidstone Road or Brenchley Road. While the Borough Council appears to be encouraging active travel there appears to be no real and effective action included in the plan to provide safe cycle routes within our parish or connections to nearby settlements. A safe off-road travel route for schoolchildren in the parish to reach Mascalls Secondary School and Brenchley and Matfield Primary School would be desirable. The provision of cycle parking spaces in developments is welcome but people will not be able to cycle unless there are safe routes to use them.

The strategy of active travel and public transport within STR6 is ambitious and encouraging but to date the PC sees little evidence of TWBC being proactive to provide any improved measures in the parish to date. The PC finds this disappointing and is of the opinion single occupancy car-based trips within the Borough will prevail.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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 Parish Council supports the overall negative scores of the sites in Brenchley and Matfield that were put forward in the Call for Sites. There are very few positive scores for any of the sites and a significant number of high negative scores. Many of the sites involve the loss of high-grade agricultural land and would have a negative impact on biodiversity, landscape and heritage. Sustainability is also a factor for many of the sites, which lack a proximity to facilities and public transport.

The villages of Brenchley and Matfield have limited sustainability, with poor facilities in Matfield but a reasonable bus service to Paddock Wood and Tunbridge Wells. Brenchley has more facilities but three bus services to Paddock Wood on only two days during the week. There are no bus services in the evenings that would allow commuters to use public transport.

If you would like to attach a file in support of your comments, please upload it here. [B&M comments Local Plan.docx](#)

Comment

Consultee	Lady Elizabeth Akenhead [REDACTED]
Email Address	[REDACTED]
Company / Organisation	British Horse Society
Address	[REDACTED] [REDACTED] TONBRIDGE TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	British Horse Society [REDACTED] [REDACTED]
Comment ID	PSLP_1516
Response Date	04/06/21 11:58
Consultation Point	Policy STR 6 Transport and Parking (View)
Status	Processed
Submission Type	Email
Version	0.2
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	British Horse Society
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR 6 Transport and Parking	
Paragraph Number 4.99	
Question 4	
Do you consider that the Local Plan:	

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

Question 4a

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

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

Question 5

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

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

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

The emphasis on active travel is supported.

However,

Para 4.99 and Policy a) Active travel, opening sentence: Horse riding should also be listed as active travel, since the alternative to riding a horse to a venue is to transport it in a horsebox.

Active travel 3: This paragraph as currently drafted discriminates against horse riders, the majority of whom are women and girls (and thus it may fail to comply with Equality legislation), since it implies that bridleways and byways will be enhanced for other types of user, without any enhancement being planned for horse riders. Indeed it is likely to lead to bridleways being tarmacked for the benefit of cyclists, without any compensatory improvement for horse riders. Specific mention of different types of non-motorised user and the different types of public rights of way is in any case unnecessary, since both are terms that include all types.

There should also be a commitment that where possible public rights of way will be upgraded to bridleway or restricted byway, in order to accommodate the maximum number of non-motorised users.

Please see also our general comments on the 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.

Para 4.99 and Policy a) Active travel, opening sentence: Horse riding should also be listed as active travel, since the alternative to riding a horse to a venue is to transport it in a horsebox.

Active travel 3, revise to read:

“The provision of inter-settlement routes into the centres or into key destinations within settlements, including through enhancing routes such as public rights of way, for users of non-motorised transport. This will include links to destinations outside the borough, including Tonbridge. Where a non-motorised route is to be provided or upgraded, it will wherever possible be of bridleway or restricted byway status, or will include a margin for ridden horses, in order to accommodate the maximum number of non-motorised users.”

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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 horse riders will not be discriminated against.

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_1020
Response Date	02/06/21 12:44
Consultation Point	Policy STR 6 Transport and Parking (View)
Status	Processed
Submission Type	Email
Version	0.3
Files	PSLP_1014_Charterhouse Strategic Land Representation SI.pdf
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 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

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

After this stage, 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.

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

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 (View)
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

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing 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

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_2069
Response Date	04/06/21 15:53
Consultation Point	Policy STR 6 Transport and Parking (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-6 Appendix 3 Fig.1 Site Context 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-14 Review of Sustainability Appraisal

[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](#)

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 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

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

After this stage, 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]

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

Comment

Consultee	Gillian Douglass [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Gillian Douglass [REDACTED]
Comment ID	PSLP_287
Response Date	23/05/21 18:25
Consultation Point	Policy STR 6 Transport and Parking (View)
Status	Processed
Submission Type	Web
Version	0.2

Question 1

Respondent's Name and/or Organisation	Gillian Douglass
---------------------------------------	------------------

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 STR 6 Transport and Parking

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.

STR6 does not refer at all to the 20 mph speed limit set up in the town centre. While several areas were completed in a hurry in order to take advantage of a grant, mistakes have been made. In St. James, for example, the speed between Camden Road and Quarry Road changes to 30 mph immediately before a church hall where a nursery takes place and a primary school in a congested 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	Richard Dowse ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Benenden TN17 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Richard Dowse ([REDACTED])
Comment ID	PSLP_2152
Response Date	03/06/21 11:56
Consultation Point	Policy STR 6 Transport and Parking (View)
Status	Processed
Submission Type	Other
Version	0.3
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Richard Dowse
Question 3	
To which part of the Local Plan does this 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
Policy STR 2 Place Shaping and Design
Policy STR 3 Brownfield Land
Policy STR 5 Infrastructure and Connectivity
Policy STR 6 Transport and Parking
Policy STR 7 Climate Change

Policy STR 8 Conserving and Enhancing the Natural, Built, and Historic Environment

Policy PSTR/BE 1 The Strategy for Benenden parish

Policy AL/BE 1 Land adjacent to New Pond Road (known as Uphill), 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

[TWBC: this representation has been input against Policies STR1, STR 2, STR 3, STR 5, STR 6, STR 7, STR 8, PSTR/BE1, AL/BE 1, AL/BE 3, AL/BE 4 and EN 1, please see Comment Numbers PSLP_2147, PSLP_2149, PSLP_2150, PSLP_2151, PSLP_2152, PSLP_2153, PSLP_2154, PSLP_2155, PSLP_2156, PSLP_2129, PSLP_2133 and PSLP_2157]

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.*”

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 Cleveland's. 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.

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 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, 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 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.

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 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.

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/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)? . 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 Jeff Fenton [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Jeff Fenton [REDACTED]
Comment ID	PSLP_908
Response Date	01/06/21 13:16
Consultation Point	Policy STR 6 Transport and Parking (View)
Status	Processed
Submission Type	Email
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Jeff Fenton
Question 3	
To which part of the Local Plan does this 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	
Paragraph Number 4.99	
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.

How does building an isolated new village at Tudeley fit with this policy when the majority of residents will not work in Tudeley? New residents will mostly already be employed elsewhere with a good salary and changing jobs could create mortgage problems for most potential property buyers. It is also questionable when the proposed new "industrial" workspace will be created at Tudeley as we have no timetable for the development except this broad figure of 2022-2038.

This policy is poorly thought through and is Unsound with regard to 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.

A far better alternative to TGV is to build a new village adjacent to the Kingstanding Business Park on the A21 at Castle Hill which has just been approved by TWBC for 85 hectares of warehousing and B1 industrial. This is also just 1 mile from the Tunbridge Wells new hospital where staff are desperately looking for property and there are cycleways and footpaths already linking these sites which also link to the railway in Tonbridge.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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 lead for Capel Road Safety Campaign and Co-ordinator for Kent Police Community Speedwatch, I have a good and realistic knowledge of highways in the area and the many issues that the PSLP has highlighted. It is important that proper debate takes place.

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 Jeff Fenton [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Jeff Fenton [REDACTED]
Comment ID	PSLP_910
Response Date	01/06/21 13:16
Consultation Point	Policy STR 6 Transport and Parking (View)
Status	Processed
Submission Type	Email
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Jeff Fenton
Question 3	
To which part of the Local Plan does this 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	
Page 60 Policy STR 6 (c) (iii)	
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.

The KCC & TWBC approach to road building in west Kent has for decades been an “after current budget period” item and nothing has changed here. TWBC in 2003 announced a “park and ride scheme” to solve all the issues in the Tunbridge Wells town but this has never been implemented and all sorts of other tricks have been announced and then dropped, wasting our time and money.

Colts Hill was first designed in the 1970s and changes to the plans made through to 2000 but always the excuse of “no current budget” was the KCC stance as they are the budget holders and NOT TWBC.

Jam tomorrow but in reality it is traffic jams today!

The latest proposals are to build half the bypass and join it to a new Five Oak Green bypass but only if Tudeley Garden Village is built.

If we consider the disruption in the area, particularly along A228/B2017/B2160 and various country lanes in Capel and Paddock Wood used as rat runs to avoid congestion whilst all these proposed works are ongoing; then add the 3 current estates being completed now in Paddock Wood (approx. 1500 homes) to the traffic nightmare, we soon discover that the PSLP will bring 25 yrs of total disruption to the area and actually drive business away instead of attracting it.

STR 6 states that FUNDING will be via development. Unfortunately, this cannot work as the development will only occur or be attractive to developers if the infrastructure is already in place. STR 6 is Unsound.

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.

Do not build houses where there is no infrastructure already in place and avoid areas that will suffer immense and long term disruption. If you need to build new garden villages then do so where major new highways already exist or are already close to the Highways England major roads network.

Question 7

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

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . 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 lead for Capel Road Safety Campaign and Co-ordinator for Kent Police Community Speedwatch, I have a good and realistic knowledge of highways in the area and the many issues that the PSLP has highlighted or missed. It is important that proper debate takes place.

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 Jeff Fenton [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Jeff Fenton [REDACTED]
Comment ID	PSLP_1891
Response Date	03/06/21 11:20
Consultation Point	Policy STR 6 Transport and Parking (View)
Status	Processed
Submission Type	Email
Version	0.2
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Mr Jeff Fenton
Question 3	
To which part of the Local Plan does this 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	
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 appears that KCC & TWBC have reached no agreement at all regarding the potential Colts Hill bypass and the Five Oak Green bypass. The 2 companies used to examine the potential routes, David Lock Associates (main PSLP) and Stantec (Infrastructure Delivery Plan) do not even agree where the Five Oak Green bypass terminates on the existing B2017 or even the route it takes.

The PSLP approach is misleading, unclear and therefore unsound & unacceptable.

Map 29, Page 150 shows "improvements" to the whole of A228 Colts Hill plus the line of the proposed all off-line Colts Hill bypass, but then only to be developed for the northern section.

Maps 33 & 34 Page 164 & 165 the Five Oak Green bypass joins B2017 outside the school, whereas the Stantec plan shows the FOG bypass joining at the Alders Road/B2017 junction.

The funding situation is even more misleading. Policy STR 6 Page 59/60 c) states the new road will be "funded by development, although other funding opportunities will be investigated". What does this mean? TWBC state that if Tudeley Garden Village is approved then the FOG bypass will go ahead; yet it is clear that this has to be funded from somewhere and currently KCC & TWBC simply do not know or have not declared it.

The issue to then consider is that if Tudeley Garden Village is delayed or reduced in size, what happens to the potential funding of the FOG bypass? Again, it is unclear.

Now turn to page 469 of the PSLP. 6.577 – *The whole scheme (Colts Hill bypass) is not necessary to mitigate the impact.* This is utter nonsense. There is no actual evidence to support this. However, it is surely reasonable to consider that if you currently have both KCC & TWBC trying unsuccessfully for 43 yrs to fund a complete Colts Hill bypass, then one MUST assume they both consider it an absolute necessity (or it could be due to complete incompetence but we are not here to test that one!). If we then add the traffic from 1,600 homes currently being built in Paddock Wood to an already overloaded Colts Hill (the ONLY "A" class road in Capel Parish), plus the expansion to Paddock Wood industrial area that has been taking place for the past 40yrs, it is quite clear that a complete Colts Hill bypass is now an overdue project. The safety record alone is clear.

Now let's consider the B2017 through Five Oak Green. In 2016/17 local residents and Capel parish council (total at the time around 1,500 population) submitted a petition to both KCC & TWBC with 1,127 signatures demanding action regarding road safety and traffic calming measures on B2017 through Five Oak Green. (children were hit by cars, a dog being walked along a pavement by a lady with a pushchair was killed by a lorry etc etc). Capel Parish Council also undertook a £6,000 highways study to demonstrate the need for traffic calming and promote ideas to KCC.

The result is ZERO. We currently have zero traffic calming measures in Five Oak Green. No pelican or zebra crossings, no traffic islands, no roundels, no red tarmac, very narrow road and in some instances no pavements, blind bend and a 205 pupil primary school where lorries drive with wheels on the pavement to pass the parked cars. It took 8 yrs to get the speed limit reduced from 40mph to 30mph outside the school and despite TWBC now having 20mph in all of Tunbridge Wells town, we have nothing.

TWBC refused to register our properly informed petition and KCC wanted 10,000 signatures before they would accept it. We still have NO traffic calming at all and another child was knocked down earlier this year.

All these words about bypasses and yet it is obvious that the funding is not there and KCC (who run all of Kent Highways NOT TWBC) do not have any idea of when any new roads will be started, (let alone completed!) except it will be years AFTER the houses are built and our roads are clogged with developer's HGVs and others from the newly opened quarries in Capel.

If standard safety evaluation applications are applied to the data, children will have been killed in Five Oak Green on the back of this PSLP. The case against the PSLP is far too strong for it to be promoted any further.

DO NOT LET THIS CARNAGE TAKE PLACE. REJECT THE PSLP.

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 think the above comments are sufficient. If TWBC would like to pay me the same daily rate as their consultants then I would be quite happy to help.

Question 7

Please note *the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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 the co-ordinator of the Kent Police Five Oak Green Community Speedwatch team, I am responsible for the Capel Road Safety Campaign (stalled due to PSLP) and have lived in Capel and Paddock Wood for 38yrs. (27 in Five Oak Green). I believe I have the ability to assist.

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 Jeff Fenton [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Jeff Fenton [REDACTED]
Comment ID	PSLP_905
Response Date	01/06/21 13:16
Consultation Point	Policy STR 6 Transport and Parking (View)
Status	Processed
Submission Type	Email
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Jeff Fenton
Question 3	
To which part of the Local Plan does this 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	
Paragraph Number 4.98	
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.

Paddock Wood is mainly a distribution centre and many salaries are unlikely to be high enough to afford mortgages on a good proportion of available properties within the plan. It is unsound to assume residents will take local jobs and many will be commuting to London or elsewhere. Currently, many of the employees at the vast Transfesa distribution/warehousing area of Paddock Wood commute from other areas of Kent & East Sussex where property prices are much lower than in the TWBC area.

There are too many assumptions and therefore this policy is Unsound.

It is also worthy of note that the current Foal Hurst Wood development in Paddock Wood is being advertised in the Hong Kong press for those seeking UK homes.

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.

Build new housing where the need is greatest and mortgages are within reach of local salaries, NOT in areas such as Tudeley where the estate will likely become elitist and unaffordable to many unless they commute and add to the already overloaded roads and railways.

At Tudeley in particular TWBC has, for ease of management, wrapped its arms around a single developer without considering the actual needs of the community.

Question 7

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

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . 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 lead for Capel Road Safety Campaign and Co-ordinator for Kent Police Community Speedwatch, I have a good and realistic knowledge of highways in the area and the many issues that the PSLP has highlighted. It is important that proper debate takes place.

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_37

Comment

Consultee	Mrs Farah Brooks-Johnson [REDACTED]
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Mrs Farah Brooks-Johnson [REDACTED]
Comment ID	PSLP_568
Response Date	28/05/21 11:41
Consultation Point	Policy STR 6 Transport and Parking (View)
Status	Processed
Submission Type	Web
Version	0.3
Files	Connect FoT Final.pdf (1)
Question 1	
Respondent's Name and/or Organisation	Friends of Tudeley
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
STR6 Transport and Parking	
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.

Friends of Tudeley has been advised by an expert transport consultant, Connect. Their detailed and comprehensive report is attached. A brief summary of the main points is as follows:

The Tudeley Village site cannot offer sustainable transport. There is no rail station and never will be. TWBC's evidence refers to a "4 buses an hour" bus service and has assumed that it would capture a 7.4% market share, but that has been assessed by a specialist public transport consultancy and shown to be a wholly unrealistic market share (and the service to be financially unviable).

Because of the lack of other options the new settlement will inevitably pour thousands of cars on to local roads, especially at peak hours. The local infrastructure will be swamped, even with road widening and physical junction changes. TWBC's own consultants have accepted that even the programme of road improvements put forward will not be enough to prevent overload.

Perhaps the most striking aspect of Connect's report is that on analysing the TWBC traffic evidence, Connect have discovered that for the roads to function around this new settlement TWBC are entirely reliant on a drop in car usage of about 62%. Without that drop, TWBC's consultants accept that the local road network will be overwhelmed. It is extraordinary for TWBC's plans to be based on a 62% drop in car usage. It is contrary to decades of UK travel behaviour trends, even in places with excellent public transport (which Tudeley Village will never have). The TWBC modelling is unrealistic and obviously unachievable, rendering the Plan unsound.

Without sustainable transport, the site is not sustainable. Residents will travel outside the development to shop, to take children to school (as a certainty for most of the plan period, and very likely thereafter), to receive medical care and to go to work. The primary school is not included in the first phases of development and the secondary school will not be built until the very end of the development phasing (beyond the Local Plan period) leading residents to seek access to places at schools that are already over capacity. Even once the new schools are built many residents will choose other schools (particularly given the number of established high quality schools in Tonbridge, including grammar schools) and will travel outside the settlement anyway. The settlement is too small to attract a major supermarket and so food shopping on site will be very limited. Shopping deliveries will add yet further traffic. The costings and timelines outlined in the Infrastructure Delivery Plan are fragmented and unconvincing, with many items essential for the settlement's operation marked only as 'desirable'.

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 all references to the proposed Tudeley Village from 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)? . 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:

Friends of Tudeley is an unincorporated association of local residents concerned about the soundness of TWBC's proposal to create a new settlement at Tudeley. We will make an important local contribution to the matters under discussion

If you would like to attach a file in support of your comments, please upload it here. [Connect FoT Final.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

Supporting Information File Ref No: SI_85a-i

Comment

Agent	Chris Pattison [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Turnberry
Address	[REDACTED] London [REDACTED]
Consultee	[REDACTED]
Company / Organisation	Hadlow Estate
Address	[REDACTED] [REDACTED] TONBRIDGE [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Hadlow Estate [REDACTED]
Comment ID	PSLP_1634
Response Date	04/06/21 15:44
Consultation Point	Policy STR 6 Transport and Parking (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-6_A-5_Archaeology_Assessment.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-1_Representation.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-4_A-3_Flood_Risk_Review.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-8_A-7_Green_Belt_Appraisal.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-5_A-4_Heritage_Constraints_Appraisal.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-7_A-6_Landscape_and_Visual_Appraisal.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-3_A-2_Highways_and_Transportation_Report.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-9_A-8_Development_Strategy.pdf

Data inputter to enter their initials here HB

Question 1

Respondent's Name and/or Organisation Hadlow Estate

Question 2

Agent's Name and Organisation (if applicable) Turnberry

Question 3

To which part of the Local Plan does this 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 Hadlow Estate, please see Comment Numbers PSLP_1630-1645]

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.

Although we consider the Plan that the Plan is sound generally, we consider that certain details of the policies identified in our representations require amendment. These amendments are set out in our submitted representation and supporting technical evidence.

1 Comments on the Draft Plan

We have reviewed the Proposed Submission Plan and its supporting material to ensure the proposed spatial strategy for the Plan is both robust and justified in its identification of Tudeley for 2,800 homes. This section first reviews the Tudeley Village allocation and offers minor amendments to the detailed wording of the policy, before moving on to our observations on strategic and other supporting policies in the Plan. We set out our broad in principle support for the majority of the Plan's policies, however we make certain representations regarding amendments below.

[TWBC: for full representation, please see supporting documents]

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 STR6 Transport and Parking

Part b1 of this policy commits to the establishment of rapid bus/transport links, including from Paddock Wood to Tonbridge (via Tudeley Village). While we support the establishment of such transport links, we request that the policy wording is amended to refer to "regular" or "frequent" links rather than "rapid", as this is what is no doubt intended and can be justified in policy terms.

The policy also proposed the incorporation of electric car charging points (or any new technology requirements) into new developments. While this is supported in principle, and indeed encouraged by paragraphs 105 and 110 of the NPPF, the policy should reference the practicality of universal electric charging points in new development and factor in the constraints of grid capacity where applicable. Wording should be inserted into the policy acknowledging that limitations on grid capacity may restrict developers' ability to provide universal ECV infrastructure.

Question 7

Please note *the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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 refer to paragraph 3.14 of the Procedure Guide for Local Plan Examinations which sets out the circumstances in which representors may be invited to appear at examination stage. It would be helpful to the LPA as well as the Inspector if we were invited to participate to assist the Inspector's understanding of a soundness or legal compliance issue. Moreover, as we are suggesting helpful modifications it would be appropriate for us to participate in hearing sessions related to those areas within which we have suggested modifications.

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 Raymond Moon ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] Paddock Wood TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Raymond Moon ([REDACTED])
Comment ID	PSLP_2288
Response Date	02/06/21 14:54
Consultation Point	Policy STR 6 Transport and Parking (View)
Status	Processed
Submission Type	Web
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Raymond Moon
Question 3	
To which part of the Local Plan does this 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	
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.

Policy STR 6

Transport and Parking (statement).

- 1 a) Active travel. Active travel (walking and cycling, and emerging electrical personal vehicles) will be prioritised through:
- 2 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

The provision of this section relates to the Borough "Council's Local Cycling and Walking Infrastructure Plan". The implementation of this infrastructure plan proposes restrictions to the access to the Town via the Railway Bridge , restricting vehicle use and HGV use which already has a weight restriction. This plan appears to propose various new initiatives concerning pedestrian access and cycle access but in reality they are being implemented to justify the new development North of the railway. The bridge is a pinch point and clearly represents a barrier to the number of houses that are sustainable in the DLP. The new Cycling and walking plan is designed to mitigate this barrier and total disregard of the resulting consequences for the Towns residents. No car access means a journey into the Town centre via the Badsell road which will in turn cause more congestion into the Town from that direction. Buses will be allowed but PW does not have an integrated bus station with the rail station to try and tempt residents away from cars and use public transport. The strategy is clearly not joined up and the walking infrastructure plan has not gone to consultation to the local residents especially those living at present North of the Railway. Another good reason not to have new residential housing North of the railway which is part of the DLP. The only reason it has been proposed is to meet the allocation from TWBC. It plainly does not make common sense and should be opposed.

- 1 Who will pay for these new provisions as we come out of the Covid pandemic? The national debt is massive and many councils and utilities' will just not have the finances. There has to be a funding commitment via Government who are imposing the housing allocations across the country. Failure to do this should mean no new development in PW or within the whole Borough.
- 2 Public transport.
- 3 "Establishing rapid bus/transport links, including from Paddock Wood to Royal Tunbridge Wells, Paddock Wood to Tonbridge (via Tudeley Village), and Royal Tunbridge Wells to Tonbridge, and ensuring that the design of these strategic sites provides for attractive bus services with convenient access to the highway network:

Who is going to fund these rapid bus/transport links within this DLP and ensure we have attractive bus services with convenient access to existing highway networks. Will the service be subsidised by KCC or is it again just words and no real substance in the proposals?

- 1 Working with network rail again is “Pie in the Sky” as they have their own agenda but it seems convenient to suggest it can happen in the future as part of this DLP. Has there been any negotiations with Network Rail and any commitment to provide capital funds to make it happen in the future as part of this DLP. Where’s the evidence?

Question 7

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

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

Comment

Consultee	Mr Raymond Moon ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Paddock Wood Labour Party (PWLP)
Address	[REDACTED] TONBRIDGE TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Paddock Wood Labour Party (PWLP) (Mr Raymond Moon - [REDACTED])
Comment ID	PSLP_2311
Response Date	02/06/21 15:02
Consultation Point	Policy STR 6 Transport and Parking (View)
Status	Processed
Submission Type	Web
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Paddock Wood Labour Party
Question 3	
To which part of the Local Plan does this 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	
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.

Policy STR 6

Transport and Parking (statement).

- 1 a) Active travel. Active travel (walking and cycling, and emerging electrical personal vehicles) will be prioritised through:
- 2 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

The provision of this section relates to the Borough "Council's Local Cycling and Walking Infrastructure Plan". The implementation of this infrastructure plan proposes restrictions to the access to the Town via the Railway Bridge , restricting vehicle use and HGV use which already has a weight restriction. This plan appears to propose various new initiatives concerning pedestrian access and cycle access but in reality they are being implemented to justify the new development North of the railway. The bridge is a pinch point and clearly represents a barrier to the number of houses that are sustainable in the DLP. The new Cycling and walking plan is designed to mitigate this barrier and total disregard of the resulting consequences for the Towns residents. No car access means a journey into the Town centre via the Badsell road which will in turn cause more congestion into the Town from that direction. Buses will be allowed but PW does not have an integrated bus station with the rail station to try and tempt residents away from cars and use public transport. The strategy is clearly not joined up and the walking infrastructure plan has not gone to consultation to the local residents especially those living at present North of the Railway. Another good reason not to have new residential housing North of the railway which is part of the DLP. The only reason it has been proposed is to meet the allocation from TWBC. It plainly does not make common sense and should be opposed.

- 1 Who will pay for these new provisions as we come out of the Covid pandemic? The national debt is massive and many councils and utilities' will just not have the finances. There has to be a funding commitment via Government who are imposing the housing allocations across the country. Failure to do this should mean no new development in PW or within the whole Borough.
- 2 Public transport.
- 3 "Establishing rapid bus/transport links, including from Paddock Wood to Royal Tunbridge Wells, Paddock Wood to Tonbridge (via Tudeley Village), and Royal Tunbridge Wells to

Tonbridge, and ensuring that the design of these strategic sites provides for attractive bus services with convenient access to the highway network:

Who is going to fund these rapid bus/transport links within this DLP and ensure we have attractive bus services with convenient access to existing highway networks. Will the service be subsidised by KCC or is it again just words and no real substance in the proposals?

- 1 Working with network rail again is “Pie in the Sky” as they have their own agenda but it seems convenient to suggest it can happen in the future as part of this DLP. Has there been any negotiations with Network Rail and any commitment to provide capital funds to make it happen in the future as part of this DLP. Where’s the evidence?

Question 7

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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_137

Comment

Consultee	Mr Alan Chilvers [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Residents of Golden Green Association & KeepKent.Green
Address	[REDACTED] [REDACTED] Tonbridge, Kent TN11 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Residents of Golden Green Association & KeepKent.Green (Mr Alan Chilvers - [REDACTED])
Comment ID	PSLP_2031
Response Date	04/06/21 11:48
Consultation Point	Policy STR 6 Transport and Parking (View)
Status	Processed
Submission Type	Email
Version	0.3
Files	PSLP_2026-2031, 2033, 2037-2040 KeepKent.Green & Residents of Golden Green Association Representation
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Golden Green Residents Association & KeepKent.Green
Question 3	
To which part of the Local Plan does this 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 KeepKent.Green and the Golden Green Residents Association, please see Comment Numbers PSLP_2026-2031, PSLP_2033 and PSLP_2037-2040]

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.

[TWBC: the following extract is from the representation submitted by KeepKent.Green and the Golden Green Residents Association - for the full representation, please see supporting documents]

KKG Objects to Policies STR/SS1 and STR/ SS3 as well as providing additional commentary on other policies, that lead to conclude the Local Draft Plan is not legally compliant, is not positively prepared, is not justified or effective or consistent with NPPF.

Transport STR6

TWBC Transport Strategy Review Context and way forward September 2019 document; provides an overview of the main transportation issues and plans going forward. This report provides a vision of integrated, forward looking and accessible transport options that support economic prosperity for residents within the borough, as well as promoting the promotion of public transport, walking and cycling so that the settlements are easy to navigate , and facilitate simple and sustainable access to jobs, education and services.

East Capel & Tudeley

The current road infrastructure is already at capacity often exceeding capacity at peak travelling times leading to disruptive journey times. These proposals will further increase already congested Tonbridge and Paddock Wood Town Centres.

The sheer size and scale of these developments will only add to the congestion infrastructure problems, adding further to a substantial deterioration of air quality, increase in motor vehicle emissions, of which is already a serious concern within the borough. (TWB 8th worst district in Kent for poor air quality).

B2017 Tudeley Road, already overloaded, will experience significant increased demand from LP in Tudeley and East Capel.

A228 Branbridges Road / B2160 Maidstone Road / A228 Whetsted Road

Additional demand with a high level of underlying demand is causing queueing on approach to junction.

A26 Hadlow Road East/ Three Elm Lane

The junction is already overloaded and will increase substantially, on Hadlow Road and Three Elm Lane due to extra demand from TWBC and TMBC's LP proposals.

Limited ability to add additional highway capacity is limited by third party ownership and topography.

The SWECO Local Plan Transport evidence base indicates that most households within the area have access to 2 or more cars. This could equate to nearly 10,000 additional vehicles accessing the road network from Tudeley and East Capel.

The LP promotes prosperity and well being for residents and highlights that it will encourage greater use of public transport, walking and cycling, with the intention to provide all the necessary infrastructure to achieve this.

One of the key principles for Garden Village settlements is that they are closely situated to all major transport hubs, however in reality:

- . **Nearest railway station** from Tudeley is Tonbridge located approximately 4 miles from the centre of Tudeley village.
- . **Nearest railway station** from East Capel is Paddock Wood located approximately 4.5 miles from East Capel.

Both proposed sites are too far from the Railway stations for cycling or walking on a daily basis to capture any significant regular journeys to work or school.

The proposed express commuter bus services running every 15 minutes with dedicated bus lanes running from Tudeley to Tonbridge and Paddock Wood are not deliverable into the towns themselves due to existing housing and infrastructure.

The financial viability of providing regular express commuter/ school services will require large developer contributions throughout and beyond the build out of the development. Kings Hill Development West Malling has experienced severe issues with the reduction in regular bus services as soon as the main phases of the development were completed, as the developers withdrew their financial support, the local bus companies reduced their services.

Cycling and Cycle paths would be used for leisure rather than daily commuting especially within winter months, people cycling 8-9 miles a day to access nearest railway station will only gain a minority of cyclists.

Dedicated cycle lanes in Tonbridge and Paddock Wood, this has already been trialled by TMBC in Tonbridge in 2020.

TMBC abandoned a cycle path scheme in 2020 after 2 weeks , QUARRY HILL leading onto Pembury Road.

KCC Councillors told the Tonbridge Forum on 7 September that they had failed to be convinced by plans to introduce two lanes for cyclists to use on the west side of Quarry Hill against the advice of Tonbridge Bicycle Users Group and Green Party Councillors.

KCC REG 18 Comments

"There is currently no reference to a new rail station at Tudeley Village in the Draft Local Plan or IDP. The inclusion of an additional stop on this line in the heart of the new Tudeley settlement would make a considerable difference to the road traffic generated by these developments and exploration into the feasibility for a station should be pursued in conjunction with the master planning exercise, prior to the Regulation 19 consultation. **Without this station, the 11% modal shift would be even more difficult for the very limited remaining public transport options to deliver.** Consideration should also be given to trips heading north on the A228 into Maidstone/Tonbridge and Malling to understand the impact on the wider road network and whether mitigation is required.

Summary The County Council as the Local Highway Authority has fundamental concerns that the impact of the additional vehicular traffic brought about by the preferred growth strategy has not yet been effectively addressed in the Draft Local Plan by clearly defined mitigation measures. KCC would welcome continued dialogue to address these matters as the Local Plan progresses

Ministry of Housing, Communities and Local Government National Planning Policy Framework (NPPF)
An overarching objective in the Local Plan is to follow Ministry of Housing, Communities and Local Government National Planning Policy Framework (NPPF) guidance including Chapter 9 'Promoting sustainable transport', in particular paragraph

102: "Transport issues should be considered from the earliest stages of plan-making and development proposals, so that opportunities to promote walking, cycling and public transport use are identified and pursued"

And paragraph 108 "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location"

And paragraph 110 which states that amongst others: "applications for development should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use".

Tudeley and East Capel will both be car-dominated settlements and the predicted shift to other modes of transport will not happen as forecast, due to their locations and infrastructure restrictions. The Kings Hill Village Settlement, West Malling has demonstrated that the anticipated shift to other modes of transport do not happen.

A majority of the necessary major road improvements required will involve further removal of ANOB and 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:

KeepKent.green would like to attend and participate in any Inspectors Hearing regarding the TWBC Local Plan.

If you would like to attach a file in support of your comments, please upload it here. PSLP 2026-2031, 2033, 2037-2040 KeepKent.Green & Residents of Golden Green Association Representation

Comment

Consultee	Andrew Richards ([REDACTED])
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Andrew Richards ([REDACTED])
Comment ID	PSLP_2111
Response Date	03/06/21 21:42
Consultation Point	Policy STR 6 Transport and Parking (View)
Status	Processed
Submission Type	Email
Version	0.4

Data inputter to enter their initials here KH

Question 1

Respondent's Name and/or Organisation Mr Andrew Richards

Question 3

To which part of the Local Plan does this 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

Policy STR 6 Transport and Parking

[TWBC: this representation has been input against Policies STR 5 and STR 6 – see Comment Numbers PSLP_2105 and PSLP_2111]

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 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.

After this stage, 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.

Duty to Cooperate and broader engagement

1. I believe TWBC has failed in its Duty to Cooperate and engage with neighbouring communities, infrastructure providers and relevant LPAs, notably those in TMBC. The NPPF states that:

a. 16. "Plans should:

c) be shaped by early, proportionate and effective engagement between planmakers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees"

b. "27. In order to demonstrate effective and on-going joint working, strategic policymaking authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these. These should be . . . made publicly available throughout the plan-making process to provide transparency"

c. " 35 . . . Plans are 'sound' if they are:

c) Effective - . . . 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"

2. These policy requirements are of particular importance in the context of the Pre-submission Local Plan (PSLP), given the location of the Tudeley and Paddock Wood proposals on the boundary with TMBC. These proposals will have a significant impact on Tonbridge, Golden Green, East Peckham and other communities that lie close to the proposed garden settlements. As a result, TWBC should have engaged early, both with the local communities and with TMBC as the LPA. However:

a. Community engagement has been very limited (a copy of the Draft Local Plan was not automatically lodged at the Tonbridge library).

b. 202 responses were received by TWBC in response to questions regarding Settlement Groupings (which introduced the concept of garden settlements), and of those that expressed an opinion (around 92%) the majority (around 70%) disagreed with the suggested groupings. Despite this, the plan process ignored these responses and in the DLP proposed a garden settlement at Tudeley. This undermines the effectiveness of and confidence in the public consultation process run by TWBC.

c. Further to the above point, TWBC jumped straight from a broad identification of Strategic Option 5 in its Issues and Options paper, which was to consider the principle of garden settlements, to the selection of that as an adopted policy and then to the actual selection of specific sites (notably Tudeley (2,800 dwellings) and Paddock Wood (4,000 dwellings)) in the DLP. To announce, without public

notice, allocations representing 50% of the OAN with such a significant impact on a neighbouring borough does not represent the “*early, proportionate and effective engagement*” required by policy.

d. The PSLP (STR 5) asserts that TWBC has “*fully consulted*” with Southern Water regarding the supply of fresh water and removal of foul, yet Greg Clark (the MP for Tunbridge Wells) is on record in advising that:

(1) “*Plans to upgrade the sewerage network in Paddock Wood, despite repeated discussions with Paddock Wood Town Council, have come to nothing. Residents of Paddock Wood now see development happening that they were assured would take place only when the sewerage system had been upgraded to deal with the current overuse and problems and to remove the worsening of that situation, let alone to cope with the planned development*” (House of Commons, 28 Oct 2019)

(2) This demonstrates the ineffectiveness of infrastructure planning, where this fails to provide the up-front investment needed to put in place the infrastructure needed in advance of development taking place. Without addressing such past poor performance the PSLP is unsound.

e. The PSLP (but not the preceding DLP) sets out proposals to close the Hartlake Road at its junction with Tudeley Road, and to close Maidstone Road in Paddock Wood. Both of these routes are well-used by communities in Tonbridge and Malling and their closure would add significantly to journey times, traffic congestion and pollution. Yet the absence of any effective dialogue from TWBC means that these proposals are only now being made visible.

f. A Statement of Common Ground has yet to be agreed between TWBC and TMBC. Yet the PSLP is at Reg 19 stage, far too late for constructive engagement with TMBC.

3. TMBC is on record in objecting to the DLP, noting that (letter of 16 Oct 19 from TMBC):

a. “*this is the first opportunity to comment on the detailed development strategy set out in the draft Local Plan*”.

b. “*the proximity of some of the major development proposals to the borough boundary . . . is a matter of serious concern due to the potential impacts on the local highway network, rail services and other community infrastructure including health care and education*”.

c. “*appropriate access across the railway will be an important consideration for master planning and viability*”.

These is hardly the response to be expected from an adjoining Borough that has had effective cross-boundary consultation on strategic matters.

4. As noted in another representation, this lack of engagement has also meant that any discussion with other LPAs about “*whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground (NPPF para 137c)*” has not been possible.

5. I therefore conclude that TWBC has failed in its Duty to Cooperate and that the PSLP is therefore **unsound**.

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.

This is not capable of resolution at this stage. A Duty to Cooperate is a policy requirement during plan preparation that TWBC has failed to address.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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 regular user of the Hartlake Road and would want to contribute to any discussion regarding its closure or curtailment

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	Tom Cotton [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Road Haulage Association Ltd
Address	Roadway House Bretton Way Peterborough PE3 8DD
Event Name	Pre-Submission Local Plan
Comment by	Road Haulage Association Ltd (Tom Cotton - [REDACTED])
Comment ID	PSLP_350
Response Date	24/05/21 15:03
Consultation Point	Policy STR 6 Transport and Parking (View)
Status	Processed
Submission Type	Email
Version	0.3

Data inputter to enter their initials here AT

Question 1

Respondent's Name and/or Organisation Tom Cotton - Road Haulage 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 6 Transport and Parking

Question 4a

If 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 comment is copied from the email dated 24 May 2021 which contained the RHA's response]

The RHA would like to reiterate our response comments of the original consultation in 2019.

It appears our views have not been taken into account. There is still no reference to Road Freight, despite all Kent residents and businesses being reliant on this industry.

Response of the Road Haulage Association to Tunbridge Wells Borough Council.

“Tunbridge Wells Borough Council Draft Local Plan consultation”.

22nd October 2019

Summary of the Consultation

1 Tunbridge Wells Borough Council are consulting on their Draft Local Plan.

Background about the RHA

- 1 The RHA is the leading trade association representing road haulage and distribution companies, which operate HGVs as profit centres. Our 7,200 members, operating near to 250,000 HGVs out of 10,000 Operating Centres, these range from single-truck firms to those with thousands of vehicles. These companies provide essential services on which the people and businesses of the UK depend.
- 2 We proactively encourage a spirit of entrepreneurship, compliance, profitability, safety and social responsibility. We do so through a range of advice, representation and services, including training.
- 3 We would like to thank Tunbridge Wells Borough Council for the consultation and the opportunity to comment on the issues raised.

General Comments

- 1 The RHA will confine our consultation response to road haulage related matters.
- 2 We are very disappointed that Road Freight is not mentioned in the draft plan.
- 3 All food, medicine, and other essential commodities are delivered by road freight at some point in it's journey.
- 4 Logistics is the 5th largest industry in the UK.
- 5 Logistics employs 2.54 Million people.
- 6 Logistics contributes £1.24 Billion to the UK economy.
- 7 Roads are the workplace of our members.
- 8 We would like to highlight the lack of lorry parking facilities and places for drivers to take breaks in Tunbridge Wells.
- 9 Whilst Transport is referred to, Road Freight is not.
- 10 All businesses rely on Road Freight to collect or deliver their goods and products. Without Road Freight Tunbridge Wells would not be able to operate.
- 11 There are many challenges to Road Freight and local authorities must realise the importance of this sector.
- 12 The Tunbridge Wells Borough Development Plan - Transport Strategy 2015 – 2016 makes no reference in making provision for Road Freight, or many of the issues, including lorry parking that need urgent attention.

13 The RHA wish to help local authorities understand the challenges and the needs of our members in Kent.

Final Comments.

The RHA is willing to meet policy and decision makers at any time to enable road freight issues to be resolved.

Question 7

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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	[REDACTED]
Email Address	[REDACTED]
Company / Organisation	Royal Tunbridge Wells Town Forum
Address	- - - -
Event Name	Pre-Submission Local Plan
Comment by	Royal Tunbridge Wells Town Forum [REDACTED]
Comment ID	PSLP_837
Response Date	01/06/21 08:15
Consultation Point	Policy STR 6 Transport and Parking (View)
Status	Processed
Submission Type	Email
Version	0.2
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Royal Tunbridge Wells Town Forum
Question 3	
To which part of the Local Plan does this 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	
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.

Data about the scale of the opportunity for active travel is lacking in the policy. For example, around 2/3 of journeys are under 5 miles and significant numbers of these could be completed by active travel, if the conditions were right. The policy needs to go further to analyse the scale of opportunity and to introduce additional incentives and choice for residents to use active travel modes, **before** considering expensive, climate unfriendly road engineering schemes.

We broadly support paragraph 1 of the policy.

We strongly support the more specific objectives set out under **points (a) and (b) of paragraph 2** in relation to Active Travel and Public Transport.

However we consider that some of paragraph 2(c) is unsound.

Paragraph 2(c) Highway network

We believe that the proposal in paragraph 2(c)(iii) to build a **new roundabout on the A264** at the junction with Halls Hole Road and Blackhurst Lane is unsound, is not justified or consistent with national policy and would be ineffective in reducing the motor traffic congestion which is put forward as a reason to build it. It would significantly increase traffic along neighbouring Halls Hole Road and Cornford Lane to an unacceptable level.

Cornford Lane and Halls Hole Road are two historic Rural Lanes lying within and overlooking the High Weald Area of Outstanding Natural Beauty. Cornford Lane ranks 3rd highest value out of 167 local lanes in TWBC's Rural Lanes Planning Guidance document and both roads provide rich biodiverse habitat. They also offer unique potential less than 2 miles from Tunbridge Wells for 'Active Travel' through an area of high landscape and amenity value which connects Tunbridge Wells, Pembury, Hawkenbury, Sherwood and Dunorlan Park, and links to High Woods Lane and the Tonbridge Cycle Route via Blackhurst Lane extend this potential further. Loss of this amenity would **not be justified**.

A similar roundabout scheme was proposed some time past for Southborough on the A26 at the junction with Speldhurst Road and Yew Tree Road. On proper professional analysis of traffic patterns, it was found to be a proposal which could worsen the existing congestion and was not implemented, a modified traffic light scheme being substituted. We believe the A264 roundabout scheme would also be proved **ineffective** upon closer scrutiny.

A number of similar issues as at Southborough arise with the proposal for an additional A264 roundabout. Such a roundabout would encourage greater rat-running along the unsuitable Halls Hole Road which is actually a narrow lane on most of its length with some high retaining walls/banks in parts which are hazardous to motor traffic. In doing so it would also encourage additional traffic on

Forest Road, which is a residential road for local traffic. This is one reason why the roundabout proposal is **not justified**.

The proposal would be **ineffective** in encouraging active travel in the vicinity because it would worsen the environment and road safety for walkers and cyclists who could otherwise advantageously use Halls Hole Road and Blackhurst Lane for active travel across the eastern side of RTW, including to the Skinners Kent Academy, to Dunorlan Park, to the proposed sports hub at Hawkenbury and to and from Pembury. In this, the proposal would also be **contrary to national policy and to paragraph 8 of STR/RTW 1** which seek to encourage active travel.

Furthermore, account must also be taken of Policy AL/RTW 19, the proposed development of a sports hub with sports pitches, stadium and car parking at Hawkenbury. It would be accessed from High Woods Lane which adjoins Halls Hole Road which would inevitably increase traffic using this highly unsuitable road and Cornford Lane which are already heavily used rat runs. A roundabout on Pembury Road at the junction with Halls Hole Road would drive unsustainable levels of traffic to these new facilities along what are country lanes past residential properties, the town's largest and well-used public park and allotments. This is **not justified**.

The point at which the roundabout would be situated is on an Arcadian section of the Pembury Road A264 and would have a detrimental effect on the local environment. It would seriously change the leafy and Arcadian character of Pembury Road, which is an important historic landscape approach to RTW with many large 19thC mansions discreetly hidden behind leafy frontages. It maintains part of the overall charm of a town which still manages to avoid intrusive road infrastructure within its heart. Loss of this feature would **not be justified**, particularly as the proposal would not prove effective in reducing motor traffic and congestion.

Finally the very substantial cost of the roundabout proposal would **not be justified** in the context of other transport needs in RTW of a much more urgent order, such as improvements to active travel corridors and Low Traffic Neighbourhoods which also figure in Policy STR 6 and which we strongly support.

Remaining parts of paragraph (c)

We cannot judge how justified or effective the remaining proposals concerning the highway network may be but we express doubts as to whether they are consistent with national policy to reduce and minimise motor traffic inter alia in the context of climate change reduction.

Whilst the Town Forum recognises the ambition of this Plan to integrate the transport approaches to development, we find that paragraph 2c fails to ensure mitigation of the impact of the several developments within the plan on the urban centre of Tunbridge Wells. It only ensures mitigating the impact to an 'acceptable degree' without defining what is 'acceptable' (by % increase in traffic flows, parking pressures, HGVs cross town traffic, etc.) and to whom it is 'acceptable'. The urban centre of Tunbridge Wells already suffers from traffic issues, and more traffic will heighten these issues, and detract from successful implementation of active travel proposals for cycling and pedestrian, and hinder the uptake of public transport services, particularly buses.

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 the opening part of paragraph 2 there is a point (c) which reads "there are necessary improvements to the existing highway network and infrastructure to mitigate and address the impact of development

to an acceptable degree and ensure highway safety". These words should be replaced by the words: "there are necessary improvements to the existing highway network and infrastructure to mitigate **and minimise** the impact of development on existing communities and **to ensure safety for all road users, particularly those that are more vulnerable**".

Section 2(b)(3)

This should specifically include measures to reduce pollution from public transport, particularly buses. Whilst uptake of bus travel is low in Tunbridge Wells, there is a large school bus operation feeding the secondary schools in Tunbridge Wells which, because of the poor quality of the bus fleets, is a source of pollution particularly along the A26 corridor which is already an AQMA, and the surrounding streets. There is the need to urgently work with bus operators to only use alternatives to diesel that are much less polluting such as electric or hydrogen, as well as look at new technologies and services.

Amend the text as follows:

b Public Transport

3. Working with Kent County Council and bus operators to retain and enhance existing bus services and infrastructure, minimising pollution by changing the bus fleet from diesel fuel to less polluting sources of energy, and exploring options for innovation in vehicle types and in demand responsive services;

Section 2(c)(iii) A264

The Local Plan could be made sound by **abandoning the A264 roundabout proposal**. Instead, further refinement of the traffic light system might be contemplated, preferably including filtered permeability on Halls Hole Road in order to encourage active travel, probably by closing the road at the junction with the A264 to through motor traffic. 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.

Amend paragraph 2(c)(iii) by deleting the words "and a roundabout at the Pembury Road/Halls Hole Road/Blackhurst Lane".

Omitted from the Regulation 18 Draft

The Regulation 18 Draft contained a paragraph which stated "Provision of increased ability to travel by rail to Gatwick will be encouraged, as will additional/better services to London". This should be reinstated.

Question 7

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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 believe that the full arguments against the A264 roundabout proposal need to be heard by the Inspector.

Comment

Consultee	Elisabeth Searle [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Elisabeth Searle [REDACTED]
Comment ID	PSLP_699
Response Date	31/05/21 14:48
Consultation Point	Policy STR 6 Transport and Parking (View)
Status	Processed
Submission Type	Web
Version	0.4
Question 1	
Respondent's Name and/or Organisation	Mrs Elisabeth Searle
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.

Page 27 2.39 promote non motorised travel.

Page 32 strategic objective 6 To ensure good, safe access to jobs and services, with priority to active travel and public transport, as well as embracing new technology

Page 46 Item 7. Prioritise the needs of pedestrians, cyclists, and public transport services;

Page 57 4.101 Cycling, and the use of electric bicycles (or e-bikes), is considered to have a particularly important role in active travel, and it is recognised that the infrastructure for safe cycling needs to be in place first to bring about increased use of this mode of transport.

Page 59 Active Travel. The provision of inter-settlement walking, cycling, electrical personal vehicle, and non-motorised user routes into the centres or key destinations within settlements, including through enhancing routes such as Public Rights of Way (including footpaths, bridleways, and byways) for users of non-motorised transport. This will include links to destinations outside the borough, including Tonbridge; 4. The provision of improved cycle parking and e-bike charging points and bike share opportunities.

Page 375 Rural Lanes. Rural lanes6.225 There is a rich heritage of attractive lanes throughout the borough that contributesignificantly to the distinctive character of the countryside, while also providing wildlifehabitats. Reference should be made to the Council's adopted Supplementary PlanningGuidance: Rural Lanes and the High Weald AONB Joint Advisory Committee data setfor historic routeways (and any subsequent revisions): it is recognised that the RuralLanes SPG is now of considerable age, and will be reviewed in due course.

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

Question 5

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

After this stage, 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 focus of the specific active travel improvements mentioned seems to be far too heavily centred around new development which is within or adjacent to existing towns, who already benefit from pavements and 20 mph zones.

My issue is there is a complete absence of proposals to address how active travel can be implemented in more rural areas where the need is greatest. The plan spans too long a time period for this to be ignored. You cannot discriminate against the rural communities in this way. It's not prioritisation, although I understand the need for that, it's neglect and in this respect I do not feel the draft plan as it stands is fit for purpose. It's a failure to develop a plan to address a well know and long standing problem situation that was accurately described over 25 years ago.

The rural lanes special planning guidance has brought about no discernable change in the last 25 years with the last approach, and the next report you commission will tell you what it did last time. That the rural lanes are a hostile environment for walkers, families with push chairs, wheel chair or mobility scooter users, cyclists and horse riders. This forces most rural families to run not just one but multiple vehicles. At one point when our children learned to drive we were a seven car family and we are most certainly not alone in this.

The key difference now though is that it's now critical that these lanes can be used for active travel that are not just recreational, but also for access to shops, schools and transport which makes it even more vital that they are made safer.

Waiting until the next special guidance report is just kicking the can down the road and is basically a failure to plan to resolve the hostile environment you are already very well aware of. I have no doubt

that you are also aware that housing developments are adding to the heavy usage of country lanes. for example cars cutting through the back lanes from new developments at Paddock Wood and Horsemonden rather than using main roads to reach the A21.

It was also well documented within the Highways England plan that the relatively recent dual carriageway which ends at Kippings Cross would result in endless traffic jams during the rush hour and any sunny weekend that force A21 users to take the the rural lanes making life intolerable and even more dangerous for the local residents between Pembury and Lamberhurst. This is a known problem which has been exacerbated by the councils own decisions and must be addressed and not ignored.

If we exclude A or B roads the vast majority of rural lanes are narrow meaning it's virtually impossible for any vehicle to pass a vulnerable road user safely by allowing for a 2m gap.

With no verges, high hedges and banks and the winding nature of the lanes there are many blind bends.

The vast majority will be national speed limit which is unacceptably high for the above mentioned road conditions and places all vulnerable road users at risk. While we cannot change the nature of the lanes we can reduce this speed limit and this should be done as a blanket change.

TWBC have made no meaningful progress in resolving this in the last 25 years and need to find a different and bolder approach to drive change. My recommendation is that you adopt the same strategy as places like the New Forest and introduce a High Weald AONB zone where as you turn off the A or B roads you see a sign indicating you are now entering the High Weald AONB zone, where a 30 mph speed limit applies to all lanes within the zone and unless you see a sign saying you are leaving the zone, everything is a 30 mph limit. The signage should warn drivers they should expect to see walkers, cyclists and horse riders and should clearly show that vulnerable road users should be passed wide (2m) and slow (less than 15 mph). This would allow for the removal of a vast amount of signage related to speed limits and save the costs of upkeep on these signs. It would also make it easier for the police to prosecute dangerous driving where it is obviously in excess of 30 mph. Visually it would massively reduce clutter and improve the visual appearance of the AONB.

This could be combined with all villages as home zones at 20 mph and the introduction of a network of quiet lanes within each parish linking key equestrian establishments to bridle paths, TROT rides or other permissive rides.

To drive change at a faster pace there should be a presumption that all new rights of way WILL BE multi user paths accessible to pedestrians, families with push chairs, wheel chair or mobility scooter users and horse riders as this offers the best value for tax payer investment given it can be used by the largest number of people.

The work done for the Brenchley and Matfield neighbourhood plan has indicated that equestrianism is second only to agriculture in providing employment. Most other rural villages will be exactly the same and yet there is no evidence of support for this industry which provides employment and could thrive by providing much needed recreational and tourist income if some effort were actually invested in resolving the deficit of bridle paths within the area. The same is probably also true of off road cycling where a better network would significantly increase the income of cafes, pubs and tourist accommodation.

The old rural lanes special guidance report identified that Kent is poorly provided with bridleways, 10 percent of PROW network compared with 20 percent nationally. Even with the inclusion of toll rides and permissive rides many rural lanes are regularly used by riders either for linking the off road network or because there is no off road resource at all in their locality. The reality is that while other areas have worked hard to increase their bridle or multi user path network often getting close to 30%, within TWBC this percentage is actually significantly less than 10 percent in many areas with just 2% within my local parish of Brenchley and Matfield. There must be a plan to upgrade the foot path network of PROW's in all rural villages to ensure that we at least achieve 20 percent of paths being upgraded to multi user or bridle paths by the end of the plan as a bare minimum.

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 focus of the specific active travel improvements mentioned seems to be far too heavily centred around new development which is within or adjacent to existing towns, who already benefit from pavements and 20 mph zones.

My issue is there is a complete absence of proposals to address how active travel can be implemented in more rural areas where the need is greatest. The plan spans too long a time period for this to be ignored. You cannot discriminate against the rural communities in this way. It's not prioritisation, although I understand the need for that, it's neglect and in this respect I do not feel the draft plan as it stands is fit for purpose. It's a failure to develop a plan to address a well know and long standing problem situation that was accurately described over 25 years ago.

The rural lanes special planning guidance has brought about no discernable change in the last 25 years with the last approach, and the next report you commission will tell you what it did last time. That the rural lanes are a hostile environment for walkers, families with push chairs, wheel chair or mobility scooter users, cyclists and horse riders. This forces most rural families to run not just one but multiple vehicles. At one point when our children learned to drive we were a seven car family and we are most certainly not alone in this.

The key difference now though is that it's now critical that these lanes can be used for active travel that are not just recreational, but also for access to shops, schools and transport which makes it even more vital that they are made safer.

Waiting until the next special guidance report is just kicking the can down the road and is basically a failure to plan to resolve the hostile environment you are already very well aware of. I have no doubt that you are also aware that housing developments are adding to the heavy usage of country lanes. for example cars cutting through the back lanes from new developments at Paddock Wood and Horsemonden rather than using main roads to reach the A21.

It was also well documented within the Highways England plan that the relatively recent dual carriageway which ends at Kippings Cross would result in endless traffic jams during the rush hour and any sunny weekend that force A21 users to take the the rural lanes making life intolerable and even more dangerous for the local residents between Pembury and Lamberhurst. This is a known problem which has been exacerbated by the councils own decisions and must be addressed and not ignored.

If we exclude A or B roads the vast majority of rural lanes are narrow meaning it's virtually impossible for any vehicle to pass a vulnerable road user safely by allowing for a 2m gap.

With no verges, high hedges and banks and the winding nature of the lanes there are many blind bends.

The vast majority will be national speed limit which is unacceptably high for the above mentioned road conditions and places all vulnerable road users at risk. While we cannot change the nature of the lanes we can reduce this speed limit and this should be done as a blanket change.

TWBC have made no meaningful progress in resolving this in the last 25 years and need to find a different and bolder approach to drive change. My recommendation is that you adopt the same strategy as places like the New Forest and introduce a High Weald AONB zone where as you turn off the A or B roads you see a sign indicating you are now entering the High Weald AONB zone, where a 30 mph speed limit applies to all lanes within the zone and unless you see a sign saying you are leaving the zone, everything is a 30 mph limit. The signage should warn drivers they should expect to see walkers,

cyclists and horse riders and should clearly show that vulnerable road users should be passed wide (2m) and slow (less than 15 mph). This would allow for the removal of a vast amount of signage related to speed limits and save the costs of upkeep on these signs. It would also make it easier for the police to prosecute dangerous driving where it is obviously in excess of 30 mph. Visually it would massively reduce clutter and improve the visual appearance of the AONB.

This could be combined with all villages as home zones at 20 mph and the introduction of a network of quiet lanes within each parish linking key equestrian establishments to bridle paths, TROT rides or other permissive rides.

To drive change at a faster pace there should be a presumption that all new rights of way WILL BE multi user paths accessible to pedestrians, families with push chairs, wheel chair or mobility scooter users and horse riders as this offers the best value for tax payer investment given it can be used by the largest number of people.

The work done for the Brenchley and Matfield neighbourhood plan has indicated that equestrianism is second only to agriculture in providing employment. Most other rural villages will be exactly the same and yet there is no evidence of support for this industry which provides employment and could thrive by providing much needed recreational and tourist income if some effort were actually invested in resolving the deficit of bridle paths within the area. The same is probably also true of off road cycling where a better network would significantly increase the income of cafes, pubs and tourist accommodation.

The old rural lanes special guidance report identified that Kent is poorly provided with bridleways, 10 percent of PROW network compared with 20 percent nationally. Even with the inclusion of toll rides and permissive rides many rural lanes are regularly used by riders either for linking the off road network or because there is no off road resource at all in their locality. The reality is that while other areas have worked hard to increase their bridle or multi user path network often getting close to 30%, within TWBC this percentage is actually significantly less than 10 percent in many areas with just 2% within my local parish of Brenchley and Matfield. There must be a plan to upgrade the foot path network of PROW's in all rural villages to ensure that we at least achieve 20 percent of paths being upgraded to multi user or bridle paths by the end of the plan as a bare minimum.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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	James Singleton ([REDACTED])
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	James Singleton ([REDACTED])
Comment ID	PSLP_1292
Response Date	04/06/21 14:08
Consultation Point	Policy STR 6 Transport and Parking (View)
Status	Processed
Submission Type	Web
Version	0.1

Question 1

Respondent's Name and/or Organisation	James Singleton
---------------------------------------	-----------------

Question 3

To which part of the Local Plan does this 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)

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.

After this stage, 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 the objectives in the plan around transport (and also climate change) look good, I believe the plan does not provide the actions necessary to meet the objectives laid out in it. For example, there are no plans to build a new railway station at Tudeley Village, which is essential for development to meet objectives at this site. Otherwise there will simply be many more private cars driving into Tonbridge, Paddock Wood or elsewhere. This will have a negative impact on road safety, local air quality and climate change. There are also no detailed plans for public footpaths or segregated cycleways across the proposed Tudeley Village site.

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.

A legally binding commitment to build a new railway station at Tudeley Village before development begins. Detailed plans for public footpaths (perhaps building on existing routes such as the Tunbridge Wells Circular) and segregated cycleways across the proposed Tudeley Village site, linking Tonbridge and 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)

Question 8

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

While active travel and public transport are the most important there will inevitably be some private vehicle use and electrification is inevitable. The plans around electric car charging points are light on detail but it is important that they are high-powered and smart so that they can be both fast and flexible to grid demands or generation carbon intensity. A good example is Parc Eirin in Wales (<https://www.parceirin.co.uk/>). Top notch insulation, 3-phase electricity supplies, 22kW+ EV chargers, ground-source heat-pumps, solar panels and not a gas boiler, flue or chimney anywhere on the brownfield 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	Mr Paul Spedding [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Mr Paul Spedding [REDACTED]
Comment ID	PSLP_419
Response Date	26/05/21 10:08
Consultation Point	Policy STR 6 Transport and Parking (View)
Status	Processed
Submission Type	Email
Version	0.3

Data inputter to enter their initials here HB

Question 1

Respondent's Name and/or Organisation Stephen Paul Spedding

Question 3

To which part of the Local Plan does this 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

Question 4a

If 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.

My name is Stephen Paul Spedding and I am a resident of Matfield. (xxxx, Matfield, Tonbridge, xxxx)
[TWBC: Full address redacted for data protection purposes]

I would like to comment on policy STR6

I appreciate the intent of the enhancement of public footpaths but I would like to make some comments specific to Matfield.

1) Although there is a large network of footpaths and bridleways in the parish, the interconnectivity is poor. This policy should reference improved interconnectivity by minimising the need to use roads without pavements.

2) Several of the sites mentioned in the call for sites in the parish have no footpaths (or no safe footpaths). To encourage foot traffic, sites should be encourage to install new all weather paths within their boundaries. Installing new hard surface pavements is an alternative but would detract from the rural qualities of the parish. A good example would be the site that adjoins Maycotts Lane/Chestnut Lane. This site was in the call for sites and has put forward for planning permission but is not in the Local Plan. (Call for sites reference: Reference: 18 Matfield House orchards and land, The Green, Matfield TN12 7JT.). I mention it as an example only.

Chestnut Lane and especially Maycotts Lane are used by residents to get to the village shop and by walkers to transit from WT268 to 284. An all weather path inside the boundary of this site along Maycotts Lane (and Chestnut Lane) would enhance its safety and encourage its use.

I think STR6 should be strengthened to emphasise improved connectivity wherever feasible. I think all site specific policies should encourage new pedestrian paths wherever feasible to improve safety and encourage foot traffic (sustainability)

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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_125

Comment

Agent	Abraham Laker [REDACTED]
Email Address	[REDACTED]
Company / Organisation	MRPP
Address	21 Buckingham Street London WC2N 6EF
Consultee	[REDACTED]
Company / Organisation	Tesco Stores Ltd
Address	Cirrus Building Shire Park WELWYN GARDEN CITY AL7 1AB
Event Name	Pre-Submission Local Plan
Comment by	Tesco Stores Ltd [REDACTED]
Comment ID	PSLP_1923
Response Date	04/06/21 12:25
Consultation Point	Policy STR 6 Transport and Parking (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	<u>PSLP_1921-1930 (not inclusive)_MRPP for Tesco SI.pdf</u>
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Tesco Stores
Question 2	
Agent's Name and Organisation (if applicable)	MRPP
Question 3	

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

Policy

Question 3a

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

Policy STR 6 Transport and Parking

Map 27, Map 67

[TWBC: this representation has been input against Policies STR 1, STR 6, AL/PE 6, EN 15, PSTR/PE 1, STR/SS 1 and STR/SS 2 – see Comment Numbers PSLP_1921, PSLP_1923, PSLP_1924, PSLP_1926, PSLP_1927, PSLP_1928 and PSLP_1930. Full copy of representation attached as supporting information]

Question 4

Do you consider that the Local Plan:

Is legally compliant

Don't know

Is sound

Don't know

Complies with the Duty to Cooperate

Don't know

Question 4a

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

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

Question 5

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

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

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

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

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

Background

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

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

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

Tesco in Royal Tunbridge Wells

Tesco has been represented in Royal Tunbridge Wells since 1969 when its store at 29 Grosvenor Road first opened. Tesco has continued to serve the community, uninterrupted, since then and has subsequently enhanced its presence to now include:

- Supermarket Format – Woodgate Corner (Pembury)
- Metro Format – Grosvenor Road, Tunbridge Wells
- Rye Road, Hawkhurst
- Express Format - St. Johns Road (Tunbridge Wells), London Road (Southborough) and Commercial Road (Paddock Wood)
- One Stop Format – Badsell Road (Five Oak Green), Forest Road (Hawkenbury)

It is well documented that Tesco, having secured planning permission for a substantial replacement superstore at Pembury, took the difficult decision not to implement this, arising from significant changes in the convenience shopping sector and other local factors. However, several of its stores, including Pembury, have undergone improvements as part of the firm's 'refresh' programme, with a greater focus on customers, merchandising and the quality of the retail environment.

Responses to Policies

Policy STR6 - Transport and Parking (support)

The entirety of this policy is supported (in terms of encouraging sustainable behaviour), and it is welcomed that the Council have considered the rural character of the Borough by promoting the development of the strategic sites (Paddock Wood and east Capel and Tudeley Village), that are surrounded by rural settings by requiring integrated active travel, together with improvements to inter-settlement travel. It is satisfying that the Council will work alongside Kent County Council, Highways England, Network Rail and other train operating companies to maximise the provision of public transport infrastructure which will reduce travel demand through the securing of such infrastructure, which will meet the day-to-day needs of residents and businesses.

The proposed local highway improvements to mitigate and address the impacts on the highway network are welcomed and the measures together with the A228/A264 including junction capacity improvement at Woodgate Corner and a roundabout at the Pembury Road/Halls Hole Road/Blackhurst Lane. These improvements will directly benefit the existing Tesco Superstore in Pembury and the proposed allocated site AL/PE 6.

We also observe that despite the policy heading including 'parking', the policy does not contain explicit objectives for parking in the Borough (albeit we note the provisions of Policy TP3). In this regard, we would point out that where opportunities for reduced parking provision exist, care should be taken not to rely on a formulaic approach, but to take account of the actual operational characteristics of the existing and/or proposed 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:

We reserve the right to attend any hearing sessions on the topic matters we have commented on accompanying written representations should the Inspector need to raise any questions during the Local Plan Examination.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_133

Comment

Consultee	Mr David Hanes ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	The Pembury Society
Address	[REDACTED] [REDACTED] Tunbridge Wells TN2 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	The Pembury Society (Mr David Hanes - [REDACTED])
Comment ID	PSLP_2001
Response Date	03/06/21 22:38
Consultation Point	Policy STR 6 Transport and Parking (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	PSLP_1997-2001_The Pembury Society_SI(not inclusive).pdf
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	The Pembury Society
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR 6 Transport and Parking

[TWBC: this representation has been input against Policies PSTR/PE 1, Section 3 - Vision & Objectives, STR 5 and STR 6 – see Comment Numbers PSLP_1997, PSLP_1998, PSLP_2000 and PSLP_2001. Full response attached as Supporting Information]

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Strategic Objectives

a. There are 11 points raised, yet the majority are found relating to development,

- 1 Transport is limited to a policy of giving priority to active travel and public transport,
- 2 There is but reference to “ensuring the borough is vibrant, culturally rich, and economically buoyant”, and
- 3 “conserving and enhancing the valued historic, built and natural environments, including Green Belt”, however

b. The majority of the Plan relates to “sustainable development”, sites and their uses, and there is nothing specific or being envisioned about the matters raised in “Vision and Objectives” above.

Policy STR 6

Transport and Parking

a) Active travel

b) We note that “Active travel” is inclusive of walking, cycling and emerging electrical personal vehicles. If the definition of “emerging electrical personal vehicles” is an electric powered cycle, then please say so. If it is a car with electrical power, while it is government policy to change to electric, this will have no effect on the congestion issues.

c) A cycling policy is one which works in the flat and densely populated Netherlands but, apart from a minority of dedicated cyclist who cycle largely for pleasure, has little practical capacity in the hilly Weald of Kent for daily activities such as shopping, taking children to school, the elderly, infirm, and indeed use for job related travel.

d) In short this policy is likely to have limited impact on the use of roads by either petrol or electric cars, even with enhanced public transport.

e) It is a policy that does not differentiate between leisure active travel, daily essential travel and business use. It would impact on employers having to provide changing and showering facilities, and would be a questionable all-year-round means of essential travel.

c) Highway network

a) We are disappointed that there are only mitigating actions in relation to the highway problems (funded by S106) rather than positive improvement and a strategy for the future.

b) There is no strategic road plan for the future, and in the knowledge that major road improvement takes years to bring into fruition, such a highway strategic plan needs to be included in this Local Plan.

c) The Document “Draft Consultation Response on behalf of the Tunbridge Wells Town Forum” – March 2013 – sets out approaches to the transport issues of Tunbridge Wells and notes that there would be an estimated 10% increase in vehicles from 2013 to 2026, not a decline as appears to be

the underlying presumption from all the Local Plan statements. It also includes the map of the Civic Association by-pass scheme of 1945, produced at the request of TWBC, when the then congestion around Tunbridge Wells was considered to become extreme. Such a scheme, with the noted relief roads, needs to be considered as part of the Local Plan.

d) Such a ring road would enhance Tunbridge Wells from many perspectives:

- 1 Through access from North/South and East/West without going through TW centre,
- 2 Access to/from areas of TW without travelling through the centre,
- 3 Reduce journey times, encouraging more leisure visits, enhanced shopping experience, and tourism.
- 4 Reduced congestion times, with more favourable air quality and lower carbon impact.

SUMMARY

- 1 The Local Plan concentrates on achieving and ticking a box regarding Government objectives in order to meet a calculated housing need, while we note that such number mechanisms are already being seen as flawed. Should Government pursue the strategy of levelling between north and south, 'Northern Powerhouse', it is possible that the housing needs in the south-east may need to be re-assessed downwards.
- 2 The Local Plan majors on development and development sites in order to achieve numbers and has little to do with the aspirations of the people of the Borough.
- 3 While the Local Plan does seek to detail all the relative aspects to be considered in relation to development sites, Neighbourhood Development Plans urgently need to be developed with relative local support, ensuring that each community has such housing as is beneficial and sustainable, in the context of each community's needs, available employment, enhanced infrastructure and supporting services.
- 4 While it promotes the use of "active travel", the impact of essential travel as opposed to leisure use is, in our view, highly suspect and vehicle use is likely to increase. This necessitates a much deeper look at long term highway strategy, which should be part of this Local Plan.
- 5 The enhancement of Tunbridge Wells for tourism, leisure, artistic and cultural amenities, as well as shopping experience, will only come about with renewed vision, and a major scheme to remove road congestion such as a ring road.
- 6 Finally, we would like transparency on the financial aspects of the proposed site developments, and the vision that arises from the use of the extra rateable value, which on the basis of say 12,200 dwellings (alone), amounts to £18,300,000 pa by the end of the Local Plan period, 2038, at current values.

Question 7

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Supporting Information File Ref No: SI_41a-b

Comment

Agent	Steve Clarke [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Graham Simpkin Planning
Address	[REDACTED] [REDACTED] Longfield [REDACTED]
Consultee	[REDACTED]
Email Address	[REDACTED]
Company / Organisation	Yalding Parish Council
Address	[REDACTED] [REDACTED] MAIDSTONE [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Yalding Parish Council [REDACTED]
Comment ID	PSLP_623
Response Date	28/05/21 13:11
Consultation Point	Policy STR 6 Transport and Parking (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	PSLP_616, 622-625_GSP for Yalding Parish Council_SI-1_Covering Letter_Redacted.pdf PSLP_616, 622-625_GSP for Yalding Parish Council_SI-2_Representation.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Yalding Parish Council
Question 2	

Agent's Name and Organisation (if applicable) Graham Simpkin 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 6 Transport and Parking

[TWBC: this representation has been input against Policies STR 1, STR 4, STR 6, STR/SS 1, STR/PW 1 - see Comment Numbers PSLP_616, PSLP_622, PSLP_623, PSLP_624, PSLP_625]

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Representations on the Tunbridge Wells Local Plan 2021 on behalf of Yalding Parish Council

1 INTRODUCTION

1.1 Graham Simpkin Planning has been instructed by Yalding Parish Council to review the Pre-submission (Regulation 19) Tunbridge Wells Local Plan 2021 (hereinafter referred to as the Local Plan) and its associated evidence base as to the potential effects of the plan on Yalding Parish and to consider whether the Local Plan is legally compliant and meets the test of soundness.

1.2 Yalding Parish lies immediately adjacent to the Tunbridge Wells Borough Council (TWBC) administrative area on its north-eastern edge with the southern part of the parish lying less than a mile from the existing northern part of the built-up area of Paddock Wood which contains a number of employment sites, a railway station on the Ashford to Tonbridge-London main-line and convenience retailing as well as a secondary school.

1.3 Yalding lies within Maidstone Borough Council's administrative area. To the west of the parish runs the A228, to which Yalding is connected by Gravelly Ways/Beltring Road at Beltring and the B2162 Hampstead Lane via the B2015 through the parish of Nettlestead. The parish also has a direct road connection through to Horsmonden to the south east via the B2162. Roads also connect Yalding village to Paddock Wood via Laddingford and Queen Street and along Willow Lane and Lucks Lane. Yalding village lies towards the north of the parish with Laddingford village to the south. The parish is heavily influenced by the three rivers that run through it (Medway, Teise and Beult) which all converge in Yalding. The parish is also served by the Medway Valley railway line which runs between Maidstone and Paddock Wood, with two stations at Yalding and Beltring.

1.4 The Parish are aware that any representations at this stage should relate to matters of compliance with legal and procedural requirements and the soundness of the Local Plan, as these are the matters that will be examined.

2 Legal Compliance

2.1 The Local Plan appears to have been prepared in line with the adopted Local Development Scheme (February 2021) and the adopted Statement of Community Involvement.

Duty to cooperate

2.2 Yalding Parish Council do not wish to specifically comment on whether the Plan is legally compliant in terms of the Duty to Cooperate preferring to leave that for the examining Inspector to determine. The Parish is also aware that there are likely to be imminent changes with regard to the Duty to Cooperate and that these are currently being considered by the Government alongside other potential reforms to the current planning system.

2.3 However, Yalding PC is aware that the emerging Local Plans of two local planning authorities have fallen at the Examination stage (Wealden and Sevenoaks) and that there are on-going concerns with regard to the Tonbridge and Malling Local Plan. The common problematic issue to all three plans is the Duty to Cooperate.

2.4 All of these Councils immediately adjoin TWBC.

2.5 Given that the Duty to Cooperate works in both directions, there must be some doubt therefore, that TWBC has met its legal obligations in this area and TWBC should have made clear how the Council has responded to the cooperation challenges identified by planning inspectors reporting on Local Plans in the above three council areas. They have failed to do so.

2.6 The Parish would also wish to put on record, as an adjoining authority whose administrative area lies immediately adjacent to the proposed significant expansion of Paddock Wood including newly proposed employment areas, that other than through the general consultation processes that have taken place in the preparation of the new Local Plan they have not been directly consulted by TWBC or been invited to actively engage with them as they have prepared this pre-submission (Reg 19 draft).

Sustainability Appraisal (SA)

2.7 Again the Parish Council do not wish to specifically comment on the comprehensiveness or assumptions and findings of the SA preferring to leave that for the examining Inspector to determine.

2.8 TWBC must however have clearly set out in the SA how they have approached the various options assessed and how they have reached the conclusions on their preferred options and why some have progressed and some not. It is incumbent on the Council to demonstrate that the SA has not been designed in a way that justifies its own preferred approach rather than genuinely considering potential spatial development options and then basing the preferred strategy on how each option performs. Given that the Council's preferred strategy has not fundamentally changed since the Reg 18 consultation, the fact that additional spatial development scenarios have been added to the SA since the Regulation 18 draft does provide a degree of uncertainty as to whether the SA has actually led the development of the Council's preferred spatial strategy or has been designed to justify it.

3 Soundness

3.1 Yalding Parish Council's comments have been considered in the light of and are based on the four tests of soundness.

- . **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 authorities 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 the NPPF.

3.2 The Parish Council expressed concerns in their response to the Regulation 18 Consultation in relation to the proposed strategy in two main areas that of Transportation and Flooding and in particular, the potential implications of the proposed significant expansion of Paddock Wood on both as they may directly affect land within the Parish Council's area.

3.3 In its Regulation 19 Pre-Submission version of the Local Plan, TWBC are still proposing very significant growth at Paddock Wood and East Capel of approximately 4000 new dwellings (Table 4/page 42), plus employment (11.2ha - Table 5/page 43) and associated leisure and education and health/community facilities. As stated above, Paddock Wood lies very close to the southern boundary of Yalding Parish and Maidstone Borough Council's administrative area. Indeed, the proposed urban extension of Paddock Wood would extend almost to the boundary shared by the Boroughs.

3.4 Yalding PC acknowledges the master-planning work that has taken place since the Regulation 18 consultation, in particular that of the Strategic Sites Working Group that Maidstone BC is represented on. In this regard, the progress which has led to the Paddock Wood and East Capel Structure Plan (map 28 page 149) which has sought to clarify and provide more detail on how the expansion might be delivered is noted.

3.5 We also note the fact that extensive SuDS and Green and Blue Strategic Landscape Corridors are proposed on the northern side of Paddock Wood, whilst noting that the proposed employment areas have significantly less of these proposed features.

3.6 Nevertheless the Parish Council remain of the view that it has not yet been demonstrated that the plan is positively prepared, justified and effective on the grounds of Transport and Flood Risk and the potential for the significant levels of new development proposed for the Paddock Wood area to impact on traffic through the Parish and the risk of flooding downstream.

As a result, the Parish Council have particular concerns regarding elements of the following policies;

STR1 The Development Strategy

STR5 Ensuring Comprehensive Development

STR6 Transport and Planning

STR/SS1 The Strategy for Paddock Wood including land at East Capel

STR/PW1 The Strategy for Paddock Wood

The reasons for which are discussed in greater detail below.

4 TRANSPORT

4.1 The Paddock Wood economic opportunities report (December 2020 by SQW) prepared as part of the evidence base of the Regulation 19 Plan and the master-planning work indicates that only 30% of the workforce in Paddock Wood live and work in the town, 30% commute to Tunbridge Wells, 20% commuting out to Tonbridge and Malling and some 5% commuting out to Maidstone and. In terms of in-commuting some 30% commute in from Tonbridge and Malling, 25% from Tunbridge Wells and 15% from Maidstone.

4.2 Having analysed the economic baseline of Paddock Wood SQW concludes as follows;

'7.2 The strategic context and rationale for this paper is that the DLP plans for the significant growth of Paddock Wood in terms of housing and population: the town will nearly double in size. The clear focus of all of TWBC's adopted and emerging planning and economic development policy is on Tunbridge Wells itself, and its relationship with the wider functional economic area, including Tonbridge and Sevenoaks. The target sectors and economic priorities / objectives do not align well with the Paddock Wood economy: one that is principally and increasingly dominated by large-scale wholesale/distribution and logistics employers, growing at the expense of other economic sectors; housing unaffordability for those who live and work in Paddock Wood is growing; outward commuting is increasing as well.

7.3 Sat within this context, there is a risk that a consequence of the planned growth of Paddock Wood could be a significant increase in out-commuting with a mis-match between the future population and the employment base/sectors.'

4.3 Whilst the Plan has been amended to reflect some of the recommendations of SQW it is difficult to see how the Council will ensure that the wholesale/distribution and logistics sectors will not continue

to dominate employment provision in Paddock Wood especially in the light of potential longer-term structural changes to working patterns and consumer demands as a result of fall-out from the Covid-19 pandemic.

4.4 Any significant increase in out-commuting would inevitably lead to a proportion of those additional journeys heading towards Maidstone and passing through Yalding Parish and potentially in particular the constrained historic bridges that are already congested.

4.5 If out-commuting increases as a result of the dominance of the wholesale/distribution/logistics sector, and the jobs are not filled by Paddock Wood residents then it is logical that they will be filled by workers from elsewhere including from within Maidstone District, again with potential implications for traffic flows into and out of Yalding Parish.

4.6 The Regulation 19 Plan and relevant policies/supporting text (see paragraph 3.6 above) and supporting evidence is silent on this issue and thus in the opinion of Yalding Parish Council not effective or justified.

4.7 Then there is the issue of modal shift and the extent of the Plan's reliance on this and the proposed public transport improvements. The proposals for significant development in the Paddock Wood area remain predicated on the fact that significant public transport improvements, alongside junction and highway improvements will ensure that additional transport impacts on the local road network will be sufficiently mitigated. The supporting evidence base is clear, that in order to mitigate the effect of this substantial planned growth the active transport measures, enhanced public transport and the associated highway improvement works are all required to render the proposed level of development at Paddock Wood/East Capel anywhere near acceptable in terms of impact on the local highway network.

4.8 Clearly work as part of the master-planning for the proposed allocation has put some further 'flesh on the bones' of the public transport improvements in an attempt to highlight anticipated modal shift targets and shed further light on the highway works necessary to mitigate some of the impact of the proposed growth on the local highway network.

4.9 However, the analysis behind this conclusion still does not guarantee that there will be the significant modal shift necessary to mitigate the impact of planned growth.

4.10 Public Transport is largely run on a commercial basis and whilst contributions to 'kick-start' services can be sought from developers, these cannot fund the provision of these services in-perpetuity and in any event it is also very likely to be the case that the improvements will only be provided once a 'critical mass' of new homes to supply the passengers has been reached. There is also of course no guarantee that once any developers' subsidy/contribution ceases or is exhausted, that the services will be at that stage be commercially viable and continue. Or for that matter, there is no guarantee that people can be enticed from their private cars onto public transport in the first instance.

4.11 As with the earlier Regulation 18 Consultation draft, the Regulation 19 Draft and the supporting evidence base does not sufficiently consider cross-border traffic movements and therefore fails to consider whether there will be traffic impacts beyond the areas where public transport improvements are proposed.

4.12 Currently there is an established level of commuter traffic movements between Maidstone and Tunbridge Wells that use 'B' roads and other roads that connect to the A228 corridor that run through the Yalding Parish. With the level of development proposed for Paddock Wood and TWBC's aspirations for Tunbridge Wells itself and the changes to the employment offer of both, there is potential for these movements to increase.

4.13 There is also inconsistency between the assumptions in the Stantec Access and Movement Report for Paddock Wood/East Capel and Tudeley Village and the SQW report as to the extent of internal and external movements.

4.14 Due to the longer distance of these commuting movements the proposed public transport improvements that are focussed on Paddock Wood are not considered to present a suitable mitigation package.

4.15 It is also clear that even with the highway mitigation proposed key junctions on the A228 and others to the north of Paddock Wood will be over capacity. The two junctions on the A228, the 'Hop Farm' roundabout and the Branbridges Road/Boyle Way roundabout, have both been assessed as being over capacity and yet mitigation is only proposed for one of them. Given that the Beltring Road/Gravelly Ways junction (one of the key connections with the A228 for the highway network in

Yalding Parish also falls in this section it is likely that users of this road will be affected, particularly due to the need to use both roundabouts if travelling from Tunbridge Wells/Paddock Wood to Yalding. (Refer to SWECO March 2021 Report Appendix G).

4.16 Given that the public transport improvements will not extend into the Yalding Parish it is considered that it is reasonable to assume that there will at least be an increase of traffic movements affecting key junctions within Yalding Parish although it cannot be established how significant these increases would be. A similar concern is also raised about the development proposed for Horsmonden and the potential increase in traffic on the B2162. Modelling that has been undertaken shows an increase in potential distribution of traffic northwards on the B2162 towards Yalding

4.17 There are also concerns about a potential indirect impact of the proposed 'Colts Hill Bypass' on the A228. Currently due to the constraints of this part of the A228 some commuters travelling from the Maidstone area to the Tunbridge Wells/Tonbridge area seeks alternative routes that avoid the A228 mainly going via the A26 and thus avoiding both the A228 and the Yalding area. It is possible that with the creation of the bypass that some of this traffic will return to using the A228 including accessing it via routes that run through Yalding Parish.

4.18 Overall it is argued that the transport evidence base insufficiently considers cross-border impacts with Yalding Parish and this therefore impacts on the conclusion as to whether the level of development in the Paddock Wood area is sustainable or whether it would lead to additional unmitigated impact on the local road network in Yalding Parish, particularly to the south of Yalding and Laddingford as well as the High Street/Town Bridge area of Yalding.

4.19 Yalding Parish Council also wishes to put on record at this stage their concerns and strong objections to the suggested possibilities (however remote and medium to long-term they may be) at paragraph 4.12 of the Local Cycling and Walking Infrastructure Plan (LCWIP): Phase 2 prepared by PJA for the closure to all vehicular traffic, except buses, of the Maidstone Road Railway Bridge and to close Commercial Road to through traffic in effect reinstating measures that had been installed by KCC and subsequently removed. This is likely to render access to Paddock Wood Town Centre and its services very problematic for residents of Yalding Parish, forcing them to use unsuitable rural lanes to the east of Paddock Wood or onto the congested A228 Whetsted Road and B2017 Badsell Road to gain access to the Town Centre and local services. The Parish notes that the above possibilities do not appear in the costed proposed set of cycling and walking improvements that are set out in the LCWIP and would hope that the possibilities set out at paragraph 4.12 are nothing more than a 'kite-flying' exercise. They also note that the Stantec report does not mention this as possibility, but they do note the Strategic Sites Masterplanning & Infrastructure Study (David Lock Associates) does raise the possibility of introducing a new bridge and link over the railway to the west of the Town Centre to provide easier access to the northern employment areas and reduce traffic on Maidstone Road, but recognises that this will require extensive discussions between the various landowners/developers and Network Rail (or their successor body).

4.20 It is the case that significant elements of the proposed transport mitigation package remain to be determined and are uncertain. In this regard the Parish Council considers the plan and the policies relating to Paddock Wood to not be justified or effective.

5 FLOODING

5.1 The impact of any development on the river network remains a significant consideration for Yalding Parish. The parish is the meeting point for three rivers; Medway, Teise and Beult. On reviewing the local plan and the relevant parts of the evidence base, the Parish has concerns regarding the impact of the proposed development strategy on two of these river networks; the Medway and the Teise.

5.2 Flooding issues within Yalding arise from three types of flooding (fluvial, surface water and groundwater).

5.3 In respect of fluvial flooding, the SFRA recognises that a primary cause of fluvial flooding events on the River Medway is the overloading of foul and/or sewer systems in the Paddock Wood area. The proposed level of development is thus potentially likely to increase this issue. The Parish Council recognises that additional work has been undertaken by JBA in association with the 'Structure Plan' for Paddock Wood/East Capel undertaken on behalf of TWBC by David Lock Associates. JBA have stated the following in their January 2021 Technical Note.

'The proposed Masterplan layouts have not been assessed in the River Medway flood risk model, as modelling of development parcels prepared for the Level 2 SFRA indicated that the influence of

development on flood risk from the Medway was smaller in scale than from Paddock Wood Streams. Flood risk from the River Medway is confined to the northern extent of the masterplan area (at the periphery of the River Medway floodplain), and potential impacts brought about by development are more influenced by potential loss of floodplain storage, compared with potential obstruction to flood flows as in Paddock Wood.'

It is clear that more work is required to ensure that the proposed level of development does not result in the loss of floodplain storage which in turn will have a potential knock-on effect on flood risk from the River Medway and as a direct consequence an adverse impact on land and property in Yalding Parish. It is essential that this work is undertaken to avoid the level of development and any loss of floodplain storage having an adverse cross-boundary impact.

In this regard Yalding Parish Council do not consider the plan to be effective or justified.

5.4 Yalding Parish Council note the work that has been done to include and assess the impact of 'conveyance routes' across the new development to ease previous concerns about development blocking flood paths.

5.5 They welcome the apparent conclusion that these conveyance routes and other potential mitigation appear to show a possible reduction, albeit minor, across significant areas of the Queen Street and Fowle Hall areas of the Parish east of the Medway Valley railway-line. See extract from Appendix B of the JBA Technical Note (1%AEP +70% Climate change) plan below.

[TWBC: For extract map, please see full representation attached as a supporting document]

The JBA Technical Note concludes

'While this strategic representation of the sites and conveyance routes still shows some areas with increased flood depths, the majority of these areas are within the masterplan area. The modelling demonstrates the benefit of localised drainage measures and it is considered that more comprehensive drainage arrangements accompanied by more detailed analyses would enable the development of the residential sites outlined in Option 1 to be brought forward without any off-site increases in flood depths being predicted. On this basis it is considered that the principle of development can be supported for the layout described by Option 1 (TWBC's preferred Option) provided that appropriate provision is made for the layout of drainage and flow routes through the proposed development. These measures would need to be supported by more detailed analyses that reflected the level of design detail and evidenced that the measures were appropriate. Consideration would need to be given to the long-term management and maintenance of the mitigation measures, so these were not inadvertently compromised for the lifetime of the development.'

5.6 So while it is clear that a potentially significant step forward has been made in terms of modelling Flood Risk much work remains to be done to ensure that the potential level of development and detailed drainage design achieves what is considered theoretically possible in the Technical Note bearing in mind the final caveat of the Technical Note states;

'The layout, form and location of the conveyance routes has been chosen to provide a strategic understanding of the implications of proposed development and should not be used as the basis to define the detailed design or geometry of the measures that will need to be included in the preparation of more detailed development layout designs. It is also possible that there are other mitigation options or measures that could be considered, and the results of the study are not intended to imply that other options would not be appropriate.'

5.7 Yalding Parish Council remains to be convinced that the proposed expansion of Paddock Wood and its environs will not have a resultant knock-on effect on land and property with the Parish Boundary in terms of increased Flood Risk.

5.8 In respect of the River Teise, the SFRA is heavily focused on issues at Paddock Wood and fails to consider the potential surface water impacts of development at Matfield and Horsmonden on the River Teise and no further work appears to have been undertaken since the Regulation 18 Consultation draft.

5.9 A key issue with the SFRA is that in respect of cross-border issues it places emphasis on the development management role rather than seeking to analyse and address potential issues at the local plan examination stage. It is considered unsustainable and ineffective to propose a high level of development in and around a settlement where there are recognised surface water and fluvial flooding issues without consideration of cross-border issues at the local plan stage.

5.10 Pertinently, the continued lack of consideration of cross-boundary issues at this stage does not comply with DEFRA guidance which seeks to address cross-boundary flooding issues at the local plan preparation stage. Overall it is considered that this is an ineffective approach to consideration of flooding matters within the local plan and that the plan is not justified or effective in this regard.

6 CONCLUSION

6.1 Yalding Parish Council recognises there has been a step forward with regard to some aspects of the assessment of flood risk but there remains a worrying lack of consideration of the impact on the River Medway flood plain and a lack of detail and uncertainty in other areas. Leaving the details to application stage is not an effective and justified way to prepare a Local Plan.

6.2 The Local Plan and evidence base is also relatively and unacceptably silent on cross boundary traffic implications regarding the scale and mix of the proposed level of development at Paddock Wood/East Capel, particularly with regards to the concerns of SQW with regard to the on-going structure of the Paddock Wood economy and the availability and location of the workforce needed to service the economy. There is a consequent danger that inward and outward commuting from an expanded Paddock Wood will have considerable impact on the road network through Yalding Parish and this has not been appropriately or effectively modelled.

6.3 The Plan places great emphasis on public transport and active travel measures to mitigate the impact of the development on the local highway network, yet even with these and the proposed highway improvements junctions that provide vital links to the road network to and from Yalding Parish will remain over-capacity and some of these are not proposed to be mitigated in any event. There is no certainty that the public transport and active travel measures will be sustainable and effective in the long term.

6.4 In conclusion, the review of the Regulation 19 Local Plan and its associated evidence base has raised concerns about whether the Local Plan's approach to and the proposed level of development in the Paddock Wood Area is justified and effective in terms of potential cross-boundary implications in particular for Yalding Parish.

Question 7

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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

If you would like to attach a file in support of your comments, please upload it here. [PSLP_616_622-625_GSP for Yalding Parish Council_SI-1_Covering Letter_Redacted.pdf](#)

If you would like to attach a file in support of your comments, please upload it here. [PSLP_616_622-625_GSP for Yalding Parish Council_SI-2_Representation.pdf](#)

Local Plan Regulation 19 representations in document order

Comments on Section 4: Policy STR7: Climate Change

Comment

Consultee	Jacqui Avery ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] Tunbridge Wells TN4 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Jacqui Avery ([REDACTED])
Comment ID	PSLP_2275
Response Date	04/06/21 09:31
Consultation Point	Policy STR 7 Climate Change (View)
Status	Processed
Submission Type	Email
Version	0.3
Files	Residents Against Ramslye Development whole submission redacted.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Jacqui Avery
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
<p>Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.</p> <p>Policy STR 7 Climate Change</p> <p>[TWBC: see also further comments on individual sections and policies - PSLP_2269 and 2272-2279. The whole representation form (personal details redacted) has also been attached as it contains plans and images]</p>	
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:	<ul style="list-style-type: none">. 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 response is made on behalf of the 669 signatories on the petition submitted in response to Regulation 18 which was delivered to TWBC Planning Services in 2019 and the Facebook group 'Residents Against Ramslye Development' whose membership is currently 247 (names can be provided if required). We have noted guidance 4.3 and have encouraged the people opposed to the development of site 137/ Policy AL/RTW 16 'Land to the west of Eridge Road at Spratsbrook Farm' not to make separate responses repeating the same points as those made here; some however will no doubt have submitted individual responses.

We strongly support the inclusion of a strategic policy addressing climate change. However, we are concerned that the policy will ultimately fail in its objective because of a lack of specific targets and the inevitable tension with the content of the rest of the plan. We set out below some observations and suggestions in support of our position.

Paragraph 4.109 of the Pre-Submission Local Plan quotes the NPPF as "requiring contributions to a radical reduction in greenhouse gas emissions, minimising vulnerability and improving resilience; encouraging the reuse of existing resources". However, we note there are no requirements in the plan for radical greenhouse gas emissions, or any discussion of measuring those emissions to allow reductions to take place. STR7 gives some attention to emissions from travel and the energy requirements of any new housing, but it gives no attention to the emissions caused by the building of the houses themselves, which will be considerable and result in a rise in the borough's carbon output over the term of the plan - precisely when the town is required to reduce its carbon output.

Vulnerability will largely be increased by the loss of biodiversity and local ecology, and new drainage issues - a large portion of the plan calls for building on one of the most vulnerable flood plains in the area. We believe that developers will be at liberty to interpret these phrases resulting in a plan which fails to satisfy the NPPF.

In addition, we consider section 4 of STR7 should be amended to allow for 'partner engagement' with residents, or members of the environmental community - both of whom will have important local knowledge.

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 site 137/ AL/RTW 16 'Land to the west of Eridge Road at Spratsbrook Farm' from the plan.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_101

Comment

Consultee	Lynne Butler [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Brenchley & Matfield Parish Council
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Brenchley & Matfield Parish Council [REDACTED] [REDACTED]
Comment ID	PSLP_1777
Response Date	03/06/21 17:19
Consultation Point	Policy STR 7 Climate Change (View)
Status	Processed
Submission Type	Web
Version	0.4
Files	B&M comments Local Plan.docx
Question 1	
Respondent's Name and/or Organisation	Brenchley & Matfield Parish Council
Question 3	
To which part of the Local Plan does this representation relate?	Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

STR1, STR5, STR6, STR, STR8, STR10, PSTR/BM1, AL/BM1, AL/BM2, EN1, EN19, OSSR1, OSSR2.

[TWBC: relevant parts of this representation have been duplicated against the above policies: see PSLP_1775-1786 inclusive]

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.

The language is not sufficiently robust in some of the policies and introduces ambiguity. Small rural parishes have very different requirements to the larger settlements, having less housing allocations, limited facilities and poor public transport. Consequently some policies have no relevance in rural areas and include no provision of additional facilities. Although the parish has a small housing allocation, the quality of life will be significantly affected by development in Paddock Wood/Capel/Horsmonden/Pembury. There should be some provision for the mitigation of the effects within other parts of the borough of increased traffic on safety, noise and air quality.

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.

Pre-submission Comments from Brenchley and Matfield Parish C council

TWBC Pre-Submission Local Plan

STR7: Climate Change

The PC supports this policy but it will only be effective if TWBC is 100% committed to implementing it. In the IDP section 3.178 it is stated that "Borough -wide new developments will require new gas supply". This is in direct conflict with the stated aim that the entire Borough will be carbon neutral by 2030.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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 Parish Council supports the overall negative scores of the sites in Brenchley and Matfield that were put forward in the Call for Sites. There are very few positive scores for any of the sites and a significant number of high negative scores. Many of the sites involve the loss of high-grade agricultural land and would have a negative impact on biodiversity, landscape and heritage. Sustainability is also a factor for many of the sites, which lack a proximity to facilities and public transport.

The villages of Brenchley and Matfield have limited sustainability, with poor facilities in Matfield but a reasonable bus service to Paddock Wood and Tunbridge Wells. Brenchley has more facilities but three bus services to Paddock Wood on only two days during the week. There are no bus services in the evenings that would allow commuters to use public transport.

If you would like to attach a file in support of your comments, please upload it here. [B&M comments Local Plan.docx](#)

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 (View)
Status	Processed
Submission Type	Email
Version	0.3
Files	PSLP_1014_Charterhouse Strategic Land Representation SI.pdf
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]

Question 4a

If 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.

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 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

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

For office use only

If responder hasn't ticked an option on this box, data inputter to tick 'not stated' box. Not Stated

Comment

Consultee	Julie Davies [REDACTED]
Email Address	[REDACTED]
Company / Organisation	CPRE Kent
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	CPRE Kent (Julie Davies - [REDACTED])
Comment ID	PSLP_487
Response Date	27/05/21 11:23
Consultation Point	Policy STR 7 Climate Change (View)
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

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.

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

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_1576
Response Date	04/06/21 16:00
Consultation Point	Policy STR 7 Climate Change (View)
Status	Processed
Submission Type	Email
Version	0.3
Files	PSLP_1571-1623(not inclusive)_CRS NDP Steering Group Representation.pdf
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]

Question 4a

If 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 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

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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

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](#)

Comment

Consultee	Richard Dowse ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Benenden TN17 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Richard Dowse ([REDACTED])
Comment ID	PSLP_2153
Response Date	03/06/21 11:56
Consultation Point	Policy STR 7 Climate Change (View)
Status	Processed
Submission Type	Other
Version	0.3
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Richard Dowse
Question 3	
To which part of the Local Plan does this 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
Policy STR 2 Place Shaping and Design
Policy STR 3 Brownfield Land
Policy STR 5 Infrastructure and Connectivity
Policy STR 6 Transport and Parking
Policy STR 7 Climate Change

Policy STR 8 Conserving and Enhancing the Natural, Built, and Historic Environment

Policy PSTR/BE 1 The Strategy for Benenden parish

Policy AL/BE 1 Land adjacent to New Pond Road (known as Uphill), 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

[TWBC: this representation has been input against Policies STR1, STR 2, STR 3, STR 5, STR 6, STR 7, STR 8, PSTR/BE1, AL/BE 1, AL/BE 3, AL/BE 4 and EN 1, please see Comment Numbers PSLP_2147, PSLP_2149, PSLP_2150, PSLP_2151, PSLP_2152, PSLP_2153, PSLP_2154, PSLP_2155, PSLP_2156, PSLP_2129, PSLP_2133 and PSLP_2157]

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.*”

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 Cleveland's. 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.

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 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, 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'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 PSLP'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.

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 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.

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/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)?

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

Supporting Information File Ref No: SI_37

Comment

Consultee	Mrs Farah Brooks-Johnson [REDACTED]
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Mrs Farah Brooks-Johnson [REDACTED]
Comment ID	PSLP_569
Response Date	28/05/21 11:43
Consultation Point	Policy STR 7 Climate Change (View)
Status	Processed
Submission Type	Web
Version	0.3
Files	GSP Friends of Tudeley Final.pdf (6)
Question 1	
Respondent's Name and/or Organisation	Friends of Tudeley
Question 3	
To which part of the Local Plan does this 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	
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 Local Plan does not make sufficient effort to encourage mitigation of and adaptation to climate change. The Policy STR7 titled 'climate change' is startling in its lack of urgency and bears no relationship at all to the Government's nearly zero targets.

The failings of the largest strategic sites, including Tudeley Village, to contribute adequately to the Government's 'nearly zero' 2030 targets means that the plan does not secure development and use of land which will contribute to the mitigation of, and adaptation to, climate change consistent s19 (1A) of the Planning and Compulsory Purchase Act 2004.

A description of these failings is in Section 3.3 of the attached report by Graham Simpkin Planning.

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 all references to the proposed Tudeley Village from 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)?

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:

Friends of Tudeley is an unincorporated association of local residents concerned about the soundness of TWBC's proposal to create a new settlement at Tudeley. We will make an important local contribution to the matters under discussion

If you would like to attach a file in support of your comments, please upload it here.

GSP Friends of Tudeley Final.pdf (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

Supporting Information File Ref No: SI_85a-i

Comment

Agent	Chris Pattison [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Turnberry
Address	[REDACTED] London [REDACTED]
Consultee	[REDACTED]
Company / Organisation	Hadlow Estate
Address	[REDACTED] [REDACTED] TONBRIDGE [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Hadlow Estate [REDACTED]
Comment ID	PSLP_1635
Response Date	04/06/21 15:44
Consultation Point	Policy STR 7 Climate Change (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-1_Representation.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-2_A-1_Ecological_Appraisal.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-7_A-6_Landscape_and_Visual_Appraisal.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-5_A-4_Heritage_Constraints_Appraisal.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-3_A-2_Highways_and_Transportation_Report.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-4_A-3_Flood_Risk_Review.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-9_A-8_Development_Strategy.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-8_A-7_Green_Belt_Appraisal.pdf

Data inputter to enter their initials here HB

Question 1

Respondent's Name and/or Organisation Hadlow Estate

Question 2

Agent's Name and Organisation (if applicable) Turnberry

Question 3

To which part of the Local Plan does this 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 Hadlow Estate, please see Comment Numbers PSLP_1630-1645]

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.

Although we consider the Plan that the Plan is sound generally, we consider that certain details of the policies identified in our representations require amendment. These amendments are set out in our submitted representation and supporting technical evidence.

1 Comments on the Draft Plan

We have reviewed the Proposed Submission Plan and its supporting material to ensure the proposed spatial strategy for the Plan is both robust and justified in its identification of Tudeley for 2,800 homes. This section first reviews the Tudeley Village allocation and offers minor amendments to the detailed wording of the policy, before moving on to our observations on strategic and other supporting policies in the Plan. We set out our broad in principle support for the majority of the Plan's policies, however we make certain representations regarding amendments below.

[TWBC: for full representation, please see supporting documents]

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 STR7 Climate Change

We support this policy, however we would suggest additional wording to part 2 where the policy states that decentralised heating and cooling networks will be given particular consideration in the largest strategic development locations. While we support this in principle, additional text should be added to the policy to make clear that this will only be considered where initial feasibility studies have concluded it is a workable solution.

Question 7

Please note *the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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 refer to paragraph 3.14 of the Procedure Guide for Local Plan Examinations which sets out the circumstances in which representors may be invited to appear at examination stage. It would be helpful to the LPA as well as the Inspector if we were invited to participate to assist the Inspector's

understanding of a soundness or legal compliance issue. Moreover, as we are suggesting helpful modifications it would be appropriate for us to participate in hearing sessions related to those areas within which we have suggested modifications.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2175
Response Date	04/06/21 16:56
Consultation Point	Policy STR 7 Climate Change (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR 7 Climate Change

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2

(PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

The County Council has set out its full response to the consultation in the attached Appendix. Comments are linked to relevant policies where appropriate.

Sustainable Business and Communities

The County Council supports the embedding of climate change, the environment and net zero throughout the Local Plan, and the sustainability policies within it. The County Council welcomes the requirement for developments to support Net Zero targets and for this to be stated as a strategic objective. Reference to the Kent and Medway Energy and Low Emissions Strategy, as well as the Borough Council's own targets, is also welcomed.

Rural Economy

The County Council recommends that there is reference within the Local Plan to address how climate change will impact farming and the need to adapt to new crops and farm practices. This could have an impact on the land characteristics of the area and the introduction of more reliant crops. Consideration should also be had to water irrigation/bore holes and reservoirs which may be required to support sustainable farm practices.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The County Council has set out its full response to the consultation in the attached Appendix. Comments are linked to relevant policies where appropriate.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

The County Council may wish to attend hearing sessions in respect of its statutory and non statutory functions.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Mr Raymond Moon ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] Paddock Wood TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Raymond Moon ([REDACTED])
Comment ID	PSLP_2290
Response Date	02/06/21 14:54
Consultation Point	Policy STR 7 Climate Change (View)
Status	Processed
Submission Type	Web
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Raymond Moon
Question 3	
To which part of the Local Plan does this 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	
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.

Policy STR 7

Climate Change (statement)

The Borough must implement these changes as part of its net zero target by 2030.

1 3. Implementing proactive policy on climate change adaptation

“a. protecting existing green spaces and creating new, appropriate green infrastructure whilst balancing the need for built development”

Show us the proposals and evidence that this is achievable with the present dwelling allocation for PW within the DLP. Where are these sustainable Drainage Systems at present in PW?

1 Partner engagement

This looks great on paper but in reality it has never happened yet in PW with all the new houses over the last 50 years. Who is going to lead and integrate these partner engagements? At present Southern Water and the present developers ignore the residents of PW and PWTC when dealing with the failures of these partners to provide present sustainable development in PW and stick to their previous promises made in past Local Plans to previous Inspectors and recent planning applications. The Borough is failing the residents of PW.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Comment

Consultee	Mr Raymond Moon [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Paddock Wood Labour Party (PWLP)
Address	[REDACTED] TONBRIDGE TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Paddock Wood Labour Party (PWLP) (Mr Raymond Moon - [REDACTED])
Comment ID	PSLP_2313
Response Date	02/06/21 15:02
Consultation Point	Policy STR 7 Climate Change (View)
Status	Processed
Submission Type	Web
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Paddock Wood Labour Party
Question 3	
To which part of the Local Plan does this 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	
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.

Policy STR 7

Climate Change (statement)

The Borough must implement these changes as part of its net zero target by 2030.

1 Implementing proactive policy on climate change adaptation

“a. protecting existing green spaces and creating new, appropriate green infrastructure whilst balancing the need for built development”

Show us the proposals and evidence that this is achievable with the present dwelling allocation for PW within the DLP. Where are these sustainable Drainage Systems at present in PW?

1 Partner engagement

This looks great on paper but in reality it has never happened yet in PW with all the new houses over the last 50 years. Who is going to lead and integrate these partner engagements? At present Southern Water and the present developers ignore the residents of PW and PWTC when dealing with the failures of these partners to provide present sustainable development in PW and stick to their previous promises made in past Local Plans to previous Inspectors and recent planning applications. The Borough is failing the residents of PW.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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_78a-c

Comment

Agent	Mr Troy Hayes [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Troy Planning & Design
Address	[REDACTED] [REDACTED] London [REDACTED]
Consultee	Mrs Nichola Reay [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Paddock Wood Town Council
Address	The Podmore Building St Andrews Recreation Ground TONBRIDGE TN12 6HT
Event Name	Pre-Submission Local Plan
Comment by	Paddock Wood Town Council [REDACTED] [REDACTED]
Comment ID	PSLP_1451
Response Date	04/06/21 16:11
Consultation Point	Policy STR 7 Climate Change (View)
Status	Processed
Submission Type	Email
Version	0.7
Files	PSLP_1448-1479(not inclusive)_Troy Planning for PWTC_SI-3_PW TC Response to Reg. 18.pdf PSLP_1448-1479(not inclusive)_Troy Planning for PWTC_SI-2_Representation.pdf PSLP_1448-1479(not inclusive)_Troy Planning for PWTC_SI-1_Cover Letter_Redacted.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Paddock Wood Town Council

Question 2

Agent's Name and Organisation (if applicable) Troy Planning & Design

Question 3

To which part of the Local Plan does this 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 other comments by Paddock Wood Town Council, please see Comment Numbers PSLP_1448-1456, PSLP_1461, PSLP_1471, PSLP_1474, PSLP_1475-1477 and PSLP_1479]

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.

Tunbridge Wells Pre-Submission Local Plan – Paddock Wood Town Council Representation

Please find enclosed our representations to the Council's Pre-Submission Local Plan. These Representations are prepared and submitted on behalf of Paddock Wood Town Council (PWTC) and the representations are supported by the Paddock Wood Neighbourhood Plan Steering Group.

We also enclose the Council's Representation Form with our signature confirming that we do wish to take part in the Local Plan Examination Hearings.

We would like to point out that the majority of PWTC's representations to the Regulation 18 consultation were not addressed by TWBC. Given that the Local Plan has changed very little between that earlier consultation and the current period of representations on the Regulation 19 Local Plan we enclose these earlier representations and request that TWBC takes these into account and ensures they are supplied to the Secretary of State if the Council decides to proceed to submission stage.

We request that you please include this letter as part of our formal representations.

Our representations conclude that the Local Plan and its evidence base fail all the tests of soundness set out in the National Planning Policy Framework (NPPF) and that the Local Plan is not legally compliant.

Our representations go to the heart of the soundness and legality of the Local Plan, its policies, and the process TWBC has undertaken in preparing its Local Plan. We therefore consider that the entirety of the Local Plan is unsound as it is not legally compliant. Whilst we have singled out a number of specific policies that we consider to be unsound it would simply not be possible to comment on every single policy in the Local Plan which is a 515-page document.

We trust that TWBC appreciates the importance of the Local Plan proposals to the Paddock Wood community in terms of the inappropriateness of the proposals which would, if the Local Plan in its current form were to be implemented, have irreversible negative impacts on Paddock Wood and the wider area.

We urge TWBC to reconsider its development strategy which is set to fail at Local Plan Examination in Public and to restart the Local Plan process using an evidence base led approach which would conclude that Paddock Wood is an unsuitable and unsustainable location for strategic housing growth. Such an approach would save TWBC, the taxpayers and all the stakeholders involved in the Local Plan process an enormous amount of time and resources debating a Local Plan which is clearly unsound and not legally compliant.

1 Flood Risk

12.1. We consider that the Local Plan, its overall development strategy, evidence and policies in relation to Flood Risk to fail the NPPF tests of soundness as it has not been positively prepared, is not justified, not effective and not consistent with national policy. These Local Plan policies include STR1, SRT7, STR5, STR/SS1, EN25, EN26

12.2. PWTC raised its strong concerns and objections with TWBC at the Regulation 18 Local Plan stage (Draft Local Plan) regarding the inadequate evidence and assessment of flood risk matters due to the extensive flood risk existing at Paddock Wood. However, these concerns were never addressed despite the SFRA prepared for the Draft Local Plan being entirely inadequate. We attach PWTC's representations to the Regulation 18 Local Plan consultation which should be included as part of our submission to the Secretary of State.

12.3. Apart from the factual errors and therefore doubt of accuracy of the SFRA's modelling (which is covered in PWTC's Regulation 18 representations), the flooding at Paddock Wood is from surface water and not fluvial, primarily from down hill flows from High Weald farmland to the South of Town adding to nitrate pollution entering the common water courses that flow into the Medway. High flood levels in Paddock Wood are usually several hours after rainfall for this reason. The only fluvial contribution is when the Medway is in surge and all the common watercourses that drain north into it from the area back up and spread out sideways over their banks adding to the surface water. No detail is provided of specific build flood mitigation measures that might be employed, other than standard local level SUDs, so it is entirely unclear how mitigation costs have been calculated or factored.

12.4. The NPPF³¹ is very clear about the approach that local planning authorities must take regarding climate change and flood risk when preparing local plans and strategic policies. However, TWBC has unfortunately failed to comply with the NPPF in respect of its approach to preparing its development strategy. The Council's approach to its Local Plan is particularly incongruous given that TWBC declared Climate Emergency³² so one would expect or at least hope the Council would have paid particular attention to the NPPF in relation to Climate Change and Flood Risk given it's declared 'emergency' however this has not been the case as we explain below.

[TWBC: for figure, please see full representation attached as a supporting document]

12.5. The current NPPF has a great deal to say about climate change and flood risk and the role of planning / plan-making to support the transition to a low carbon future in a changing climate and the

need to take full account of flood risk and coastal change including minimising vulnerability and improving resilience of places, converting existing buildings and supporting renewable and low carbon energy and associated infrastructure³³. Instead of following the NPPF's policy on climate change the Local Plan instead 1) fails to take into the full account of flood risk in the borough by not preparing suitable evidence base and ignoring its evidence base regarding flood risk in Paddock Wood and the north of the borough; 2) seeks to maximise the vulnerability of the areas of the borough already vulnerable to flood risk and future climate change such as Paddock Wood; 3) making the borough less resilient to climate change and flooding and more prone to the risks of climate change by proposing to put development in the highest risk area of the borough in terms of climate change.

12.6. In terms of planning for climate change the NPPF states³⁴ the following, however the Local Plan and its evidence fail to take into account the long-term implications of flood risk and instead of relocating vulnerable development and infrastructure the Local Plan proposes to deliver new development in the most vulnerable locations:

- . *"Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk";*
- . *"Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure"*

12.7. The NPPF explains that *"inappropriate development in areas 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"*³⁵. Inappropriate development includes housing and the NPPF is clear that housing development should be directed away from areas at highest risk. Simply put, why did TWBC select a development strategy that clearly contravenes the fundamentals of national policy? The Council was clearly aware of the significance of the high risk of flooding at Paddock Wood as it states this as one of the Local Plan's key Issues or Challenges, where it states that *"the areas to the north and west of Paddock Wood are particularly prone to flooding"* and that a key issue is *"therefore ensuring that the proposed growth strategy can be accommodated without further harm and risk to areas that are vulnerable to flooding, provide betterment"*. This statement misunderstands national policy which is to avoid directing development to areas at highest risk (whether existing or future) in the first place.

[TWBC: for figure, please see full representation attached as a supporting document]

12.8. The NPPF explains³⁶ that *"all plans should apply a sequential, risk-based approach to the location of development – taking into account the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by:*

- 1 *a) applying the sequential test and then, if necessary, the exception test as set out below;*
- 2 *b) safeguarding land from development that is required, or likely to be required, for current or future flood management;*
- 3 *c) using opportunities provided by new development to reduce the causes and impacts of flooding (where appropriate through the use of natural flood management techniques); and*
- 4 *d) where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to relocate development, including housing, to more sustainable locations*

12.9. However, TWBC and its consultants appear to have avoided applying a 'sequential test' in respect of the whole borough. This is despite the Strategic Flood Risk Assessment (SFRA – Level 1 & Level 2 combined) (Juley 2019) stating as its first recommendation: *"The NPPF supports a risk-based and sequential approach to development and flood risk in England, so that development is located in the lowest flood risk areas where possible; it is recommended that this approach is adopted for all future developments within the borough"*³⁷.

12.10. Despite the SFRA consultants recommending that a sequential approach to development and flood risk is utilised for all future developments within the borough, the same SFRA consultants explain that the SFRA has not performed the Sequential Test of potential development sites but that it provides a summary at Table 13.1 summarising the flood risk to the potential development sites which can assist with completion of the Sequential Test (see figure below). As it explains at Paragraph 13.1 the SFRA does assess all 472 sites within the borough identified through the SHELAA and Call for Sites

process though. The SFRA does not explain why it does not undertake the Sequential Test – were the consultants asked not to undertake it as TWBC may not like the conclusions? It is entirely unclear from the evidence but it explains that the assessments will “assist the Council when they undertake the Sequential Test”.

12.11. The SFRA states that (see below) “The majority of sites are located within Flood Zone 1”.

[TWBC: for figure, please see full representation attached as a supporting document]

12.12. As the SFRA concluded that the majority of sites in the SHELAA and Call for Sites process are located within Flood Zone 1, how is that the most strategic growth was directed towards Paddock Wood which has the highest level of flood risk in the borough? As PPG sets out in its guidance for the application of the Sequential Test for Local Plan preparation (and as stated in the NPPF) if development can be steered towards areas in Flood Zone 1 then the sequential test is passed and it does not need to be examined further and an exceptions test is not required.

12.13. Nowhere in TWBC's evidence can we find a statement confirming that a Sequential Test was undertaken by the Council. The Local Plan itself makes no mention of a Sequential Test being undertaken as required by the NPPF. This is a fundamental flaw in the Local Plan process and evidence base and the Local Plan can clearly not continue until such a study is undertaken and consulted on.

12.14. Despite no Sequential Test being undertaken, the SFRA undertakes a Level 2 Assessment of strategic parcels as “potential development locations have been provided by the council to be assessed in the SFRA”. Twelve strategic parcels were assessed which presumably means that regardless of what a Sequential Test may have concluded, that the twelve parcels had been pre-determined as potentially preferred sites by TWBC. There is no summary map indicating where the development parcels are located or how they were selected. The evidence simply jumps from the recommendation that a Sequential Test be undertaken by TWBC to an assessment of twelve strategic development parcels.

[TWBC: for figures, please see full representation attached as a supporting document]

12.15. The Council's Development Strategy Topic Paper explains that, in relation to Sequential Testing, “the aim is to steer development to Flood Zone 1. Where there are no reasonable available sites in Flood Zone 1, guidance states that LPAs should take into account the flood risk vulnerability of land uses and consider reasonable available sites in Flood Zone 2”³⁸. It goes on to state that the Level 1 SFRA considers how the sequential test should be carried out by TWBC in preparing its Local Plan. However this Sequential Test was never undertaken.

12.16. The Topic Paper states that “It is accepted that it is often the case that it is not possible for all new development to be allocated that is not at risk from flooding”³⁹. However, this is precisely the role of the Sequential Test as stated in the NPPF to direct development to Flood Zone 1 which TWBC has blatantly ignored at arriving at its conclusion that it should locate its strategic growth in the area of the borough with the highest flood risk.

12.17. It does not take an expert to conclude from looking at the Environment Agency's ‘Flood map for planning’⁴⁰ that Paddock Wood is located within Flood Zones 2 and 3 and is an inappropriate location for strategic development. The yellow marker on the map has been dropped at Paddock Wood Railway Station which we have clarified as one cannot read the text map showing the name ‘Paddock Wood’ due to the extent of the flood risk covering the town.

[TWBC: for figure, please see full representation attached as a supporting document]

12.18. When one compares the EA flood map with that of the inset Policies Map for Paddock Wood (which one must do himself as TWBC has not overlaid the flood risk mapping with the proposed site allocations) it is striking to visualise the correlation of Flood Zone 2 and 3 covering the proposed strategic site allocations at Paddock Wood. With this very simple visualisation it is baffling for one to attempt to comprehend how the Council could have settled on the development strategy it did, selecting Paddock Wood for the location of its strategic growth.

[TWBC: for map, please see full representation attached as a supporting document]

12.19. Turning to the Local Plan policies which concern Flood Risk, it is considered that these are entirely inadequate to meet the NPPF tests of soundness. We make the following critical observations demonstrating how the Local Plan policies are unsound:

- . **Policy STR1 (The Development Strategy):** No mention of flood risk or infrastructure required to attempt to address flood risk in the borough.
 - . **Policy STR5 (Infrastructure and Connectivity):** The policy does not specify any measures or specific flood risk attenuation infrastructure. It simply states that *“Close liaison is required with Kent County Council as the lead local flood authority and the Environment Agency to ensure that adequate consideration is given to any development in flood prone areas and that appropriate mitigation and compensatory measures are put in place where necessary in accordance with Policies EN25 (Flood Risk) and EN26 (Sustainable Drainage)”*. The policy should provide far more certainty about what flood related infrastructure is going to be provided, when, and by whom rather than just liaising with the flood authorities. It talks about ‘adequate consideration’ being given to any development in flood prone areas – what does the Council even mean by this?
 - . **Policy STR7 (Climate Change):** It is rather shocking to read that the Local Plan’s policy on Climate Change does not mention flooding or how it plans to address its significant flood risks in the borough over the life of the plan. The only mention that comes close is its stated aim of not increasing and reducing surface water runoff: *“not increasing, and wherever possible reducing, surface water runoff through the use of permeable surfaces and Sustainable Drainage Systems”*. This is an inadequate policy to deal with the climate change risks facing the borough particularly in relation to flood risk.
 - . **Policy STR/SS1 (The Strategy for Paddock Wood, including land at east Capel):** This policy mentions flooding in two places.
 - o At (j) it states that *“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”*.
 - o At paragraph 13 it states the need to *“Ensure a drainage strategy is in place in consultation with the LPA, Kent County Council, the Drainage Authority, and Southern Water prior to the grant of planning permission for any substantial development on the site”*. Having a drainage strategy in place is standard practice for any proposed development site so this policy is effectively meaningless.
 - . **Policy EN3 (Climate Change Mitigation and Adaptation):** This policy takes the plan no further in respect of specifying how flood risk is addressed. It states under *“Climate change adaptation that development must incorporate measures that adapt to the impacts of climate change”* and that *“these could include” (2) Reduction in flood risk and provision of infrastructure to protect vulnerable communities and habitats and minimisation of water consumption”*. This policy is ineffective.
 - . **Policy EN25 (Flood Risk):** Policy EN25 is the Council’s proposed development management policy regarding flood risk. It contains within it text which seems to be taken for the most part directly from the NPPF so one should question whether it has any place in the Local Plan. In any case, the policy states that *“The sequential test and exception tests established by the NPPF will be strictly adhered to across the borough”*. Given that TWBC has not undertaken an Exception Test to support the Local Plan it has failed against its own policy.
- 12.20. It is important to note MHCLG’s proposed changes to the NPPF in relation to flood risk of which there are numerous. The Local Plan does not refer to these proposed changes and whilst they are still only proposed changes to the NPPF there is a clear direction of travel emerging from MHCLG in relation to flood risk which further strengthens and tightens the policies in the NPPF in relation to flood risk. As we have already set out, the Council’s approach to flood risk is clearly at odds with the NPPF in its existing and likely future form. MHCLG explains its reasoning behind the proposed changes to the NPPF which are as follows⁴¹:
- . The changes proposed are in part, an initial response to the emergent findings of our joint review with the Department for Environment, Food and Rural Affairs (Defra) of planning policy for flood risk. The government’s Policy Statement on flood and coastal erosion risk management sets out a number of actions to maintain and enhance the existing safeguards concerning flood risk in the planning system. Informed by this, we will consider what further measures may be required in the longer term to strengthen planning policy and guidance for proposed development in areas at risk of flooding from all sources when our review concludes. The Policy Statement is informed by a number of key consultations and advice:
 - o Environment Agency’s consultation exercise on the updated National Flood and Coastal Erosion Risk Management Strategy
 - o results of the government’s flood and coastal erosion: call for evidence in 2019

- o an evidence review of the concept of flood resilience
- o advice from the National Infrastructure Commission and the Committee on Climate Change
- o The Secretary of State for the Environment has written to Sir John Armitt, Chair of the National Infrastructure Commission, about the government's policies to create a nation that is more resilient to future flood and coastal erosion risk.
- . On planning and flood risk, new paragraphs 160 and 161 have been amended to clarify that the policy applies to all sources of flood risk.
- . New paragraph 160(c) has been amended to clarify that plans should manage any residual flood risk by using opportunities provided by new development and improvements in green and other infrastructure to reduce the causes and impacts of flooding (making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management).
- . The Flood Risk Vulnerability Classification has been moved from planning guidance into national planning policy (set out in Annex 3 and referred to in paragraph 162). It is considered that this classification is a key tool and should be contained in national policy.
- . New paragraph 163 has been amended to clarify the criteria that need to be demonstrated to pass the exception test.
- . New paragraph 166(b) has been expanded to define what is meant by "resilient".

12.21. We note that the Council's SFRA identifies a number of Nitrate Vulnerable Zones (NZVs) covering considerable areas of the borough including Paddock Wood and its surrounding area (within and outside the borough). The SFRA states that these areas are "*at risk from agricultural nitrate pollution...nitrate levels in waterbodies are affected by surface water runoff from surrounding agricultural land entering receiving waterbodies*". Yet, despite identifying these NZVs the SFRA seems to almost dismiss the seriousness of the NZV designation by saying that the level of contamination will potentially influence the SuDS and should be assessed as part of the design process. We consider this matter of NZVs needs much more careful research and analysis. It is well known from other parts of the country such as Hampshire whereby nitrate mitigation has become perhaps the defining topic for planning and development due to the need to protect the water environment and conserve habitats and species. One of the ways to mitigate the likely significant effects of development is through ensuring development is 'nutrient neutral' which is part of the strategy being employed by local authorities and the Partnership for South Hampshire as it needs to be addressed at a cross-boundary level. More details about the approach being taken in Hampshire can be found on PfSH's website⁴² along with Natural England's 'nutrient calculator' and updated guidance on achieving nutrient neutral housing development⁴³.

12.22. We note that there is no mention of nitrates in the Local Plan despite this NZVs having been identified and designated in considerable parts of the borough including at Paddock Wood where strategic development is planned.

[TWBC: for figures, please see full representation attached as a supporting document]

[TWBC: for full representation, please see supporting documents]

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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:

Paddock Wood Town Council confirms that it wishes to participate in the Local Plan Examination hearing sessions. Given the scale of strategic development proposed at Paddock Wood and nearby at the proposed new settlement, its extensive representations, and its role as a statutory consultee, PWTC considers it critical that it has the opportunity to provide further input into the Local Plan Examination process including the hearing sessions to respond to other evidence and arguments put forward.

If you would like to attach a file in support of your comments, please upload it here. [PSLP 1448-1479\(not inclusive\) Troy Planning for PWTC SI-1 Cover Letter Redacted.pdf](#)

If you would like to attach a file in support of your comments, please upload it here. [PSLP 1448-1479\(not inclusive\) Troy Planning for PWTC SI-2 Representation.pdf](#)

If you would like to attach a file in support of your comments, please upload it here. [PSLP 1448-1479\(not inclusive\) Troy Planning for PWTC SI-3 PW TC Response to Reg. 18.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_54a-b

Comment

Consultee	Ms Noreen O'Meara [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Residents Against Ramslye Development
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Residents Against Ramslye Development [REDACTED] [REDACTED]
Comment ID	PSLP_930
Response Date	02/06/21 08:48
Consultation Point	Policy STR 7 Climate Change (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Residents Against Ramslye Development whole submission redacted.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Noreen O'Meara on behalf of Residents Against Ramslye Development
Question 3	
To which part of the Local Plan does this 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: see also further comments on individual sections and policies - PSLP_914, 925, 926, 928, 929, 930, 931, 932, 933, 938. The whole representation form (personal details redacted has also been attached as it contains plans and images]

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.

This response is made on behalf of the 669 signatories on the petition submitted in response to Regulation 18 which was delivered to TWBC Planning Services in 2019 and the Facebook group 'Residents Against Ramslye Development' whose membership is currently 247 (names can be provided if required). We have noted guidance 4.3 and have encouraged the people opposed to the development of site 137/ Policy AL/RTW 16 'Land to the west of Eridge Road at Spratsbrook Farm' not to make separate responses repeating the same points as those made here; some however will no doubt have submitted individual responses.

We strongly support the inclusion of a strategic policy addressing climate change. However, we are concerned that the policy will ultimately fail in its objective because of a lack of specific targets and the inevitable tension with the content of the rest of the plan. We set out below some observations and suggestions in support of our position.

Paragraph 4.109 of the Pre-Submission Local Plan quotes the NPPF as "requiring contributions to a radical reduction in greenhouse gas emissions, minimising vulnerability and improving resilience; encouraging the reuse of existing resources". However, we note there are no requirements in the plan for radical greenhouse gas emissions, or any discussion of measuring those emissions to allow reductions to take place. STR7 gives some attention to emissions from travel and the energy requirements of any new housing, but it gives no attention to the emissions caused by the building of the houses themselves, which will be considerable and result in a rise in the borough's carbon output over the term of the plan - precisely when the town is required to reduce its carbon output.

Vulnerability will largely be increased by the loss of biodiversity and local ecology, and new drainage issues - a large portion of the plan calls for building on one of the most vulnerable flood plains in the

area. We believe that developers will be at liberty to interpret these phrases resulting in a plan which fails to satisfy the NPPF.

In addition, we consider section 4 of STR7 should be amended to allow for 'partner engagement' with residents, or members of the environmental community - both of whom will have important local knowledge.

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 site 137/ AL/RTW 16 'Land to the west of Eridge Road at Spratsbrook Farm' from the plan.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_137

Comment

Consultee	Mr Alan Chilvers [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Residents of Golden Green Association & KeepKent.Green
Address	[REDACTED] [REDACTED] Tonbridge, Kent TN11 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Residents of Golden Green Association & KeepKent.Green (Mr Alan Chilvers - [REDACTED])
Comment ID	PSLP_2038
Response Date	04/06/21 11:48
Consultation Point	Policy STR 7 Climate Change (View)
Status	Processed
Submission Type	Email
Version	0.3
Files	PSLP_2026-2031, 2033, 2037-2040 KeepKent.Green & Residents of Golden Green Association Representation
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Golden Green Residents Association & KeepKent.Green
Question 3	
To which part of the Local Plan does this 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 KeepKent.Green and the Golden Green Residents Association, please see Comment Numbers PSLP_2026-2031, PSLP_2033 and PSLP_2037-2040]

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.

[TWBC: the following extract is from the representation submitted by KeepKent.Green and the Golden Green Residents Association - for the full representation, please see supporting documents]

KKG Objects to Policies STR/SS1 and STR/ SS3 as well as providing additional commentary on other policies, that lead to conclude the Local Draft Plan is not legally compliant, is not positively prepared, is not justified or effective or consistent with NPPF.

Climate Change STR-7

1) Effective spatial planning

“Reducing the need to travel, especially by private car,”

Both Tudeley and East Capel Developments will continue to rely on private car use as the main mode of transport to access Tonbridge and Paddock Wood. As they are too distant to walk or cycle on a daily basis.

Tudeley does not have frequent bus services, the PSLP mentions that a regular walk on service could be provided but lacks any detail regarding implementation and will the service be provided at an early stage of development.

Current car share schemes are in their infancy and are expensive starting with 1 hour hire from £5.00 with limited free parking within Tonbridge and Paddock Wood further costs will be incurred for parking.

Currently there are not any pedestrian footpaths that provide safe access from the sites either into Paddock Wood from East Capel or Tudeley to Tonbridge.

b) Securing the maximum possible journeys made by active sustainable transport both for people and freight.

These developments will encourage further freight use for many years with construction machinery and deliveries as well as the neighbouring quarry workings, which will be operating diesel generators and up to 88 HGV's 6 days per week. The long term cumulative effect of construction, quarry HGV's, buses and additional private cars will be significantly increased.

There is not any evidence within this policy that actively demonstrates the radical reduction in Greenhouse gas emissions, creating these substantial urban developments within this rural setting of Capel will for the next 20 years or so see a significant increase in greenhouse gas emissions and deteriorating air quality.

- . Air Quality- No air quality action plans and low emission strategies, designed to offset the impact on air quality arising from new development". While air quality is only one of many considerations that are relevant to planning, the NPPG states that where sustained compliance with EU Limit Values is prevented, a local authority is to "consider whether planning permission should be refused". With such significant cumulative developments within the Parish of Capel air quality will become a issue. No evidence of engagement, no emission mitigation assessment or cost calculation as specified in its air quality policies, Limited data, mitigation regarding the potential deterioration in local air quality and potential adverse impacts on nearby sensitive receptors.
- . Urban sprawl is the biggest threat to climate change. Sprawl is low density. It is resource-hungry and an inefficient use of land."

These developments will create substantial heat island effects which the policy indicates should be avoided.

Light pollution will be a significant issue within the site and surrounding villages as defined within the NPPF, it requires planning policies to limit the impact of light pollution within dark sky landscapes .

The permanent removal of 1,000 + acres of prime, productive agricultural land that currently produces many variety of crops, loss of important productive orchards, soft fruit, ancient woodlands, mature trees, shrubs, hedgerows, open grassland and partial removal of a natural floodplain will remove areas that provide carbon capture / absorption, will not aid in reducing greenhouse gas emissions and climate change.

Out of town employment and secondary retail space will not attract the support of large retailers and stakeholders unless commercial rents are substantially lower than Tonbridge and Paddock Wood, even then prospective tenants will wait until they have a clear understanding of the size, footfall and infrastructure / transport connectivity of the developments, which could leave the commercial areas vacant until maturity or beyond the PSLP.

This policy lacks sufficient detail, especially regarding the large strategic sites and how carbon footprint will be reduced in line with the governments 'nearly zero' 2030 target.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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:

KeepKent.green would like to attend and participate in any Inspectors Hearing regarding the TWBC Local Plan.

If you would like to attach a file in support of your comments, please upload it here.

PSLP 2026-2031, 2033, 2037-2040 KeepKent.Green
& Residents of Golden Green
Association Representation

Comment

Consultee	[REDACTED]
Email Address	[REDACTED]
Company / Organisation	Royal Tunbridge Wells Town Forum
Address	- - - -
Event Name	Pre-Submission Local Plan
Comment by	Royal Tunbridge Wells Town Forum [REDACTED]
Comment ID	PSLP_838
Response Date	01/06/21 08:15
Consultation Point	Policy STR 7 Climate Change (View)
Status	Processed
Submission Type	Email
Version	0.2
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Royal Tunbridge Wells Town Forum
Question 3	
To which part of the Local Plan does this 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	
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.

We strongly support the introduction as a separate Policy of these important provisions. We hope that any apparently inconsistent policies elsewhere in the Plan will generally be overridden by the STR 7 policies whenever there is any apparent conflict.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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)

Supporting Information File Ref No: SI_131a-c

Comment

Agent	Mr Simon Bell ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Knights Solicitors
Address	Regency House 25 High Street Tunbridge Wells TN1 1UT
Consultee	Save Capel ([REDACTED])
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Save Capel ([REDACTED])
Comment ID	PSLP_1977
Response Date	03/06/21 18:51
Consultation Point	Policy STR 7 Climate Change (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	PSLP_1964 & 1973-1987_Knights Solicitors for Save Capel_SI-2_Representation.pdf PSLP_1964 & 1973-1987_Knights Solicitors for Save Capel_SI-3_Appendices.pdf PSLP_1964 & 1973-1987_Knights Solicitors for Save Capel_SI-1_Cover Letter.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Save Capel
Question 2	
Agent's Name and Organisation (if applicable)	Knights Solicitors

Question 3

To which part of the Local Plan does this 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

Paragraph No(s) 4.109-4.122

[TWBC: for further comments by Save Capel, please see Comment Numbers PSLP_1964 and PSLP_1973-1987]

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 attached: "Representation by Save Capel under Regulation 19", dated 3rd June 2021, and Appendices

[TWBC: the following extract is from "Representation by Save Capel under Regulation 19" - for the full representation and appendices, please see supporting documents]

STR 7 Climate Change

3.44. This policy is unsound because it is not deliverable. TWBC declared a Climate Emergency in July 2019 and, whilst it has set a commitment to become carbon neutral by 2030, the PSLP represents the worst of two evils.

3.45. The destruction of 600 acres of prime fertile farmland, orchards, berry growing fields, ancient woodlands, hedges and open grassland, will reduce the natural carbon absorption process.

3.46. The huge developments within Capel can only contribute to the inevitable heat island effect, and the emissions from such a vast growth in transport, especially during 20 years of construction, will increase air pollution in the borough, Tonbridge and the wider area.

3.47. Policy EN3 uses Energy Calculations as the Indicator for achieving its Climate Change target. However, energy calculations alone do not take account of the additional CO2 burden contributed by the construction of all the houses, roads and parking spaces in the proposed developments, commercial buildings, sports hub, schools, clinics etc.

3.48. There is little evidence of any partner engagement, particularly with respect to the community, to fully analyse the impact of a very large and disproportionate development at Tudeley, which will be an isolated settlement poorly connected to any transport infrastructure other than proposed footpaths and cycle ways. This will mean more use of private cars, which even if electric, still cause pollution with tyre and brake dust amongst other hydrocarbon pollutants such as oil etc.

3.49. The Tudeley Village Masterplan does not state the carbon-based fuels are prohibited from use in the dwellings. If not prohibited, the CO2 burden could increase still further.

3.50. To give some perspective, TWBC claims that its carbon emissions have been reduced from 6,046 tonne equivalents of CO2 in 2013/14 to 3,473 tonne equivalents in 2018/19. However, construction of 4,900 houses generating 17,000 metric tonnes of CO2 vastly outweighs the current claimed amount of CO2 emissions. This is explained in our topic paper on pollution – Appendix 10.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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:

Save Capel has sought to be actively involved in engaging with the Council throughout this review of the Local Plan. As a group we have developed particular expertise and have undertaken significant and extensive research in respect of the effects of the policies to which we have made representations. We consider that we will be able to assist the Inspector(s) examining the final submission significantly.

If you would like to attach a file in support of your comments, please upload it here. [PSLP 1964 & 1973-1987 Knights Solicitors for Save Capel SI-1 Cover Letter.pdf](#)

If you would like to attach a file in support of your comments, please upload it here. [PSLP 1964 & 1973-1987 Knights Solicitors for Save Capel SI-2 Representation.pdf](#)

If you would like to attach a file in support of your comments, please upload it here. [PSLP 1964 & 1973-1987 Knights Solicitors for Save Capel SI-3 Appendices.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	James Singleton ([REDACTED])
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	James Singleton ([REDACTED])
Comment ID	PSLP_1303
Response Date	04/06/21 14:28
Consultation Point	Policy STR 7 Climate Change (View)
Status	Processed
Submission Type	Web
Version	0.1
Question 1	

Respondent's Name and/or Organisation	James Singleton
---------------------------------------	-----------------

Question 3

To which part of the Local Plan does this 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)

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.

After this stage, 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 the objectives in the plan around climate change (and transport) look good, I believe the plan does not provide the actions necessary to meet the objectives laid out in it. For example, there are no plans to build a new railway station at Tudeley Village, which is essential for development to meet objectives at this site. Otherwise there will simply be many more private cars driving into Tonbridge, Paddock Wood or elsewhere. This will have a negative impact on road safety, local air quality and climate change. There are also no detailed plans for public footpaths or segregated cycleways across the proposed Tudeley Village site.

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.

A legally binding commitment to build a new railway station at Tudeley Village before development begins. Detailed plans for off-road public footpaths (perhaps building on existing routes such as the Tunbridge Wells Circular) and segregated cycleways across the proposed Tudeley Village site, linking Tonbridge and Paddock Wood.

Details of the legally binding requirements to be imposed on developers to make the sites carbon negative (generating more clean energy than they consume). Details of smart EVSE (EV charger) requirements to be installed on sites at every parking space.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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	Michael Dunn [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Southborough Society
Address	[REDACTED] Southborough Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Southborough Society (Michael Dunn - [REDACTED])
Comment ID	PSLP_329
Response Date	24/05/21 08:05
Consultation Point	Policy STR 7 Climate Change (View)
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Southborough Society
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR 7 Climate Change

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

The Society questions achievability of the Borough's objective of carbon neutrality by 2030, given that in 2018 35% of CO2 emissions were from roads and 34% from domestic gas/electricity. Such elements will require enormous and rapid change, beyond the Borough's powers of action/influence.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Mrs Marguerita Morton [REDACTED]
Email Address	[REDACTED]
Company / Organisation	St. John's Road Residents association
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	St. John's Road Residents association [REDACTED] [REDACTED]
Comment ID	PSLP_921
Response Date	02/06/21 14:40
Consultation Point	Policy STR 7 Climate Change (View)
Status	Processed
Submission Type	Web
Version	0.1
Question 1	

Respondent's Name and/or Organisation Marguerita Morton

Question 3

To which part of the Local Plan does this 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 and 2 Development should help achieve the Council's goal of carbon neutrality for the borough by 2030. It should also help to conserve and enhance the borough's recognised heritage and environmental assets. All development should be of high-quality design that respects local identity and character.

Para 10

To support the goal to make the borough carbon neutral by 2030, and minimise the impact of climate change on communities, the economy, and the environment.

Question 4

Do you consider that the Local Plan:

Is legally compliant	Yes
Is sound	No
Complies with the Duty to Cooperate	Yes

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

It is not positively prepared
It is not 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.

In the specific cases of AL/RTW5 and AL/RTW17 and proposed development at Benenden East End How will the Council fulfil its goal by building on the Green Belt or AONB to help mitigate the effects of greenhouse gas if more and more housing is built on green open countryside. The Council should ensure that its plans and strategies including the Local Plan do not contribute to the degradation of the environment and/or increase CO2 emissions.

It should take into consideration a Tunbridge Wells Town Centre Action Plan before we know what opportunities there would be for building on previously developed land (PDL). Instead the Council have only now commissioned a Report from Nexus to provide an update on the current work in relation to town centres and retailing.

This is in response to the continuing work on the emerging Pre-Submission Local Plan, the comments received through the Draft Local Plan Regulation 18 consultation at the end of last year and in recognition of the need to formulate a new corporate strategy for Royal Tunbridge Wells town centre following the demise of the Calverley Square project.

This research is taking place to help the work of a Cross-Party group on Town Centre Development in connection with an Economic Development Strategy and the Five Year Plan. It will also help to understand the longer term consequences of the Covid-19 pandemic on the economic health and welfare of Tunbridge Wells. The consequent loss of office accommodation and retail could bring advantages if we use this space wisely. We should build affordable and environmentally sound new housing units for the young and the elderly who are locked out of decent, affordable homes. By concentrating on the urban town centre, we could find enough residential provision that would negate the need to build on Green Belt land.

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 purpose of the planning system is to achieve sustainable development. CPRE believes that the NPPF tilts our Local Authorities towards development and *"they find it harder and harder to refuse planning permission even if they know that they should not."* A spokesman said *"We recognise the need to address the affordability gap...and to deliver it in a way that is consistent with our commitment to tackling the climate emergency"*.

An Appeal Court Decision on 29 January 2021 backed the disapplication of the NPPF sustainable development presumption when refusing a proposed housing scheme in an AONB area in the Monkhill Limited Case No. C1/2019/1955/QBACF

I believe that by abandoning the aforementioned development on the sites mentioned in Question 5, we would be able to meet our climate emergency objectives.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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.

EN9 BIODIVERSITY NET GAIN

The policy states that development will only be permitted where it can be demonstrated that there will be a measurable long term net gain for biodiversity

We think that by building on these Green Belt sites it would result in a net loss of biodiversity contrary to Paragraph 170 of the Framework which says that planning decisions should minimise impacts on and provide net gains for biodiversity, which requires that opportunities and locations for biodiversity enhancements will be identified.

EN 11- Net Gains for Nature: biodiversity

There is an abundance of wildlife, flora and fauna as evidenced in photos from residents. They would be at risk if the north east corner of the open field were to be built on that piece of land forming part of the larger habitat and providing a buffer from urban sprawl or encroachment.

EN14: Trees, Woodlands, Hedges and Development

Policies EN1 and EN14 will not allow development if it would damage or destroy one or more trees protected by a TPO. Furthermore, Para 170 NPPF states that planning decisions and policies should contribute to and enhance the natural and local environment. There will be a presumption in favour of the retention and enhancement of existing trees, woodland and hedgerow cover on site.

AIR QUALITY AT THE AL/RTW5 SITE

The Assessment says nothing about air quality due to its proximity to the A26 which is an AQMA zone and suffers moderate to severe air pollution during certain parts of the day, especially during morning and afternoon commuter travel hours. A new development is likely to add to this existing poor air quality and to traffic congestion at the Speldhurst Road access point as stated above.

Supporting Information File Ref No: SI_99

Comment

Agent	Ryan Johnson ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Turley
Address	[REDACTED] Southampton [REDACTED]
Consultee	([REDACTED])
Company / Organisation	Taylor Wimpey UK Ltd
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Taylor Wimpey UK Ltd ([REDACTED])
Comment ID	PSLP_1818
Response Date	04/06/21 09:57
Consultation Point	Policy STR 7 Climate Change (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	<u>PSLP_1772-1828 (not inclusive)_Turley for Taylor Wimpey_SI.pdf</u>
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Taylor Wimpey
Question 2	
Agent's Name and Organisation (if applicable)	Turley
Question 3	
To which part of the Local Plan does this 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 the Pre-Submission Local Plan as a whole, Policies STR 1, STR 7, STR/SS 1, STR/SS 3, STR/CRS 1, AL/CRS 3, PSTR/HO 1, EN 2, EN 9, EN 14 and EN 26– see Comment Numbers PSLP_1772, PSLP_1813, PSLP_1818, PSLP_1819, PSLP_1820, PSLP_1821, PSLP_1823, PSLP_1824, PSLP_1825, PSLP_1826, PSLP_1827, and PSLP_1828. The full representation has been attached as Supporting Information]

Question 4

Do you consider that the Local Plan:

Is legally compliant No

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:

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

TUNBRIDGE WELLS PRE-SUBMISSION LOCAL PLAN (REGULATION 19) CONSULTATION LAND WEST OF FRYTHE WAY, CRANBROOK (SHELAA REF: 25)

Thank you for the invitation to comment on the above consultation. We write on behalf of our client, Taylor Wimpey UK Ltd, who control land west of Frythe Way, which abuts the south eastern edge of Cranbrook (SHELAA Site Ref: 25).

We have examined the Pre-submission Local Plan (PSLP) and conclude that as drafted it is neither legally compliant, nor sound. The Council's Sustainability Appraisal (TWBC, 2021) concludes Option 13 (The Pre-Submission Local Plan) to be an 'appropriate strategy'. We are unable to reach the same conclusion, as the SA has not first taken into account 'reasonable' alternative strategies, contrary to paragraph 35 of the NPPF and the corresponding SEA Regulations.

We also conclude that Tunbridge Wells Borough Council's (TWBC) statutory Duty to Cooperate under Section 33A of the 2004 Act has not been discharged. The Council has not in our view demonstrated that there has been active, constructive or on-going engagement with adjoining authorities, including Sevenoaks District Council (SDC), in respect of known unmet housing needs. Nor has an effective strategy been put in place between the authorities to address such needs. The justification drawn from the SA process that TWBC are unable to assist SDC is contested. Distributing such unmet needs solely in line with SA Option 9 (Dispersed Countryside) is not a reasonable alternative in our client's

opinion. It serves only to support a pre-determined outcome to select Option 13 (Pre-Submission Local Plan) as the 'appropriate strategy'.

In addition, the site selection process that flows from the SA (TWBC, 2021) and SHELAA (TWBC, 2021) contains notable errors and inconsistencies, which appear to have contributed significantly to the omission of more suitable and sustainable sites in favour of those proposed in the PSLP.

The quantum of growth proposed in the PSLP, and the over reliance placed on two large strategic sites to deliver between 67-69% of newly allocated supply is also questioned. In relation to the first, we contend adjustments are required to the overall housing requirement to both reduce the evident shortfall in affordable homes, and to assist adjoining authorities with known and growing unmet housing needs. We contend this is particularly important given three of the adjoining LPAs have been reported on as failing to discharge their statutory duty to cooperate, with their Local Plan's either withdrawn or delayed as a consequence. In addition, the Secretary of State for Housing, Communities and Local Government has confirmed there are significant unmet and mounting housing needs requiring collaborative action with London within the next five years. All of which highlights how important it is for the emerging TWBC PSLP to be positively prepared.

Turning to the second issues, we outline concerns over the justification for, lead in times and annual yields purported for the two strategic sites. It is our contention that these are unrealistic, and are contrary to leading evidence bases published for sites of this scale. As a consequence, we suggest the quantum of growth envisaged will not come forward as fast or at the rates envisaged, nor will it be delivered within the plan period. We accordingly recommend additional allocations are made to compensate for this shortfall, in sustainable locations that are capable of being delivered in the first five years of the plan period. We outline concerns in relation to TWBC's land supply assumptions in this period to evidence such a need.

We also outline concerns over the quantum of growth directed to certain locations and settlements. We contend these proposals are unlikely to support the climate change objectives set out in Policy ST7 of the PSLP. Our client supports the justification for and benefits of strategic growth at Cranbrook, ranked 2nd in the Settlement Role and Function Study (TWBC, 2021). In this respect, our client's site (Site 25) represents a modest proposal for 70 homes that is well contained by woodland, is partly within the settlement, has good accessibility to the high street and other facilities by foot (far better than some of those chosen for allocation), and no other overriding constraints to development. We set out in detail the factual errors, inconsistencies and missing evidence in our comments on the SA and SHELAA process below, which has thus far led to the omission of this site for allocation.

Our client continues to respectfully purport the justification for and benefits of this site's allocation. This includes the sharing of an emerging vision for the future of this site (See Document A); and confirmation from Kent County Highways there are no overriding highway constraints to the delivery of the site (see Document B). The land required to deliver the proposed development, its accompanying infrastructure and community benefits is in the control of Taylor Wimpey. It is available for development now, can be delivered well within five years and is considered a suitable and logical location to direct some of the future growth needed at Cranbrook. The emerging vision document appended confirms there to be no known overriding constraints to the delivery of these proposals.

Given the nature and detail of our representations, specifically in relation to the plans legal compliance and soundness, we would respectfully request attendance to participate in the examination of the PSLP. In the interim, the following representations are made to assist the Council and Inspector in their examination of the PSLP.

Soundness

STR 7 – Climate Change

1. Effective Spatial Planning

Tudeley Village

The proposed garden village of Tudeley is of insufficient scale to be self - sustainable, and will as a consequence rely heavily on Paddock Wood, Tonbridge and other locations. The absence of a rail station as part of the proposal is a significant negative for a location such as this, and will inevitably increase the need to travel by car. Reliance in this respect is placed on the delivery of significant strategic road infrastructure / junction improvements to service this alongside the strategic site proposed at Paddock Wood. It is not clear therefore how this serves to reduce the need to travel by car, a key

sustainability and climate change objective under this policy. The strategic site policy STR/SS3 therefore contradicts Policy STR 7, as this is not effective spatial planning in our view. As a consequence we would question the justification for Policy STR/SS3 as an effective policy that aligns with STR 7 and the Council's stated climate change emergency plans.

Alternative distributions without STR/SS3 should be explored again to deduce the contribution more sustainable settlements, such as Cranbrook, could make to redress the deficit and provide a more balanced spatial strategy west to east.

Horsmonden

Table 5 of the Settlement Role and Function Study (TWBC, 2021) confirms this settlement ranks 12th out of 21 settlements assessed to deduce their sustainability and appropriateness to accommodate further growth. This is in recognition of the fact it is a small rural settlement with very few local services and facilities. Yet the level of growth (320 homes) proposed to this rural settlement rivals that proposed at Cranbrook (429 homes), which is ranked second only after Southborough. The level of growth proposed at Horsmonden is therefore out of kilter with the conclusions of the TWBC study. The paucity of local services and facilities is therefore likely to increase the need to travel by car, leading to unsustainable travel patterns that run contrary to Policy STR 7. We would suggest growth at this settlement is reduced to address local needs only, commensurate with local services and facilities.

Any deficit should be directed to more sustainable settlements, such as Cranbrook. Growth at the latter was reduced from the Regulation 18 document to the Regulation 19 publication. Mainly by omitting proposed allocations that TWBC subsequently agreed were more peripheral and contrary to the sustainability objectives of the plan. However, there are sites adjacent to the centre of Cranbrook, such as our clients site (Site 25) that could make a modest contribution (circa 70 units) to meeting such needs, in a more sustainable manner. The growth proposed at present to Horsmonden is not in our view effective or consistent with Policy STR 7.

We trust these comments are useful and duly noted. We would welcome the opportunity to elaborate on such matters at the forthcoming Examination into the subsequently submitted version of this 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)

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	Robert Tillotson [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Robert Tillotson [REDACTED]
Comment ID	PSLP_1942
Response Date	03/06/21 16:15
Consultation Point	Policy STR 7 Climate Change (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Robert Tillotson
Question 3	
To which part of the Local Plan does this 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	
Paragraph Nos. 1....to...7	
And para 4.112	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	No

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.

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.

LegalCompliance. This strategy has no direct quantifiable linkage to The Paris Agreement and UK Climate Act which are both referred in the plan. Both of these legal acts demand quantifiable immediate actions to reduce carbon emissions and to taking other related steps. The UK has signed these acts and treaties.

There are volumes of well meaning words, but no quantifiable targets or steps or measurements. Therefore this plan is legally playing lip service to these acts. If implemented as it stands we will be breaking these laws.

Paragraph 4.112 of the plan states; "climate adaptation must be understood as the main priority for long term planning to secure climate resilience, and must be accepted as equally as important as meeting household needs."

If that were true in this plan we would see a target commitment to total carbon emission reductions. We would see the carbon impact of building over the detailed pieces of land planned for roads, and houses which the plan describes. We would see the calculated carbon impact of farmland, flood plain and woodland destruction. But we see none of this. We do see copious numeric detail on the building plans, but nothing on the "equally as important meeting of household needs", the climate. Why is this?

We have the science base and methodology to do the work. We have the tools, and specialists to do the work. But despite the "equivalent importance" the work has not been done. The plan is at variance to its stated objectives, and has no means to achieve them. It is therefore planning to be in breach of these legal acts.

The plan is unsound. Effectiveness and justification. For any strategic plan to be effective it must have targets, measurements and way points to review the actions taken and progress made. If we consider for a moment that we took the same approach in the plan for housing, we might end up with a plan that states "we intend to build enough housing to meet our needs, somewhere, at some point, and enough roads and schools to meet the target of 12000." This, you might think would be ridiculous. You would be right. But that is where this plan is with its "equally important climate strategy." This strategy is therefore not effective, and cannot be so.

And neither can it be justifiable. Climate change is stated as the World's and the UK's greatest strategic threat. (Despite the COVID pandemic) It cannot be justifiable to deliver a 592 page plan and a further huge sustainability report without showing a numeric linkage between the building, transport and other plans and its climate and net zero impacts. It is easily possible to do this. Can anyone justify why it would not be done? It is our most immediate existential threat.

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.

Additions to policy STR7.

New paragraph 1. The current emissions output from the Tunbridge Wells planning area is currently X. For those topics addressed by this plan eg housing, transport, energy etc the discrete emissions are currently Y.

The additional emissions impact of building housing, roads etc contained in this plan will be Z for each category.

The impact on the total emissions of this plan will be xxxxx.

New Paragraph 2. The following strategies to hit net zero will be the following, with targets and dates.....please draft when work completed.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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 I have a horrible feeling that this Proposed plan is not a strategic plan that treats climate objectives equally, as it states with household needs, but a building plan with lots of details and quantifiable information and plans for development, and plenty of warm words about sustainability, and no detailed quantifiable or measurable steps to hit net zero.

It is really a building plan, not a strategic plan. And this is really serious, and must be heard, and acted upon urgently. If not now, within this planning cycle to 2038 then when? We all know we are late on this and behind the curve. We cannot allow the legal and stated net zero end targets in the plan to be kicked down the road with warm words and no data or detailed plans. We have no excuse not to act now.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

See 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	Bjorn Simpole [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Tunbridge Wells Constituency Labour Party
Address	[REDACTED] [REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Tunbridge Wells Constituency Labour Party [REDACTED] [REDACTED]
Comment ID	PSLP_1521
Response Date	04/06/21 15:52
Consultation Point	Policy STR 7 Climate Change (View)
Status	Processed
Submission Type	Email
Version	0.5
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	TW Labour Party
Question 3	
To which part of the Local Plan does this 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

Question 4

Do you consider that the Local Plan:

Is legally compliant	Yes
Is sound	No
Complies with the Duty to Cooperate	Yes

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not 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.

The Local Plan is not ambitious enough on Climate Change and fails to fully embrace the extent of change needed to ensure that new development is fully compliant with the policy set by the council to be carbon neutral by 2030.

It does not contain the range of comprehensive measures needed that reflect the reality of the climate emergency that we are facing.

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.

For an example of a Local Plan which is more ambitious on climate change see this link

<https://www.salford.gov.uk/planning-building-and-regeneration/planning-policies/local-planning-policy/salfords-development-plan/salford-local-plan/revised-draft-local-plan-chapters/6-climate-change/>

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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	Amanda Wells [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Amanda Wells [REDACTED]
Comment ID	PSLP_1167
Response Date	03/06/21 21:45
Consultation Point	Policy STR 7 Climate Change (View)
Status	Processed
Submission Type	Web
Version	0.4

Question 1

Respondent's Name and/or Organisation	Amanda Wells
---------------------------------------	--------------

Question 3

To which part of the Local Plan does this 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

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

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, 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 STR 7 Climate Change

All development within the borough will recognise the Climate Emergency and be supportive of the Council’s ultimate target to achieve net zero emissions across the borough by 2030.”

The Council has failed to produce a plan which demonstrates how it will contribute significantly to achieving net zero emissions across the borough by 2030. As an example, on page 79 section 3.178 states that Borough-wide, “New development will require new gas supply connections”. Given that the provision of gas boilers in new builds is to be banned by the Government from 2025 and the Local Plan covers the period to 2038 this is a crucial inconsistency.

Restoration and reuse of existing buildings is recognised as less climate damaging in terms of resources and emissions than new building yet the Council is proposing to meet its exaggerated housing need by new developments mainly on good quality agricultural land with very little input from repurposing empty or underused buildings.

There is no qualitative analysis to demonstrate how the harm for all this new development is going to mitigate the impact on emissions and the environment.

The Plan is unsound as it fails to meet the Council's own commitment to achieving net zero emissions by 2030.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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)

Local Plan Regulation 19 representations in document order

Comments on Section 4: Policy STR8: Conserving and Enhancing the Natural, Built, and Historic Environment

Comment

Consultee	Hilary Andrews [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Whetsted Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Hilary Andrews [REDACTED]
Comment ID	PSLP_965
Response Date	03/06/21 11:19
Consultation Point	Policy STR 8 Conserving and Enhancing the Natural, Built, and Historic Environment (View)
Status	Processed
Submission Type	Web
Version	0.1
Question 1	
Respondent's Name and/or Organisation	Hilary and Nick Andrews
Question 3	
To which part of the Local Plan does this 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 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

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, 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 are residents of East Capel, having lived in our house for 28 years. We consider certain aspects of the Tunbridge Wells local plan to be unsound, ill thought through and not justified. We wish to specifically comment on the unsoundness of this policy in light of the proposed developments at STR/SS1 and STR/SS3.

The TWBC local plan states "Development is expected to make a positive contribution to the natural, built, and historic environment of the borough." Development to the scale planned will in no way make a positive contribution to the natural, built, and historic environment of the borough especially in regards to STR/SS 1 and STR/SS 3 .

In regard to STR/SS 3 , TWBC have not fully comprehended the very close proximity of the boundary of the AONB and the proposed new development of Tudeley Village.

TWBC's approach to apply "A hierarchical approach to nature conservation and the protection of biodiversity across the sites and habitats of national, regional, and local importance within the borough" with "The objective to achieve net gains for nature and protect and enhance sites of geological interest across the whole borough and where possible to secure the long-term management of sites, areas, and features important for biodiversity and geodiversity" is simple madness in light of their proposal to remove 407 hectares of Greenbelt land.

As an example, STR/SS1 and STR/SS3 both contain bluebell woods of indigenous English bluebells. These wooded areas with the bluebells are widely considered to take 200 years to develop. TWBC seem to believe that such areas can be replaced with other planting not indigenous to the area. Wild flowers are of course protected by law.

Part of the area of STR/SS1 alongside the footpath from the A228 to Baxalls includes a long row of old oak trees with an ancient sunken road alongside. This has been partially covered at one end by the farm track but remains clearly visible underneath the oak trees. This is an area that will be destroyed by the planned building works and yet its history and archaeological significance is not mentioned. It may well be an old route from the medieval iron works that are renowned by the ancient Tudeley Charter (circa 1380) in the British Museum and if so are the last visible remains of that very important site

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 request that sites STR/SS1 and STR SS3 are removed from the local plan and that alternative sites for a reduced housing supply are considered as we dispute that the development is expected to make a positive contribution to the natural, built and historic environment of 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)? . 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 appreciate our voice as long standing residents being heard. Comments made at Reg 18 were largely ignored by TWBC.

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	Jacqui Avery ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] Tunbridge Wells TN4 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Jacqui Avery ([REDACTED])
Comment ID	PSLP_2274
Response Date	04/06/21 09:31
Consultation Point	Policy STR 8 Conserving and Enhancing the Natural, Built, and Historic Environment (View)
Status	Processed
Submission Type	Email
Version	0.3
Files	Residents Against Ramslye Development whole submission redacted.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Jacqui Avery
Question 3	
To which part of the Local Plan does this 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 also further comments on individual sections and policies - PSLP_2269 and 2272-2279. The whole representation form (personal details redacted) has also been attached as it contains plans and images]

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:	<ul style="list-style-type: none">. 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 response is made on behalf of the 669 signatories on the petition submitted in response to Regulation 18 which was delivered to TWBC Planning Services in 2019 and the Facebook group 'Residents Against Ramslye Development' whose membership is currently 247 (names can be provided if required). We have noted guidance 4.3 and have encouraged the people opposed to the development of site 137/ Policy AL/RTW 16 'Land to the west of Eridge Road at Spratsbrook Farm' not to make separate responses repeating the same points as those made here; some however will no doubt have submitted individual responses.

We support this policy – and as a result are mystified as to why the plan includes site AL/RTW 16 as a potential site for development given its setting adjacent to the AONB, its Greenbelt status and its sensitivity and contribution to the landscape. As things stand in this plan, it is not clear TWBC has any realistic chance of meeting 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.

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 site 137/ AL/RTW 16 'Land to the west of Eridge Road at Spratsbrook Farm' from the plan.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_101

Comment

Consultee	Lynne Butler [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Brenchley & Matfield Parish Council
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Brenchley & Matfield Parish Council [REDACTED] [REDACTED]
Comment ID	PSLP_1778
Response Date	03/06/21 17:19
Consultation Point	Policy STR 8 Conserving and Enhancing the Natural, Built, and Historic Environment (View)
Status	Processed
Submission Type	Web
Version	0.4
Files	B&M comments Local Plan.docx
Question 1	
Respondent's Name and/or Organisation	Brenchley & Matfield Parish Council
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

STR1, STR5, STR6, STR, STR8, STR10, PSTR/BM1, AL/BM1, AL/BM2, EN1, EN19, OSSR1, OSSR2.

[TWBC: relevant parts of this representation have been duplicated against the above policies: see PSLP_1775-1786 inclusive]

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.

The language is not sufficiently robust in some of the policies and introduces ambiguity. Small rural parishes have very different requirements to the larger settlements, having less housing allocations, limited facilities and poor public transport. Consequently some policies have no relevance in rural areas and include no provision of additional facilities. Although the parish has a small housing allocation, the quality of life will be significantly affected by development in Paddock Wood/Capel/Horsmonden/Pembury. There should be some provision for the mitigation of the effects within other parts of the borough of increased traffic on safety, noise and air quality.

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.

Pre-submission Comments from Brenchley and Matfield Parish C council

TWBC Pre-Submission Local Plan

STR8: Conserving and Enhancing the Natural, Built and Historic Environment

Residents' contributions to the Parish Plan Survey and the Neighbourhood Development Plan have shown the great importance they attach to conserving and enhancing these assets.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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 Parish Council supports the overall negative scores of the sites in Brenchley and Matfield that were put forward in the Call for Sites. There are very few positive scores for any of the sites and a significant number of high negative scores. Many of the sites involve the loss of high-grade agricultural land and would have a negative impact on biodiversity, landscape and heritage. Sustainability is also a factor for many of the sites, which lack a proximity to facilities and public transport.

The villages of Brenchley and Matfield have limited sustainability, with poor facilities in Matfield but a reasonable bus service to Paddock Wood and Tunbridge Wells. Brenchley has more facilities but three bus services to Paddock Wood on only two days during the week. There are no bus services in the evenings that would allow commuters to use public transport.

If you would like to attach a file in support of your comments, please upload it here. [B&M comments Local Plan.docx](#)

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 (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	APP01L~1.PDF APP14D~1.PDF Castle Hill TWBC Reg 19 Reps June 2021 Written Statement (003).pdf APP02I~1.PDF APP08T~1.PDF APP16W~1.PDF APP11R~1.PDF APP04S~1.PDF APP06S~1.PDF App 20 Castle Hill A21 Appraisal.pdf APP12I~1.PDF APP09U~1.PDF APP03S~1.PDF APP15S~1.PDF APP11C~1.PDF APP14B~1.PDF

[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)
- 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.

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_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 (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	PSLP_1014_Charterhouse Strategic Land Representation_SI.pdf
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

[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

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, 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.

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

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

For office use only

If responder hasn't ticked an option on this box, Not Stated
data inputter to tick 'not stated' box.

Comment

Consultee	Julie Davies [REDACTED]
Email Address	[REDACTED]
Company / Organisation	CPRE Kent
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	CPRE 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 (View)
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

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 (View)
Status	Processed
Submission Type	Email
Version	0.3
Files	PSLP_1571-1623(not inclusive)_CRS NDP Steering Group Representation.pdf
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 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]

Question 4a

If 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 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]

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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

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](#)

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_764
Response Date	31/05/21 11:35
Consultation Point	Policy STR 8 Conserving and Enhancing the Natural, Built, and Historic Environment (View)
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

If 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.

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.

Conserving and Enhancing the Natural, Built and Historic Environment (P64-66)

We support the general principles set out in Policy STR 8.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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:

No, but other members of the CCAAC may wish to do so.

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	Richard Dowse ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Benenden TN17 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Richard Dowse ([REDACTED])
Comment ID	PSLP_2154
Response Date	03/06/21 11:56
Consultation Point	Policy STR 8 Conserving and Enhancing the Natural, Built, and Historic Environment (View)
Status	Processed
Submission Type	Other
Version	0.3
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Richard Dowse
Question 3	
To which part of the Local Plan does this 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
Policy STR 2 Place Shaping and Design
Policy STR 3 Brownfield Land
Policy STR 5 Infrastructure and Connectivity
Policy STR 6 Transport and Parking
Policy STR 7 Climate Change

Policy STR 8 Conserving and Enhancing the Natural, Built, and Historic Environment

Policy PSTR/BE 1 The Strategy for Benenden parish

Policy AL/BE 1 Land adjacent to New Pond Road (known as Uphill), 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

[TWBC: this representation has been input against Policies STR1, STR 2, STR 3, STR 5, STR 6, STR 7, STR 8, PSTR/BE1, AL/BE 1, AL/BE 3, AL/BE 4 and EN 1, please see Comment Numbers PSLP_2147, PSLP_2149, PSLP_2150, PSLP_2151, PSLP_2152, PSLP_2153, PSLP_2154, PSLP_2155, PSLP_2156, PSLP_2129, PSLP_2133 and PSLP_2157]

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.*”

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 Cleveland's. 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.

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 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, 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'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 PSLP'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.

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 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.

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 SHELA 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)?

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

Supporting Information File Ref No: SI_28

Comment

Consultee	Environment Agency [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Environment Agency
Address	[REDACTED] [REDACTED] WEST MALLING [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Environment Agency [REDACTED]
Comment ID	PSLP_475
Response Date	26/05/21 10:55
Consultation Point	Policy STR 8 Conserving and Enhancing the Natural, Built, and Historic Environment (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	PSLP_462, 467, 471, 473-480, 484, 486 Environment Agency SI-1 Representation.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Environment Agency
Question 3	
To which part of the Local Plan does this 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 4a	

If 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.

Conserving and Enhancing the Natural, Built and Historical Environment

It is recommended to add a reference to the opening paragraph about the Priority River Habitats that also widely occur in the district, and that conserving and enhancing those watercourses which are also identified as Priority River Habitats (map data available through data.gov.uk). The definition of a Priority River is that they consist of rivers and streams that exhibit a high degree of naturalness (i.e. show very little modification over time). The naturalness classification used to map priority river habitat is based on recent work to review the river SSSI series.

We suggest reference to green-blue infrastructure is included in Point 6. There is an emphasis on Green types, whereas Blue includes wetlands and rivers – and often the two coincide, we would want to emphasise that the two can be the same in some locations. Also, highlighting an emphasis on Blue infrastructure delivery can also create support for delivering enhancement contributions towards achieving Water Framework Directive Status Objectives, Actions and Mitigation Measures.

[TWBC: For general response please see Comment Number PSLP_462]

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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

If you would like to attach a file in support of your comments, please upload it here. [PSLP_462, 467, 471, 473-480, 484, 486 Environment Agency SI-1 Representation.pdf](#)

Supporting Information File Ref No: SI_37

Comment

Consultee	Mrs Farah Brooks-Johnson [REDACTED]
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Mrs Farah Brooks-Johnson [REDACTED]
Comment ID	PSLP_570
Response Date	28/05/21 11:46
Consultation Point	Policy STR 8 Conserving and Enhancing the Natural, Built, and Historic Environment (View)
Status	Processed
Submission Type	Web
Version	0.3
Files	Landscape FoT Final.pdf (1)
Question 1	
Respondent's Name and/or Organisation	Friends of Tudeley
Question 3	
To which part of the Local Plan does this 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 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.

Neil Williamson (Landscape Consultant and former President of the Landscape Institute) has prepared a Landscape Report for Friends of Tudeley to look at the setting of the proposed Tudeley Village. The report is attached.

Jillian Barr, Senior Planner at Graham Simpkin Planning, has prepared a report for Friends of Tudeley to look at planning issues relating to the proposed Tudeley Village. This report is also attached.

Both of these reports have strong arguments laid out that relate to this policy. A brief summary of the key points raised in the reports is as follows.

TWBC has failed to carry out any detailed landscape sensitivity analysis or a Landscape and Visual Impact Assessment (LVIA) for the Tudeley Village site. The landowner states that he has done so, but has declined to make it available. The result is that there is no publicly available evidence of the landscape and visual impact which the development of the Tudeley Village site would have. TWBC's Landscape Character Assessment from 2017 stated (specifically in relation to slopes such as the one on which the site lies) that "New developments can be highly visible on these slopes and detract from the essential countryside character". The reasonable requirement for proportionate evidence has not been met. It is a reasonable expectation that a full LVIA should be undertaken for a proposed development of 2,800 houses on a sensitive Green Belt site immediately adjoining the AONB. (Note that by contrast, a neighbouring planning authority (TMBC) commissioned full LVIA's for five new strategic housing allocation sites, all for fewer homes and some for less sensitive sites.)

The Tudeley Village site is a 'valued landscape' within NPPF terms. It should be categorised as being of "Very High" value in landscape assessment terms and its protection and enhancement should be afforded commensurate weight.

The landscape sensitivity of the Tudeley Village site (i.e. its vulnerability to being adversely affected by the proposed development) is also "Very High". TWBC has not carried out any adequate landscape sensitivity analysis. This is a very serious omission in terms of the soundness of the Plan.

TWBC has failed to make any adequate assessment of the overall impact on tranquility or the more specific impact on light pollution, despite the fact that this proposal involves the creation of a new settlement in a sensitive rural landscape (with a dramatically greater impact on tranquility than extending an existing urban area). Neither landscape nor ecological significance have been addressed by TWBC in any meaningful way. The proposed masterplan includes features that TWBC's own AONB setting report has identified as being particularly harmful.

Development of this site will inevitably have significant adverse effects both on the setting of the AONB and directly on the AONB itself.

The harm to All Saints' Church in Tudeley (home to the only complete set of Marc Chagall stained glass windows in the world) and numerous other heritage assets has not been justified. The density of listed rural buildings is notable and together they sit in the open agricultural setting. The public benefits of development are unlikely to outweigh the harm to All Saints' Church and other heritage assets in Tudeley. A heritage impact assessment must be completed.

The development of Tudeley Village and other sites in this Local Plan may harm the integrity of Ashdown Forest SAC through nitrogen deposition. There is no evidence that Natural England and neighbouring Councils (including Wealden Forest District Council) concur with TWBC's assessment of the levels of nitrogen deposition resulting from their development.

TWBC's evidence contains material inconsistencies about the importance of the AONB setting as between this site (where that is discounted) and a Horsmonden site (where proximity to AONB is cited as the reason for not taking the site forward, even though that site was less contiguous to AONB than Tudeley and was not Green Belt).

No site should be allocated for a substantial new settlement in advance of detailed assessment work being undertaken (and made available for public scrutiny) on the existing landscape, ecological and heritage resources and assets, how the development will affect them, and how they are to be protected and enhanced. To date, TWBC has failed to do this work. The proposed development is therefore not consistent with national and local guidance and the Plan is not sound.

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 all references to the proposed Tudeley Village from 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)? 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:

Friends of Tudeley is an unincorporated association of local residents concerned about the soundness of TWBC's proposal to create a new settlement at Tudeley. We will make an important local contribution to the matters under discussion

If you would like to attach a file in support of your comments, please upload it here. [Landscape FoT Final.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	Mr David Bushell [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Friends of Woodbury Park Cemetery
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Friends of Woodbury Park Cemetery [REDACTED] [REDACTED]
Comment ID	PSLP_1558
Response Date	04/06/21 11:20
Consultation Point	Policy STR 8 Conserving and Enhancing the Natural, Built, and Historic Environment (View)
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Friends of Woodbury Park Cemetery
Question 3	
To which part of the Local Plan does this 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 also whole response on the whole Plan (PSLP_1549) and separated comments on the following: Policies STR5 (PSLP_1557), STR8 (PSLP_1558), EN4 (PSLP_1560), EN9 (PSLP_1561), EN10 (PSLP_1562), EN12 (PSLP_1563), EN26 (PSLP_1564), H11 (PSLP_1565), Section 7 (PSLP_1566) and Policy AL/RTW 4 (PSLP_1567)]

Question 4a

If 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.

12 We warmly welcome and strongly support as a context for urgent measures to reduce the threat of detriment to WPC the following strategic and policy sections of the Plan:

- . **STR8** opportunities for biodiversity enhancements including the long term management of green corridors, development of green infrastructure networks and improving connectivity between habitats; the conservation and enhancement of historic parks and gardens and special regard to their settings.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Comment

Consultee	Mr Alan Byrne [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Historic England
Address	[REDACTED] [REDACTED] London [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Historic England [REDACTED]
Comment ID	PSLP_1402
Response Date	03/06/21 09:32
Consultation Point	Policy STR 8 Conserving and Enhancing the Natural, Built, and Historic Environment (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Historic England
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR 8 Conserving and Enhancing the Natural, Built, and Historic Environment

TWBC: this representation has been input against Policies STR 8, EN4 and EN5 – see Comment Numbers PSLP_1402, PSLP_1403 and PSLP_1404]

Question 4a

If 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.

As the Government's adviser on the historic environment Historic England is keen to ensure that the protection of the historic environment is fully taken into account at all stages of the planning process. This includes formulation of local development policy and plans, supplementary planning documents, area and site proposals, and the on-going review of policies and plans.

There are many issues and matters in the consultation document that are beyond the remit and concern of Historic England and our comments are, as required, limited to matters relating to the historic environment and heritage assets. In our previous comments (by letter dated 15 November 2019), Historic England focused on the objective of the National Planning Policy Framework to set out a positive strategy for the conservation, enjoyment and enhancement of the historic environment (NPPF, Paragraph 28); and contain policies to deliver the conservation and enhancement of the historic environment (NPPF, Paragraph 185).

Further to our comments on the Regulation 18 draft Local Plan, and the Council's response set out in a letter dated 23 April 2020, we entered a period of engagement to address the concerns and issues raised in that our representations. This included an exchange of correspondence and two meetings on 3 June 2020 and 4 May 2021. You shared with us also informal comments by a Planning Inspector on the wording of the heritage policies of the plan, which we discussed by email and at the latter meeting. In view of the changes made to the draft Local Plan we consider that our comments on the Regulation 18 stage draft Local Plan largely have been addressed in the current Pre-submission version or are, in our view, not now likely to affect the soundness of the Local Plan.

We welcome the inclusion of policies for the historic environment in the local plan that meet the obligation for preparing the positive strategy required by the NPPF. The key test of the soundness of the plan and the achievement of sustainable development as defined in the NPPF in respect of the elements that relate to the historic environment, in our view, have been met.

We note also the intention to prepare a separate development plan document for the Royal Tunbridge Wells town centre area, which we expect to address some of the issues relating to sites allocations and policy wording raised in our earlier Regulation 18 representations. We look forward to discussing this document with you in due course.

We should like to stress that this opinion is based on the information provided by the Council in its consultation. To avoid any doubt, this does not affect our obligation to provide further advice and, potentially, object to specific proposals which may subsequently arise where we consider that these would have an adverse effect upon the historic environment.

We hope that these comments are useful.

Question 7

Please note *the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2176
Response Date	04/06/21 16:56
Consultation Point	Policy STR 8 Conserving and Enhancing the Natural, Built, and Historic Environment (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	Policy STR 8 Conserving and Enhancing the Natural, Built, and Historic Environment

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2 (PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

The County Council has set out its full response to the consultation in the attached Appendix. Comments are linked to relevant policies where appropriate.

Biodiversity

The County Council is supportive of references to net gains for nature and green corridors within this policy. The objective to achieve net gains for nature and to protect and enhance sites of geological interest across the whole borough, and where possible, to secure the long-term management of sites, areas and features important for biodiversity and geodiversity is welcomed.

Public Rights of Way

The County Council recommends that the PRoW network is considered an asset within the Borough. Consideration should also be given to ensure that the character and value of rural views in wider environments of development sites should not be changed to a state that they become unattractive or out of context for users.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The County Council has set out its full response to the consultation in the attached Appendix. Comments are linked to relevant policies where appropriate.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

The County Council may wish to attend hearing sessions in respect of its statutory and non statutory functions.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_76

Comment

Consultee	[REDACTED]
Email Address	[REDACTED]
Company / Organisation	Natural England
Address	International House Dover Place ASHFORD TN23 1HU
Event Name	Pre-Submission Local Plan
Comment by	Natural England [REDACTED]
Comment ID	PSLP_1480
Response Date	04/06/21 13:41
Consultation Point	Policy STR 8 Conserving and Enhancing the Natural, Built, and Historic Environment (View)
Status	Processed
Submission Type	Email
Version	0.3
Files	PSLP_1444_Natural_England_SI.pdf
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Natural England
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR 8 Conserving and Enhancing the Natural, Built, and Historic Environment

[TWBC - Full representation attached as Supplementary Information]

[TWBC: This representation has been input against Policies PSTR1, AL/RTW17, AL/CRS 1, AL/CRS 2, AL/CRS 3, AL/HA 4, AL/BM 1, AL/PE 1, AL/PE 2, AL/PE 3, AL/RTW 16, STR/SS1, STR/SS3, EN11,

Section 3, STR 8, Section 5, EN1, EN9, EN10, EN12, EN13, EN14 AND EN19 – see Comment Numbers PSLP_1444, PSLP_1459, PSLP_1460, PSLP_1462, PSLP_1489, PSLP_1463, PSLP_1464, PSLP_1465, PSLP_1466, PSLP_1467, PSLP_1468, PSLP_1469, PSLP_1470, PSLP_1472, PSLP_1478, PSLP_1480, PSLP_1481, PSLP_1482, PSLP_1483, PSLP_1484, PSLP_1485, PSLP_1486, PSLP_1487, PSLP_1488]

Question 4

Do you consider that the Local Plan:

Is legally compliant	Yes
Is sound	No
Complies with the Duty to Cooperate	Yes

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- 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.

Appendix 6: Pre-submission Local Plan Policies

STR 8: Conserving and Enhancing the Natural, Built, and Historic Environment

Natural England welcome the policy in point 4 which requires development within the AONB to be managed in a way that conserves and enhances the natural beauty of the area. We also welcome the landscape-led approach outlined in point 3.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Natural England welcomes the reduction in scale and number of major development site allocations within the AONB since the Regulation 18 stage of the draft local plan, but we do not consider the current draft local plan to be sound and have highlighted our reasons in our full response letter for this regarding the remaining major development allocations within the AONB. We advise that these allocations should not be pursued, and alternative options should continue to be explored. While we have objected to major development proposed within the AONB, we remain committed to the plan-led scrutiny of the proposals to ensure soundness of approach, which enhances the High Weald's highly valuable and special landscape for future generations. We wish to work with TWBC to help ensure the best possible outcomes for the AONB and the environment.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

Natural England are a statutory consultee for local plan consultations and, under the CROW Act, have powers regarding AONBs. The development strategy and major development allocations within the AONB are the core reason for why we consider the local plan as unsound.

In addition, Natural England objected to a planning proposal (20/00815/FULL) for the Turnden Farm site (AL/CRS 3) in 2020 and requested that the decision by TWBC to approve the development was called in by the Secretary of State. The proposal is now subject to a Public Inquiry which Natural England is engaged in as a Rule 6 party.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

Appendix 3: Sustainability Appraisal

There are several alternative growth strategy options within the Sustainability Appraisal (SA) and the Council has chosen a growth strategy with significant negative landscape impacts. Natural England's view is that the preferred approach should afford sufficient weight to environmental factors. This is supported by NPPF Paragraph 8 which states that economic, environmental and social objectives need to be pursued in mutually supportive ways to support net gains across each of these objectives. Paragraph 32 also states that (emphasis added):

'Local plans and spatial development strategies should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements (The reference to relevant legal requirements refers to Strategic Environmental Assessment. Neighbourhood plans may require Strategic Environmental Assessment, but only where there are potentially significant environmental effects.)'. This should demonstrate how the plan has addressed relevant economic, social and environmental objectives (including opportunities for net gains). Significant adverse impacts on these objectives should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where significant adverse impacts are unavoidable, suitable mitigation measures should be proposed (or, where this is not possible, compensatory measures should be considered). However, the SA appears to prioritise social and economic considerations over environmental ones

as Section 6.2.19 states:

‘The term ‘preferable’ is used in this sense to mean the option that has the highest scores for the economic and social pillars, and the least negative scores for the environmental pillar’

We also refer to Paragraph 11(b) of the NPPF which states that:

“(b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area;”

Given the provisions of paragraph 11 (and consequently paragraph 172), we consider that the weight afforded to protecting nationally designated landscapes has not been sufficiently considered as part of exploring alternative options and the environmental value of the AONB has been underestimated.

It is our view that significant impacts have not been avoided as far as possible and, as outlined in other sections, we advise that major development within the AONB has not been appropriately justified.

Given the above, we are concerned that the underpinning assessment and recommendations of the SA are not giving an appropriate level of consideration for the environmental benefits associated with alternative growth strategies, especially given the great weight that should be afforded to designated landscapes.

Natural England has significant concerns that the SA underestimates the value of avoiding major development within the AONB and the scale of impact of including it. The chosen growth strategy achieves a very positive score (‘+++’) for housing as it assumes it will meet standard housing need and local housing needs across the borough. However, it scores neutral or negative scores for environmental factors, including ‘slightly negative’ (‘-’) for Landscape, despite the scale and size of major developments directly within the AONB and its setting including the large strategic sites at Tudeley and Paddock Wood.

As outlined in other sections of this letter, our view is that we consider that securing effective enhancement and mitigation measures for major development within the AONB is very challenging and therefore scores for environmental/landscape factors are likely to be overstated in the SA conclusions. Similarly, the SA finds that sites such as Turnden (AL/CRS 3) are still allocated despite scoring a very negative score for landscape (Appendix J, Page 321).

Furthermore, for Growth Strategy 2 (no major development within the AONB), climate change is scored as negative (‘-’ in table 14) despite having lower growth in the AONB and Borough compared with Growth Strategy 13 (adopted approach for Pre-Submission Local Plan) which includes higher growth and major development within the AONB but only scores slightly negatively for climate change (‘-’ in table 25). It is our view that Growth Strategy 2 would reduce carbon emissions associated with transport and new dwellings as well as carbon sequestration (which is not mentioned in the SA) when compared with Growth Strategy 13.

Given the scale of development within the AONB and its setting in the chosen growth strategy, we also question the neutral score given for biodiversity. While we support biodiversity net-gain, approaches should be in addition to applying the mitigation hierarchy which should aim to avoid negative impacts on biodiversity in the first instance. As the SA states that nature conservation designations are more common in the AONB, we advise that any benefits for biodiversity (including those which contribute to the neutral score for the chosen growth strategy) are interpreted with some caution.

Finally, point 3.2.8 does not reflect the findings of the HRA and mitigation proposed for Ashdown Forest SPA (see the HRA section below). We advise this section of the SA is amended to reflect the findings of the HRA.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_54a-b

Comment

Consultee	Ms Noreen O'Meara [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Residents Against Ramslye Development
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Residents Against Ramslye Development [REDACTED] [REDACTED]
Comment ID	PSLP_931
Response Date	02/06/21 08:48
Consultation Point	Policy STR 8 Conserving and Enhancing the Natural, Built, and Historic Environment (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	Residents Against Ramslye Development whole submission redacted.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Noreen O'Meara on behalf of Residents Against Ramslye Development
Question 3	
To which part of the Local Plan does this 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 also further comments on individual sections and policies - PSLP_914, 925, 926, 928, 929, 930, 931, 932, 933, 938. The whole representation form (personal details redacted has also been attached as it contains plans and images]

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.

This response is made on behalf of the 669 signatories on the petition submitted in response to Regulation 18 which was delivered to TWBC Planning Services in 2019 and the Facebook group 'Residents Against Ramslye Development' whose membership is currently 247 (names can be provided if required). We have noted guidance 4.3 and have encouraged the people opposed to the development of site 137/ Policy AL/RTW 16 'Land to the west of Eridge Road at Spratsbrook Farm' not to make separate responses repeating the same points as those made here; some however will no doubt have submitted individual responses.

We support this policy – and as a result are mystified as to why the plan includes site AL/RTW 16 as a potential site for development given its setting adjacent to the AONB, its Greenbelt status and its sensitivity and contribution to the landscape. As things stand in this plan, it is not clear TWBC has any realistic chance of meeting 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.

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 site 137/ AL/RTW 16 'Land to the west of Eridge Road at Spratsbrook Farm' from the 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	[REDACTED]
Email Address	[REDACTED]
Company / Organisation	Royal Tunbridge Wells Town Forum
Address	- - - -
Event Name	Pre-Submission Local Plan
Comment by	Royal Tunbridge Wells Town Forum [REDACTED]
Comment ID	PSLP_839
Response Date	01/06/21 08:15
Consultation Point	Policy STR 8 Conserving and Enhancing the Natural, Built, and Historic Environment (View)
Status	Processed
Submission Type	Email
Version	0.2
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Royal Tunbridge Wells Town Forum
Question 3	
To which part of the Local Plan does this 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 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.

The Town Forum strongly support this policy and the enhancements which have been incorporated since the Regulation 18 Draft. This is a key policy to ensure that the character of both the natural environment and heritage built environment in and around Royal Tunbridge Wells will receive proper stewardship and protection during the Plan period. This fairly unique combination of an extremely fine natural environment and built heritage is fundamental to the charm of the town and has a tangible economic value in terms of leisure and tourism, both of which are likely to grow in future years.

We strongly support the policy concerning designated and non-designated heritage assets and will be pleased to work with TWBC in identifying, conserving and enhancing further non-designated heritage assets within the unparished area.

We also strongly support the reference to green corridors and green infrastructure networks, which play an important role within 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)?

No, I do not wish to participate in examination hearing session(s)

Comment

Consultee	Mr Brian Lippard [REDACTED]
Email Address	[REDACTED]
Company / Organisation	RTW Civic Society
Address	[REDACTED] ROYAL TUNBRIDGE WELLS [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	RTW Civic Society [REDACTED]
Comment ID	PSLP_1540
Response Date	03/06/21 11:58
Consultation Point	Policy STR 8 Conserving and Enhancing the Natural, Built, and Historic Environment (View)
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Brian Lippard, Vice Chairman, RTW Civic Society
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR 8 Conserving and Enhancing the Natural, Built, and Historic Environment	
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

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, 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.

Conserving and Enhancing the Natural, Built and Historic Environment (Policy STR 8)

This Policy fails to make it clear how it applies to the existing built environment, including smaller urban sites, by using the term 'landscape' ambiguously.

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.

Proposal: Reword as follows: Development is expected to make a positive contribution to the **whole** natural, built, and historic environment of the borough. This includes landscape assets, biodiversity, geodiversity, priority habitats and species, designated sites and areas, archaeological assets **and the general built environment**. This will be achieved by the following approach:

- 1 Development should contribute to, and enhance, the urban and rural **environment** of the borough, with particular regard to the designated High Weald Area of Outstanding Natural Beauty;
- 2 The landscape character of the borough will be protected through retention and enhancement of the key characteristics or valued landscape features and qualities, as well as through the restoration of landscape character, in accordance with the objectives of the Borough Landscape Character Assessment SPD;
- 3 Development proposals must be informed by a clear understanding of the **setting** (on- and off-site) and demonstrate how it has incorporated and enhanced site characteristics and landscape features, avoiding and minimising harm wherever possible. Landscape mitigation, where required, should be identified at the outset of the scheme design process to ensure that proposals are truly landscape-led and should be used to reinforce and restore **local** character. All new landscaping should make a positive contribution to landscape character;

Reason: Besides some ambiguity in the wording of the Policy it refers to the Council's Historic Environment Review, which however does not take account of the history of Royal Tunbridge Wells as a nineteenth century residential town which shaped so much of its environment.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

This is related to our objection about local heritage assets. We are particularly concerned that consideration of the built environment within the town of Tunbridge Wells is not sufficiently recognised. The architectural history of our town is important.

[TWBC: see PSLP_1539 for objection to Local Heritage Assets under Policy EN5]

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_131a-c

Comment

Agent	Mr Simon Bell ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Knights Solicitors
Address	Regency House 25 High Street Tunbridge Wells TN1 1UT
Consultee	Save Capel ([REDACTED])
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Save Capel ([REDACTED])
Comment ID	PSLP_1978
Response Date	03/06/21 18:51
Consultation Point	Policy STR 8 Conserving and Enhancing the Natural, Built, and Historic Environment (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	PSLP_1964 & 1973-1987_Knights Solicitors for Save Capel_SI-3_Appendices.pdf PSLP_1964 & 1973-1987_Knights Solicitors for Save Capel_SI-1_Cover Letter.pdf PSLP_1964 & 1973-1987_Knights Solicitors for Save Capel_SI-2_Representation.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Save Capel
Question 2	

Agent's Name and Organisation (if applicable) Knights Solicitors

Question 3

To which part of the Local Plan does this 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: for further comments by Save Capel, please see Comment Numbers PSLP_1964 and PSLP_1973-1987]

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 attached: "Representation by Save Capel under Regulation 19", dated 3rd June 2021, and Appendices

[TWBC: the following extract is from "Representation by Save Capel under Regulation 19" - for the full representation and appendices, please see supporting documents]

STR 8 Conserving and Enhancing the Natural, Built, and Historic Environment

- 1 Development proposals must be informed by a clear understanding of the landscape context (on- and off-site) and demonstrate how it has incorporated and enhanced site characteristics and landscape features, avoiding and minimising harm wherever possible. Landscape mitigation,

where required, should be identified at the outset of the scheme design process to ensure that proposals are truly landscape-led and should be used to reinforce and restore landscape character.

3.51. An SER and EVI will be undertaken at planning application stage should the Inspector approve the plan. The SER scope is contained within the LP Sustainability Appraisal but there is no in-depth assessment of individual heritage assets as supporting documentation nor mitigation identified at the outset. No evidence is offered as to how the three key areas will be conserved and enhanced. The Policy is contradictory – if mitigation of harm is required neither conserving nor enhancing is possible.

3.52. Landscape mitigation is stated as being required “at the outset of the scheme design process”. It is therefore assumed that this basic scheme mitigation design has been completed at the Pre-Submission Plan stage yet no basic details of how this is envisaged to be achieved in Tudeley and East Capel have been provided.

3.53. There is no detail of how, as stated in paras 6 & 7, biodiversity, green corridors, green infrastructure, historic field patterns, listed buildings and their setting are going to be enhanced in Tudeley and East Capel with a planned nearly 5000 houses being dumped in current rural setting.

3.54. Many promises are made regarding the preservation and enhancement of biodiversity, heritage, landscape, sites of geological interest etc. but very little if any detail on how this will be achieved both physically and financially in the evidence documentation.

3.55. TWBC is one of only four councils who have adopted Bio- Net gain policies ahead of mandatory national adoption. The assessment by the Durrell Institute into these councils’ performance during 2020 indicates that in reality net gains translate into considerable loss of habitat and an expectation of non-urban habitat decreasing by 21%.

3.56. The PSLP does not indicate any effective robust measures to counter this and thus is not positively prepared, is inconsistent with Government strategy and the plan unsound.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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:

Save Capel has sought to be actively involved in engaging with the Council throughout this review of the Local Plan. As a group we have developed particular expertise and have undertaken significant and extensive research in respect of the effects of the policies to which we have made representations. We consider that we will be able to assist the Inspector(s) examining the final submission significantly.

If you would like to attach a file in support of your comments, please upload it here. [PSLP 1964 & 1973-1987 Knights Solicitors for Save Capel SI-1 Cover Letter.pdf](#)

If you would like to attach a file in support of your comments, please upload it here. [PSLP 1964 & 1973-1987 Knights Solicitors for Save Capel SI-2 Representation.pdf](#)

If you would like to attach a file in support of your comments, please upload it here.

[PSLP 1964 & 1973-1987 Knights Solicitors for Save Capel SI-3 Appendices.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	Ms Bridget Fox [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Woodland Trust
Address	Kempton Way Grantham NG31 6LL
Event Name	Pre-Submission Local Plan
Comment by	Woodland Trust [REDACTED]
Comment ID	PSLP_1413
Response Date	04/06/21 16:31
Consultation Point	Policy STR 8 Conserving and Enhancing the Natural, Built, and Historic Environment (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Woodland Trust
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR 8 Conserving and Enhancing the Natural, Built, and Historic 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.

After this stage, 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 support this policy and recommend further strengthening it with reference to the emerging requirement for Local Nature Recovery Strategies.

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 propose amending para 6 to read:

6. Opportunities and locations for biodiversity enhancements will be identified and pursued by the creation, protection, enhancement, extension, and long-term management of green corridors and through the development of green infrastructure networks in urban and rural areas to improve connectivity between habitats **in line with the Local Nature Recovery Strategy;**

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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)

Local Plan Regulation 19 representations in document order

Comments on Section 4: Policy STR9: Green Belt

Comment

Consultee	Hilary Andrews [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Whetsted Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Hilary Andrews [REDACTED]
Comment ID	PSLP_966
Response Date	03/06/21 11:23
Consultation Point	Policy STR 9 Green Belt (View)
Status	Processed
Submission Type	Web
Version	0.1
Question 1	
Respondent's Name and/or Organisation	Hilary and Nick Andrews
Question 3	
To which part of the Local Plan does this 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 Greenbelt	
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
	.	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 are residents of East Capel, having lived in our house for 28 years. We consider certain aspects of the Tunbridge Wells local plan to be unsound, ill thought through and not justified.

We do not consider that TWBC have demonstrated "exceptional circumstances" to alter the boundaries of Greenbelt and remove large areas of land from that designation nor do we think that this is fully justified; especially the large areas at East Capel (148ha) and Tudeley Village (183ha) which will destroy the original concept of green belt to prevent urban sprawl.

TWBC's approach to apply "A hierarchical approach to nature conservation and the protection of biodiversity across the sites and habitats of national, regional, and local importance within the borough" with "The objective to achieve net gains for nature and protect and enhance sites of geological interest across the whole borough and where possible to secure the long-term management of sites, areas, and features important for biodiversity and geodiversity" is simple madness in light of their proposal to remove 407 hectares of Greenbelt land.

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.

TWBC should argue AGAINST the release of land from greenbelt, preserve its' precious green belt land, should reduce its' housing development targets in light of the constraints of greenbelt land and further consider use of brown field sites to meet more appropriate housing targets.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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 we consider our voice was not fully heard and comments considered at the Reg 18 process.

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_159

Comment

Consultee	Jacqui Avery ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] Tunbridge Wells TN4 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Jacqui Avery ([REDACTED])
Comment ID	PSLP_2273
Response Date	04/06/21 09:31
Consultation Point	Policy STR 9 Green Belt (View)
Status	Processed
Submission Type	Email
Version	0.3
Files	Residents Against Ramslye Development whole submission redacted.pdf

Data inputter to enter their initials here	HB
--	----

Question 1

Respondent's Name and/or Organisation	Jacqui Avery
---------------------------------------	--------------

Question 3

To which part of the Local Plan does this 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 also further comments on individual sections and policies - PSLP_2269 and 2272-2279. The whole representation form (personal details redacted) has also been attached as it contains plans and images]

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.

This response is made on behalf of the 669 signatories on the petition submitted in response to Regulation 18 which was delivered to TWBC Planning Services in 2019 and the Facebook group 'Residents Against Ramslye Development' whose membership is currently 247 (names can be provided if required). We have noted guidance 4.3 and have encouraged the people opposed to the development of site 137/ Policy AL/RTW 16 'Land to the west of Eridge Road at Spratsbrook Farm' not to make separate responses repeating the same points as those made here; some however will no doubt have submitted individual responses.

"The release of Green Belt land has been undertaken through this Local Plan, and is detailed where relevant in the place shaping policies in Section 5.

In order to protect the remaining Green Belt, as defined on the draft Policies Map, the Council will consider the proposal against the relevant policy in the National Planning Policy Framework, or the national planning policy at the time a planning application is being determined."

TWBC's policy simply doesn't adequately protect the Green Belt. The plan dedesignates 5.35% of the borough's Green Belt, with only a small area South West of Paddock Wood being added. If this pattern of dedesignation is repeated each time the plan is updated/replaced, the Green Belt will disappear. The South East of England is already more densely populated than other parts of the country. The borough cannot build and build, and maintain what is special to this area. The policy should be more explicit about protecting those areas of Green Belt that are either more sensitive or contribute more to the Green Belt policy objectives.

In addition, given the number of local plans around the country that propose the development of Green Belt land, we find it very difficult to believe that each district or borough can be exceptional – we think you must agree that would be an exceptional number of exceptional circumstances.

Individual site planning applications should address the removal of land from the Green Belt. This should not be done by the Local Plan as the time period covered is lengthy and changes might negate the need.

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 site 137/ AL/RTW 16 'Land to the west of Eridge Road at Spratsbrook Farm' from the plan.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_148

Comment

Agent	Mr Jonathan Buckwell ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	DHA Planning Ltd
Address	Eclipse House Eclipse Park MAIDSTONE ME14 3EN
Consultee	Axiom Developments ([REDACTED])
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Axiom Developments ([REDACTED])
Comment ID	PSLP_2107
Response Date	03/06/21 11:33
Consultation Point	Policy STR 9 Green Belt (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	DHA Planning for Axiom Developments-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Axiom Developments 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 9 Green Belt

[TWBC: the full representation attached has been divided between Policy STR/RTW1 (PSLP_2099), Vision and Strategic Objectives (PSLP_2104), Policies STR3 (PSLP_2106), STR9 (PSLP_2107), and AL/RTW17 (PSLP_2108).

Question 4a

If 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 Axiom Developments Limited (hereafter referred to as Axiom) in respect of the Tunbridge Wells Borough Council Regulation 19 Local Plan consultation.

1.1.2 These representations relate to land at Colebrooke Park, which Axiom is promoting for employment-generating development 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 Our client has been promoting land at Colebrooke House for a business park within an attractive parkland campus setting. The site was promoted via the original Call for Sites process in 2016 (site 101) and representations were made at the previous Reg 18 consultation. The site boundary is shown in Figure 1.

1.2.2 The site lies outside of the current settlement boundary for Royal Tunbridge Wells and within both the High Weald Area of Outstanding Natural Beauty (AONB) and the Green Belt.

1.2.3 As a result of the recent A21 dualling project, the site benefits from direct access onto the A21 via the Fairthorne junction. This now provides the site with excellent access to the national road network, whilst also being well-located in relation to the existing employment areas along Longfield Road. The A21 improvements present an excellent opportunity for the site to make a substantial contribution to the local economy through development of the site.

1.2.4 The 8.5ha site comprises a large 19th century residential property set in parkland grounds. Whilst being habitable, the property is currently in need of repairs following a period of under-investment. Its value as a residential property has been substantially affected as a result of the A21 dualling works.

[TWBC: see full representation attached for Figure 1: Proposed allocation site boundary].

1.2.5 There is a unique opportunity to provide employment-generating development which makes the most of the existing characteristics of the site. For example, this could take the form of a high-quality business park, or other employment-generating use set within an established parkland setting and based around the existing 19th century Colebrooke House.

1.2.6 The site provides an opportunity to provide an attractive business location, accessible to the A21 as well as local businesses and services. A Vision Document has been prepared and was submitted with our Regulation 18 representations previously which shows that the site would be capable of delivering around 11,750 sqm of employment-generating floorspace, which would be capable of supporting between 885 and 1,437 jobs if in office use.

1.2.7 The Council's Economic Needs Study (ENS) demonstrates the need for good quality economic development land locally. This was also backed up by responses from stakeholders identifying Tunbridge Wells as a good office and industrial location. ENS paragraph 9.66 in particular identifies demand for offices, and especially higher quality Grade A accommodation in accessible locations, which is the type of development proposed at Colebrooke House. It would score well against all of the bullet points set out in ENS paragraph 10.29, i.e. excellent accessibility; public transport and parking availability; and it being an area with a critical mass of employment use and amenities which would be attractive to investors.

1.2.8 The development would have excellent strategic transport links to the newly upgraded A21 as well as providing opportunities to create and improve existing pedestrian, cycle and public transport links to North Farm, Tunbridge Wells and Tonbridge. Pedestrian, cycle and emergency access links could also be provided into the land to the west, which is also proposed for development as part of the Local Plan proposals.

1.2.9 In respect of deliverability, the site has no planning history of relevance nor a history of unimplemented permissions, and there are no known impediments to the sites being phased for potential development. There is an excellent opportunity to deliver a high-quality employment development scheme during the plan period.

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 9: Green Belt

1.5.15 Policy SRT9 sets out that exceptional circumstances justify the proposed release of Green Belt land for development.

1.5.16 We **SUPPORT** this conclusion and agree that some Green Belt release is needed to meet housing and employment need in the areas of the borough affected by that designation.

1.6 Summary and Conclusions

1.6.1 In summary, this representation has been prepared on behalf of Axiom Developments 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 generally support the Council's overall strategy and do not object to the proposal for the site to be removed from the Green Belt and safeguarded for future employment uses. However, for the reasons set out in these representations, we believe there are strong arguments in favour of allocating the land for development now.

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

1.5.8 We broadly support the general thrust of the vision and these objectives. In particular, we especially welcome the recognition that the planned increase in housing should also be matched by a proportionate expansion in employment and other supporting opportunities across the borough.

1.5.9 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.

1.5.10 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 borough-wide needs will actively be pursued in full and in a manner that best complements the distinctive qualities of the borough'.

1.5.11 With the above modification, 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_97

Comment

Agent	David Murray-Cox [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Turley
Address	[REDACTED] [REDACTED] Reading [REDACTED]
Consultee	[REDACTED]
Company / Organisation	Bellway Homes Strategic
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Bellway Homes Strategic [REDACTED]
Comment ID	PSLP_1758
Response Date	04/06/21 12:23
Consultation Point	Policy STR 9 Green Belt (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	PSLP_1747-1748, 1750-1756, 1758_Turley for Bellway Homes Representation Redacted.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Bellway Homes Strategic
Question 2	
Agent's Name and Organisation (if applicable)	Turley
Question 3	

To which part of the Local Plan does this 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 Bellway Homes Strategic, please see Comment Numbers PSLP_1747-1748, PSLP_1750-1756, PSLP_1758]

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

TUNBRIDGE WELLS PRE-SUBMISSION LOCAL PLAN – REPRESENTATIONS ON BEHALF OF BELLWAY

We write on behalf of our client, Bellway Homes Strategic, in relation to the Pre-Submission draft Local Plan for Tunbridge Wells Borough which is currently subject to public consultation. This letter provides the background to Bellway's interest in the Borough and sets out representations on their behalf.

BACKGROUND

Bellway has a legal interest in the land to the north and south of High Woods Lane (Mouseden Farm) on the eastern edge of the built up area of Tunbridge Wells/Hawkenbury which it is promoting for residential led development. The site is separated by High Woods Lane. The area south of High Woods Lane is currently in agricultural use and bordered to the east by woodland, to the south by existing sports uses and to the west by existing residential development. The area north of High Woods Lane is also within agricultural use, with further agricultural uses/woodland to the east and an indoor bowls club and allotments to the west.

The adopted Proposals Map indicates that both parts of the site are within the Green Belt and AONB.

On the basis of the Proposals Map published as part of this consultation indicates that the southern part of the land (south of High Woods Lane) is to be designated under Policy RTW1923 with that area to adjoin the 'Proposed Limited to Built Development'. The northern part of the land promoted by Bellway is not subject to any other proposed allocations. The draft Proposals Map appears to indicate that both parts of the site will continue to be located within the Green Belt and AONB.

Comments on Other Documents

Green Belt Assessment

In the LUC Green Belt Strategic Study of November 2016, the southern part of the site promoted by Bellway is located in Parcel TW6 and the remainder in Broad Are BA7, as shown below:

[TWBC: for map, please see full representation attached as a supporting document]

Parcel TW6 is identified as an area for further assessment, with Table 6.2 of the 2016 document identifying 'Potential Stage Two parcels and broad areas'. In relation to TW6, Table 6.2 identifies the 'Key Stage 2 Considerations' as being the "Relationship between settlement and countryside, with reference to role of High Wood in forming barrier to encroachment/sprawl."

The Key Stage 2 Considerations for Parcel BA6 are referred to as being "Contribution to preventing countryside encroachment and role in historic setting of Tunbridge Wells".

As an initial comment, Bellway note that the assessment of BA6 cannot be relied upon as an indication that all the land within the Broad Area fulfils Green Belt purposes to the same extent. For example, while the 2016 document may have concluded that BA6 makes a contribution to preventing countryside encroachment and plays a role in the historic setting of Tunbridge Wells, that is not to say that the land promoted by Bellway to the north of High Woods Lane performs these functions.

The LUC Tunbridge Wells Green Belt Study Stage Two report was published in July 2017. In relation to the Broad Areas, this report found that "All 10 broad areas were considered to rate very high for harm to Green Belt resulting from release of land for strategic development. It should however that there might be opportunities for small-scale

– i.e. non-strategic – development that would result in less harm to Green Belt purposes." This overall conclusion accords with Bellway's own interpretation as articulated in the previous paragraph of these representations.

Table 1.1 of the July 2017 LUC report identifies all of the specific parcels with moderate or lower harm rating. Only seven specific parcels are found to have a low or very low level of harm on the Green Belt. Parcel TW6 was split in two for the purposes of this assessment: TW6a (including the southern part of the land promoted by Bellway) and TW6b. TW6a is identified as having a 'moderate' level of harm on the Green Belt. However we note that Table 6.1 of the July 2017 report found that Parcel TW6a would have: makes a moderate contribution to GB purpose 1; makes a weak or no contribution to purpose 2; makes a moderate contribution to GB purpose 3; and makes a moderate contribution to GB purpose 4.

Appendix A of the 2017 report considered the Broad Areas. However it does not appear as though there was any analysis over the contribution that smaller parts of the Broad Areas makes to the Green Belt purposes and therefore no analysis as to the extent to which these could accommodate development. This approach appears at odds with the conclusions elsewhere in the 2017 report that "there might be opportunities for small-scale

– i.e. non-strategic – development that would result in less harm to Green Belt purposes." The Turley Outline Landscape, Visual and Green Belt Advice Note considers the contribution that the northern part of the site promoted by Bellway (which falls within BA6) makes to the Green Belt purposes as follows:

- . Whereas LUC conclude that BA6 makes a strong contribution to GB purpose 1, the Turley Outline Landscape, Visual and Green Belt Advice Note demonstrates that the land northern part of the land promoted by Bellway (within BA6) should only be considered to make a moderate contribution.
- . In relation to GB purpose 2, LUC conclude that BA6 makes a strong contribution. The Turley Outline Landscape, Visual and Green Belt Advice Note demonstrates the edge of Pembury is over 2km away from the Appraisal Site and on account of intervening topography and woodland has no perceivable relationship with this settlement area. Development of the northern parcel of the Site would result in little or no perception of the narrowing of the gap between towns and it is therefore considered to make 'Weak/No' contribution to Purpose 2.
- . LUC conclude that BA6 makes a strong contribution GB purpose 3. The Turley Outline Landscape, Visual and Green Belt Advice Note demonstrates that due to the relationship of the northern part of the area promoted by Bellway to the wider countryside it is considered to make a 'Moderate' contribution to Purpose 3.
- . LUC conclude that BA6 makes a strong contribution to purpose 4. The Turley Outline Landscape, Visual and Green Belt Advice Note explains that the contribution to this purpose is made most strongly by Dunorlan Park which is a key feature on the edge of the historic town. However, the parcel does form part of the setting to the edge of both the Tunbridge Wells Conservation Area and Dunorlan Park and is glimpsed in some key views from the latter. For this reason it is considered to make a 'Moderate' contribution to Purpose 4.

On the basis of the Turley Outline Landscape, Visual and Green Belt Advice Note, it is considered that the July 2017 LUC report overstates the contribution that the part of Broad Area BA6 promoted by Bellway has been overstated. When this part of BA6 is considered independently, it makes a moderate contribution to Green Belt purposes.

Appendix A of the 2017 report also provided an analysis of the specific parcels against the Green Belt purposes. Bellway consider that the assessment in relation to Parcel TW6a is flawed. The table below sets out the assessment of this parcel in the LUC 2017 report and provides our response and reason why the conclusions are flawed:

[TWBC: for table, please see full representation attached as a supporting document]

The Turley Outline Landscape, Visual and Green Belt Advice Note demonstrates that the contribution of Parcel TW6a has been overstated, particularly when the land promoted by Bellway is considered independent.

On the basis of the summary set out above, and supported by the Turley Outline Landscape, Visual and Green Belt Advice Note, it is clear that the LUC reports which have informed the Local Plan in relation to the land currently designated as Green Belt have overstated the role and function of the land promoted by Bellway.

Bellway therefore consider that it is essential that the Council undertakes an updated and more robust analysis of the extent to which particular areas (including the land promoted by Bellway) contribute to the Green Belt purposes. Without this updated evidence, Bellway contend that the Council cannot have certainty that the distribution strategy which it has chosen (including the Tudeley Village concept) is justified and that alternative options should not have been pursued.

Strategic Housing and Economic Land Availability Assessment (SHELAA)

In the January 2021 SHELAA the land promoted by Bellway is considered under site reference 53.

However we note that in the July 2019 document, the assessment found that the "Site is suitable in part as a potential Local Plan allocation subject to further consideration". The reason for this conclusion was stated as being *"The southern parcel of this site lies adjacent to the LBD and is likely to be sustainable in this context. This would form a logical extension to LBD. The remaining area, the first parcel whilst in proximity to the LBD would not form a logical extension to the LBD and is considered to adversely affect the landscape setting of the town and is part of a Green Belt parcel the release of which is considered to result in very high harm, and setting of an Historic Park and Garden."*

The 2019 SHELAA conclusion was that the southern part of the site promoted by Bellway (i.e. the land south of High Woods Lane) would be a **logical extension to the LBD**.

In our previous representations, we noted that the SHELAA is an assessment of sites for housing and economic land purposes and so the conclusions of that document must be read in that regard. The analysis of site 53 and the conclusions in relation to the suitability, sustainability and logic of the site must therefore refer to housing or economic land uses. There is no suggestion in the SHELAA that the conclusions in relation to site 53 relate to any other form of land use or that they would not apply in relation to housing or economic uses.

However TWBC's January 2021 SHELAA now suggests that the assessment in relation to the southern parcel of land relates to a potential allocation for sport and recreation uses. We do not consider that conclusion is justified and reiterate that the SHELAA is intended to address housing and economic land matters. The conclusion in the 2021 SHELAA appears to be a consequence of the decision to allocate the site for sports and recreation uses.

SUMMARY

These representations set out **significant concerns** regarding the draft Local Plan for Tunbridge Wells Borough. In summary, the level of housing required to address issues of affordability and does not provide any realistic opportunities to make a meaningful contribution to meeting affordable housing needs. Whilst the Council claims that the housing supply represents a buffer over the planned requirement, this is based on extremely optimistic assumptions and short lead in times before the key sites deliver. In the case of Paddock Wood the Plan then relies upon very high delivery rates.

A more diverse and greater range of sites are required to address affordability, provide affordable housing and to help ensure that the housing requirement is achievable.

The Plan also provides a disproportionately low level of new housing at Tunbridge Wells despite the sustainability of this settlement, in comparison to other, less sustainable locations. This is borne out by the selection of the Tudeley Village site as a location for a new garden village in a remote location where the extent of measures to support sustainable travel is extremely unclear. Alternative options are available which would direct development to the most sustainable settlement (i.e. Tunbridge Wells) and which are in sustainable locations.

This conclusion is supported by the Council's own evidence which demonstrates the availability and suitability, sustainability and logic of alternative sites on the edge of Tunbridge Wells (including the land promoted by Bellway which is subject to these representations).

The Council's own evidence has overstated the contribution that certain sites, including the land promoted by Bellway which is subject to these representations) makes to the Green Belt. When the land is assessed in a more robust manner (and when assessed independently rather than as part of wider Broad Areas), the contribution is significantly reduced.

The southern part of the land promoted by Bellway (i.e. the land south of High Woods Lane) is subject to a planning permission for recreational uses. That application was submitted by the Borough Council, despite it having no interest in the land. In contrast, Bellway has a legal interest in the land and is promoting this area, as part of a wider site, for residential development. Bellway would be willing to work with the Borough Council to explore opportunities for bringing forward the approved recreational facilities in the area, which residential development on the site could help deliver.

Whilst the Council is pursuing (by allocating and seeking planning permission) land outside of its control for sports and recreation uses, it is concurrently planning to release a number of sites which are already within those uses for residential development which the Council does own. As a matter of general principle this approach appears unjustified.

As it is currently drafted the Local Plan is unsound. It relies on unsustainable and undeliverable solutions to housing needs and is partly premised on releasing the Council's own land for housing whilst proposing land it does not own for compensatory sports and recreation purposes. These fundamental issues of unsoundness are compounded by a lack of documentary evidence to explain why the Council has selected the approaches and proposed allocations in the emerging Local Plan.

Bellway would be willing to enter in to dialogue regarding the land north and south of High Wood Lane and the extent to which this site could deliver housing (delivering the greater range and diversity of sites) in a sustainable location. Bellway would be willing to discuss the manner in which such housing could assist in delivering additional recreational facilities in the area.

[TWBC: for full representation, please see supporting documents]

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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

If you would like to attach a file in support of your comments, please upload it here. [PSLP 1747-1748, 1750-1756, 1758 Turley for Bellway Homes Representation Redacted.pdf](#)

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_2015
Response Date	04/06/21 11:29
Consultation Point	Policy STR 9 Green Belt (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	DHA Planning for Caenwood Estates Ltd - full representation and supporting documents.pdf
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 9 Green Belt

[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 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.

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_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 (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	APP16W~1.PDF APP14D~1.PDF APP11R~1.PDF APP13S~1.PDF APP10E~1.PDF APP05C~1.PDF APP19C~1.PDF APP02I~1.PDF APP08T~1.PDF APP15S~1.PDF APP07H~1.PDF APP17A~1.PDF APP11C~1.PDF APP14B~1.PDF APP09U~1.PDF APP03S~1.PDF APP04S~1.PDF APP14E~1.PDF

[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)
- 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.

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 11a) 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 latter 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_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 (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	PSLP_1014_Charterhouse Strategic Land Representation SI.pdf
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]

Question 4a

If 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.

Re: TUNBRIDGE WELLS BOROUGH COUNCIL PRE-SUBMISSION LOCAL PLAN: REGULATION 19 CONSULTATION

Policy STR 9 – Green Belt

No comment.

Question 7

Please note *the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

For office use only

If responder hasn't ticked an option on this box, data inputter to tick 'not stated' box. Not Stated

Supporting Information File Ref No: SI_157

Comment

Agent	Mr Jonathan Buckwell ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	DHA Planning Ltd
Address	Eclipse House Eclipse Park MAIDSTONE ME14 3EN
Consultee	([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Countryside Properties
Address	Countryside House The Drive BRENTWOOD CM13 3AT
Event Name	Pre-Submission Local Plan
Comment by	Countryside Properties ([REDACTED])
Comment ID	PSLP_2267
Response Date	02/06/21 11:41
Consultation Point	Policy STR 9 Green Belt (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	DHA Planning for Countryside Properties-full representation Pembury.pdf
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)?

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 (View)
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.

After this stage, 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.

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

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 (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	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-2 Appendix 2 Flood Risk & Drainage Overview 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-11 Appendix 3 Fig.6 Opportunities & Constraints Plan PSLP_2064, 2066-2074, 2077 Barton Willmore for Crest Nicholson SI-6 Appendix 3 Fig.1 Site Context 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-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](#)

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 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.

After this stage, 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]

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

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing 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

Comment

Agent Mr Gary Mickelborough [REDACTED]

Email Address [REDACTED]

Company / Organisation Bloomfields

Address [REDACTED]
PADDOCK WOOD
[REDACTED]

Consultee Fernham Homes [REDACTED]

Address -
-
-

Event Name Pre-Submission Local Plan

Comment by Fernham Homes [REDACTED]

Comment ID PSLP_1659

Response Date 04/06/21 14:43

Consultation Point Policy STR 9 Green Belt ([View](#))

Status Processed

Submission Type Email

Version 0.3

Data inputter to enter their initials here AT

Question 1

Respondent's Name and/or Organisation Fernham Homes Ltd

Question 2

Agent's Name and Organisation (if applicable) Bloomfields 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 STR 9 Green Belt

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

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, 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.

These representations are submitted on behalf of our esteemed clients and local housebuilders Fernham Homes Ltd., with interest to the site submitted under the previous Call for Sites and considered under the Pre Submission Local Plan SHELAA as Site 143. This logical Site on the edge of Five Oak Green remains deliverable and available under the stewardship of this local housebuilder and as an organic and sustainable addition to the village, this site could be brought forward in a manner consistent with the Council's overarching delivery objectives.

[TWBC: Above comment from covering email]

Through policy STR9, the Council seeks to remove land from the Green Belt for the delivery of a garden community at Tudeley in contrast to smaller areas of land which do not make any noteworthy contribution towards the purposes of the Green Belt, including locations on the edge of existing settlements, like the land at Tolhurst Road, Five Oak Green, The Street Sissinghurst and Hartley. Growth at such a settlement would be consistent with the approach of the NPPF (paragraph 77) which emphasises the importance of development in villages to support long term viability of services.

Additional development at other existing settlements would be consistent with the Green Belt guidance in the NPPF (paragraph 138) which emphasises the importance of identify villages beyond the Green Belt in preference to the unjustified removal of land within this designation. As indicated below, we do not consider that the authority has justified the removal of Tudeley from the Green Belt when there are other more sustainable options as detailed in paragraph 138 of the NPPF, including additional growth at the villages of Five Oak Green, Hartley and Sissinghurst.

It is understood from the Council's Viability Assessment that development of Tudeley is only viable where property values exceed that expected elsewhere in the Borough. However, FHL has carried out its own positive viability appraisals of others sites known to be viable and available for development at property values expected elsewhere 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.

After this stage, 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.

For the reasons detailed above, 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 given that there are other more appropriate and available sites for development across the Borough, including those at Hartley, Five Oak Green and Sissinghurst.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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:

Fernham Homes Limited is promoting Land at Tolhurst Road, Five Oak Green, The Street Sissinghurst, and Hartley, for development and is seeking changes to Draft Policy STR9. Fernham Homes Limited requests participation in the hearing sessions in order to contribute to discussions in relation to this Draft Policy and to articulate its case for suggested changes to it as well as to address any relevant points raised by the Local Planning Authority, the Inspector or by stakeholders.

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_37

Comment

Consultee	Mrs Farah Brooks-Johnson [REDACTED]
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Mrs Farah Brooks-Johnson [REDACTED]
Comment ID	PSLP_572
Response Date	28/05/21 11:55
Consultation Point	Policy STR 9 Green Belt (View)
Status	Processed
Submission Type	Web
Version	0.3
Files	Landscape FoT Final.pdf (2) GSP Friends of Tudeley Final.pdf (7)
Question 1	
Respondent's Name and/or Organisation	Friends of Tudeley
Question 3	
To which part of the Local Plan does this 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	
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.

Neil Williamson (Landscape Consultant and former President of the Landscape Institute) has prepared a Landscape Report for Friends of Tudeley. The report is attached (see Section 5: Green Belt).

Graham Simpkin Planning have prepared a report for Friends of Tudeley. This report is also attached (see Section 4.7: Policy STR9 Green Belt).

Both reports contain detailed arguments against releasing Green Belt for the proposed development of Tudeley Village which are briefly summarised as follows.

In 2017 TWBC concluded that development of land including the Tudeley site would cause "Very High" harm to the Green Belt. In 2020, however, once the development had been proposed, TWBC commissioned a new study focusing on a smaller area which downgraded the harm to "High". The methodology used to justify this downgrading cannot be justified. There is a high degree of certainty that there would be adverse landscape and visual impacts on the Green Belt. This site represents the very best landscape of this whole area of Green Belt. It is landscape of very high value, in very good condition. Harm to it would be irreparable.

The release of Green Belt land for a new settlement at Tudeley is not justified, nor is it consistent with national policy which states that Green Belt boundaries should only be altered where 'exceptional circumstances' are fully evidenced and explained. The fact that a large proportion of land in Tunbridge Wells Borough is constrained (designated Green Belt or AONB) is not itself 'exceptional circumstances' for releasing Green Belt land. The Green Belt asset does not become less important because there is more of it.

TWBC have not demonstrated Exceptional Circumstances that justify the release of Green Belt land at Tudeley for a new settlement because the land is not needed to meet housing needs. TWBC should revisit reasonable alternatives (strategic options 7 and 8) as well as a range of sources of small sites supply. Neighbouring councils at Maidstone and Ashford should have been approached to meet some of this housing need.

If Green Belt release is required, then settlement edge sites should be considered in detail to determine if parts of proposed sites make a weaker contribution to Green Belt purposes. Land that is already strongly related to built development will often make a weaker contribution to the first three Green Belt purposes, being less likely to be perceived as sprawl (purpose 1), narrowing the gap between towns (purpose 2) or encroachment into the countryside (purpose 3).

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 all references to the proposed Tudeley Village from 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)? 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:

Friends of Tudeley is an unincorporated association of local residents concerned about the soundness of TWBC's proposal to create a new settlement at Tudeley. We will make an important local contribution to the matters under discussion

If you would like to attach a file in support of your comments, please upload it here. [Landscape FoT Final.pdf \(2\)](#)

If you would like to attach a file in support of your comments, please upload it here. [GSP Friends of Tudeley Final.pdf \(7\)](#)

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_13a-d

Comment

Agent	Mr Mike Pickup [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Town and Country Planning Solutions
Address	- - -
Consultee	Gleeson Strategic Land [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Gleeson Strategic Land
Address	Sentinel House Harvest Crescent Fleet GU51 2UZ
Event Name	Pre-Submission Local Plan
Comment by	Gleeson Strategic Land (Gleeson Strategic Land - [REDACTED])
Comment ID	PSLP_221
Response Date	18/05/21 10:51
Consultation Point	Policy STR 9 Green Belt (View)
Status	Processed
Submission Type	Email
Version	0.10
Files	PSLP_221_TCPS for Gleeson Strategic Land SI-1 Redacted.pdf PSLP_221_TCPS for Gleeson Strategic Land SI-4 Appendix 3 Illustrative Masterplan.pdf PSLP_221_TCPS for Gleeson Strategic Land SI-2 Appendix 1 Extract from TWBC Green Belt Study.pdf PSLP_221_TCPS for Gleeson Strategic Land SI-3 Appendix 2 Land at Sandown Park.pdf
Data inputter to enter their initials here	HB
Question 1	

Respondent's Name and/or Organisation Gleeson Strategic Land

Question 2

Agent's Name and Organisation (if applicable) Town & Country Planning Solutions

Question 3

To which part of the Local Plan does this 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

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

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, 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. These representations are prepared and submitted on behalf of Gleeson Strategic Land (Gleeson) in relation to the Council's 'Tunbridge Wells Green Belt Study' Final Report dated July 2017 that has been prepared to inform the Development Strategy currently set out in draft Policy STR1 (Development Strategy) of the Pre-Submission draft of the Local Plan published in March 2021. Gleeson considers this study to be seriously flawed in failing to properly assess the housing potential of Green Belt land release adjoining Royal Tunbridge Wells (RTW) at Sandown Park, to the north of Pembury Road.
2. In response to the Council's 2017 Stage 2 Study, Gleeson commissioned its own Green Belt Assessment (dated February 2019) and this was previously submitted to the Council for its consideration on 10th May 2019. This is being resubmitted again as part of this current Regulation 19 representation (see Appendix 1 attached).
3. This Assessment by Gleeson relates to the part of the Council's Green Belt study associated with assessing potential harm if the land parcel 'TW5' (which extends between the Tunbridge Wells built

up area boundary to the west and the A21 Pembury by-pass to the east – see Appendix 2) were to be removed from the Green Belt judged against the five purposes of such Green Belt designation as set out in paragraph 134 of the National Planning Policy Framework (NPPF) February 2019.

4. The Gleeson proposal **does not** however, seek the release of the whole of the land parcel 'TW5' from the Green Belt. As shown on the illustrative Master Plan drawing reproduced in Appendix 3 attached, the Gleeson proposal seeks the release of approximately 3 hectares of land from the Green Belt to provide circa 70 – 80 dwellings on land immediately adjacent to the existing built up confines of Tunbridge Wells, thereby 'rounding off' existing development within this part of town. The adjoining 3.3 hectares of land immediately to the east of the proposed housing site would however, be retained within the Green Belt. The landscaped character of this 'retained land' would be enhanced by new structural planting and its proposed future maintenance as an area of publically accessible informal open recreational space, would strengthen the current contribution it makes to its Green Belt function.

5. The Green Belt Assessment undertaken by the Gleeson appointed consultants' 'The Environmental Dimension Partnership Ltd. (EDP) looks instead at how the Gleeson proposed Green Belt housing release and open space proposal performs when tested against the NPPF Green Belt functions. Based upon this assessment, the land proposed for housing use by Gleeson provides a 'low contribution to the Green Belt purposes' for the reasons set out in the EDP report. The EDP report concludes that the limited properties of the Green Belt land that the Gleeson site represents, together with the distinct relationship between the site and Tunbridge Wells; limited inter-visibility between the site and Pembury to the east and the comparatively effective defensible edge that the site would provide, would all combine to ensure that the removal of this land from the Green Belt would not cause unacceptable harm to the wider Green Belt function.

6. Indeed, the Gleeson proposal first presented to the Council over 3 years ago, would be similar and directly comparable to the Council's proposed housing allocations elsewhere at the edge of RTW as part of draft Policies AL/RTW5, AL/RTW14 and AL/RTW16. As with the Gleeson proposal, these three allocations would require the removal of Green Belt land for housing development and the retention of adjoining Green Belt land as associated open and recreational space.

7. For the reasons set out in the EDP Assessment (Appendix 2 attached), previously submitted to the Council as part of the submissions made at the Consultation draft Local Plan stage, Gleeson urged the Council to review its 2017 Green Belt study to properly assess the housing potential of the Gleeson land in order to fairly, reasonably and objectively assess this potential against other proposed Green Belt housing land release elsewhere in the Borough beyond RTW. The Council has failed to do so and therefore, Gleeson are seeking such a fair and reasonable formal review as part of the Examination of Pre-Submission Draft version of the Local Plan.

List of Appendices [TWBC: Please see supporting documents]

1. Extract from the TWBC Green Belt Study Stage 2 – Appendix A Royal Tunbridge Wells (Site no. TW5).
2. Land at Sandown Park, north of Pembury Road, Tunbridge Wells; Green Belt Assessment by The Environmental Dimension Partnership Ltd. (May 2019).
3. Illustrative Masterplan drawing no. 1232/02.

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 the omission site for housing within the RTW Limit to Built Development for the reasons set out in the representations attached

[TWBC: Please see supporting documents]

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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 present the case on behalf of Gleeson Strategic Land

If you would like to attach a file in support of your comments, please upload it here. [PSLP_221_TCPS for Gleeson Strategic Land SI-1_Redacted.pdf](#)

If you would like to attach a file in support of your comments, please upload it here. [PSLP_221_TCPS for Gleeson Strategic Land SI-2_Appendix 1_Extract from TWBC Green Belt Study.pdf](#)

If you would like to attach a file in support of your comments, please upload it here. [PSLP_221_TCPS for Gleeson Strategic Land SI-3_Appendix 2_Land at Sandown Park.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

Agent	Chris Pattison [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Turnberry
Address	[REDACTED] London [REDACTED]
Consultee	[REDACTED]
Company / Organisation	Hadlow Estate
Address	[REDACTED] TONBRIDGE [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Hadlow Estate [REDACTED]
Comment ID	PSLP_1636
Response Date	04/06/21 15:44
Consultation Point	Policy STR 9 Green Belt (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	PSLP 1630-1645 Turnberry for Hadlow Estate SI-5 A-4 Hertitage Constraints Appraisal.pdf PSLP 1630-1645 Turnberry for Hadlow Estate SI-9 A-8 Development Strategy.pdf PSLP 1630-1645 Turnberry for Hadlow Estate SI-1 Representation.pdf PSLP 1630-1645 Turnberry for Hadlow Estate SI-2 A-1 Ecological Appraisal.pdf PSLP 1630-1645 Turnberry for Hadlow Estate SI-7 A-6 Landscape and Visual Appraisal.pdf PSLP 1630-1645 Turnberry for Hadlow Estate SI-6 A-5 Archaeology Assessment.pdf PSLP 1630-1645 Turnberry for Hadlow Estate SI-8 A-7 Green Belt Appraisal.pdf PSLP 1630-1645 Turnberry for Hadlow Estate SI-4 A-3 Flood Risk Review.pdf

Data inputter to enter their initials here HB

Question 1

Respondent's Name and/or Organisation Hadlow Estate

Question 2

Agent's Name and Organisation (if applicable) Turnberry

Question 3

To which part of the Local Plan does this 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 Hadlow Estate, please see Comment Numbers PSLP_1630-1645]

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.

Although we consider the Plan that the Plan is sound generally, we consider that certain details of the policies identified in our representations require amendment. These amendments are set out in our submitted representation and supporting technical evidence.

1 Comments on the Draft Plan

We have reviewed the Proposed Submission Plan and its supporting material to ensure the proposed spatial strategy for the Plan is both robust and justified in its identification of Tudeley for 2,800 homes. This section first reviews the Tudeley Village allocation and offers minor amendments to the detailed wording of the policy, before moving on to our observations on strategic and other supporting policies in the Plan. We set out our broad in principle support for the majority of the Plan's policies, however we make certain representations regarding amendments below.

Policy STR9 Green Belt

The policy notes that the Council will seek improvements to the environmental quality and accessibility of the surrounding Green Belt from all relevant development within the Green Belt, including if appropriate in the form of financial contributions. This approach is compliant with paragraph 138 of the NPPF which states that Plans 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.

While we do not object to the principle of this policy, it will be crucial to define what this means in relation to Tudeley Village and the type and scale of compensatory measures required, particularly in relation to financial contributions.

[TWBC: for full representation, please see supporting documents]

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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 refer to paragraph 3.14 of the Procedure Guide for Local Plan Examinations which sets out the circumstances in which representors may be invited to appear at examination stage. It would be helpful to the LPA as well as the Inspector if we were invited to participate to assist the Inspector's understanding of a soundness or legal compliance issue. Moreover, as we are suggesting helpful modifications it would be appropriate for us to participate in hearing sessions related to those areas within which we have suggested modifications.

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_120

Comment

Consultee	Mr and Mrs Leach [REDACTED]
Address	[REDACTED] Tonbridge TN9 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr and Mrs Leach [REDACTED]
Comment ID	PSLP_1900
Response Date	03/06/21 23:06
Consultation Point	Policy STR 9 Green Belt (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	PSLP_1894,1900,1906

Data inputter to enter their initials here AT

Question 1

Respondent's Name and/or Organisation Mr and Mrs Leach

Question 3

To which part of the Local Plan does this 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 9, STR/SS 1 and STR/SS 3 – see Comment Numbers PSLP_1894, PSLP_1900, PSLP_1906 and PSLP_1907]

Question 4a

If 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.

Re: Pre-Submission Local Plan (Regulation 19 Consultation) – Comments

Further to our comments on the Draft Local Plan, during the previous Consultation (Regulation 18). We again write to you, to raise our concerns about the proposed garden settlements and to object to various policies, as we do not believe that our original concerns, and those raised by others, have been adequately addressed in the Pre-Submission Plan.

We wish to take this opportunity to reiterate and elaborate on some of our key concerns, as outlined in our previous letter (dated 25th October 2019). In an effort to be concise, we will not repeat all particulars and so the reader is referred to this letter for context and completeness. For ease of reference, we have enclosed a copy of our original letter (in Appendix A).

Following the publication of Pre-Submission version of the Local Plan, we also now wish to raise other concerns, such as the legal compliance in-terms of the Duty to Co-operate and consistency with national policies.

Our comments on the Pre-Submission Local Plan, related to several policies, are outlined under the headings stated below. We are specifically concerned about the deficiencies in the proposed strategic infrastructure and the questionable need to release Green Belt land.

1 Policy STR 1 – The Development Strategy

Object as we have concerns over the consultation Due Process that has informed this strategy, in addition we consider that this strategy fails to comply with the **Duty to Co-operate** (i.e. **legal compliance**) and is **unsound** (i.e. not justified & inconsistent with national policy).

Our concerns and comments, about the first and last requirements, are outlined as follows:

1.1 In view of the large number of local people (over 800, >97%) who objected to the proposed development at Tudeley, during the Regulation 18 consultation, and raised a host of issues (site selection, infrastructure), which have not been properly addressed (see below), and so we have concerns about the review process rigour. In our opinion, there appears to be scant regard given to the overwhelming majority of people who commented about this Strategic site or even to the major concerns raised by an adjoining Authority (Tonbridge & Malling Borough Council, TMBC), as discussed in 1.9.

1.2 Considering the above, we respectfully purport that the Inspectors should not assume that the Council has adopted a rigorous process during the review of the Regulation 18 comments, especially given the weight of these objections regarding the Tudeley site. We ask that the Inspectors satisfy themselves that due regard has been given to these concerns/objections, in taking forward this strategic site and the required infrastructure.

1.3 With regard to Paragraph 16 of the National Planning Policy Framework (NPPF, 2019), it states that “Plans should:

- 1 a) be prepared with the objective of contributing to the achievement of sustainable development; ... c) be shaped by ... effective engagement between plan-makers and communities, local organisations ... and statutory consultees;”

1.4 In our opinion, we do not believe that the Tudeley site contributes to achieving sustainable development, especially as it is a car reliant development with insufficient public transport options (see

Section 1 of our previous letter; Section 1.24 below), nor do the concerns discussed above (in 1.1) indicate the Plan being shaped by communities.

1.5 Also, as outlined in our previous letter (in 1.4, appended), we are concerned about the development within the Green Belt and that the proposals for this Tudeley strategic site fail to comply with Paragraph 138 (NPPF, 2019), which states: (our emphasis added)

*“... Where it has been concluded that it is necessary to release Green Belt land for development, plans should first give consideration to land which has been previously-developed and/or **is well served by public transport**. ...”*

1.6 We are of the opinion that the proposed Development Strategy fails to adequately meet either of these requirements. Due to there being alternative brownfield sites and given the inclusion of the Tudeley site, which has inadequate public transport options. Refer to our previous letter for a full discussion, which is summarised below (see 1.21).

1.7 Considering the points above (in 1.3-1.6), we also have significant concerns about the soundness of the proposed Strategy (STR 1), given the inclusion of the Tudeley site. Since the justification is questionable (see Section 2 in previous letter; Section 3.8-3.14 below) and as this strategic site is inconsistent with national policy (incl. Para. 16 & 138).

1.8 With regard to the consultation itself, we consider that the absence of public exhibitions may exclude many people from engaging in this consultation. Older people tend to have less confidence with technology and so a limited public consultation may disproportionately exclude this group. Hence, we have concerns about whether insufficient ‘due regard’ has been given to them. If insufficient ‘due regard’ has been given to people with protected characteristics, then this consultation process would be contrary to Section 149 of the Equality Act (2010) and so would not be in legal compliance. The Council chose to conduct this consultation during lockdown, but could have waited until national restrictions had been eased to permit such exhibitions.

Concerns over the **Duty to Co-operate**

1.9 We also take this opportunity to **object** to the Development Strategy (STR 1), due to the inclusion of the Tudeley Village, on the basis that at least one strategic matter, namely the significant negative impact on Tonbridge’s local highways network, has not been adequately addressed. As such, we contend that the Duty to Co-operate has not been complied with. Our views in this regard are further discussed below.

1.10 Section 33A of the Planning and Compulsory Purchase Act (2004) imposes a duty on a Local Planning Authority, in this case Tunbridge Wells Borough Council (TWBC), to co-operate with other local planning authorities, on strategic/cross-boundary matters. Our understanding of this is to ensure that sustainable development is achieved, when considering sites that may have a significant impact on other local authority areas.

1.11 We understand that TMBC, like ourselves and many other people, have raised concerns about a number of significant negative impacts that two of the strategic sites (now listed under Policy STR/SS 1 and STR/SS 3) would have on Tonbridge, including on the local highway network and at the train station.

1.12 For ease of reference, an extract from TMBC’s objection comments, at the Regulation 18 consultation, under Policy Number: STR/CA1 and AL/CA1 is included below:

“The potential significant impacts of the proposed development at Tudeley and Capel on the local highway network and on infrastructure and services in nearby Tonbridge are a major concern for TMBC, particularly in light of the existing infrastructure challenges in Tonbridge and surrounding villages ...”

1.13 Similarly, an extract from TMBC’s objection comments, at the Regulation 18 consultation, under Policy Number: STR/PW1 and AL/PW1 is included below:

“... future rail capacity ... extends not only to train services but to commuter parking and likely travel habits. The frequency of services at Tonbridge station makes this the more likely destination for commuters when compared to Paddock Wood.”

1.14 The significant concerns made by TMBC, are similar to those that we previously raised at the Regulation 18 consultation. Refer to Section 1 of our previous letter (incl. 1.9). We also support the previous objection comments made by TMBC.

1.15 Despite the above local highway concerns being raised and Sweco's highway modelling (Sweco UK Ltd. (2021). 'Local Plan Transport Evidence Base'. Web link: https://tunbridgewells.gov.uk/_data/assets/pdf_file/0004/385321/TWBC-Local-Plan-Transport-Evidence-Modelling-Report.pdf [March 2021]) (for TWBC) showing that the proposed developments would cause a severe impact on many of our roads/junctions, some of which are over practical capacity, the up-dated Infrastructure Delivery Plan (Tunbridge Wells Borough Council (2021). 'Local Plan, Infrastructure Delivery Plan, Draft ...'. Web link: https://tunbridgewells.gov.uk/_data/assets/pdf_file/0009/388026/Infrastructure-Delivery-Plan_2021.pdf [Mar. 2021]) only includes a single improvement in Tonbridge. This relates to the Vauxhall Roundabout (A26/A2014, i.e. A21/Pembury Rd).

1.16 Furthermore, even with the proposed improvement, at this single junction, Sweco's modelling shows that proposed developments will still result in this junction becoming over practical capacity (i.e. >95%), when it would have been below this in the 2038 reference case. Refer to PDF page 154 of the Transport Evidence Modelling Report¹. As such, this highway improvement is therefore insufficient to mitigate the likely impact.

1.17 In addition, there are no highway improvements proposed at the roundabout linking the B2017, which is the only road from Tudeley to Tonbridge, with the previously discussed junction (A26/A2014). This is despite the junction traffic volume increasing from 81% currently (or 85% in the 2038 reference case), to over 96-99% (i.e. over practical capacity) in all the proposed development cases. Refer to PDF page 115 of the Report (Sweco UK Ltd. (2021). 'Local Plan Transport Evidence Base'. Web link: https://tunbridgewells.gov.uk/_data/assets/pdf_file/0004/385321/TWBC-Local-Plan-Transport-Evidence-Modelling-Report.pdf [March 2021]). Moreover, with reference to Figures 9.6 to 9.8 (in the Report (Sweco UK Ltd. (2021). 'Local Plan Transport Evidence Base'. Web link: https://tunbridgewells.gov.uk/_data/assets/pdf_file/0004/385321/TWBC-Local-Plan-Transport-Evidence-Modelling-Report.pdf [March 2021]), the severe impact on local highway network around Tonbridge, can be starkly seen. For instance, most of the junctions modelled turn red (>95%) and a massive increase in the queue lengths are evident at these junctions, when comparing the reference and Local Plan cases.

1.18 This evidence, presented in Sweco's report (Sweco UK Ltd. (2021). 'Local Plan Transport Evidence Base'. Web link: https://tunbridgewells.gov.uk/_data/assets/pdf_file/0004/385321/TWBC-Local-Plan-Transport-Evidence-Modelling-Report.pdf [March 2021]), clearly substantiates the concerns TWBC have and that we previously raised about the significant negative/severe impact that the Development Strategy would have on Tonbridge's local highway network. We strongly contest that the mitigation measures proposed in the Infrastructure Delivery Plan (Tunbridge Wells Borough Council (2021). 'Local Plan, Infrastructure Delivery Plan, Draft ...'. Web link: https://tunbridgewells.gov.uk/_data/assets/pdf_file/0009/388026/Infrastructure-Delivery-Plan_2021.pdf [Mar. 2021]) are insufficient to mitigate these severe impacts and those on the wider network, so TWBC may have failed to fulfil their legal obligation under the Duty to Co-operate.

1.19 We also strongly believe that it is not right that TWBC should take forward plans to build over-half of TWBC's total housing allocation, at the edge of its Borough, knowing full well the severe impact it will have on a neighbouring authority and our town. This goes against the spirit of your legal Duty, to ensure that sustainable development is achieved, which may also actually fail this legal test. We ask TWBC to re-consider these inappropriate and unsustainable plans, particularly with the inadequate public transport proposed and without adequate highway improvements. We also trust that the Inspectors would consider recommending that the Plan to be withdrawn, if this Plan is submitted in its current guise, in view of the significant shortcomings noted.

1.20 Another consideration is that the congestion, from the severe Local Plan impact (Sweco UK Ltd. (2021). 'Local Plan Transport Evidence Base'. Web link: https://tunbridgewells.gov.uk/_data/assets/pdf_file/0004/385321/TWBC-Local-Plan-Transport-Evidence-Modelling-Report.pdf [March 2021]), is likely to result in air quality limits being exceeded in Tonbridge and is most likely to harm the sustainable economic growth of our town (see previous letter, incl. 1.11-13). This increase in congestion, in Tonbridge and along the B2017 - particularly during the morning peak/school times, also brings into question the adequacy of the proposed Infrastructure Delivery Plan (Tunbridge Wells Borough Council (2021). 'Local Plan, Infrastructure Delivery Plan, Draft ...'. Web link: https://tunbridgewells.gov.uk/_data/assets/pdf_file/0009/388026/Infrastructure-Delivery-Plan_2021.pdf [Mar. 2021]) and the soundness of the proposed Tudeley site.

1.21 In-terms of the Infrastructure Delivery Plan (Tunbridge Wells Borough Council (2021)). 'Local Plan, Infrastructure Delivery Plan, Draft ...'. Web link:https://tunbridgewells.gov.uk/_data/assets/pdf_file/0009/388026/Infrastructure-Delivery-Plan_2021.pdf [Mar. 2021]), TWBC appear to be placing reliance on a single public transport mode – buses. This appears to mask the fundamental flaw of this poorly connected development site and the severe highway network impacts in the Local Plan scenario (Sweco UK Ltd. (2021)). 'Local Plan Transport Evidence Base ...'. Web link: https://tunbridgewells.gov.uk/_data/assets/pdf_file/0004/385321/TWBC-Local-Plan-Transport-Evidence-Modelling-Report.pdf [March 2021]) (in 1.15). In addition, the severe impact contradicts Policy EN1 2.2.

1.22 A concern of ours is about how the proposed bus service is being presented. This Plan proposes a 'rapid bus' link. However, we strongly contest the assertion that the proposed bus service would be a 'rapid' link, due to the congestion highlighted above. A rapid bus link would most likely require major road improvements along the entire route, including the provision of dedicated bus lanes/footways along the B2017 and through Tonbridge to the station, which is the mostly likely commuter destination (1.13).

1.23 Furthermore, without proper road improvements (i.e. dedicated lanes), it brings into doubt the effectiveness of any bus service in taking the huge number of extra cars off the road. The congestion along the route from Tudeley to Tonbridge, with commuters stuck on buses in traffic jams, will reduce the attractiveness of any new bus routes and so more people are likely to just opt for the comfort/convenience of their own cars. In our opinion, this Local Plan fails to address the significant shortcomings highlighted above and the validity of Sweco's highway modelling (Sweco UK Ltd. (2021)). 'Local Plan Transport Evidence Base ...'. Web link: https://tunbridgewells.gov.uk/_data/assets/pdf_file/0004/385321/TWBC-Local-Plan-Transport-Evidence-Modelling-Report.pdf [March 2021]) may now be questionable, if an unrealistic number of commuters are assumed to be using the bus service. If the latter is the case, then the severe highways impact evidenced (Sweco UK Ltd. (2021)). 'Local Plan Transport Evidence Base ...'. Web link: https://tunbridgewells.gov.uk/_data/assets/pdf_file/0004/385321/TWBC-Local-Plan-Transport-Evidence-Modelling-Report.pdf [March 2021]) and harm will all be amplified.

1.24 In addition, to the question marks over the compliance with the Duty to Co-operate, we have the view that this Strategy will create a massive car reliant commuter settlement, with the lack of public transport options and sufficient local jobs. This is discussed in our previous letter (1.9 & 1.10). As such, we contest that this Local Plan fails to comply with national policy (i.e. legal compliance). For instance, Para. 103 (NPPF, 2019) states: "... *Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.*"

1.25 We note previous precedence's where Inspectors have rejected similar garden village proposals (incl. in the West of England Plan), due to these developments being too heavily reliant on private cars. Again, we ask the Inspectors to consider recommending that the Plan to be withdrawn, if it is submitted in its current disguise, in view of the significant shortcomings and potential non-legal compliance issues highlighted above.

In closing, as discussed above, the Infrastructure Delivery Plan² fails to adequately address the severe impact on the local highways network, particularly in Tonbridge, and the significant concerns raised by TMBC and many others previously. As such, there are questions over the consultation review rigour (e.g. Due Process) and compliance with the Duty to Co-operate (i.e. legal compliance). We have also reiterated a number of examples where this strategy has not been justified and where it is inconsistent with national policy (e.g. in 1.24).

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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)

Comment

Agent	Mr Colin Smith [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Colin Smith Planning Ltd
Address	[REDACTED] Redhill [REDACTED]
Consultee	Leander Homes [REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Leander Homes [REDACTED]
Comment ID	PSLP_426
Response Date	26/05/21 10:33
Consultation Point	Policy STR 9 Green Belt (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Leander Homes
Question 2	
Agent's Name and Organisation (if applicable)	Colin Smith Planning 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 STR 9 Green Belt

Question 4

Do you consider that the Local Plan:

Is legally compliant Yes

Is sound No

Complies with the Duty to Cooperate Yes

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not 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 STR 9 sets out that “this Plan removes land from the Green Belt, which has been fully justified through the consideration of reasonable alternatives and it is supported by ‘exceptional circumstances’”.

Positively prepared This policy is related to the development strategy set out in draft policy STR 1, which identifies large strategic sites that will involve the release of significant areas of Green Belt. The combined area of land to be removed from the Green Belt as a result of including the land east of Paddock Wood and Tudeley village amounts to 331.188 ha, which equates to 4.6% of the total amount of the Green Belt within the Borough. The total net change in the amount of the Green Belt to be lost is 5.7%. Approximately 80% of the total amount of Green Belt to be lost is attributed to the two large strategic sites. An alternative strategy, of directing development towards the edge of existing settlements in order to support and enhance the existing services and facilities would comply with the social and economic objectives of the NPPF as set out in paragraph 8, and would result in a reduced impact on the Green Belt in the area around Five Oak Green by affording greater protection to the natural environment, particularly the Green Belt. In this regard, an alternative strategy would be unlikely to require highway improvements which would have further adverse impacts on the Green Belt and the purposes of including land within it. The environmental impact of the draft strategic allocations would not have a positive impact on the environmental objective of the three sustainability objectives of the NPPF, and the plan is not therefore positively prepared.

Justified Again, related to the development strategy set out in draft policy STR 1, it is accepted that in order to meet the needs of the evidence base, some release of Green Belt land would be necessary. The Council rely on their Green Belt Study to justify the release of Green Belt land. However, the land around Five Oak Green to the north of the railway line (parcel BA4) fulfils two of the purposes for including land within the Green Belt (prevent neighbouring towns merging into one another and assisting

in safeguarding the countryside from encroachment) which is assessed as “Strong”. These purposes will be compromised should the development strategy chosen be implemented, and the strategy will not be consistent with national policy. The location of the proposed strategic site of Tudeley village falls within parcel BA4. The environmental impact of the removal of the large areas of Green Belt is not justified.

EffectiveIn Green Belt terms, the policy reference to the “reasonable alternatives” is challenged in other representations submitted. The strategy chosen will result in significant harm to the Green Belt, and the purposes for including land within the Green Belt, as identified in the NPPF. In particular, the potential development of land east of Paddock Wood and Tudeley village, together with the proximity of Tonbridge to the west and Five Oak Green will start to expand the built form in the countryside across a wide area, and will result in significant compromising of the purposes of the Green Belt. In this regard, in relation to the stated aim in the draft policy of maintaining an effective Green Belt, will not be achieved. The draft policy is therefore not effective.

Consistent with national policyThe above submissions indicate that the proposed policy, being related to the overall development strategy set out in draft policy STR 1, would not be consistent with national policy, specifically in meeting the environmental objective of paragraph 8 of the NPPF, and that it would also not fulfil all of the purposes of including land within the Green Belt. On the basis of the Council’s own assessment of land parcel BA4, the strength of the Green Belt in fulfilling the purposes of including land within the Green Belt will be severely compromised.

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 second paragraph of the policy should be modified to read;

“This Plan removes land from the Green Belt *surrounding existing settlements*, which has been fully justified through the consideration of reasonable alternatives and it is supported by ‘exceptional circumstances’, *and will enable modest sustainable extensions to existing settlements in order to improve and enhance the local services and facilities provided.* The areas of Green Belt released are set out in the relevant place shaping policies and include requirements to secure improvements to the environmental quality and accessibility of the surrounding Green Belt.”

Such an approach would result in the draft Plan being positively prepared, justified, effective and consistent with national 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 discuss the above arguments and assist the Inspector in addressing the Council's 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_116a-j

Comment

Agent	Mr Steve Brown [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Woolf Bond Planning
Address	The Mitfords Basingstoke Road READING RG7 1AT
Consultee	[REDACTED]
Company / Organisation	Millwood Designer Homes Ltd
Address	Bordyke End 59 East Street Tonbridge TN9 1HA
Event Name	Pre-Submission Local Plan
Comment by	Millwood Designer Homes Ltd [REDACTED]
Comment ID	PSLP_1879
Response Date	03/06/21 16:15
Consultation Point	Policy STR 9 Green Belt (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	App 03 Sevenoaks DC v CLG [2020] EWHC 3054.pdf App 06 Hundal v S Bucks DC 2012 EWHC 7912 Admin.pdf WBP Reps for Millwood - Matfield - 3 June 2021.pdf App 04 Calverton v Nottingham City 2015 EWHC 1078 Admin.pdf App 08 Uttlesford Post stage 1 hearings letter to the Council 10.1.20 .pdf App 07 Tandridge Inspector-Preliminary-Conclusions-Advice.pdf App 09 Examiners Report on the Examination of NEA S1 10th Dec 2020.pdf App 02 Sevenoaks Final Report Mar 2020.pdf App 01 Inspectors letter to Tonbridge and Malling 15.12.20.pdf App 05 St Albans v Hunston Properties 2013 EWCA Civ 1610.pdf
Data inputter to enter their initials here	KJ
Question 1	

Respondent's Name and/or Organisation Millwood Designer Homes 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: full representation attached has been separated into Policy STR1 (PSLP_1876, Policy STR9 (PSLP_1879), Policy PSTR/BM1 (PSLP_1881) and Policy STR/SS3 (PSLP_1882). 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 (Millwood Designer Homes Ltd) have a controlling interest in land at Ashes Plantation, Maidstone Road, Matfield (Site Ref: 353).

1.2 The site was allocated in the Regulation 18 Draft Local Plan (Sept 2019) as a suitable and sustainable location to provide for 30-60 dwellings under Policy AL/BM3.

1.3 The council's decision to deallocate the site is not supported by the evidence base including this site assessment set out in the sustainability appraisal. Accordingly, the site should be reinstated as a housing allocation on similar terms to the wording set out in former Policy AL/BM3.

1.4 For the reasons set out below, we are of the view that 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 infrastructure and services such as those available at Matfield. Such locations should be considered in advance of the unjustified removal of land from the Green Belt which as detailed in the representations, which approach 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.

1.5 Having 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 and the allocation of deliverable sites in sustainable locations, including land controlled by our client at Ashes Plantation, Matfield. The site affords a logical opportunity in helping to meet identified housing needs and could provide for up to 60 dwellings, to include a policy-compliant level of affordable housing.

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 Inspector's assessment of the Tonbridge & Malling Local Plan (15th December 2020) (appendix 1)
- Inspector's Report into Examination of the Sevenoaks Local Plan (2nd March 2020) (appendix 2)
- Sevenoaks DC v Secretary of State for Communities, Housing & Local Government [2020] EWHC 3054 (appendix 3)
- Calverton PC v Nottinghamshire County Council [2015] EWHC 1078 (Admin) (appendix 4)
- St Albans City & District v Hunston Properties [2013] EWCA Civ 1610 (appendix 5)
- Hundal v South Bucks DC [2012] EWHC 7912 (Admin) (appendix 6)
- Tandridge LP Inspector's interim conclusions (11th December 2020) (appendix 7)
- Uttlesford Local Plan post Stage 1 hearings Inspector's letter to Council 10th January 2020 (appendix 8)
- North Essex Authorities (Braintree, Colchester & Tendring) Inspector's Report (10th December 2020) (appendix 9)

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 and extent of Built Development Limits

Objection

Policy STR9: Green Belt

Objection

Policy PSTR/BM1: The Strategy for Brenchley and Matfield Parish and the omission of land at Ashes Plantation as a housing allocation for up to 60 dwellings.

Objection

Policy STR/SS3: The Strategy for Tudeley Village

Objection

Omission site – Land at Ashes Plantation, Maidstone Road, Matfield (SHLAA Ref: 353)

Objection

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 polices, 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 through the planning system. 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. This therefore indicates that the Plan must seek to deliver the minimum of 14,364 dwellings between 2020 and 2039 rather than 12,204 dwellings from 2020 to 2038 as currently envisaged.

3.5 To address this requirement for additional homes, we contend that land at Ashes Plantation, Maidstone Road, Matfield (SHELAA Ref: 353) should be allocated for housing development.

3.6 Our representations also highlight a failure of the Local Plan as currently drafted to contribute towards addressing the acknowledged unmet needs of neighbouring authorities and the allocation of Site Ref: 353 (Reg 18 Local Plan allocation Ref: AL/BM3), can also supply homes to resolve this issue.

3.7 As detailed in the representations, the site represents a logical addition to the existing development in Matfield and should be included in the defined extent of the village. This requires consequential amendments to the Limits to Build development for Matfield as defined on the Local Plan Proposals Map (Inset Map 21).

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 Council.

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 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 advocate changes to the extent of the defined settlement area of Matfield together with amendments to other policies of the plan.

4.8 These amendments would reflect the view taken by the Council in allocation the site at the Regulation 18 stage in preference to 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 The remainder of this submission is focused on providing responses to the Council's draft policies in the Local Plan.

6. POLICY STR9: GREEN BELT

6.1. Through policy STR9, the Council seeks to remove land from the Green Belt for the delivery of a garden community at Tudeley in contrast to locations beyond the Green Belt like Matfield. Growth at Matfield would be consistent with the approach of the NPPF (paragraph 77) which emphasises the importance of development in villages to support long term viability of services.

6.2. Additional development at Matfield would be consistent with the Green Belt guidance in the NPPF (paragraph 138) which emphasises the importance of identify villages beyond the Green Belt in preference to the unjustified removal of land within this designation. As indicated below, we do not consider that the authority has justified the removal of Tudeley from the Green Belt when there are other more sustainable options as detailed in paragraph 138 of the NPPF, including additional growth at the village of Matfield.

6.3. 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 Ashes Plantation, Matfield, is viable at property values expected elsewhere in the Borough.

6.4. 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, including with respect of villages beyond the Green Belt. As noted, paragraph 77 of the NPPF supports growth of villages as this would help maintain their services.

6.5. The Council's choice of Tudeley village does not accord with the preference detailed in the NPPF, whereas growth at Matfield would.

6.6. Additionally, the Stage 2 Viability Assessment 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.

6.7. The Council in advancing revisions to its Green Belt 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 4 paragraph 10)).

6.8. 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 5) 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."

6.9. 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."

6.10. In the Calverton case (Appendix 4) 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."

6.11. In the Hundal case (Appendix 6) 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".

6.12. 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).

6.13. As outlined within this statement, 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 the land at Ashes Plantation, Matfield, where development will help support the existing services of the village consistent with paragraph 77 of the NPPF.

6.14. The Calverton case (Appendix 4) 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”.

6.15. 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;

6.16. 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.

6.17. 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. This includes consideration of growth in villages beyond the Green Belt which is sustainable as it supports services as envisaged by paragraph 77 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

6.18. 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.

6.19. The proposed Green Belt boundaries envisaged in the Draft Submission Local Plan do not reflect the requirements in the NPPF (paragraph 139).

6.20. 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.

6.21. This reinforces my view that there are no exceptional circumstances supporting a change to the Green Belt here.

6.22. 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.

6.23. In contrast, land beyond the Green Belt adjoining the village of Matfield would be a sustainable and appropriate location for growth consistent with paragraph 77 of the NPPF. In such instance, exceptional circumstances do not need to be demonstrated as the site at Matfield lies beyond the Green Belt.

10. OVERALL CONCLUSIONS

10.1. Our representations to the draft submission Local Plan have identified a number of concerns with the document as drafted, especially with respect of its soundness.

10.2. As indicated in the representations, changes to policies of the Plan are advocated, including the borough's housing requirement in policy STR1.

10.3. To ensure adequate supply of housing arises, the land at Ashes Plantation, Maidstone Road, Matfield should be included as a housing allocation for up to 60 dwellings.

10.4. These matters can be addressed through Main Modifications to the Plan allowing for a Sound Plan.

11. FINAL REMARKS

11.1. We trust the above comments are of assistance in preparing the necessary main modifications to provide for a sound Local Plan.

11.2. We welcome the opportunity to engage in constructive dialogue with the Council in relation to our observations, including the allocation of our client's site at Ashes Plantation, Matfield (Site Ref: 353).

11.3. 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 Inspectorate for examination.

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

6.24. 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.

6.25. 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 . Yes, I wish to participate in hearing session(s)

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:

To clarify any points the Inspector has with respect of the detailed representations submitted

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_109a-n

Comment

Agent	Mr Steve Brown [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Woolf Bond Planning
Address	[REDACTED] [REDACTED] READING [REDACTED]
Consultee	[REDACTED]
Company / Organisation	Millwood Designer Homes Ltd
Address	[REDACTED] [REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Millwood Designer Homes Ltd [REDACTED]
Comment ID	PSLP_1848
Response Date	03/06/21 14:53
Consultation Point	Policy STR 9 Green Belt (View)
Status	Processed
Submission Type	Email
Version	0.8
Files	APP02I~1.PDF APP06S~1.PDF App 05 Calverton v Nottingham City 2015 EWHC 1078 Admin.pdf App 01b P352 Rusthall - Access improvements.pdf APP09U~1.PDF App 07 Hundal v S Bucks DC 2012 EWHC 7912 Admin.pdf App 04 Sevenoaks DC v CLG [2020] EWHC 3054.pdf WBP Reps for Millwood - Rusthall - 3 June 2021.pdf App 01c Plan WBP1 - Land at Home Farm, Rusthall.pdf App 03 Sevenoaks Final Report Mar 2020.pdf APP10E~1.PDF APP01A~1.PDF App 01d Home Farm - Site Context Plan WBP2.pdf APP08T~1.PDF

Data inputter to enter their initials here KJ

Question 1

Respondent's Name and/or Organisation Millwood Designer Homes 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: full representation attached has been separated into Policy STR1 (PSLP_1839, Policy STR9 (PSLP_1848), Policy PSTR/RU1 (PSLP_1856) and Policy STR/SS3 (PSLP_1857). 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 (Millwood Designer Homes Ltd) control the land at Home Farm, Lower Green Road, Rusthall (SHLAA Site Ref: 60). This site has been promoted through earlier stages in the Local Plan as an additional location for growth in the Borough, taking account its credentials as a sustainable location for growth adjoining the acknowledged suitability of Rusthall, as indicated in the Council's SHLAA. 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 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 infrastructure and services such as those available at Rusthall which include those relating to health, education, leisure, retail 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.

1.3 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 replacement with an allocation at Home Farm, Rusthall. For the reasons detailed in this submission, growth at Home Farm, Rusthall due to its relationship with existing development and facilities would result in achievement of sustainable development. Furthermore, the proximity of the Home Farm site 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.

1.4 This contrasts with that at Tudeley Village which due to the limitations of these in the 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 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.

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 Millwood Designer Homes to the Council's Draft Local Plan Regulation 18 Consultation (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)

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 and extent of Built Developments

Objection

Policy STR8: Conserving and enhancing the natural, built, and historic environment

Objection

Policy STR9: Green Belt

Objection

Policy PSTR/RU1: The Strategy for Rusthall Parish and the omission of land at Home Farm, Lower Green Road (Site Ref: 60)

Objection

Policy STR/SS3: The Strategy for Tudeley Village

Objection

Omission site – Land at Home Farm, Lower Green Road, Rusthall (SHLAA Ref 60) – failure to include as an allocation in policy PSTR/RU1

Objection

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 through the planning system. 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. This therefore indicates that the Plan must seek to deliver the minimum of 14,364 dwellings between 2020 and 2039 rather than 12,204 dwellings from 2020 to 2038 as currently envisaged.

3.5 To address this requirement for additional homes, we contend that land at Home Farm, Lower Green Road, Rusthall should be allocated for residential development (SHLAA ref 60). This site can accommodate 25 dwellings (including a policy-compliant level of affordable housing) and as indicated in these representations and the supporting documents would be a sustainable addition to the village.

3.6 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 Home Farm, Rusthall can also supply homes to resolve this issue.

3.7 As detailed in the representations, the Home Farm site would be a logical addition to the existing development in Rusthall and should consequently be included in the defined extent of the village, 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 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 Rusthall 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 Rusthall 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 Home Farm, Lower Green Road, Rusthall (SHLAA Ref 60) should be included as an additional allocation within draft policy PSTR/RU1.

4.10 The remainder of this submission is focused on providing responses to the Council’s draft policies in the Local Plan.

6. POLICY STR9: GREEN BELT

6.1. 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 Home Farm, Lower Green Road, Rusthall.

6.2. 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 Home Farm is viable at property values expected elsewhere in the Borough.

6.3. 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.”

6.4. The Council's choice of Tudeley village does not accord with either of these criteria, whereas Home Farm, Rusthall with its relationship to existing services and facilities in the village, and its containment from the wider countryside beyond, does accord with this advice.

6.5. Additionally, whilst not directly relevant to the Home Farm, Rusthall site. It is recognised that the authority has accepted major employment growth north of Longfield Road, Royal Tunbridge Wells 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).

6.6. This is therefore an illustration that given the need for development in the Borough, be this either employment or housing can justify major development in both designations.

6.7. Although the Home Farm site does not represent major development, the Council's acceptance of major growth within both the AONB and Green Belt is nevertheless an illustration that development is acceptable, especially where, in the case of the Home Farm site, it would have limited impact upon the Green Belt. This therefore confirms the preference for sites in sustainable locations like Home Farm, Rusthall in contrast with the unsuitability of Tudeley Village.

6.8. 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.

6.9. 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).

6.10. 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.

6.11. The Council in advancing revisions to its Green Belt 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)).

6.12. 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."

6.13. 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."

6.14. 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."

6.15. 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”.

6.16. 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).

6.17. As outlined within this statement, 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 Home Farm, Lower Green Road, Rusthall where sustainable development will be achieved and therefore exceptional circumstances can be demonstrated.

6.18. 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”.

6.19. 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;

6.20. Matters (i) and (ii) are confirmed as the Council has demonstrated that its Local Housing Need can 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.

6.21. 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

6.22. 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.

6.23. 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.

6.24. In contrast the Council's Stage 2 Green Belt appraisal for the parcel containing our client's Home Farm site (assessed parcel ref RU2a) indicates that it only has a moderate contribution towards the Green Belt. This is therefore a lower rating than that contended to apply to the Site in the Council's Site Assessments (page 6 of Rusthall parishes appraisals). It is therefore clear that the Home Farm site can be removed from the Green Belt with limited harm.

(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.

6.25. The proposed Green Belt boundaries envisaged in the Draft Submission Local Plan do not reflect the requirements in the NPPF (paragraph 139).

6.26. 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.

6.27. This reinforces our view that there are no exceptional circumstances supporting a change to the Green Belt here.

6.28. 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.

6.29. 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. In contrast, the Home Farm, Rusthall site can readily be removed from the Green Belt as exceptional circumstances can be demonstrated.

10. OVERALL CONCLUSIONS

10.1. 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.

10.2. As indicated in the representations, changes to policies of the Plan are advocated, including the borough's housing requirement in policy STR1.

10.3. To ensure adequate supply of housing arises, the land at Home Farm, Lower Green Road, Rusthall (Site Ref: 60) should be included as an allocation.

10.4. These matters can consequently be addressed through Main Modifications to the Plan allowing for a Sound Plan.

11. FINAL REMARKS

11.1. We trust the above comments are of assistance in preparing the necessary main modifications to provide for a sound Local Plan.

11.2. We welcome the opportunity to engage in constructive dialogue with the Council in relation to our observations, including the allocation of our client's site at Home Farm, Rusthall (Site Ref: 60).

11.3. 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 Inspectorate for examination.

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

6.30. 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.

6.31. 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 clarify any points the Inspector has with respect of the detailed representations submitted

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_119a-m

Comment

Agent	Mr Steve Brown [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Woolf Bond Planning
Address	The Mitfords Basingstoke Road READING RG7 1AT
Consultee	[REDACTED]
Company / Organisation	Millwood Designer Homes Ltd
Address	Bordyke End 59 East Street Tonbridge TN9 1HA
Event Name	Pre-Submission Local Plan
Comment by	Millwood Designer Homes Ltd [REDACTED]
Comment ID	PSLP_1884
Response Date	03/06/21 14:23
Consultation Point	Policy STR 9 Green Belt (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	App 03 Sevenoaks Final Report Mar 2020.pdf App 01b 5416-LLB-RP-L-0002-S4-P02 Landscape Statement.pdf App 06 St Albans v Hunston Properties 2013 EWCA Civ 1610.pdf App 09 Uttlesford Post stage 1 hearings letter to the Council 10.1.20 .pdf App 07 Hundal v S Bucks DC 2012 EWHC 7912 Admin.pdf App 01c 5416-LLB-ZZ-XX-DR-L-0001-S4-P02 Landscape Principles.pdf App 08 Tandridge Inspector-Preliminary-Conclusions-Advice.pdf App 01a Millwood TW Local Plan Reps - Hawkhurst - 14 Nov 2019.pdf App 05 Calverton v Nottingham City 2015 EWHC 1078 Admin.pdf WBP Reps for Millwood - Hawkhurst - 3 June 2021.pdf App 10 Examiners Report on the Examination of NEA S1 10th Dec 2020.pdf App 04 Sevenoaks DC v CLG [2020] EWHC 3054.pdf App 02 Inspectors letter to Tonbridge and Malling 15.12.20.pdf

Data inputter to enter their initials here KJ

Question 1

Respondent's Name and/or Organisation Millwood Designer Homes 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: full representation attached has been separated into Policy STR1 (PSLP_1883, Policy STR9 (PSLP_1884), Policy PSTR/HA1 (PSLP_1885) and Policy STR/SS3 (PSLP_1886). 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 (Millwood Designer Homes Ltd) control the land at Chittenden Fields, north of High Street (A268), Hawkhurst. This site has been promoted through earlier stages in the Local Plan as an additional location for growth in the Borough, taking account of its credentials as a sustainable location for growth adjoining the acknowledged suitability of Hawkhurst, as indicated in the Council's SHLAA. 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 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 infrastructure and services such as those available at Hawkhurst which include those relating to health, education, leisure, retail and employment and will support the continuation of them as advocated by paragraph 77 of the NPPF. 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.

1.3 Having 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 and the allocation of deliverable sites in sustainable locations, including land controlled by our client's at Chittenden Fields, Hawkhurst. The site affords a sustainable opportunity in helping to meet identified housing needs and could provide for circa 70 dwellings, in a landscape setting, within walking distance from local services and facilities.

1.4 For the reasons detailed in this submission, growth at Chittenden Fields, Hawkhurst due to its relationship with existing development and facilities would result in achievement of sustainable development. Furthermore, the proximity of the Chittenden Fields site 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 therefore contrasts with that at Tudeley Village which due to the limitations of these in the 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 norm for residents in Tudeley, it will be harder to encourage them to switch to more sustainable alternatives once 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 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.

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 Millwood Designer Homes to the Council's Draft Local Plan Regulation 18 Consultation (November 2019) (appendix 1)
- Copy of Inspector's assessment of the Tunbridge & 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)

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 and extent of Built Development Limits

Objection

Policy STR9: Green Belt

Objection

Policy STR/HA1: The Strategy for Hawkhurst Parish and the omission of land at Chittenden Fields as a housing allocation for 70 dwellings.

Objection

Policy STR/SS3: The Strategy for Tudeley Village

Objection

Omission site – Land at Chittenden Fields, north of High Street (A268), Hawkhurst (SHLAA ref 2) – failure to include as an allocation in policy STR/HA1

Objection

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 through the planning system. 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. This therefore indicates that the Plan must seek to deliver the minimum of 14,364 dwellings between 2020 and 2039 rather than 12,204 dwellings from 2020 to 2038 as currently envisaged.

3.5 To address this requirement for additional homes, we contend that land at Chittenden Fields, Hawkhurst should be allocated for residential development (SHLAA ref 2). This site can accommodate 70 dwellings and as indicated in these representations and the supporting documents would be a sustainable addition to the village.

3.6 The representations also highlight a failure of the Local Plan as currently drafted to contribute towards addressing the acknowledged unmet needs of neighbouring authorities and the allocation of Chittenden Fields, Hawkhurst, can also supply homes to resolve this issue.

3.7 As detailed in the representations, the Chittenden Fields site would be a logical addition to the existing development in Hawkhurst and should be included in the defined extent of the village. This requires consequential amendments to the Limits to Build development for Hawkhurst as defined on the Local Plan Proposals Map (Inset Map 15).

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 Council.

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 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 advocate changes to the extent of the defined settlement area of Hawkhurst 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 Hawkhurst (Consistent with paragraph 77 of NPPF) 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 Chittenden Fields, north of Highs Street, Hawkhurst (SHLAA ref 2) should be included as an additional allocation within draft policy PSTR/HA1.

4.10 The remainder of this submission is focused on providing responses to the Council’s draft policies in the Local Plan.

6. POLICY STR9: GREEN BELT

6.1 Through policy STR9, the Council seeks to remove land from the Green Belt for the delivery of a garden community at Tudeley in contrast to locations beyond the Green Belt like Hawkhurst. Growth of Hawkhurst would be consistent with the approach of the NPPF (paragraph 77) which emphasises the importance of development in villages to support long term viability of services.

6.2 Additional development at Hawkhurst would be consistent with the Green Belt guidance in the NPPF (paragraph 138) which emphasises the importance of identify villages beyond the Green Belt in preference to the unjustified removal of land within this designation. As indicated below, we do not consider that the authority has justified the removal of Tudeley from the Green Belt when there are other more sustainable options as detailed in paragraph 138 of the NPPF, including additional growth at the village of Hawkhurst.

6.3 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 Chittenden Fields is viable at property values expected elsewhere in the Borough.

6.4 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, including with respect of villages beyond the Green Belt. As noted, paragraph 77 of the NPPF supports growth of villages as this would help maintain their services.

6.5 The Council's choice of Tudeley village does not accord with the preference detailed in the NPPF, whereas growth at Hawkhurst would.

6.6 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 latter 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.

6.7 The Council in advancing revisions to its Green Belt 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)).

6.8 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."

6.9 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."

6.10 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."

6.11 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”.

6.12 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).

6.13 As outlined within this statement, 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 the land at Chittenden Fields, Hawkhurst where development will help support the existing services of the village consistent with paragraph 77 of the NPPF.

6.14 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”.

6.15 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;

6.16 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.

6.17 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. This includes consideration of growth in villages beyond the Green Belt which is sustainable as it supports services as envisaged by paragraph 77 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

6.18 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.

6.19 The proposed Green Belt boundaries envisaged in the Draft Submission Local Plan do not reflect the requirements in the NPPF (paragraph 139).

6.20 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.

6.21 This reinforces my view that there are no exceptional circumstances supporting a change to the Green Belt here.

6.22 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.

6.23 In contrast, land beyond the Green Belt adjoining the village of Hawkhurst would be a sustainable and appropriate location for growth consistent with paragraph 77 of the NPPF. In such instance, exceptional circumstances do not need to be demonstrated as the site at Hawkhurst lies beyond the Green Belt.

10. OVERALL CONCLUSIONS

10.1. Our representations to the draft submission Local Plan have identified a number of concerns with the document as drafted, especially with respect of its soundness.

10.2. As indicated in the representations, changes to policies of the Plan are advocated, including the borough's housing requirement in policy STR1.

10.3. To ensure adequate supply of housing arises, the land at Chittenden Fields, north of High Street, Hawkhurst should be included as a housing allocation for approximately 70 dwellings.

10.4. These matters can be addressed through Main Modifications to the Plan allowing for a Sound Plan.

11. FINAL REMARKS

11.1. We trust the above comments are of assistance in preparing the necessary main modifications to provide for a sound Local Plan.

11.2. We welcome the opportunity to engage in constructive dialogue with the Council in relation to our observations, including the allocation of our client's site at Chittenden Fields, Hawkhurst.

11.3. 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 Inspectorate for examination.

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

6.24 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.

6.25 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 clarify any points the Inspector has with respect of the detailed representations submitted

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_112a-o

Comment

Agent	Mr Steve Brown [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Woolf Bond Planning
Address	The Mitfords Basingstoke Road READING RG7 1AT
Consultee	[REDACTED]
Company / Organisation	Millwood Designer Homes Ltd
Address	Bordyke End 59 East Street Tonbridge TN9 1HA
Event Name	Pre-Submission Local Plan
Comment by	Millwood Designer Homes Ltd [REDACTED]
Comment ID	PSLP_1868
Response Date	03/06/21 14:44
Consultation Point	Policy STR 9 Green Belt (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	App 07 Hundal v S Bucks DC 2012 EWHC 7912 Admin.pdf APP09U~1.PDF APP02I~1.PDF APP06S~1.PDF WBP Reps for Millwood - Benenden - 3 June 2021.pdf APP01B~1.PDF App 04 Sevenoaks DC v CLG [2020] EWHC 3054.pdf App 11 PP SPG Benenden Iden Green CAA.pdf APP01A~1.PDF (1) App 01c Figure 3 Landscape.pdf APP10E~1.PDF App 01d P318 LP 1001 - Site Location Plan.pdf App 03 Sevenoaks Final Report Mar 2020.pdf App 05 Calverton v Nottingham City 2015 EWHC 1078 Admin.pdf APP08T~1.PDF

Data inputter to enter their initials here KJ

Question 1

Respondent's Name and/or Organisation Millwood Designer Homes 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: full representation attached has been separated into Policy STR1 (PSLP_1859, Policy STR9 (PSLP_1868), Policy PSTR/BE1 (PSLP_1869), Policy STR/SS3 (PSLP_1870) and Policy EN15 (PSLP_1872). 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 client's (Millwood Designer Homes Ltd) control the land on the west side of Iden Green Road, Benenden (Site Ref: 222). This site has been promoted through the earlier stages in the Local Plan as an additional location for growth in the Borough, taking account its credentials as a sustainable location for growth adjoining the acknowledged suitability of Benenden, as indicated in the Council's SHLAA. 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 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 infrastructure and services such as those available at Benenden which include those relating to education, leisure and retail and will support the continuation of them as advocated by paragraph 77 of the NPPF. 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.

1.3 Having 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 and the allocation of deliverable sites in sustainable locations, including land controlled by our client's to the west of Iden Green Road, Benenden. The site affords a sustainable opportunity in helping to meet identified housing needs and could provide for approximately 28 dwellings, within walking distance from local services and facilities.

1.4 For the reasons detailed in this submission, growth at Benenden would support the long-term provision of services within the village reflecting the approach advocated in the NPPF (paragraph 77). This would result in the achievement of sustainable development.

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.

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 Millwood Designer Homes to the Council's Draft Local Plan Regulation 18 Consultation (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)
- Benenden and Iden Green Conservation Areas Appraisal (April 2005) (appendix 11)

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 and extent of Built Development Limits

Objection

Policy STR9: Green Belt

Objection

Policy PSTR/BE1: The Strategy for Benenden Parish and the omission of land west of Iden Green Road as a housing allocation

Objection

Policy STR/SS3: The Strategy for Tudeley Village

Objection

Policy EN15: Local Green Space

Objection

Omission site – Land west of Iden Green Road, Benenden (SHLAA ref 222) – failure to include as an allocation in policy PSTR/BE1

Objection

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 through the planning system. 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. This therefore indicates that the Plan must seek to deliver the minimum of 14,364 dwellings between 2020 and 2039 rather than 12,204 dwellings from 2020 to 2038 as currently envisaged.

3.5. To address this requirement for additional homes, we contend that land on the west side of Iden Green Road, Benenden, should be allocated for residential development (SHLAA Ref 222). This site can accommodate 28 dwellings and as indicated in these representations and the supporting documents would be a sustainable addition to the village.

3.6. 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 land of the west side of Iden Green Road, Benenden can also supply homes to resolve this issue. As detailed in the representations, the land west of Iden Green Road site would be a logical addition to the existing development in Benenden and should consequently be included in the defined extent of the village.

3.7. We also advocate other revisions to the Draft Submission Local Plan to ensure it is consistent with the evidence base prepared by the authority.

3.8. 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 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 advocate changes to the extent of the defined settlement area of Benenden 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 Benenden (Consistent with paragraph 77 of the NPPF) 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 on the west side of Iden Green Road, Benenden (SHLAA ref 222) should be included as an additional allocation within draft policy PSTR/BE1.

4.10. The remainder of this submission is focused on providing responses to the Council's draft policies in the Local Plan.

6. POLICY STR9: GREEN BELT

6.1. Through policy STR9, the Council seeks to remove land from the Green Belt for the delivery of a garden community at Tudeley in contrast to locations beyond the Green Belt like Benenden. Growth of Benenden would be consistent with the approach of the NPPF (paragraph 77) which emphasises the importance of development in villages to support long term viability of services.

6.2. Additional development at Benenden would be consistent with the Green Belt guidance in the NPPF (paragraph 138) which emphasises the importance of identify villages beyond the Green Belt in preference to the unjustified removal of land within this designation. As indicated below, we do not consider that the authority has justified the removal of Tudeley from the Green Belt when there are other more sustainable options as detailed in paragraph 138 of the NPPF, including additional growth at the village of Benenden.

6.3. Therefore, for the reasons detailed below, we object to the Tudeley 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 on land west of Iden Green Road is viable at property values expected elsewhere in the Borough.

6.4. 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, including with respect of villages beyond the Green Belt. As noted, paragraph 77 of the NPPF supports growth of villages as this would help maintain their services.

6.5. Therefore, the Council's choice of Tudeley village does not accord with the preference detailed in the NPPF, whereas growth at Benenden would.

6.6. Furthermore, 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.

6.7. The Council in advancing revisions to its Green Belt 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)).

6.8. 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."

6.9. 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."

6.10. 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."

6.11. 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".

6.12. 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.

6.13. 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).

6.14. As outlined within this statement, 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 the land west of Iden Green Road, Benenden where development will help support the existing services of the village consistent with paragraph 77 of the NPPF.

6.15. 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".

6.16. 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;

6.17. 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.

6.18. 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. This includes consideration of growth in villages beyond the Green Belt which is sustainable as it supports services as envisaged by paragraph 77 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

6.19. 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.

6.20. The proposed Green Belt boundaries envisaged in the Draft Submission Local Plan do not reflect the requirements in the NPPF (paragraph 139).

6.21. 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 designed to ensure that the impact associated with the removal of the site can be ameliorated or reduced to its lowest reasonably practicable extent.

6.22. This reinforces my view that there are no exceptional circumstances supporting a change to the Green Belt here.

6.23. 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.

6.24. In contrast, land beyond the Green Belt adjoining the village of Benenden would be a sustainable and appropriate location for growth consistent with paragraph 77 of the NPPF. In such instance, exceptional circumstances do not need to be demonstrated as the site at Benenden lies beyond the Green Belt.

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, changes to policies of the Plan are advocated, including the borough's housing requirement in policy STR1.

11.3. To ensure adequate supply of housing arises, the land west of Iden Green Road, Benenden should be included as a housing allocation.

11.4. These matters can consequently be addressed through Main Modifications to the plan allowing for a Sound Plan.

12. FINAL REMARKS

12.1. We trust the above comments are of assistance in preparing the necessary main modifications to provide for a sound Local Plan.

12.2. We welcome the opportunity to engage in constructive dialogue with the Council in relation to our observations, including the allocation of land west of Iden Green Road, Benenden for housing.

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 Inspectorate for examination.

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.

6.25. 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.

6.26. 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 clarify any points the Inspector has with respect of the detailed representations submitted

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 Raymond Moon ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] Paddock Wood TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Raymond Moon ([REDACTED])
Comment ID	PSLP_2291
Response Date	02/06/21 14:54
Consultation Point	Policy STR 9 Green Belt (View)
Status	Processed
Submission Type	Web
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Raymond Moon
Question 3	
To which part of the Local Plan does this 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	
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.

Policy STR 9

Green Belt (statement)

The Borough's Green Belt

4.128 Overall, some 5.71% of the Green Belt within the borough has been de-designated. Table 6 Green Belt Sites Policy Number Site Address S

STR/SS 1 Paddock Wood (including land at Removed -148.194 2.077 east Capel)

STR/SS 3 Tudeley Village Removed

To accommodate the boroughs housing allocation the above areas of GBL have been removed and there is no evidence or justification to agree to the reduction of our green and Open Spaces. This removal is purely designed to allow the TWBC to meet the new dwelling allocation and again highlights the unsustainability of the present proposals in the DLP.

Within the NPPF the proposed new development within the Green Belt is inappropriate and will harm the GB. Once you have lost Green Open Space in the GB it takes years to replace and is not viable. The only reason to take GBL is to meet the housing allocation and ignore the future damage. This use of GBL is inappropriate and I object to its inclusion in the DLP.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Comment

Consultee	Mr Raymond Moon ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Paddock Wood Labour Party (PWLP)
Address	[REDACTED] TONBRIDGE TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Paddock Wood Labour Party (PWLP) (Mr Raymond Moon - [REDACTED])
Comment ID	PSLP_2314
Response Date	02/06/21 15:02
Consultation Point	Policy STR 9 Green Belt (View)
Status	Processed
Submission Type	Web
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Paddock Wood Labour Party
Question 3	
To which part of the Local Plan does this 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	
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.

Policy STR 9

Green Belt (statement)

The Borough's Green Belt

4.128 Overall, some 5.71% of the Green Belt within the borough has been de-designated. Table 6 Green Belt Sites Policy Number Site Address S

STR/SS 1 Paddock Wood (including land at Removed -148.194 2.077 east Capel)

STR/SS 3 Tudeley Village Removed

To accommodate the boroughs housing allocation the above areas of GBL have been removed and there is no evidence or justification to agree to the reduction of our green and Open Spaces. This removal is purely designed to allow the TWBC to meet the new dwelling allocation and again highlights the unsustainability of the present proposals in the DLP.

Within the NPPF the proposed new development within the Green Belt is inappropriate and will harm the GB. Once you have lost Green Open Space in the GB it takes years to replace and is not viable. The only reason to take GBL is to meet the housing allocation and ignore the future damage. This use of GBL is inappropriate and PWLP objects to its inclusion in the DLP.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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_78a-c

Comment

Agent	Mr Troy Hayes [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Troy Planning & Design
Address	[REDACTED] [REDACTED] London [REDACTED]
Consultee	Mrs Nichola Reay [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Paddock Wood Town Council
Address	The Podmore Building St Andrews Recreation Ground TONBRIDGE TN12 6HT
Event Name	Pre-Submission Local Plan
Comment by	Paddock Wood Town Council (Mrs Nichola Reay - [REDACTED])
Comment ID	PSLP_1474
Response Date	04/06/21 16:11
Consultation Point	Policy STR 9 Green Belt (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	PSLP_1448-1479(not inclusive)_Troy Planning for PWTC SI-2 Representation.pdf PSLP_1448-1479(not inclusive)_Troy Planning for PWTC SI-3 PW TC Response to Reg. 18.pdf PSLP_1448-1479(not inclusive)_Troy Planning for PWTC SI-1 Cover Letter Redacted.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Paddock Wood Town Council

Comment

Agent	Chris Pattison [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Turnberry
Address	[REDACTED] London [REDACTED]
Consultee	[REDACTED]
Company / Organisation	Hadlow Estate
Address	[REDACTED] TONBRIDGE [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Hadlow Estate [REDACTED]
Comment ID	PSLP_1636
Response Date	04/06/21 15:44
Consultation Point	Policy STR 9 Green Belt (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	PSLP 1630-1645 Turnberry for Hadlow Estate SI-5 A-4 Hertitage Constraints Appraisal.pdf PSLP 1630-1645 Turnberry for Hadlow Estate SI-9 A-8 Development Strategy.pdf PSLP 1630-1645 Turnberry for Hadlow Estate SI-1 Representation.pdf PSLP 1630-1645 Turnberry for Hadlow Estate SI-2 A-1 Ecological Appraisal.pdf PSLP 1630-1645 Turnberry for Hadlow Estate SI-7 A-6 Landscape and Visual Appraisal.pdf PSLP 1630-1645 Turnberry for Hadlow Estate SI-6 A-5 Archaeology Assessment.pdf PSLP 1630-1645 Turnberry for Hadlow Estate SI-8 A-7 Green Belt Appraisal.pdf PSLP 1630-1645 Turnberry for Hadlow Estate SI-4 A-3 Flood Risk Review.pdf

Data inputter to enter their initials here HB

Question 1

Respondent's Name and/or Organisation Hadlow Estate

Question 2

Agent's Name and Organisation (if applicable) Turnberry

Question 3

To which part of the Local Plan does this 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 Hadlow Estate, please see Comment Numbers PSLP_1630-1645]

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.

Although we consider the Plan that the Plan is sound generally, we consider that certain details of the policies identified in our representations require amendment. These amendments are set out in our submitted representation and supporting technical evidence.

1 Comments on the Draft Plan

We have reviewed the Proposed Submission Plan and its supporting material to ensure the proposed spatial strategy for the Plan is both robust and justified in its identification of Tudeley for 2,800 homes. This section first reviews the Tudeley Village allocation and offers minor amendments to the detailed wording of the policy, before moving on to our observations on strategic and other supporting policies in the Plan. We set out our broad in principle support for the majority of the Plan's policies, however we make certain representations regarding amendments below.

Policy STR9 Green Belt

The policy notes that the Council will seek improvements to the environmental quality and accessibility of the surrounding Green Belt from all relevant development within the Green Belt, including if appropriate in the form of financial contributions. This approach is compliant with paragraph 138 of the NPPF which states that Plans 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.

While we do not object to the principle of this policy, it will be crucial to define what this means in relation to Tudeley Village and the type and scale of compensatory measures required, particularly in relation to financial contributions.

[TWBC: for full representation, please see supporting documents]

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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 refer to paragraph 3.14 of the Procedure Guide for Local Plan Examinations which sets out the circumstances in which representors may be invited to appear at examination stage. It would be helpful to the LPA as well as the Inspector if we were invited to participate to assist the Inspector's understanding of a soundness or legal compliance issue. Moreover, as we are suggesting helpful modifications it would be appropriate for us to participate in hearing sessions related to those areas within which we have suggested modifications.

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

Question 2

Agent's Name and Organisation (if applicable) Troy Planning & Design

Question 3

To which part of the Local Plan does this 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 other comments by Paddock Wood Town Council, please see Comment Numbers PSLP_1448-PSLP_1456, PSLP 1461, PSLP_1471]

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.

Tunbridge Wells Pre-Submission Local Plan – Paddock Wood Town Council Representation

Please find enclosed our representations to the Council's Pre-Submission Local Plan. These Representations are prepared and submitted on behalf of Paddock Wood Town Council (PWTC) and the representations are supported by the Paddock Wood Neighbourhood Plan Steering Group.

We also enclose the Council's Representation Form with our signature confirming that we do wish to take part in the Local Plan Examination Hearings.

We would like to point out that the majority of PWTC's representations to the Regulation 18 consultation were not addressed by TWBC. Given that the Local Plan has changed very little between that earlier consultation and the current period of representations on the Regulation 19 Local Plan we enclose these earlier representations and request that TWBC takes these into account and ensures they are supplied to the Secretary of State if the Council decides to proceed to submission stage.

We request that you please include this letter as part of our formal representations.

Our representations conclude that the Local Plan and its evidence base fail all the tests of soundness set out in the National Planning Policy Framework (NPPF) and that the Local Plan is not legally compliant.

Our representations go to the heart of the soundness and legality of the Local Plan, its policies, and the process TWBC has undertaken in preparing its Local Plan. We therefore consider that the entirety of the Local Plan is unsound as it is not legally compliant. Whilst we have singled out a number of specific policies that we consider to be unsound it would simply not be possible to comment on every single policy in the Local Plan which is a 515-page document.

We trust that TWBC appreciates the importance of the Local Plan proposals to the Paddock Wood community in terms of the inappropriateness of the proposals which would, if the Local Plan in its current form were to be implemented, have irreversible negative impacts on Paddock Wood and the wider area.

We urge TWBC to reconsider its development strategy which is set to fail at Local Plan Examination in Public and to restart the Local Plan process using an evidence base led approach which would conclude that Paddock Wood is an unsuitable and unsustainable location for strategic housing growth. Such an approach would save TWBC, the taxpayers and all the stakeholders involved in the Local Plan process an enormous amount of time and resources debating a Local Plan which is clearly unsound and not legally compliant.

1 Green Belt

Land at Capel and Paddock Wood

16.1. The NPPF affords great weight to Green Belts. Chapter 13 of the NPPF sets out policies which relate to the protection of the Green Belt. Paragraph 133 of the NPPF states that *"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."*

16.2. It is acknowledged that the Green Belt Study Stage Three (Draft Allocation Sites Harm Assessment) concludes that the harm of removing strategic allocation ALP/PW1 would be 'high' as *"AL/PW1 makes a Strong contribution to the prevention of encroachment on the countryside and a Relatively Weak contribution to preventing neighbouring towns merging into one another; and the impact of its release on the adjacent Green Belt will be Moderate. Harm resulting from the release of AL/PW1 will be High"*. The above highlights that the proposed strategic allocation does not comply with the NPPF, as it is evident that its removal for the Green Belt would result in significant encroachment on the countryside.

16.3. Furthermore, it is evident that the justification of removing the Green Belt to fulfil identified local housing need does not constitute 'exceptional circumstances' (as per paragraph 136 of the NPPF). Indeed, in 2015, Brandon Lewis MP (former Minister for State for Housing and Planning) stated that *"the National Planning Policy Framework makes clear that most development in the Green Belt is inappropriate and should be approved only in very special circumstances. Consistent with this, this Statement confirms the Government's policy that [...] unmet need are unlikely to clearly outweigh harm to the Green belt and any other harm as to establish very special circumstances"*. For reasons set out in our 'Sustainability Appraisal' section, it is evident that TWBC (the strategic policy-making authority) have not demonstrated that it has examined fully all other reasonable options for meeting its identified need for development. As such, the proposed removal of the Green Belt is entirely unwarranted as it is based on unsound evidence and does not align with paragraph 136 and 137 of the NPPF.

16.4. We are unconvinced from TWBC's evidence that it has demonstrated that it has examined fully all other reasonable options for meeting its identified need for development⁵⁵ before concluding it has exceptional circumstances. The NPPF requires that strategic policies are informed through this examination of other reasonable options and the Council's strategy much do the following:

a) **Makes as much use as possible of suitable brownfield sites and underutilised land.** TWBC's brownfield land potential has not been fully explored or evidenced. The brownfield land it includes for development in the Local Plan is mainly in Tunbridge Wells and this settlement along with the rest of the borough needs much further investigation for development opportunities including the opportunity for releasing more of its employment land for housing.

b) **Optimises the density of development in line with policies in chapter 11 of the NPPF including whether policies promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport.** This work has not been undertaken by TWBC with any rigor. For instance there are only 30 dwellings identified within Paddock Wood Town Centre despite it being well served by public transport. There are likely many other opportunities to increase development and densities in centres across the borough.

c) **Has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground.** As we set out in the Duty to Cooperate section of these representations the Council has failed to discharge the duty which is evidenced by a lack of SOCGs with most of its neighbouring authorities.

16.5. Furthermore, the Green Belt Study Stage Three (Draft Allocation Sites Harm Assessment) adds that *"the masterplan indicates that built development would be located to the north-west of the allocation site in close proximity to Whetsted Road (A228) which would bring the new inset edge close to washed over development in Whetsted"*. This evidence highlights that the removal of this Green Belt parcel would result in the non-compliance of Purpose 2 (paragraph 134, clause b) of the NPPF on the grounds that the westward movement of the inset edge of Paddock Wood would lead to the coalescence of Paddock Wood with Whetsted.

Tudeley Village

16.6. The Green Belt Study Stage Three (Draft Allocation Sites Harm Assessment) concludes that the harm of removing strategic allocation AL/CAL1 from the Green Belt would be 'high' as *"AL/CA1 makes a strong contribution to the prevention of encroachment on the countryside and a relatively weak contribution to preventing neighbouring towns merging into one another; and the impact of its release on the adjacent Green Belt will be Moderate. Harm resulting from the release of AL/CA1 will be High."* Whilst PWTC agree that the risk of removing the land from the Green Belt would be high, it is also abundantly clear that the strategic allocation would also result in 'high' harm to Purpose two (paragraph 134b of the NPPF) as the development would result in the merging of neighbouring of Tudeley Village and Five Oak Green. In relation to Purpose 2 of the NPPF (preventing neighbouring towns merging), the Green Belt Study Stage Three (Draft Allocation Sites Harm Assessment) establishes that *"it has a strong distinction from existing inset settlements, meaning that development will be more intrusive on the settlement gap than would be the case if the allocation area related more strongly to an existing inset settlement, but the size of the gap means that it makes a Relatively Weak contribution to preventing neighbouring towns merging". The Study adds that "this will, without mitigation, weaken the strength of separation between the inset edge of Tudeley Village and existing inset development at Five Oak Green, although will still provide a level of distinction between the two settlements"*.

16.7. PWTC strongly dispute the above statement, as the eastern boundary of the proposed Tudeley Village consists of a tree line which includes a significant gap for east-west access. As highlighted below, this treeline is not uniform and varies in width. The aforementioned gap is highlighted in red. This Google Streetview imagery was taken looking north-west and north-east off Five Oak Green Road from the field gate that is approximately 150m west of Capel Primary School. As shown, it is evident that there will be limited distinction between the two settlements due to the significant reduction in gap between settlements, the topographic gradient sloping down eastwards and the presence of weak field boundaries. As such, there is very little visual separation between the two settlements. It should also be acknowledged that the lack of visual separation will be significantly worse in winter months when tree cover is limited. In conclusion, it is clear that the above statement made within the Green Belt Study Stage Three (Draft Allocation Sites Harm Assessment) is inaccurate as it does not reflect the true level of Green Belt harm resulting from the proposed development.

[TWBC: for images, please see full representation attached as a supporting document]

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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:

Paddock Wood Town Council confirms that it wishes to participate in the Local Plan Examination hearing sessions. Given the scale of strategic development proposed at Paddock Wood and nearby at the proposed new settlement, its extensive representations, and its role as a statutory consultee, PWTC considers it critical that it has the opportunity to provide further input into the Local Plan Examination process including the hearing sessions to respond to other evidence and arguments put forward.

If you would like to attach a file in support of your comments, please upload it here. [PSLP 1448-1479\(not inclusive\) Troy Planning for PWTC SI-1 Cover Letter Redacted.pdf](#)

If you would like to attach a file in support of your comments, please upload it here. [PSLP 1448-1479\(not inclusive\) Troy Planning for PWTC SI-2 Representation.pdf](#)

If you would like to attach a file in support of your comments, please upload it here. [PSLP 1448-1479\(not inclusive\) Troy Planning for PWTC SI-3 PW TC Response to Reg. 18.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_54a-b

Comment

Consultee	Ms Noreen O'Meara [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Residents Against Ramslye Development
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Residents Against Ramslye Development [REDACTED] [REDACTED]
Comment ID	PSLP_932
Response Date	02/06/21 08:48
Consultation Point	Policy STR 9 Green Belt (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Residents Against Ramslye Development whole submission redacted.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Noreen O'Meara on behalf of Residents Against Ramslye Development
Question 3	
To which part of the Local Plan does this 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 also further comments on individual sections and policies - PSLP_914, 925, 926, 928, 929, 930, 931, 932, 933, 938. The whole representation form (personal details redacted has also been attached as it contains plans and images]

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.

This response is made on behalf of the 669 signatories on the petition submitted in response to Regulation 18 which was delivered to TWBC Planning Services in 2019 and the Facebook group 'Residents Against Ramslye Development' whose membership is currently 247 (names can be provided if required). We have noted guidance 4.3 and have encouraged the people opposed to the development of site 137/ Policy AL/RTW 16 'Land to the west of Eridge Road at Spratsbrook Farm' not to make separate responses repeating the same points as those made here; some however will no doubt have submitted individual responses.

"The release of Green Belt land has been undertaken through this Local Plan, and is detailed where relevant in the place shaping policies in Section 5.

In order to protect the remaining Green Belt, as defined on the draft Policies Map, the Council will consider the proposal against the relevant policy in the National Planning Policy Framework, or the national planning policy at the time a planning application is being determined."

TWBC's policy simply doesn't adequately protect the Green Belt. The plan dedesignates 5.35% of the borough's Green Belt, with only a small area South West of Paddock Wood being added. If this pattern of dedesignation is repeated each time the plan is updated/replaced, the Green Belt will disappear. The South East of England is already more densely populated than other parts of the country. The borough cannot build and build, and maintain what is special to this area. The policy should be more explicit about protecting those areas of Green Belt that are either more sensitive or contribute more to the Green Belt policy objectives.

In addition, given the number of local plans around the country that propose the development of Green Belt land, we find it very difficult to believe that each district or borough can be exceptional – we think you must agree that would be an exceptional number of exceptional circumstances.

Individual site planning applications should address the removal of land from the Green Belt. This should not be done by the Local Plan as the time period covered is lengthy and changes might negate the need.

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 site 137/ AL/RTW 16 'Land to the west of Eridge Road at Spratsbrook Farm' from the plan.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_137

Comment

Consultee	Mr Alan Chilvers ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Residents of Golden Green Association & KeepKent.Green
Address	[REDACTED] [REDACTED] Tonbridge, Kent TN11 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Residents of Golden Green Association & KeepKent.Green (Mr Alan Chilvers - [REDACTED])
Comment ID	PSLP_2029
Response Date	04/06/21 11:48
Consultation Point	Policy STR 9 Green Belt (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	PSLP_2026-2031, 2033, 2037-2040 KeepKent.Green & Residents of Golden Green Association Representation
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Golden Green Residents Association & KeepKent.Green
Question 3	
To which part of the Local Plan does this 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 KeepKent.Green and the Golden Green Residents Association, please see Comment Numbers PSLP_2026-2031, PSLP_2033 and PSLP_2037-2040]

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.

[TWBC: the following extract is from the representation submitted by KeepKent.Green and the Golden Green Residents Association - for the full representation, please see supporting documents]

KKG Objects to Policies STR/SS1 and STR/ SS3 as well as providing additional commentary on other policies, that lead to conclude the Local Draft Plan is not legally compliant, is not positively prepared, is not justified or effective or consistent with NPPF.

STR 9 Green Belt

The importance is attached to the nationally important landscape of the High Weald AONB, as well as the Green Belt, which extends from the western part of the borough around Royal Tunbridge Wells and up to the western edge of Paddock Wood.

Maintaining the integrity of the Green Belt and High Weald AONB are critical considerations

The borough could meet only a fraction of its housing need without the provision for strategic sites, namely the substantial expansion of Paddock Wood (including land at east Capel) and the creation of a new garden settlement at 'Tudeley Village'.

Tudeley Village and East Capel would involve the loss of a large area of Green Belt belt. (332ha)

The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open to maintain the character of the Green Belt. Once established, Green Belt boundaries should only be altered in exceptional circumstances and should be fully evidenced and justified. Even if such exceptional circumstances are demonstrated to exist, consideration must also be given to the nature and extent of the harm to the Green Belt (or those parts that will be lost) and the effect on Green Belt objectives.

With further neighbouring areas of Green Belt which have already been lost to previous developments of a Solar Farm (50 ha) in 2015 and mineral extractions (120ha) the area has already lost designated MGB.

Large parcels of land within the area have already been safeguarded by KCC for future Mineral extraction.

Further development will impinge on visual impact on the openness of the land and will be viewed by many surrounding villages and towns.

Overall, some 5.71% of the Green Belt within the borough has been de-designated within this plan.

- **Paddock Wood/ East Capel** -148.194ha or 2.077% Greenbelt allocation of the overall 5.71% removed

- **Tudeley Village Removed** -182.994ha or 2.565% MGB removed

- This equals an overall **4.642% (81%)** removal of MGB within the Parish of Capel.

Considering a majority of the borough 70% is within ANOB, reducing its MBG allocation is a large proportion of the MGB within the Borough.

The PSLP does not designate other land as 'replacement' Green Belt to replace that to be removed.

The solar farm development received local community support as at the time the community was assured that no further development would occur within MGB within the area, 5 years later the largest development proposals within the history of the Parish have evolved which requires further loss of MGB land.

At the time of planning was granted it was understood that the solar farm was inappropriate development within MGB but the duration of the development would be 25 years and then would be returned to productive farmland within MGB designation.

With the historic development and future development proposals this surely can be considered

Unrestricted Urban Sprawl as well as merging towns into one another as there will be small strips of MGB remaining between Paddock and Tonbridge.

The removal of this MGB will effectively merge Tudeley to Tonbridge in the west as well as Five Oak Green and Paddock wood in the East.

Urban sprawl is the biggest threat to climate change. Sprawl is low density. It is resource-hungry and an inefficient use of land."

The loss of this MGB designation will be irreversible; it currently provides a haven for ecology, many heritage assets, additional flood storage capacity that has protected our towns and villages from flooding for 100's of years, protects and produces via aquifers the current water supply to Tunbridge Wells.

Environmentally it aids with carbon capture from acres of mature trees, hedgerows and historic woodlands, furthermore most of the area is currently commercially farmed , producing many varieties of crops and soft fruits, and grazing, to lose this MGB destination would end the farming community that has farmed this area for many generations as well as a valuable supplier to the food chain and local community.

There are a number of public access points within these sites, providing greenspace connectivity between Tonbridge and Paddock wood as well as many surrounding villages. The ANOB boundary was drawn up as a boundary of convenience as it is defined by a road the B2017 but the character of the landscape defined within the ANOB continues across the road into the landscape features of the Metropolitan Green Belt that is being proposed to be removed.

The TWBC Green Belt Study highlights "The gap between Five Oak Green and Paddock Wood represents a fairly small proportion of the overall gap between towns, but coalescence or near-coalescence of these separate settlements would have a disproportionate impact in this respect, being more likely to be perceived as sprawl."

No evidence within these studies that examine the intrinsic quality of the land.

TWBC has not considered the Brownfield sites availability sufficiently, it has dismissed many potential strategic sites, it has not fully examined all other reasonable options for meeting its development need

as defined within NPPF therefore has not met any of the requirements to demonstrate exceptional circumstances.

The removal of MGB at Tudeley will remove substantial parcels of productive agricultural land, creating a permanent adverse landscape impact upon the proposed village settlement as well as the Medway Valley and High Weald ANOB.

A majority of the necessary major road improvements required will involve further removal of ANOB and Green Belt.

Kent County Council's Countryside Access Improvement Plan (2007). "Although the parts of the Low Weald within the Borough are not designated as an Area of Outstanding Natural Beauty, the landscape is still of high value and should be protected".

This proposal fails to adequately safeguard the intrinsic beauty and openness of the countryside of the Green Belt and the setting of adjacent ANOB.

TWBC has not demonstrated any special circumstances why the permanent removal of this MBG would benefit the borough and the community, especially as the land serves as a fully functional flood plain (one of the largest natural flood storage areas within the UK) .

The TWBC Green Belt Studies 1& 2 assessments were very clear with their conclusions regarding the potential Harm of the removal of Green Belt within Tudeley and East Capel with a VERY HIGH scoring. The recent stage 3 assessment has been revised to HIGH Impact upon the Green Belt Release.

The Green Belt is good, positive planning. It stops urban sprawl and encourages the vital regeneration of our largest cities. It provides the countryside next door to 30 million people and protects the setting of many of our historic settlements. And, though not the principal purpose, it protects the attractive landscapes so important to our environment, heritage and wellbeing.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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:

KeepKent.green would like to attend and participate in any Inspectors Hearing regarding the TWBC Local Plan.

If you would like to attach a file in support of your comments, please upload it here. [PSLP 2026-2031, 2033, 2037-2040 KeepKent.Green & Residents of Golden Green Association Representation](#)

Supporting Information File Ref No: SI_105

Comment

Agent	Ms Polly Canning [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Kember Loudon Williams
Address	[REDACTED] [REDACTED] ROYAL TUNBRIDGE WELLS [REDACTED]
Consultee	Mr Richard Barnes [REDACTED]
Company / Organisation	Richard Barnes (Farms) Limited
Address	Unknown Unknown Unknown
Event Name	Pre-Submission Local Plan
Comment by	Richard Barnes (Farms) Limited [REDACTED] [REDACTED]
Comment ID	PSLP_1811
Response Date	03/06/21 16:51
Consultation Point	Policy STR 9 Green Belt (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	PSLP_1809, 1811-1812_KLW_for_R Barnes_SI_Representation.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Richard Barnes (Farms) Limited
Question 2	
Agent's Name and Organisation (if applicable)	Kember Loudon Williams Ltd
Question 3	

To which part of the Local Plan does this representation relate?

Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR 9 Green Belt

Table 6

Policies Map (Inset Map No(s)) 29

[TWBC: for further comments, please see Comment Numbers PSLP_1809, 1811 and 1812]

Question 4

Do you consider that the Local Plan:

Is sound

No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, 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.

Introduction and Background

Our client owns land at Stone Court Farm (from hereon in referred to as "the Site") which is positioned on the north-eastern side of Pembury, in one of the only areas around Pembury that is **not** located in an Area of Outstanding Natural Beauty. It adjoins the Limits to Built development and is well related to the village core area. It is considered entirely suitable for residential development. Furthermore, it is available now and it is deliverable. The purpose of this submission therefore is to request the release of the site from the Green Belt (like Tunbridge Wells Borough Council have done for other 6 other sites in Pembury) and to allocate the land for housing. Submissions are therefore being made in relation to:

- . Policy STR1: The Development Strategy;
- . Policy STR9: The Green Belt;
- . Policy PSTR/PE1: The Strategy for Pembury Parish

Policy STR9: Green Belt

Policy STR9 removes land from the Green Belt and explains that this move is justified through the consideration of reasonable alternatives and is supported by 'exceptional circumstances'.

It is noted that a large proportion of land being released from the Green Belt is in Pembury - Table 6 on page 68 of the Pre-Submission version of the Plan shows that there are 6 sites in Pembury being released from the Green Belt (AL/PE 1, AL/PE 2, AL/PE 3, AL/PE 4, AL/PE 5, and AL/PE 7) equating to an overall total of 22.447 hectares of land.

The evidence and justification to release land from the Green Belt are explained in the Development Strategy Topic Paper (February 2021). One of the 'exceptional circumstances' given in Paragraph 6.201 on page 65 of the Topic Paper is "Individual site allocations located on the edge of settlements". Under this heading the text reads:

"Individual (mainly smaller scale) sites have been identified as logical extensions to the existing LBD of a settlement, or as a 'rounding off' small local adjustment to the Green Belt boundary (and in some cases providing a stronger Green Belt boundary), and where all other planning considerations support the allocation, facilitating development in a sustainable location. For example, the release of Green Belt land at a number of locations at Pembury will provide a range of development opportunities, including housing and community facilities, in a sustainable location".

It is considered that the subject Site meets the criteria above. It represents a logical extension to the existing Limits to Built Development of Pembury and is in a sustainable location.

Furthermore, it is important to note that the consents given to converting the former fruit farm buildings on the boundary edge of the Site (LPA Ref: 19/01696/FULL & 19/01430/PNQCLA) have now all been implemented. An image of this development is provided below.

[TWBC: for image, please see full representation attached as a supporting document]

This new residential development along with the road providing access to it (Stone Court Lane) are clear strong defensible boundaries to any settlement expansion, thus protecting from future incursion into the Green Belt. Any development on this site would therefore effectively act as infill development up to these boundaries.

In addition, it should be noted that directly to the northeast of Pembury there are no settlements for several miles so there would be no future merger of settlements.

[TWBC: for site plan, please see full representation attached as a supporting document]

Policy ST1 provides for some reductions in the area of the Green Belt around Pembury "where an effective long-term Green Belt is maintained". In this instance, it is clear that an effective long-term Green Belt can be maintained and as such we ask that this site is reconsidered for Green Belt release.

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 order for Policy STR9 to be found sound, Table 6 on page 68 of the Plan should be modified to include Stone Court Farm (1.62 hectares) as a site that should be released from the Green Belt. Insert Map 29 should be amended to release this site 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:

In order for the Plan to be found sound.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

The Sustainability Statement was wrong not to consider this site as a “reasonable alternative” to and not to have attributed greater weight to the site’s status outside of the AONB.

If you would like to attach a file in support of your comments, please upload it here.

[PSLP 1809, 1811-1812 K LW for R Barnes SI Representation.pdf](#)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Andrew Richards ([REDACTED])
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Andrew Richards ([REDACTED])
Comment ID	PSLP_2096
Response Date	03/06/21 21:42
Consultation Point	Policy STR 9 Green Belt (View)
Status	Processed
Submission Type	Email
Version	0.7

Data inputter to enter their initials here KH

Question 1

Respondent's Name and/or Organisation Mr Andrew Richards

Question 3

To which part of the Local Plan does this 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

Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel

Policy STR/SS 3 The Strategy for Tudeley Village

[TWBC: this representation has been input against Policies STR 9, STR/SS 1 and STR/SS3 – see Comment Numbers PSLP_2096, PSLP_2101 and PSLP_2102]

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 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.

Green Belt

- 1 The Pre-submission Local Plan (PSLP) proposes to remove over 330ha of land from the Green Belt to satisfy the Tudeley and Paddock Wood garden settlements (PSLP table 6). However, this use of Green Belt land runs counter to the NPPF and more recent clarifications provided by Government. Specifically:
 - a. The Government first set out its position in 2014 when posing the question “Do local planning authorities have to meet in full housing needs identified in needs assessments?” (<https://www.gov.uk/government/news/councils-must-protect-our-precious-green-belt-land>). The answer provided was as follows:
 - (1) Local authorities should prepare a Strategic Housing Market Assessment to assess their full housing needs.
 - (2) However, assessing need is just the first stage in developing a Local Plan. Once need has been assessed, the local planning authority should prepare a strategic housing land availability assessment to establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period, and in so doing take account of any constraints such as green belt, which indicate that development should be restricted and which may restrain the ability of an authority to meet its need. (my emphasis)
 - b. This was amplified in 2016 when the Minister for Housing and Planning stated:

“The Government are committed to the strong protection and enhancement of green-belt land. Within the green belt, most new building is inappropriate and should be refused planning permission except in very special circumstances”. (Hansard, 18 Jul 16)
 - c. This is reinforced by the NPPF para 11b which 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, unless

 - (1) the application of policies in this Framework that protect areas or assets of particular importance [footnote refers to Green Belt] provides a strong reason for restricting the overall scale, type or distribution of development in the plan area, 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”.

d. This is further supported by the NPPF para 145: “A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt”, with a list of exceptions, none of which apply to proposals of the magnitude proposed for Tudeley or Paddock Wood.

e. The Government has recently (April 2021) clarified its position on the use of Green Belt. (see web link). Specifically:

(1) “We heard suggestions in the consultation that in some places the numbers produced by the standard method pose a risk to protected landscapes and Green Belt. We should be clear that meeting housing need is never a reason to cause unacceptable harm to such places.”

(2) “Within the current planning system the standard method does not present a ‘target’ in plan-making, but instead provides a starting point for determining the level of need for the area, and it is only after consideration of this, alongside what constraints areas face, such as the Green Belt, and the land that is actually available for development, that the decision on how many homes should be planned for is made. It does not override other planning policies, including the protections set out in Paragraph 11b of the NPPF or our strong protections for the Green Belt. It is for local authorities to determine precisely how many homes to plan for and where those homes most appropriately located. In doing this they should take into account their local circumstances and constraints.”

f. This is reinforced by other guidance, for instance

<https://www.gov.uk/guidance/housing-and-economic-land-availability-assessment>:

(1) Should plan-makers override constraints, such as Green Belt, when carrying out the assessment to meet identified needs?

“Plan-making bodies should consider constraints when assessing the suitability, availability and achievability of sites and broad locations. For example, assessments should reflect the policies in footnote 6 of the National Planning Policy Framework, which sets out the areas where the Framework would provide strong reasons for restricting the overall scale, type or distribution of development in the plan area (such as the Green Belt and other protected areas).” (Paragraph: 002 Reference ID: 3-002-20190722)

g. The above policy and guidance is summarised concisely in the following terms

(https://www.designingbuildings.co.uk/wiki/Green_belt_planning_practice_guidance):

“The government's policy position is broadly that the green belt be protected almost at all costs, but consequently that development needs (in particular for new housing) will have to be accommodated in sustainable locations in other areas (including open countryside) outside the specific designations where planning policy imposes specific constraints”

1 It is worth noting, consistent with the above guidance, that TWBC rejected a planning application ref 18/01767 from the Poacher pub on Hartlake Road (immediately adjacent to the proposed garden settlement at Tudeley) on the grounds it would intrude on Green Belt, noting as a reason for the refusal:

a. “The proposal would constitute inappropriate development within the Metropolitan Green Belt, which by definition is harmful to its openness. There is insufficient evidence of the necessary ‘very special circumstances’ to overcome this harm. The proposal is thus contrary to . . . and the National Planning Policy Framework 2018” (rejection letter dated 31 Jul 18)

3.. Supporting documents to the PSLP recognise the harm that would be caused to the Green Belt by the two proposed settlements at Tudeley and Paddock Wood. Specifically,

a. The Development Strategy Topic Paper identifies that there would be a ‘high’ level of harm to the Green Belt from the two settlements, which would remove more than 330ha from Green Belt (https://tunbridgewells.gov.uk/__data/assets/pdf_file/0008/388016/Development-Strategy-Topic-Paper.pdf) – table 4

b. The Stage 3 Green Belt Study identifies the risk of the Tudeley and Paddock Wood settlements merging into each other when it states

(https://tunbridgewells.gov.uk/__data/assets/pdf_file/0009/385317/Green-Belt-Study-Stage-Three_Rev1.pdf):

(1) “The fundamental purpose of the Metropolitan Green Belt is to prevent the sprawl of London and, as part of that, preventing other settlements growing towards London. Therefore, it makes sense to prevent Tunbridge Wells, Paddock Wood and Tonbridge from merging into one another” (para 5.32).

(2) “To the east, the release of AL/CA1 along with the expanded Paddock Wood (AL/PW1) will create a gap of approximately 1.8km between Tudeley Village and Paddock Wood. However, existing intervening

urban development at Five Oak Green, washed over development on Badsell Road, rail and road connections, and a lack of significant separating features will reduce the perceived gap. This will, without mitigation, weaken the strength of separation between the inset edge of Tudeley Village and existing inset development at Five Oak Green, although will still provide a level of distinction between the two settlements" (para 4.114).

4. The NPPF (para 137) requires LPA's to engage with others through statements of common ground to address any remaining unmet need before any encroachment on Green Belt:

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, which will take into account the preceding paragraph, and whether the strategy:

(c) has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground.

However, there is limited evidence of TWBC having engaged with other LPAs to address any unmet need that would arise from removal of the Tudeley and Paddock Wood proposals. For instance, there is no agreed Statement of Common Ground between TWBC and TMBC. Similarly, the engagement record between TWBC and TMBC shows only limited discussion of unmet needs and what seems to be a belated realisation by TWBC that it needed assistance (Duty to Cooperate Statement, Appendix C5 - https://tunbridgewells.gov.uk/__data/assets/pdf_file/0003/388020/Duty-to-Cooperate-Statement_2021.pdf)

- . 14 Dec 18 meeting stated "TWBC indicated could meet their own OAN"
- . 18 May 20 "discussion about unmet need"
- . 6 Oct 20 "TWBC formal request to TMBC to meet unmet TWBC housing/employment need"
- . 14 Oct 20: "TMBC response"

I am therefore of the view that TWBC has failed to meet its duty under the NPPF to engage meaningfully with neighbouring LPAs to seek their assistance to meet the TWBC identified need for development (see also separate representation on the wider failure to meet the Duty to Cooperate).

5. The Development Strategy Topic Paper adopts a circular argument when it states (para 6.200) "*The assessments undertaken to determine the most appropriate locations for a garden settlement were unable to identify sufficient suitable and deliverable land in areas wholly outside of the Green Belt*". This presumes a need to establish a garden settlement, whereas other options (such as urban infill) have not been fully explored.

6. I therefore conclude that TWBC has failed to meet the policy requirements placed on it regarding Green Belt land, and that its proposals in respect of Tudeley and Paddock Wood are therefore **unsound** and should be withdrawn from the PSLP

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 I acknowledge the challenge TWBC faces in balancing the competing demands for housing with the need to protect the Green Belt. However, the NPPF and other guidelines are clear about the need to preserve the Green Belt. The council therefore needs to investigate alternative sites, engage more pro-actively with neighbouring boroughs that do not face similar constraints on Green Belt,

and if necessary declare that the OAN is not achievable. Government guidance on this is set out in a range of ways:

a. Recent guidance (April 2021) encouraged greater scrutiny of urban areas: (see web link). Specifically:

(1) "In relation to the cities and urban centres uplift, we have heard representations that we can do more to increase home-building in existing urban areas to make the most of previously developed brownfield land over and above that in the existing standard method. There are three strong reasons for doing so. First, building in existing cities and urban centres ensures that new homes can maximise existing infrastructure such as public transport, schools, medical facilities and shops. Second, there is potentially a profound structural change working through the retail and commercial sector, and we should expect more opportunities for creative use of land in urban areas to emerge. Utilising this land allows us to give priority to the development of brownfield land, and thereby protect our green spaces. And third, our climate aspirations demand that we aim for a spatial pattern of development that reduces the need for unnecessary high-carbon travel."

b. TWBC has examined only settlement options presented to it through its Call for Sites, a reactive approach, and has not adopted a more pro-active approach of searching out sites suitable for garden settlements outside the Green Belt that could be acquired through compulsory purchase or other means.

(1) The planning guidance on this clearly encourages a pro-active approach (see <https://www.gov.uk/guidance/housing-and-economic-land-availability-assessment>):

How can sites/broad locations be identified?

"When carrying out a desktop review, plan-makers need to be proactive in identifying as wide a range of sites and broad locations for development as possible (including those existing sites that could be improved, intensified or changed)"

"It is important that plan-makers do not simply rely on sites that they have been informed about, but actively identify sites through the desktop review process that may assist in meeting the development needs of an area" (Paragraph: 010 Reference ID: 3-010-20190722)

2. Given this policy context, I believe TWBC needs to take a second look at some areas it has currently discounted from consideration. For instance, Frittenden lies outside the Green Belt, is in a very rural area (similar to the proposed development at Tudeley), benefits from a railway station at Headcorn and (a little further away) a separate railway line at Ashford, and would yield around 1,500 dwellings, yet is declared in the SHELLA as unsuitable in the following terms (see web link):

"Matters relating to the very rural setting and remoteness of the settlement, highway infrastructure, and distance from access to high level services and employment, heritage and land ownership mean that this site is unsuitable"

I appreciate that the fragmented nature of the land parcels would require more effort from TWBC, including a more active role in masterplanning, and that investment would be required in the road and gas network. However, a level of infrastructure investment will already be required for the proposed Tudeley settlement, so at a superficial level the two options are comparable. More fundamentally, exploring options such as Frittenden could ease pressure on Green Belt whilst allowing the vision of self-contained garden settlements to endure.

3. Similarly given the policy context, even at this late stage, TWBC should establish a dialogue with neighbouring LPAs that do not face similar Green Belt or AONB constraints (notably TMBC and Maidstone) to explore the scope for them to address some of the identified need from TWBC.

4. If these various avenues do not allow TWBC to achieve its identified needs, then per the planning guidance the PSLP will need to declare this.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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 feel strongly that Green Belt land should be maintained for that purpose and would wish to contribute to any discussion on this topic.

Comment

Consultee	[REDACTED]
Email Address	[REDACTED]
Company / Organisation	Royal Tunbridge Wells Town Forum
Address	- - - -
Event Name	Pre-Submission Local Plan
Comment by	Royal Tunbridge Wells Town Forum [REDACTED]
Comment ID	PSLP_840
Response Date	01/06/21 08:15
Consultation Point	Policy STR 9 Green Belt (View)
Status	Processed
Submission Type	Email
Version	0.2
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Royal Tunbridge Wells Town Forum
Question 3	
To which part of the Local Plan does this 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	
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.

STR9 Sound policies

The release of Green Belt land around RTW should only occur in exceptional circumstances. If exceptional circumstances should ever be proven, The Town Forum favours an approach that results in the release of the least damaging parcels of land in landscape, heritage and nature/wildlife conservation terms, taking full account of the evidence base. In that context we strongly support the Council's decisions against allocation of the sites we have listed in our response to policies STR/RTW 1&2.

STR 9 Unsound policies

The Town Forum disputes the statement that "*This Plan removes land from the Green Belt, which has been fully justified through the consideration of reasonable alternatives and it is supported by 'exceptional circumstances'*", insofar as this has been used to justify draft allocations **AL/RTW5 Caenwood** and **AL/RTW16 Spratsbrook**.

It is a rather overlooked fifth purpose of the Green Belt "*to assist in urban regeneration by encouraging the recycling of derelict and other urban land*". We do not believe that sufficient attention has been given to this as a factor which would justify the maintenance of the land at sites AL/RTW5 and AL/RTW16 within the Green Belt. Consequently, the proposed removals are **not consistent with national policy** and **unjustified**.

We contend in other parts of our response to this consultation, notably under policies **STR/RTW 1&2**, that densities of redevelopments in Royal Tunbridge Wells should be significantly increased, in line with the incentive given by purpose number 5 of the Green Belt and to avoid unrestricted urban sprawl, which is purpose number 1. We also contend that reasonable alternatives exist within the LBD in the next 5 years to find sufficient other sites to make up the numbers proposed to be allocated for housing at sites AL/RTW5 and AL/RTW16. At present, we consider the Draft to be **ineffective** in its consideration of alternatives.

We also contend that the drafting of the following part of policy STR9 is unclear in relation to land which is claimed to have been *already* removed from the Green Belt. It states; "*The Council will seek improvements to the environmental quality and accessibility of the surrounding Green Belt from all relevant development within the Green Belt*". In a policy which is intended to apply for the whole of the plan period, it is not clear whether this is intended to apply only to future removals from the Green Belt or also to apply to the land which is purported to have been already removed before current allocations have been made under the Plan. This, and the general ambit of this part of the policy, needs to be clarified as it could be inconsistent with 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.

After this stage, 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.

If the Inspector should be satisfied with our arguments, we would request that sites AL/RTW5 and AL/RTW16 should be maintained in the Green Belt. Alternatively, as we argue in more detail under policy AL/RTW2, the Inspector might choose to safeguard both sites for potential future development outside the Plan period, if all reasonable alternatives within the LBD have been exhausted by then.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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 we believe that the full arguments against the soundness of removal from the Green Belt to make allocations RTW5 Caenwood and RTW 16 Spratsbrook should be heard by the Inspector.

Comment

Agent	[REDACTED]
Email Address	[REDACTED]
Company / Organisation	Sigma Planning Services
Address	[REDACTED] [REDACTED] ROYAL TUNBRIDGE WELLS [REDACTED]
Consultee	Kevin Willcox [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Rydon Homes
Address	[REDACTED] [REDACTED] FOREST ROW [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Rydon Homes [REDACTED]
Comment ID	PSLP_1714
Response Date	03/06/21 13:25
Consultation Point	Policy STR 9 Green Belt (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	Sigma Planning for Rydon Homes_RYDON 1.pdf Sigma Planning for Rydon Homes_RYDON 4.pdf Sigma Planning for Rydon Homes_RYDON 13.pdf Sigma Planning for Rydon Homes_RYDON 5.pdf Sigma Planning for Rydon Homes_RYDON 16.pdf Sigma Planning for Rydon Homes_RYDON 18.pdf Sigma Planning for Rydon Homes_RYDON 6.pdf Sigma Planning for Rydon Homes_RYDON 3.pdf Sigma Planning for Rydon Homes_RYDON 11.pdf Sigma Planning for Rydon Homes_RYDON 7.pdf Sigma Planning for Rydon Homes_Composite Representations.pdf Sigma Planning for Rydon Homes_RYDON 17.pdf Sigma Planning for Rydon Homes_RYDON 2.pdf Sigma Planning for Rydon Homes_RYDON 8.pdf

[Sigma Planning for Rydon Homes - covering letter.pdf](#)
[Sigma Planning for Rydon Homes RYDON 9.pdf](#)
[Sigma Planning for Rydon Homes RYDON 14.pdf](#)
[Sigma Planning for Rydon Homes List of Appendices TWBC LP.docx](#)
[Sigma Planning for Rydon Homes RYDON 15.pdf](#)
[Sigma Planning for Rydon Homes RYDON 12.pdf](#)
[Sigma Planning for Rydon Homes RYDON 10.pdf](#)

Data inputter to enter their initials here KJ

Question 1

Respondent's Name and/or Organisation Rydon Homes Ltd

Question 2

Agent's Name and Organisation (if applicable) Sigma Planning Services

Question 3

To which part of the Local Plan does this 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 also representation numbers PLSP_1629, 1702, 1705, 1707, 1708, 1709, 1710, 1713, 1714, 1715, 1717, 1721, 1729, 1732, 1733, 1734, 1737, 1739, 1741, 1743, 1744, 1745 & 1746]

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.

[TWBC: see supporting documents attached, including composite of all representations].

Green Belt

It is not considered that there has been adequate consideration and reasonable alternatives for the release of land from the Green Belt on the scale proposed. There are potential development locations outside the Green Belt and AONB which have not been fully assessed and development opportunities within other parts of the Borough, including within the AONB, where greater housing numbers can be accommodated without unacceptable harm to the AONB or local character. This could reduce the extent of the land proposed to be released from the Green Belt.

There is no need for this policy to mention the removal of land from the Green Belt if its main purpose is to retain controls over the remainder of the Green Belt once the deletions have been made.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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_131a-c

Comment

Agent	Mr Simon Bell ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Knights Solicitors
Address	Regency House 25 High Street Tunbridge Wells TN1 1UT
Consultee	Save Capel ([REDACTED])
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Save Capel ([REDACTED])
Comment ID	PSLP_1979
Response Date	03/06/21 18:51
Consultation Point	Policy STR 9 Green Belt (View)
Status	Processed
Submission Type	Email
Version	0.7
Files	PSLP_1964 & 1973-1987_Knights Solicitors for Save Capel_SI-1_Cover Letter.pdf PSLP_1964 & 1973-1987_Knights Solicitors for Save Capel_SI-3_Appendices.pdf PSLP_1964 & 1973-1987_Knights Solicitors for Save Capel_SI-2_Representation.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Save Capel
Question 2	
Agent's Name and Organisation (if applicable)	Knights Solicitors

Question 3

To which part of the Local Plan does this 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 Save Capel, please see Comment Numbers PSLP_1964 and PSLP_1973-1987]

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 attached: "Representation by Save Capel under Regulation 19", dated 3rd June 2021, and Appendices

[TWBC: the following extract is from "Representation by Save Capel under Regulation 19" - for the full representation and appendices, please see supporting documents]

STR 9 Green Belt

3.57. This policy is **unsound** as it does not meet the 'exceptional circumstance' test (NPPF para 136) where the proposed removal of Green Belt in Capel is not fully evidenced and justified.

3.58. TWBC has failed to consider the Conservative 2019 manifesto which promised to protect the Green Belt. Recent statements by ministers have reinforced this position:

- . On 3rd March PM Johnson said “we will protect our green belt, our vital green belt, and which constitutes, I think, 12.4% of our land, but we can build our homes, as my Right Honourable friend rightly suggests, 300,000 of them on brownfield sites across the country”
 - . On 29th April HCLG Minister Pincher said “This Government is committed to protecting and enhancing the Green Belt and there are strong protections for Green Belt land provided in the National Planning Policy Framework. A local authority can alter the boundary of Green Belt land only in exceptional circumstances and where it can demonstrate that it has fully examined all other reasonable options for meeting its development need. This means that the authority should show that it has used as much brownfield land as possible, optimised development densities, and discussed with neighbouring authorities whether they could accommodate some of the development needed. The Framework also makes clear that most new building is inappropriate in the Green Belt and should be refused planning permission unless there are very special circumstances”.
- 3.59. TWBC has not exhaustively analysed the availability of Brownfield sites in the Borough and have ignored potential sites for strategic development in those areas outside GB and AONB.
- 3.60. In addition to the effect these Strategic Sites will have on the contribution of this part of the Green belt, there is a strong adverse impact of the proposed Tudeley Village on the landscape of the whole Medway Valley. TWBC should consider the fact that the Tudeley site (STR/SS 3) lies on the North slope of the Medway Valley, and is visible from all points along the North slope, from up to twelve miles away, and appears against the backdrop of the High Weald AONB.
- 3.61. Before TWBC can release these two sites they not only have to show that the benefits outweigh the adverse impacts, but that these are truly Exceptional Circumstances. Many LPAs have used the combination of a failure to otherwise meet housing need and the relatively poor performance of parcels of green belt land to release the poor performing parcels. But these allocations perform strongly against the purposes of the Green Belt, even by TWBC’s much diluted assessment.
- 3.62. Compensatory re-designation has not been included in the PSLP and the ‘very special circumstances’ referred to above are not demonstrated and justified.
- 3.63. The opportunities for mitigation appear to be very limited and the Policy is unclear as to what and how adequate measures will be provided.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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:

Save Capel has sought to be actively involved in engaging with the Council throughout this review of the Local Plan. As a group we have developed particular expertise and have undertaken significant and extensive research in respect of the effects of the policies to which we have made representations. We consider that we will be able to assist the Inspector(s) examining the final submission significantly.

If you would like to attach a file in support of your comments, please upload it here. [PSLP 1964 & 1973-1987 Knights Solicitors for Save Capel SI-1 Cover Letter.pdf](#)

If you would like to attach a file in support of your comments, please upload it here.

[PSLP 1964 & 1973-1987 Knights Solicitors for Save Capel SI-2 Representation.pdf](#)

If you would like to attach a file in support of your comments, please upload it here.

[PSLP 1964 & 1973-1987 Knights Solicitors for Save Capel SI-3 Appendices.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_85a-i

Comment

Agent	Chris Pattison [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Turnberry
Address	[REDACTED] London [REDACTED]
Consultee	[REDACTED]
Company / Organisation	Hadlow Estate
Address	[REDACTED] TONBRIDGE [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Hadlow Estate [REDACTED]
Comment ID	PSLP_1636
Response Date	04/06/21 15:44
Consultation Point	Policy STR 9 Green Belt (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	PSLP 1630-1645 Turnberry for Hadlow Estate SI-5 A-4 Hertitage Constraints Appraisal.pdf PSLP 1630-1645 Turnberry for Hadlow Estate SI-9 A-8 Development Strategy.pdf PSLP 1630-1645 Turnberry for Hadlow Estate SI-1 Representation.pdf PSLP 1630-1645 Turnberry for Hadlow Estate SI-2 A-1 Ecological Appraisal.pdf PSLP 1630-1645 Turnberry for Hadlow Estate SI-7 A-6 Landscape and Visual Appraisal.pdf PSLP 1630-1645 Turnberry for Hadlow Estate SI-6 A-5 Archaeology Assessment.pdf PSLP 1630-1645 Turnberry for Hadlow Estate SI-8 A-7 Green Belt Appraisal.pdf PSLP 1630-1645 Turnberry for Hadlow Estate SI-4 A-3 Flood Risk Review.pdf

Data inputter to enter their initials here HB

Question 1

Respondent's Name and/or Organisation Hadlow Estate

Question 2

Agent's Name and Organisation (if applicable) Turnberry

Question 3

To which part of the Local Plan does this 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 Hadlow Estate, please see Comment Numbers PSLP_1630-1645]

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.

Although we consider the Plan that the Plan is sound generally, we consider that certain details of the policies identified in our representations require amendment. These amendments are set out in our submitted representation and supporting technical evidence.

1 Comments on the Draft Plan

We have reviewed the Proposed Submission Plan and its supporting material to ensure the proposed spatial strategy for the Plan is both robust and justified in its identification of Tudeley for 2,800 homes. This section first reviews the Tudeley Village allocation and offers minor amendments to the detailed wording of the policy, before moving on to our observations on strategic and other supporting policies in the Plan. We set out our broad in principle support for the majority of the Plan's policies, however we make certain representations regarding amendments below.

Policy STR9 Green Belt

The policy notes that the Council will seek improvements to the environmental quality and accessibility of the surrounding Green Belt from all relevant development within the Green Belt, including if appropriate in the form of financial contributions. This approach is compliant with paragraph 138 of the NPPF which states that Plans 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.

While we do not object to the principle of this policy, it will be crucial to define what this means in relation to Tudeley Village and the type and scale of compensatory measures required, particularly in relation to financial contributions.

[TWBC: for full representation, please see supporting documents]

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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 refer to paragraph 3.14 of the Procedure Guide for Local Plan Examinations which sets out the circumstances in which representors may be invited to appear at examination stage. It would be helpful to the LPA as well as the Inspector if we were invited to participate to assist the Inspector's understanding of a soundness or legal compliance issue. Moreover, as we are suggesting helpful modifications it would be appropriate for us to participate in hearing sessions related to those areas within which we have suggested modifications.

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_93

Comment

Agent	Ms Polly Canning [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Kember Loudon Williams
Address	[REDACTED] [REDACTED] ROYAL TUNBRIDGE WELLS [REDACTED]
Consultee	Mr Kevin Spencer [REDACTED]
Address	[REDACTED] [REDACTED] Langton Green -
Event Name	Pre-Submission Local Plan
Comment by	Mr Kevin Spencer [REDACTED]
Comment ID	PSLP_1693
Response Date	03/06/21 16:10
Consultation Point	Policy STR 9 Green Belt (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	PSLP_1693_KLW for K Spencer - full representation Policy STR 9.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Mr Kevin Spencer
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 9 Green Belt

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 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.

Summary

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 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.

As a result of the lack of housing allocations (see below) the Plan cannot be said to be effective or consistent with National Policy. Further housing allocations in the Green Belt are required in order for the Plan to be justified.

Background

The purpose of these representations is to put forward for allocation a housing site which is currently in the Green Belt. The site is known as land at High View, Langton Road Langton Green and was considered under site reference 42 of the Site Assessment Sheets for Speldhurst Parish - Strategic Housing and Economic Land Availability Assessment – Regulation 19 Consultation January 2021.

Green Belt and Landscape

The individual SHELAA assessment for site 42, notes that the site included two structures and that existing housing adjoins the site to the north and west. Field boundaries were acknowledged to comprise

hedgerows to the south. In some respects this description doesn't fully express the context of the site since to the south is a wooded area spanning the entire southern boundary of the site. There is also built development to the east, north and west as noted on the aerial image of the site below together with a wide footway running alongside the northern boundary.. As a consequence, the landscape setting and effect on Green Belt are not as clear cut as the Council suggest.

TWBC: see full representation attached to view aerial image of site]

The Council rejected the site on Green Belt and Landscape grounds connected with the AONB. However, the site is visually contained by existing built development and the wooded setting of the site to the south.

In the NPPF great weight is attached to AONB's but the advice is that the scale and extent of development within designated areas should be limited. It is only major development which is guided against and given the scale of the site and the way in which the Council has defined other AONB sites, it is considered that the land would not constitute a major site.

Major developments will need to comply with three tests. Consequently, if the site is not defined as 'major' then its suitability is one of effect on the AONB. As noted the site is visually very well contained with strong woodland copses providing limited wider views from the south. The southern side of Langton Road comprises various houses and large gardens and would be typically described as suburban in character. The site has a greater association with the settlement of Langton Green than it does with the open landscape setting of the AONB and so its release for housing would not undermine the objectives of this landscape.

Green Belts are designed to serve 5 purposes – the check the unrestricted sprawl of large settlements, prevent the merging of settlements, safeguarding the countryside from encroachment, preserving the setting and character of historic towns and to assist with urban regeneration.

Given the position of the site and its shape – hugging the Langton Road, it would not result in the same level of encroachment as Hither Chantlers to the west or The Midway and Nevill Court to the east. The allocation of this site would be so visually contained and seen against the back cloth of existing buildings not to contribute towards unrestricted sprawl.

Directly to the south are no settlements for several miles and so there can be no conflict with the merging of towns or villages criteria. The small character of the site would have no material effect upon Tunbridge Wells and its historic character, particularly as Langton Green is considered a separate village settlement.

Where a housing need is confirmed, removal of a site from the Green Belt through a Local Plan Review is entirely reasonable.

In considering this Green Belt site, the Inspector would need to consider paragraph 139 of the NPPF which sets the parameters for identifying Green belts. Importantly, the policy guidance is that boundaries can be defined according to the development plan's strategy for sustainable development. If more housing sites are needed then site's can be identified even if they are within the Green Belt. Similarly it is important to consider whether this site needs to be kept permanently open given the surrounding built characteristics and the wooded enclosure afforded by the landscape to the south. Green belt boundaries are likely to be necessary in the longer term and so carefully considering where the boundary should be is important for addressing future development needs. Given the above characteristics of the site and the limited way in which it complies with the purposes for including land in the Green belt, the release of this land from Green Belt and allocation for housing is considered reasonable. Policy STR9 and the Proposals Map (Inset Map 33) should be altered 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.

Modify Policy STR9, inset map 33, paragraph 4.128 and Table 6 to include the site as a housing allocation for 20 dwellings and to remove the site 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:

In order for the Plan to be found sound.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Local Plan Regulation 19 representations in document order

Comments on Section 4: Policy STR10: Neighbourhood Plans

Supporting Information File Ref No: SI_101

Comment

Consultee	Lynne Butler [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Brenchley & Matfield Parish Council
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Brenchley & Matfield Parish Council [REDACTED] [REDACTED]
Comment ID	PSLP_1779
Response Date	03/06/21 17:19
Consultation Point	Policy STR 10 Neighbourhood Plans (View)
Status	Processed
Submission Type	Web
Version	0.4
Files	B&M comments Local Plan.docx
Question 1	
Respondent's Name and/or Organisation	Brenchley & Matfield Parish Council
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
STR1, STR5, STR6, STR, STR8, STR10, PSTR/BM1, AL/BM1, AL/BM2, EN1, EN19, OSSR1, OSSR2.	
<i>[TWBC: relevant parts of this representation have been duplicated against the above policies: see PSLP_1775-1786 inclusive]</i>	
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.

The language is not sufficiently robust in some of the policies and introduces ambiguity. Small rural parishes have very different requirements to the larger settlements, having less housing allocations, limited facilities and poor public transport. Consequently some policies have no relevance in rural areas and include no provision of additional facilities. Although the parish has a small housing allocation, the quality of life will be significantly affected by development in Paddock Wood/Capel/Horsmonden/Pembury. There should be some provision for the mitigation of the effects within other parts of the borough of increased traffic on safety, noise and air quality.

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.

Pre-submission Comments from Brenchley and Matfield Parish C council

TWBC Pre-Submission Local Plan

STR10: Neighbourhood Plans

The Parish Council is currently conducting its Regulation 14 consultation on a Neighbourhood Plan for the parish and trusts that TWBC will make every effort to avoid any delay in the later stages for which TWBC will be responsible. It is hoped that the Neighbourhood Plan will have been made (adopted) before this new Local Plan reaches adoption

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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 Parish Council supports the overall negative scores of the sites in Brenchley and Matfield that were put forward in the Call for Sites. There are very few positive scores for any of the sites and a significant number of high negative scores. Many of the sites involve the loss of high-grade agricultural land and would have a negative impact on biodiversity, landscape and heritage. Sustainability is also a factor for many of the sites, which lack a proximity to facilities and public transport. The villages of Brenchley and Matfield have limited sustainability, with poor facilities in Matfield but a reasonable bus service to Paddock Wood and Tunbridge Wells. Brenchley has more facilities but three bus services to Paddock Wood on only two days during the week. There are no bus services in the evenings that would allow commuters to use public transport.

If you would like to attach a file in support of your comments, please upload it here. [B&M comments Local Plan.docx](#)

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 (View)
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.

After this stage, 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.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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)

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 (View)
Status	Processed
Submission Type	Email
Version	0.3
Files	PSLP_1571-1623(not inclusive)_CRS NDP Steering Group Representation.pdf
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]

Question 4a

If 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 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]

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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

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_98a-b

Comment

Consultee	Mr Euan Burrows [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Euan Burrows, Mockbeggar Lane and group of East End residents
Address	[REDACTED] [REDACTED] Biddenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Euan Burrows, Mockbeggar Lane and group of East End residents [REDACTED]
Comment ID	PSLP_1766
Response Date	04/06/21 13:38
Consultation Point	Policy STR 10 Neighbourhood Plans (View)
Status	Processed
Submission Type	Email
Version	0.7
Files	PSLP_1762, 1764-1766_E_Burrows_SI-2.docx PSLP_1762,1764-1766_E_Burrows_SI-1.docx
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Euan Burrows
Question 3	
To which part of the Local Plan does this 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: this representation has been input against Policies PSTR/BE 1, AL/BE 3, AL/BE 4 and STR 10 – see Comment Numbers PSLP_1762, PSLP_1764, PSLP_1765 and PSLP_1766]

Question 4

Do you consider that the Local Plan:

Is legally compliant No

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.

Draft Tunbridge Wells Local Plan – Regulation 19 consultation response

Introduction

1. These representations are made on behalf of Euan Burrows, Mockbeggar Lane and a group of residents who all live in East End, Benenden.
2. These representations are concerned with the policies in the draft Tunbridge Wells Local Plan ('the Local Plan') affecting Benenden, in particular Policy PTSR/BE1, Policy AL/BE3 and Policy AL/BE4. These representations further concern Policy STR10 insofar as Tunbridge Wells Borough Council's ('the Council') stated intention to withdraw local plan policies in the event that neighbourhood plans are adopted prior to the completion of the examination of the Local Plan. Beyond these identified policies, these representations are not concerned with either the legality or soundness of the Local Plan as a whole.
3. As currently drafted, the identified policies are unsound and cannot be adopted. They are unjustified, ineffective and inconsistent with national policy.

Policy PTSR/BE1 – Limits to Built Development

4. Policy PTSR/BE1 of the Local Plan seeks to define the strategy for Benenden parish. Paragraph 1 of Policy PTSR/BE1 states that:

The development strategy for Benenden parish is to:

1. Set Limits to Built Development for Benenden village, as defined on the Policies Map (Inset Map 17) as a framework for new development over the plan period;
- 1 The proposed limits to built development ('LBD') for Benenden are shown on Inset Map 17. [https://tunbridgewells.gov.uk/__data/assets/pdf_file/0008/387962/Inset-Map-17-Benenden.pdf] Notably, the majority of development proposed for Benenden is actually outside of the LBD for Benenden and is in fact directed towards Benenden Hospital (Inset Map 18)

[https://tunbridgewells.gov.uk/__data/assets/pdf_file/0009/387963/Inset-Map-18-Benenden-Hospital.pdf], Policies AL/BE3 and AL/BE4 of the Local Plan).

6. The purpose of LBDs is to act as settlement boundaries, the effect of which being that that development is focussed within LBDs. Policy STR1(2), (9) of the Local Plan states that:

“The broad development strategy for Tunbridge Wells borough over the period 2020-2038, as shown indicatively on the Key Diagram (Figure 5), is to ensure that a minimum of 12,204 dwellings and 14 hectares of employment (Use Classes B and E) land are developed, together with supporting infrastructure and services.

To achieve this, the Local Plan:

2. Looks to focus new development within the Limits to Built Development of settlements, as defined on the Policies Map, where proposals accord with other relevant policies of this Plan;

[...]

9. 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

7. This accords with the stated strategy for Benenden in the Local Plan. Paragraph 5.416 of the Local Plan states that:

“The LBD around Benenden village sets the extent of existing and planned development, and provides for any potential future windfall development. Any windfall sites that do come forward for residential development over the plan period should provide affordable housing in accordance with the relevant Local Plan policy in Section 6, having regard to information on local housing needs”

8. Accordingly, LBDs play a fundamental role in the Local Plan. They define areas to which development is directed (STR1; paragraph 5.416, Policies AL/BE1, AL/BE2, AL/BE3 and AL/BE4) and define areas beyond the LBD as countryside. As a result, of this development proposals outside of the LBDs will be significantly harder to obtain permission for.

9. In our view the LBD currently proposed for Benenden fails to accord with the Local Plan. It unjustifiably excludes built development to the west of the New Pond Road crossroads towards Benenden School, bordering the B2086, and also excludes Iden Green in its entirety. The purported basis for the exclusion of Iden Green is that this settlement has *“limited key facilities and bus service making them unsustainable in this context.”* [Paragraph 3.1(b) of the Limits to Built Development Topic Paper https://tunbridgewells.gov.uk/__data/assets/pdf_file/0009/388098/Limits-to-Built-Development-Topic-Paper.pdf]

10. Furthermore, the boundary of the LBD is artificially constrained within Benenden itself. This avoids any prospect of in-filling in suitable sites within and immediately adjacent to the village and has in turn informed the site-selection process and excluded several suitable sites in sustainable village locations (Policies AL/BE1, AL/BE2, AL/BE3 and AL/BE4).

11. Policy STR1(3) states that the Local Plan will provide *“for the growth of settlements, having regard to their role and function, constraints, and opportunities.”* However, the LBD as currently drawn for Benenden and Benenden Hospital, fails to apply this reasoning. It has resulted in sustainable, appropriate sites for development being excluded from Benenden and pushed development to unsustainable, isolated areas (AL/BE3 and AL/BE4). This is addressed in the submissions below on the sustainability of AL/BE3 and AL/BE4 but, in our view, the only conclusion that can be drawn is that the LBD for Benenden is unsound, undermines the Local Plan and should not be adopted.

Policies AL/BE3 and AL/BE4

12. The land subject to policies AL/BE3 and AL/BE4 is situated approximately 4km to the north east of Benenden ('the Site'). It is connected to Benenden by Goddard's Green Road / Benenden Road (a designated rural lane). At present, there is nothing on the Site beyond houses and the hospital (with associated buildings).

13. The Site contains some land which is previously developed, but also 3 Local Wildlife Sites, greenfield areas and rare grassland (see TWFDLP Comments, DLP_3458). In any event, the presence of some previously developed hospital infrastructure within the Site, which itself is placed within an isolated

and wholly rural setting, does not override its fundamental unsustainability in local or national planning policy terms for development on the scale proposed.

14. In this regard, the Site is clearly unsustainable. This is demonstrated by both the Sustainability Appraisal ('the SA') and the extant planning permission. The extant permission does not set a precedent for development on the Site but rather was a highly fact-sensitive decision which, properly understood, should not be used as a justification for further development. There are other more appropriate sites in Benenden which, had the SA been properly applied, would have been selected.

The extent planning permission

15. There is currently permission for 24 new dwellings on the Site (TW/12/03130, subsequently amended by 14/505641/FULL). The justification for the 2012 application can be seen from paragraphs 2.07 – 2.08 of the Committee Report for the 2012 permission, which state that:[\[https://twbcpa.midkent.gov.uk/online-applications/files/C51CE242B260EDEE3F5806A1D9D5B596/pdf/12_03130_EIAMJ-Committee_Report-3829324.pdf\]](https://twbcpa.midkent.gov.uk/online-applications/files/C51CE242B260EDEE3F5806A1D9D5B596/pdf/12_03130_EIAMJ-Committee_Report-3829324.pdf)

"2.07 The Design and Access Statement identifies that the redevelopment aspirations of the hospital follow consideration of a number of development options including a new build solution. It was concluded (by the Hospital Trust) that the preferred strategy for the future of the site would be to centralise development on the existing hospital through a process of new build extension to enable a consolidation of services and the optimisation of functional arrangements.

2.08 In looking at the options the Hospital Trust concluded that those parts of the estate surplus to requirements could potentially be marketed for sale in order to generate funding support for the scheme. This subsequently led to the confirmation that the administrative South East quadrant (excluding Peek Lodge, Windmill Cottage and Joy Carey buildings) would be put up for sale."

16. In our view, it is significant that the primary justification for the residential aspect of the 2012 permission was to generate funding for the re-development of the hospital facilities. At no point was this intended to demonstrate the suitability of the Site for wide-spread development. Rather, this was a bespoke planning permission which has to be understood on its own facts. Whilst permission was granted, the 2012 report expressly noted at paragraph 10.27 that:

"Relevant factors also include the fact that the site is in a remote, isolated location and therefore the site is not a sustainable one – seeking a higher density of residential development would lead to such matters as higher car use for example which would not be sustainable"

17. This accords with the consultation response from the expert Highways Authority, Kent Highways Services, summarised at paragraph 6.43, which notes, among other things, that *"the residential aspect is not a sustainable location."* There is no provision made in the 2012 permission to address the unsustainability of the Site in terms of transport.

18. The Site was deemed to be remote, isolated and unsustainable *prior to* the 2012 permission being granted for, among other things, the development of 24 houses. There is no provision in the 2012 permission to address the unsustainability of the Site. It follows that the Site is still unsustainable, if not more unsustainable given the additional issues which will be caused by the development of the 24 houses. Allocations in the Local Plan (AL/BE3 and AL/BE4) cannot be justified on the basis of funding healthcare development at the hospital given the Local Plan cannot specify who will financially benefit from building out AL/BE3 and AL/BE4. On this basis alone it is clear that further residential allocations on the Site are wholly inappropriate.

Policies AL/BE3 and AL/BE4 – sustainability

19. Policy STR3 of the Local Plan states that *"Proposals that provide for the effective use of redundant, disused, or under-utilised brownfield land and buildings in sustainable locations will be supported in principle."* Paragraphs 4.68 and 4.70 of the explanatory text to Policy STR3 state that:

"4.68 - A key principle underpinning the overall strategy set out in the Local Plan for the pattern and scale of development is that it makes as much use as possible (optimal use) of suitable PDL (previously developed land)/brownfield sites and under-utilised land, including optimising the density of development, particularly in the borough's town centres and other locations well served by public transport

[...]

4.70 - The Local Plan includes a number of site allocations on brownfield sites, making effective use of such sites, as required by the NPPF, helping to achieve the overarching need for sustainable

development. Such sites tend to be located within established LBDs. This is reflected in Policy STR 1: The Development Strategy. (Para 1 Policy STR1 - Promotes the effective use of urban and previously developed (brownfield) land, having due regard to relevant Plan policies;)"

20. On any reading, the support in Policy STR3 for use of brownfield land and buildings is predicated on those sites being sustainable. The position in the Local Plan is that brownfield sites in sustainable locations will be supported in principle. It is not that brownfield sites in any location will be supported in principle. This accords with the broad definition of sustainable development given in the NPPF, based on the three overarching objectives of economic, social and environmental. Whilst the use of brownfield land may go to the environmental objective of sustainability, the presence of some previously developed infrastructure within a site cannot be dispositive of whether sites and developments are themselves sustainable.

21. It is unarguable that the Site is sustainable. As made clear above, the Site was found to be “remote” and “isolated” and therefore unsustainable in 2012. No infrastructure has been introduced since. The only change is the extant permission for the development of 24 homes which further stresses the sustainability and connectivity of the Site. On this basis, there is no policy support for the allocation of development to this location.

22. Furthermore, as made clear in earlier representations as part of the regulation 18 consultation response to the Local Plan submitted on behalf of Euan Burrows, Mockbeggar Lane and a group of residents who all live in East End, Benenden, there are significant issues in the SA which have resulted in Policies AL/BE3 and AL/BE4. Those representations have been appended to these representations rather than repeated in full, but a number of points are reiterated here.

23. First, and fundamentally, the filtering exercise carried out in the SA which led to the selection of the Site over other options has been misapplied. The first two bullet points of paragraph 8.1.4 of the SA provide that sites will be filtered out if they are:

- . *“Located in remote locations away from existing settlements; such sites considered unlikely to be sustainable in this context; in some instances some remote sites have been considered in the context of a new garden settlement where applicable or as urban extensions; (Bullet Point 1)*
- . *Not well related to a settlement; this has included sites that may be in relative close proximity to a settlement but are not well related to the built form of the settlement for example because they are cut off / separated from the settlement / built form in some way; (Bullet Point 2)*

24. If these points were to have been correctly applied, it is inconceivable that AL/BE3 and AL/BE4 would have emerged as a preferred option. The Site is acknowledged to be located in a remote location away from existing settlements and is not well related to the nearest settlements of Benenden and Biddenden, both of which are 4km away. The only means of transport between East End and Benenden is along the narrow Goddard’s Green Road. There is no walking path and no cyclepath between East End and Benenden. Indeed, this lack of relation to Benenden is clearly acknowledged by the wording of AL/BE3 and AL/BE4, which require the provision of an ‘active travel link’ between the site and Benenden village.

25. Second, and leading on from this point, the SA itself identifies that the Site is unsustainable but then suggests that this can be addressed through future development. However, this is fundamentally misguided. The correct approach is to consider a potential site as it exists, not after hypothetical development has taken place. Otherwise, all sites would be acceptable, thereby rendering the site-selection process pointless.

26. As such these policies are unjustified. They are the result of an inconsistent approach to determining limits to built development and a fundamentally flawed SA.

Policies AL/BE3 and AL/BE4 – conclusion

27. These policies would result in the development of an isolated residential outpost in an unsustainable location on the edge of the AONB.

28. Policies AL/BE3 and AL/BE4 are unjustified. They are the result of an inconsistent and erroneous approach within the SA. This is reflected in the proposed LBD for Benenden which have artificially excluded a number of viable sites for development, pushing development to an isolated, remote and unsustainable location in the East End.

29. Policies AL/BE3 and AL/BE4 are inconsistent with the Local Plan. They are not sustainable, contrary to Policy STR1. The existence of some previously built development does not render the scale of development now sought on the site compatible with STR3 or overcome its fundamental incompatibility with the wider local applicable policy framework. In particular, the Site is isolated and remote and will necessitate travel by car, contrary to Policies STR6, STR7 and TP2. This will result in severe residual cumulative impacts on Goddard's Green Road, contrary to Policy EN1. Moreover, these proposed policies for the Site also fail to afford protection to the setting of the AONB, contrary to Policy EN20, which is a fundamental requirement in this rural area.

30. At the national level, Policies AL/BE3 and AL/BE4 are also inconsistent with the NPPF. They represent unsuitable development in an unsustainable location, contrary NPPF chapter 2 and paragraphs 78 – 79. The development is not located to existing settlements and would have an unacceptable impact on local roads, contrary to NPPF paragraph 84. These policies do not and cannot promote sustainable transport, contrary to NPPF chapter 9.

31. For these reasons, Policies AL/BE3 and AL/BE4 are unjustified, ineffective and inconsistent with the Local Plan and the NPPF. It therefore follows that these policies are unsound and cannot be adopted.

Policy STR10 – interaction between draft Neighbourhood Plans and the Local Plan

32. The stated intention of the Local Plan is to withdraw policies in the Local Plan if Neighbourhood Plans are adopted prior to the examination of the Local Plan which contain policies similar to those in the Local Plan (paragraph 4.145, Policy STR10).

33. This stated intention applies directly to Benenden. Paragraphs 5.420 – 5.422 of the Local Plan provide that:

“5.420 Local policies are also being prepared through the Benenden Neighbourhood Plan (BNP), which will become an increasingly important consideration as it progresses. The BNP was submitted to Tunbridge Wells Borough Council in October 2020 and was consulted on between 30 October and 11 December 2020. The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan.

5.421 If the BNP progress through the relevant stages, including referendum, a decision will be made by the Full Council of Tunbridge Wells Borough Council whether to make the Benenden NDP part of the development plan for Tunbridge Wells borough. If this is agreed, all decisions on planning proposals within the parish of Benenden will be required have regard to its policies.

5.422 If this occurs while this Plan is still under consideration, the allocation Policies AL/BE1, AL/BE2, AL/BE3, and AL/BE4 will be omitted. Rather, the settlement chapter in the Local Plan for Benenden will refer to the site allocations, and other relevant policies in the made BNP. This would be undertaken through modifications to the Local Plan, which would be consulted on.”

34. It is well-established that the examination of a draft local plan is wholly distinct from the examination of a draft neighbourhood plan and must be assessed on its own merits. A draft local plan can only be adopted if it is sound. There is no requirement to consider whether a draft neighbourhood plan is sound. Instead, the question to determine is whether it is appropriate to make the plan having regard to national policies and advice. As a result of this distinction there is no requirement to consider whether a draft neighbourhood plan is the most appropriate strategy for the area nor to consider whether it is based upon proportionate evidence as there is with a draft local plan.

35. These differences were summarised by Holgate J in *R (Crownhall Estates Limited) v Chichester District Council* [2016] EWHC 73 (Admin). He identified the following relevant principles at paragraph 29:

“i) The examination of a neighbourhood plan, unlike a development plan document, does not include any requirement to consider whether the plan is “sound” (contrast s. 20(5)(b) of PCPA 2004) and so the requirements of soundness in paragraph 182 of the NPPF do not apply. So there is no requirement to consider whether a neighbourhood plan has been based upon a strategy to meet “objectively assessed development and infrastructure requirements”, or whether the plan is “justified” in the sense of representing “the most appropriate strategy, when considered against reasonable alternatives” and based upon “proportionate evidence”;

ii) Where it is engaged, the basic condition in paragraph 8 (2)(e) of schedule 4B to TCPA 1990 only requires that the draft neighbourhood plan as a whole be in “general conformity” with the strategic

policies of the adopted development plan (in so far as it exists) as a whole . Thus, there is no need to consider whether there is a conflict or tension between one policy of a neighbourhood plan and one element of the local plan;

iii) Paragraph 8(2)(a) confers a discretion to determine whether or not it is appropriate that the neighbourhood plan should proceed to be made “having regard” to national policy The more limited requirement of the basic condition in paragraph 8(2)(a) that it be “appropriate to make the plan” “having regard to national policies and advice” issued by SSCLG, is not to be confused with the more investigative scrutiny required by PCPA 2004 to determine whether a local plan meets the statutory test of “soundness”.

iv) Paragraphs 14, 47 and 156 to 159 of the NPPF deal with the preparation of local plans. Thus local planning authorities responsible for preparing local plans are required to carry out a strategic housing market assessment to assess the full housing needs for the relevant market area (which may include areas of neighbouring local planning authorities). They must then ensure that the local plan meets the full, objectively assessed needs for the housing market area, unless, and only to the extent that, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or specific policies in the NPPF indicate that development should be restricted (St Albans City Council v Hunston Properties [2013] EWCA Civ 1610; Solihull Metropolitan B.C. v Gallagher Estates Ltd [2014] EWCA Civ 1610).

v) Those policies in the NPPF (and hence the principles laid down in Hunston and Gallagher in the interpretation of those policies) do not apply to the preparation by a qualifying body of a neighbourhood plan. Although a neighbourhood plan may include policies on the use of land for housing and on locations for housing development, and may address local needs within its area, the qualifying body is not responsible for preparing strategic policies in its neighbourhood plan to meet objectively assessed development needs across a local plan area. Moreover, where the examination of a neighbourhood plan precedes the adoption of a local plan, there is no requirement to consider whether it has been based upon a strategy to meet objectively assessed housing needs.”

36. Significantly, a draft neighbourhood plan is examined for general conformity with an adopted local plan and not against policies in an emerging local plan. Paragraph 006 of the PPG ‘Plan-making’ states that:

“They [neighbourhood plans] can be developed before, after or in parallel with a local plan, but the law requires that they must be in general conformity with the strategic policies in the adopted local plan for the area (and any other strategic policies that form part of the statutory development plan where relevant, such as the London Plan). Neighbourhood plans are not tested against the policies in an emerging local plan although the reasoning and evidence informing the local plan process may be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested.”

37. The point of this is that, if adopted, as a matter of law the Neighbourhood Plan will have been subject to a far less rigorous examination than the Local Plan. Importantly, policies in the Benenden Neighbourhood Plan will not have been tested against the Local Plan. This means that there is no basis on which it can be said that the Benenden Neighbourhood Plan is in “general conformity” with the Local Plan. Whilst it may be the case that the draft Neighbourhood Plan has been prepared with the Local Plan in mind, it cannot be concluded that if both are adopted the Benenden Neighbourhood Plan will be in conformity with the Tunbridge Wells Local Plan given substantial main modifications may be required to ensure that the Tunbridge Wells Local Plan is sound.

38. However, notwithstanding these stark differences, at present Policy STR10 seeks to abandon the provision of site-specific policies for Benenden in the event that the draft Neighbourhood Plan is adopted. The practical result of this is that the Tunbridge Wells Plan would effectively “adopt” site allocations and other relevant policies in the Benenden Neighbourhood Plan (paragraph 5.422) which have not been found to be sound and which have not been tested against the Tunbridge Wells Local Plan. To be sound, Policy STR10 rests upon the wholly improper premise that policies in the Neighbourhood Plan would not only be found to be in general conformity with the Local Plan but also that those Neighbourhood Plan policies would be “sound” if tested against the Local Plan, given they will replace the provision of any site-specific policies in the local plan. Given the Local Plan has not yet been examined, this conclusion is simply not open to the local planning authority.

39. It is clear that this should not and cannot prevent the Neighbourhood Plan being examined and adopted prior to the examination and potential adoption of the Local Plan. Furthermore, we neither object to the desire to avoid repetition within development plan documents nor to avoid potentially

unnecessary superseding of neighbourhood plan policies. However, none of this justifies circumventing the proper local plan procedure. Given the uncontroversial marked procedural differences and requirements between the two examination processes, it is our case that it is unlawful and unsound to read neighbourhood plan policies into a local plan where those neighbourhood plan policies have not been subject to the rigorous examination of draft local plan policies to test them as sound. At no point will those neighbourhood plan policies been found to even be in general conformity with that local plan, let alone tested for soundness. At the least, Policies AL/BE1, AL/BE2, AL/BE3 and AL/BE4 need to be tested against the draft Local Plan to ensure that they are sound, even if this subsequently results in them being withdrawn by main modification.

40. This is especially true given there are a number of significant differences between site specific policies in the Neighbourhood Plan and the Local Plan, as noted by the examiner appointed to inspect the Neighbourhood Plan's initial comments of 26 March 2021. [<http://www.benendenneighbourhoodplan.org/wp-content/uploads/2021/04/Benenden-Initial-comments.pdf>]

He stated at paragraph 26 of his initial comments that:

"I note that the Pre-Submission Version of the Local Plan also allocates the same four sites for development, but the contents of the respective policies differ. Is there merit in the policies, at least having the same policy expectations within them? For example, if the neighbourhood plan is made first, then I understand that the intention of the Borough Council is to withdraw these allocations from the Local Plan and in which case, the requirements which are only found in the local plan, and are not within the neighbourhood plan, will be lost. Is there scope for at least a consistent approach to the policy requirements and would further discussions between the two parties be helpful? I would then be able to consider whether to accept any possible modification in my recommendations."

41. Accordingly, the effect of Policy STR10 is not only to circumvent the requirements of the local plan examination procedure but also to then "adopt" policies that differ from those currently in the Local Plan. This is unsound.

42. For these reasons, as presently drafted Policy STR10 is unsound and would be unlawful if adopted.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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 shall attend with Counsel.

Points will be made with reference to National and Local Planning Policy, together with applicable legal obligations

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	[REDACTED]
Email Address	[REDACTED]
Company / Organisation	Royal Tunbridge Wells Town Forum
Address	- - - -
Event Name	Pre-Submission Local Plan
Comment by	Royal Tunbridge Wells Town Forum [REDACTED]
Comment ID	PSLP_841
Response Date	01/06/21 08:15
Consultation Point	Policy STR 10 Neighbourhood Plans (View)
Status	Processed
Submission Type	Email
Version	0.2
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Royal Tunbridge Wells Town Forum
Question 3	
To which part of the Local Plan does this 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	
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.

We support this concept within the Borough although its application to the unparished area raises many issues which have so far been impractical to resolve.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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)

Supporting Information File Ref No: SI_96

Comment

Consultee Mr Alex Simcox [REDACTED]
Email Address [REDACTED]
Address [REDACTED]
[REDACTED]
Biddenden
[REDACTED]
Event Name Pre-Submission Local Plan
Comment by Mr Alex Simcox [REDACTED]
Comment ID PSLP_1738
Response Date 04/06/21 15:47
Consultation Point Policy STR 10 Neighbourhood Plans ([View](#))
Status Processed
Submission Type Email
Version 0.5
Files PSLP_1724,1735-1736, 1738 A Simcox SI.docx

Data inputter to enter their initials here AT

Question 1

Respondent's Name and/or Organisation Alex Simcox

Question 3

To which part of the Local Plan does this 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: this representation has been input against Policies PSTR/BE 1, AL/BE 3, AL/BE 4 and STR 10 – see Comment Numbers PSLP_1724, PSLP_1735, PSLP_1736 and PSLP_1738]

Question 4

Do you consider that the Local Plan:

Is legally compliant No

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.

Draft Tunbridge Wells Local Plan – Regulation 19 consultation response

Introduction

1. These representations are made on behalf of Euan Burrows, Mockbeggar Lane and a group of residents who all live in East End, Benenden.
2. These representations are concerned with the policies in the draft Tunbridge Wells Local Plan ('the Local Plan') affecting Benenden, in particular Policy PTSR/BE1, Policy AL/BE3 and Policy AL/BE4. These representations further concern Policy STR10 insofar as Tunbridge Wells Borough Council's ('the Council') stated intention to withdraw local plan policies in the event that neighbourhood plans are adopted prior to the completion of the examination of the Local Plan. Beyond these identified policies, these representations are not concerned with either the legality or soundness of the Local Plan as a whole.
3. As currently drafted, the identified policies are unsound and cannot be adopted. They are unjustified, ineffective and inconsistent with national policy.

Policy PTSR/BE1 – Limits to Built Development

4. Policy PTSR/BE1 of the Local Plan seeks to define the strategy for Benenden parish. Paragraph 1 of Policy PTSR/BE1 states that:

The development strategy for Benenden parish is to:

1. Set Limits to Built Development for Benenden village, as defined on the Policies Map (Inset Map 17) as a framework for new development over the plan period;
- 1 The proposed limits to built development ('LBD') for Benenden are shown on Inset Map 17. [https://tunbridgewells.gov.uk/__data/assets/pdf_file/0008/387962/Inset-Map-17-Benenden.pdf] Notably, the majority of development proposed for Benenden is actually outside of the LBD for Benenden and is in fact directed towards Benenden Hospital (Inset Map 18 [https://tunbridgewells.gov.uk/__data/assets/pdf_file/0009/387963/Inset-Map-18-Benenden-Hospital.pdf], Policies AL/BE3 and AL/BE4 of the Local Plan).
6. The purpose of LBDs is to act as settlement boundaries, the effect of which being that that development is focussed within LBDs. Policy STR1(2), (9) of the Local Plan states that:
"The broad development strategy for Tunbridge Wells borough over the period 2020-2038, as shown indicatively on the Key Diagram (Figure 5), is to ensure that a minimum of 12,204 dwellings and 14

hectares of employment (Use Classes B and E) land are developed, together with supporting infrastructure and services.

To achieve this, the Local Plan:

2. Looks to focus new development within the Limits to Built Development of settlements, as defined on the Policies Map, where proposals accord with other relevant policies of this Plan;

[...]

9. 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

7. This accords with the stated strategy for Benenden in the Local Plan. Paragraph 5.416 of the Local Plan states that:

“The LBD around Benenden village sets the extent of existing and planned development, and provides for any potential future windfall development. Any windfall sites that do come forward for residential development over the plan period should provide affordable housing in accordance with the relevant Local Plan policy in Section 6, having regard to information on local housing needs”

8. Accordingly, LBDs play a fundamental role in the Local Plan. They define areas to which development is directed (STR1; paragraph 5.416, Policies AL/BE1, AL/BE2, AL/BE3 and AL/BE4) and define areas beyond the LBD as countryside. As a result, of this development proposals outside of the LBDs will be significantly harder to obtain permission for.

9. In our view the LBD currently proposed for Benenden fails to accord with the Local Plan. It unjustifiably excludes built development to the west of the New Pond Road crossroads towards Benenden School, bordering the B2086, and also excludes Iden Green in its entirety. The purported basis for the exclusion of Iden Green is that this settlement has *“limited key facilities and bus service making them unsustainable in this context.”* [Paragraph 3.1(b) of the Limits to Built Development Topic Paper https://tunbridgewells.gov.uk/__data/assets/pdf_file/0009/388098/Limits-to-Built-Development-Topic-Paper.pdf]

10. Furthermore, the boundary of the LBD is artificially constrained within Benenden itself. This avoids any prospect of in-filling in suitable sites within and immediately adjacent to the village and has in turn informed the site-selection process and excluded several suitable sites in sustainable village locations (Policies AL/BE1, AL/BE2, AL/BE3 and AL/BE4).

11. Policy STR1(3) states that the Local Plan will provide *“for the growth of settlements, having regard to their role and function, constraints, and opportunities.”* However, the LBD as currently drawn for Benenden and Benenden Hospital, fails to apply this reasoning. It has resulted in sustainable, appropriate sites for development being excluded from Benenden and pushed development to unsustainable, isolated areas (AL/BE3 and AL/BE4). This is addressed in the submissions below on the sustainability of AL/BE3 and AL/BE4 but, in our view, the only conclusion that can be drawn is that the LBD for Benenden is unsound, undermines the Local Plan and should not be adopted.

Policies AL/BE3 and AL/BE4

12. The land subject to policies AL/BE3 and AL/BE4 is situated approximately 4km to the north east of Benenden ('the Site'). It is connected to Benenden by Goddard's Green Road / Benenden Road (a designated rural lane). At present, there is nothing on the Site beyond houses and the hospital (with associated buildings).

13. The Site contains some land which is previously developed, but also 3 Local Wildlife Sites, greenfield areas and rare grassland (see TWFDLP Comments, DLP_3458). In any event, the presence of some previously developed hospital infrastructure within the Site, which itself is placed within an isolated and wholly rural setting, does not override its fundamental unsustainability in local or national planning policy terms for development on the scale proposed.

14. In this regard, the Site is clearly unsustainable. This is demonstrated by both the Sustainability Appraisal ('the SA') and the extant planning permission. The extant permission does not set a precedent for development on the Site but rather was a highly fact-sensitive decision which, properly understood, should not be used as a justification for further development. There are other more appropriate sites in Benenden which, had the SA been properly applied, would have been selected.

The extent planning permission

15. There is currently permission for 24 new dwellings on the Site (TW/12/03130, subsequently amended by 14/505641/FULL). The justification for the 2012 application can be seen from paragraphs 2.07 – 2.08 of the Committee Report for the 2012 permission, which state that: [https://twbcpa.midkent.gov.uk/online-applications/files/C51CE242B260EDEE3F5806A1D9D5B596/pdf/12_03130_EIAMJ-Committee_Report-3829324.pdf]

“2.07 The Design and Access Statement identifies that the redevelopment aspirations of the hospital follow consideration of a number of development options including a new build solution. It was concluded (by the Hospital Trust) that the preferred strategy for the future of the site would be to centralise development on the existing hospital through a process of new build extension to enable a consolidation of services and the optimisation of functional arrangements.

2.08 In looking at the options the Hospital Trust concluded that those parts of the estate surplus to requirements could potentially be marketed for sale in order to generate funding support for the scheme. This subsequently led to the confirmation that the administrative South East quadrant (excluding Peek Lodge, Windmill Cottage and Joy Carey buildings) would be put up for sale.”

16. In our view, it is significant that the primary justification for the residential aspect of the 2012 permission was to generate funding for the re-development of the hospital facilities. At no point was this intended to demonstrate the suitability of the Site for wide-spread development. Rather, this was a bespoke planning permission which has to be understood on its own facts. Whilst permission was granted, the 2012 report expressly noted at paragraph 10.27 that:

“Relevant factors also include the fact that the site is in a remote, isolated location and therefore the site is not a sustainable one – seeking a higher density of residential development would lead to such matters as higher car use for example which would not be sustainable”

17. This accords with the consultation response from the expert Highways Authority, Kent Highways Services, summarised at paragraph 6.43, which notes, among other things, that *“the residential aspect is not a sustainable location.”* There is no provision made in the 2012 permission to address the unsustainability of the Site in terms of transport.

18. The Site was deemed to be remote, isolated and unsustainable *prior* to the 2012 permission being granted for, among other things, the development of 24 houses. There is no provision in the 2012 permission to address the unsustainability of the Site. It follows that the Site is still unsustainable, if not more unsustainable given the additional issues which will be caused by the development of the 24 houses. Allocations in the Local Plan (AL/BE3 and AL/BE4) cannot be justified on the basis of funding healthcare development at the hospital given the Local Plan cannot specify who will financially benefit from building out AL/BE3 and AL/BE4. On this basis alone it is clear that further residential allocations on the Site are wholly inappropriate.

Policies AL/BE3 and AL/BE4 – sustainability

19. Policy STR3 of the Local Plan states that *“Proposals that provide for the effective use of redundant, disused, or under-utilised brownfield land and buildings in sustainable locations will be supported in principle.”* Paragraphs 4.68 and 4.70 of the explanatory text to Policy STR3 state that:

“4.68 - A key principle underpinning the overall strategy set out in the Local Plan for the pattern and scale of development is that it makes as much use as possible (optimal use) of suitable PDL (previously developed land)/brownfield sites and under-utilised land, including optimising the density of development, particularly in the borough’s town centres and other locations well served by public transport

[...]

4.70 - The Local Plan includes a number of site allocations on brownfield sites, making effective use of such sites, as required by the NPPF, helping to achieve the overarching need for sustainable development. Such sites tend to be located within established LBDs. This is reflected in Policy STR 1: The Development Strategy. (Para 1 Policy STR1 - Promotes the effective use of urban and previously developed (brownfield) land, having due regard to relevant Plan policies;)”

20. On any reading, the support in Policy STR3 for use of brownfield land and buildings is predicated on those sites being sustainable. The position in the Local Plan is that brownfield sites in sustainable locations will be supported in principle. It is not that brownfield sites in any location will be supported

in principle. This accords with the broad definition of sustainable development given in the NPPF, based on the three overarching objectives of economic, social and environmental. Whilst the use of brownfield land may go to the environmental objective of sustainability, the presence of some previously developed infrastructure within a site cannot be dispositive of whether sites and developments are themselves sustainable.

21. It is unarguable that the Site is sustainable. As made clear above, the Site was found to be “remote” and “isolated” and therefore unsustainable in 2012. No infrastructure has been introduced since. The only change is the extant permission for the development of 24 homes which further stresses the sustainability and connectivity of the Site. On this basis, there is no policy support for the allocation of development to this location.

22. Furthermore, as made clear in earlier representations as part of the regulation 18 consultation response to the Local Plan submitted on behalf of Euan Burrows, Mockbeggar Lane and a group of residents who all live in East End, Benenden, there are significant issues in the SA which have resulted in Policies AL/BE3 and AL/BE4. Those representations have been appended to these representations rather than repeated in full, but a number of points are reiterated here.

23. First, and fundamentally, the filtering exercise carried out in the SA which led to the selection of the Site over other options has been misapplied. The first two bullet points of paragraph 8.1.4 of the SA provide that sites will be filtered out if they are:

- . *“Located in remote locations away from existing settlements; such sites considered unlikely to be sustainable in this context; in some instances some remote sites have been considered in the context of a new garden settlement where applicable or as urban extensions; (Bullet Point 1)*
- . *Not well related to a settlement; this has included sites that may be in relative close proximity to a settlement but are not well related to the built form of the settlement for example because they are cut off / separated from the settlement / built form in some way; (Bullet Point 2)*

24. If these points were to have been correctly applied, it is inconceivable that AL/BE3 and AL/BE4 would have emerged as a preferred option. The Site is acknowledged to be located in a remote location away from existing settlements and is not well related to the nearest settlements of Benenden and Biddenden, both of which are 4km away. The only means of transport between East End and Benenden is along the narrow Goddard’s Green Road. There is no walking path and no cyclepath between East End and Benenden. Indeed, this lack of relation to Benenden is clearly acknowledged by the wording of AL/BE3 and AL/BE4, which require the provision of an ‘active travel link’ between the site and Benenden village.

25. Second, and leading on from this point, the SA itself identifies that the Site is unsustainable but then suggests that this can be addressed through future development. However, this is fundamentally misguided. The correct approach is to consider a potential site as it exists, not after hypothetical development has taken place. Otherwise, all sites would be acceptable, thereby rendering the site-selection process pointless.

26. As such these policies are unjustified. They are the result of an inconsistent approach to determining limits to built development and a fundamentally flawed SA.

Policies AL/BE3 and AL/BE4 – conclusion

27. These policies would result in the development of an isolated residential outpost in an unsustainable location on the edge of the AONB.

28. Policies AL/BE3 and AL/BE4 are unjustified. They are the result of an inconsistent and erroneous approach within the SA. This is reflected in the proposed LBD for Benenden which have artificially excluded a number of viable sites for development, pushing development to an isolated, remote and unsustainable location in the East End.

29. Policies AL/BE3 and AL/BE4 are inconsistent with the Local Plan. They are not sustainable, contrary to Policy STR1. The existence of some previously built development does not render the scale of development now sought on the site compatible with STR3 or overcome its fundamental incompatibility with the wider local applicable policy framework. In particular, the Site is isolated and remote and will necessitate travel by car, contrary to Policies STR6, STR7 and TP2. This will result in severe residual cumulative impacts on Goddard’s Green Road, contrary to Policy EN1. Moreover, these proposed policies for the Site also fail to afford protection to the setting of the AONB, contrary to Policy EN20, which is a fundamental requirement in this rural area.

30. At the national level, Policies AL/BE3 and AL/BE4 are also inconsistent with the NPPF. They represent unsuitable development in an unsustainable location, contrary NPPF chapter 2 and paragraphs 78 – 79. The development is not located to existing settlements and would have an unacceptable impact on local roads, contrary to NPPF paragraph 84. These policies do not and cannot promote sustainable transport, contrary to NPPF chapter 9.

31. For these reasons, Policies AL/BE3 and AL/BE4 are unjustified, ineffective and inconsistent with the Local Plan and the NPPF. It therefore follows that these policies are unsound and cannot be adopted.

Policy STR10 – interaction between draft Neighbourhood Plans and the Local Plan

32. The stated intention of the Local Plan is to withdraw policies in the Local Plan if Neighbourhood Plans are adopted prior to the examination of the Local Plan which contain policies similar to those in the Local Plan (paragraph 4.145, Policy STR10).

33. This stated intention applies directly to Benenden. Paragraphs 5.420 – 5.422 of the Local Plan provide that:

“5.420 Local policies are also being prepared through the Benenden Neighbourhood Plan (BNP), which will become an increasingly important consideration as it progresses. The BNP was submitted to Tunbridge Wells Borough Council in October 2020 and was consulted on between 30 October and 11 December 2020. The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan.

5.421 If the BNP progress through the relevant stages, including referendum, a decision will be made by the Full Council of Tunbridge Wells Borough Council whether to make the Benenden NDP part of the development plan for Tunbridge Wells borough. If this is agreed, all decisions on planning proposals within the parish of Benenden will be required have regard to its policies.

5.422 If this occurs while this Plan is still under consideration, the allocation Policies AL/BE1, AL/BE2, AL/BE3, and AL/BE4 will be omitted. Rather, the settlement chapter in the Local Plan for Benenden will refer to the site allocations, and other relevant policies in the made BNP. This would be undertaken through modifications to the Local Plan, which would be consulted on.”

34. It is well-established that the examination of a draft local plan is wholly distinct from the examination of a draft neighbourhood plan and must be assessed on its own merits. A draft local plan can only be adopted if it is sound. There is no requirement to consider whether a draft neighbourhood plan is sound. Instead, the question to determine is whether it is appropriate to make the plan having regard to national policies and advice. As a result of this distinction there is no requirement to consider whether a draft neighbourhood plan is the most appropriate strategy for the area nor to consider whether it is based upon proportionate evidence as there is with a draft local plan.

35. These differences were summarised by Holgate J in *R (Crownhall Estates Limited) v Chichester District Council* [2016] EWHC 73 (Admin). He identified the following relevant principles at paragraph 29:

“i) The examination of a neighbourhood plan, unlike a development plan document, does not include any requirement to consider whether the plan is “sound” (contrast s. 20(5)(b) of PCPA 2004) and so the requirements of soundness in paragraph 182 of the NPPF do not apply. So there is no requirement to consider whether a neighbourhood plan has been based upon a strategy to meet “objectively assessed development and infrastructure requirements”, or whether the plan is “justified” in the sense of representing “the most appropriate strategy, when considered against reasonable alternatives” and based upon “proportionate evidence”;

ii) Where it is engaged, the basic condition in paragraph 8 (2)(e) of schedule 4B to TCPA 1990 only requires that the draft neighbourhood plan as a whole be in “general conformity” with the strategic policies of the adopted development plan (in so far as it exists) as a whole . Thus, there is no need to consider whether there is a conflict or tension between one policy of a neighbourhood plan and one element of the local plan;

iii) Paragraph 8(2)(a) confers a discretion to determine whether or not it is appropriate that the neighbourhood plan should proceed to be made “having regard” to national policy The more limited requirement of the basic condition in paragraph 8(2)(a) that it be “appropriate to make the plan” “having regard to national policies and advice” issued by SSCLG, is not to be confused with the more

investigative scrutiny required by PCPA 2004 to determine whether a local plan meets the statutory test of “soundness”.

iv) Paragraphs 14, 47 and 156 to 159 of the NPPF deal with the preparation of local plans. Thus local planning authorities responsible for preparing local plans are required to carry out a strategic housing market assessment to assess the full housing needs for the relevant market area (which may include areas of neighbouring local planning authorities). They must then ensure that the local plan meets the full, objectively assessed needs for the housing market area, unless, and only to the extent that, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or specific policies in the NPPF indicate that development should be restricted (*St Albans City Council v Hunston Properties* [2013] EWCA Civ 1610; *Solihull Metropolitan B.C. v Gallagher Estates Ltd* [2014] EWCA Civ 1610).

v) Those policies in the NPPF (and hence the principles laid down in *Hunston* and *Gallagher* in the interpretation of those policies) do not apply to the preparation by a qualifying body of a neighbourhood plan. Although a neighbourhood plan may include policies on the use of land for housing and on locations for housing development, and may address local needs within its area, the qualifying body is not responsible for preparing strategic policies in its neighbourhood plan to meet objectively assessed development needs across a local plan area. Moreover, where the examination of a neighbourhood plan precedes the adoption of a local plan, there is no requirement to consider whether it has been based upon a strategy to meet objectively assessed housing needs.”

36. Significantly, a draft neighbourhood plan is examined for general conformity with an adopted local plan and not against policies in an emerging local plan. Paragraph 006 of the PPG ‘Plan-making’ states that:

“They [neighbourhood plans] can be developed before, after or in parallel with a local plan, but the law requires that they must be in general conformity with the strategic policies in the adopted local plan for the area (and any other strategic policies that form part of the statutory development plan where relevant, such as the London Plan). Neighbourhood plans are not tested against the policies in an emerging local plan although the reasoning and evidence informing the local plan process may be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested.”

37. The point of this is that, if adopted, as a matter of law the Neighbourhood Plan will have been subject to a far less rigorous examination than the Local Plan. Importantly, policies in the Benenden Neighbourhood Plan will not have been tested against the Local Plan. This means that there is no basis on which it can be said that the Benenden Neighbourhood Plan is in “general conformity” with the Local Plan. Whilst it may be the case that the draft Neighbourhood Plan has been prepared with the Local Plan in mind, it cannot be concluded that if both are adopted the Benenden Neighbourhood Plan will be in conformity with the Tunbridge Wells Local Plan given substantial main modifications may be required to ensure that the Tunbridge Wells Local Plan is sound.

38. However, notwithstanding these stark differences, at present Policy STR10 seeks to abandon the provision of site-specific policies for Benenden in the event that the draft Neighbourhood Plan is adopted. The practical result of this is that the Tunbridge Wells Plan would effectively “adopt” site allocations and other relevant policies in the Benenden Neighbourhood Plan (paragraph 5.422) which have not been found to be sound and which have not been tested against the Tunbridge Wells Local Plan. To be sound, Policy STR10 rests upon the wholly improper premise that policies in the Neighbourhood Plan would not only be found to be in general conformity with the Local Plan but also that those Neighbourhood Plan policies would be “sound” if tested against the Local Plan, given they will replace the provision of any site-specific policies in the local plan. Given the Local Plan has not yet been examined, this conclusion is simply not open to the local planning authority.

39. It is clear that this should not and cannot prevent the Neighbourhood Plan being examined and adopted prior to the examination and potential adoption of the Local Plan. Furthermore, we neither object to the desire to avoid repetition within development plan documents nor to avoid potentially unnecessary superseding of neighbourhood plan policies. However, none of this justifies circumventing the proper local plan procedure. Given the uncontroversial marked procedural differences and requirements between the two examination processes, it is our case that it is unlawful and unsound to read neighbourhood plan policies into a local plan where those neighbourhood plan policies have not been subject to the rigorous examination of draft local plan policies to test them as sound. At no point will those neighbourhood plan policies been found to even be in general conformity with that local plan, let alone tested for soundness. At the least, Policies AL/BE1, AL/BE2, AL/BE3 and AL/BE4

need to be tested against the draft Local Plan to ensure that they are sound, even if this subsequently results in them being withdrawn by main modification.

40. This is especially true given there are a number of significant differences between site specific policies in the Neighbourhood Plan and the Local Plan, as noted by the examiner appointed to inspect the Neighbourhood Plan's initial comments of 26 March 2021. [<http://www.benendenneighbourhoodplan.org/wp-content/uploads/2021/04/Benenden-Initial-comments.pdf>]

He stated at paragraph 26 of his initial comments that:

"I note that the Pre-Submission Version of the Local Plan also allocates the same four sites for development, but the contents of the respective policies differ. Is there merit in the policies, at least having the same policy expectations within them? For example, if the neighbourhood plan is made first, then I understand that the intention of the Borough Council is to withdraw these allocations from the Local Plan and in which case, the requirements which are only found in the local plan, and are not within the neighbourhood plan, will be lost. Is there scope for at least a consistent approach to the policy requirements and would further discussions between the two parties be helpful? I would then be able to consider whether to accept any possible modification in my recommendations."

41. Accordingly, the effect of Policy STR10 is not only to circumvent the requirements of the local plan examination procedure but also to then "adopt" policies that differ from those currently in the Local Plan. This is unsound.

42. For these reasons, as presently drafted Policy STR10 is unsound and would be unlawful if adopted.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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 shall attend with Counsel.

Points will be made with reference to National and Local Planning Policy, together with applicable legal obligations

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