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The New Local Plan for Tunbridge Wells to 2038

Response to the Inspector's Initial Findings Letter on the Examination of the Submission Local Plan (SLP)

Site known as 'Land at Tolhurst Road', Tolhurst Road, Five Oak Green, Tunbridge Wells, TN12 6TN

SHELAA Reference: 143

On behalf of Fernham Homes.

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1. Introduction

- 1.1. We are writing on behalf of our client, Fernham Homes, in respect of the consultation into the Tunbridge Wells Borough Council (TWBC) Examination of the Submission Local Plan (SLP). Specifically, in response to the Inspector's initial findings letter following the Local Plan Examination hearing sessions held between March to July 2022. TWBC's response is summarised in the document known as Local Plan Development Strategy Topic Paper –Addendum [PS_054] and forms the basis of the consultation forthwith.
- 1.2. This representation is supported by a Local Plan Representation Document dated 2024 which has been produced by Fernham Homes and is attached at **Appendix A**.
- 1.3. This representation considers that the omission of the site, 'Land adjoining Tolhurst Road, Five Oak Green, (SHELAA, Reference 143)', which is promoted for a housing-led development scheme, should now be considered again for inclusion in the SLP. The failure to include the site is considered to be **unsound and not legally compliant**, because without including, or even considering to include, sites in the SLP, which are considered to be reasonable alternative sites, the consultation is fundamentally flawed.
- 1.4. In summary, the response made by TWBC to the Inspector's comments fails to address why sites in Five Oak Green, now deemed acceptable by the Sustainability Appraisal [PS_036 and PS_037] and assessed as being of low harm in the Green Belt study [PS_035], are not being taken forward into the SLP as site allocations.
- 1.5. The consultation documentation states that these sites have been addressed through an assessment set out in 'Section H' H' [PS_054, paragraph 2.28] of the Local Plan Development Strategy Topic Paper –Addendum. However, there is no Section H in any of the consultation documentation.
- 1.6. When considering the consultation documents as published, TWBC has failed to provide any justification why the 'suitable' Five Oak Green sites have not been taken forward and there is no assessment of an option which includes these sites for inclusion in the SLP. There is no justification, or explanation, why the background documents [PS_035, PS_036 and PS_037] and their conclusions and recommendations have been ignored by TWBC.

- 1.7. This representation promotes a 0.7 ha site on the eastern extent of Tolhurst Road, Five Oak Green, known as 'Land at Tolhurst Road' and herein known as 'the site' for inclusion in the SLP for a residential development. The site has been submitted and promoted during a previous call for sites exercise and during previous consultations, where it has been given the SHELAA reference: 143.
- 1.8. This site is considered to be an **omission** from the SLP, which identifies areas for development in the context of the TWBC local authority area. It specifically provides an opportunity for a deliverable housing development in the rural settlement area of Five Oak Green.
- 1.9. Following the proposed changes to the SLP, which will include the removal of the key development area of Tudeley Village, a reduction in the proposed residential development at Paddock Wood, and the provision of a housing land supply limited to a "modest surplus" of 10 years, there is due concern that the SLP is not in accordance with the National Planning Policy Framework (NPPF), particularly:
- paragraph 22 which sets out that strategic policies should look ahead over a minimum of 15 year period, and
 - paragraph 7 b) which sets out that specific, developable sites or broad locations for growth should be identified for years 11-15 of the plan period, where possible. The allocation of Land at Tolhurst Road is possible for the reasons set out in this Representation. By not allocating this site, or setting out justification as to why it has not been allocated, the proposed Main Modifications are contrary to this policy requirement.
- 1.10. On this basis, it is important that further deliverable sites are supported through the Local Plan process. This **omission** site would contribute to the Council's substantial housing requirements within the borough and is available now for immediate delivery.

2. Context

- 2.1. The production of the TWBC Local Plan has involved several statutory key stages, but has stalled following the Examination hearings. The Local Plan is now at the stage where TWBC is responding to scenarios raised by the Inspector in order for the Plan to proceed through Examination. This consultation assesses and considers in depth the contents of the 'Local Plan Development Strategy Topic Paper – Addendum [PS-054], and marks the final consultation phase for the plan.
- 2.2. Following consideration of the Examination hearings undertaken to date, the Inspector has raised the following key concerns as part of his Initial Findings into the plan.
- No alternative Green Belt sites have been considered
 - Development on areas of flood plain should be subject to a sequential test to test suitable alternatives not in areas of flood risk.
- 2.3. In order to address these concerns the Inspector has provided scenarios which could be considered further, and which would provide a situation where the plan could proceed through to adoption. These options are summarised as follows:
- Provide additional information to justify the Tudeley Village allocation as submitted.
 - Modify the submitted Plan by making significant changes to the Tudeley Village allocation, and in doing so, seek to overcome the soundness issues identified above.
 - Delete the allocation from the submitted Plan.
 - Address concerns for sites in areas of flood risk to the East of Five Oak Green and Paddock Wood.
- 2.4. Based on the Inspector's options, the Council has established seven of its own options which could be taken forward. As set out in paragraph 12.6 of the consultation documentation [PS-054], the preferred option the Council has chosen take forward was Option 5.

“Option 5 - No Tudeley Village and reduced housing and employment growth at Paddock Wood including land in east Capel, with all housing on Flood Zone 1, with employment land similar to the PSLP, but excluding land which is, or will be, within Flood Zone 3, while including land which would be within Flood Zone 2 (SA Development Strategy Option number 17”.

2.5. In summary, the proposed changes, now subject to consultation, are as follows:

- *“Proposed removal of the strategic policy STR/SS 3: The Strategy for Tudeley Village from the Local Plan.*
- *Revision of the strategic policy STR/SS 1: The Strategy for Paddock Wood and land at east Capel, including a reduction in the amount of residential housing growth by approximately 1,000 dwellings, with all housing being on Flood Zone 1 and employment land on Flood Zone 2, along with a reduction of employment provision, and reconfigured sport and recreation provision and secondary school education provision (as set out at Appendix D of the Development Strategy Topic Paper Addendum).*
- *At Hawkhurst it is proposed to revise site allocation policy number AL/HA 5: Land to the north of Birchfield Grove, to include housing, and land safeguarded for primary school expansion (in accordance with a planning committee resolution on application reference 22/02664/HYBRID).*
- *Also at Hawkhurst, the Council proposes the removal of site allocation policy number AL/HA 8: Limes Grove (March’s Field) from the Local Plan. This site was proposed for employment use in the Submission Local Plan.*
- *Progression of a 10 year housing land supply position including the requirement for an immediate review of the plan”.* ([Consultation on Council’s Response to Inspector’s Initial Findings \(tunbridgewells.gov.uk\)](#) visited 20/02/2024)

2.6. Except for the changes proposed at Hawkurst, which are not considered to be relevant to this representation, the proposed changes, in addition to the promotion of the omission site, known as Land at Tolhurst Road, are considered in the following sections.

3. Omission Site- 'Land at Tolhurst Road'

- 3.1. The site is 0.7 ha in size and located on the eastern extent of Tolhurst Road, within the parish of Capel. It is a roughly rectangular-shaped site accessed from its own permanent access from Tolhurst Road. The site comprises a paddocked area bounded by a mature tree and hedge line on its south and eastern boundaries.
- 3.2. The site immediately abuts the existing built residential development of Five Oak Green which is located to the north and west of the site boundary. The site adjoins agricultural fields to the south and east.
- 3.3. The site is in a sustainable location, with pedestrian access to Capel Primary School and the village shop, hall and play facilities, which are located within the central area of Five Oak Green.
- 3.4. Similarly, within a 250m walk, there are bus stops offering direct hourly (at least) services to Tonbridge and Paddock Wood, towns that both provide a wide range of services and local amenities, as well as access to rail links to London and Kent.
- 3.5. There is an extensive Public Right of Way (PROW) network within the vicinity of the site, allowing pedestrian access to the countryside beyond.
- 3.6. The site has a Grade 3 Agricultural Land Classification, but it has not been in use for agricultural purposes and is not part of a wider farm.

Constraints:

- 3.7. The site, although located within the Metropolitan Green Belt (MGB), lies within an area deemed at low harm [PS_054], discussed further in section 5 below. It is well outside the High Weald Area of Outstanding Natural Beauty (AONB). There is no Ancient Woodland on or near the site and the site is outside Flood Zones 2 and 3. Although, there are surface water flows in the very north eastern corner of the site which could be designed-out through residential layout arrangement at planning application stage.
- 3.8. The development of the site would not impact on heritage assets, the nearest of which is the Grade II listed Stream Cottage, which fronts Five Oak Green Road. This listed property is located distinctly away from the site, with residential back gardens between the heritage asset and that of the site boundary.

- 3.9. Part of the site is safeguarded for Sandstone – Tunbridge Wells Sand Formation. However, there are extensive land banks of such minerals in Kent and they are not used widely in modern construction.
- 3.10. There are no constraints that could not be overcome to facilitate residential development at the site known as Land at Tolhurst Road. The Sustainability Appraisal [SLP-036, page 7] concludes that “This site is considered suitable as a potential site allocation”.

4. Deliverability

- 4.1. Paragraph 69 of the National Planning Policy Framework (‘NPPF’) requires that local planning authorities (‘LPAs’) *‘should identify a supply of:*
- a) specific, deliverable sites for five years following the intended date of adoption; and*
 - b) specific, developable sites or broad locations for growth, for the subsequent years 6-10 and, where possible, for years 11-15 of the remaining plan period’.*
- 4.2. The Glossary of the NPPF defines deliverable and developable as following:
- 4.3. *“To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:*
- a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).*
 - b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years”.*

- 4.4. *“Developable: To be considered developable, sites should be in a suitable location for housing development with a reasonable prospect that they will be available and could be viably developed at the point envisaged”.*

Availability

- 4.5. Fernham Homes, have confirmed that the site is under its control and that there are no financial or legal restrictions that would impact on the viability or delivery of homes on the site. On this basis, the site could become available in the first 5 years of the Local Plan period. Furthermore, Fernham Homes has undertaken considerable preparatory work for the site, is actively promoting it through the emerging TWBC Local Plan.

Suitability for Residential Development

- 4.6. The site is located directly within what is considered the existing built-up area of Five Oak Green. It is served by good public transport services (to Tonbridge and Paddock Wood) and has close links to the larger settlement of Paddock Wood and the wide range of services/facilities that are provided there.
- 4.7. The site would be suitable for housing development, as a highly sustainable and logical extension to the settlement of Five Oak Green. The SHELAA identifies the site could accommodate 21 residential units.

Achievability

- 4.8. Subject to the grant of necessary planning permission, the site is realistically capable of delivering housing development in the early phases of the Plan period. At this stage, there is no indication to suggest that there will be any viability issues for housing development on the site.
- 4.9. Fernham Homes, as a local regional house builder, has a strong track record of rapidly starting on site post the grant of planning permission, and delivering housing at pace.

5. Green Belt

- 5.1. The NPPF (paragraph 20), sets out that strategic policies should *‘set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision for [amongst others]:*
 - a) *housing (including affordable housing), employment, retail, leisure and other commercial development’.*
- 5.2. Paragraph 142 of the NPPF sets out that the Government *“attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”.*
- 5.3. However, despite the protection of the Green Belt, Tunbridge Wells is a constrained borough, and it has been acknowledged early in the Inspector’s response that some areas of Green Belt will be required to meet the development requirements over the plan period. Inspector response [ID-012, paragraph 4].
- 5.4. In accordance with paragraph 2.1 of the Local Plan Development Strategy Topic Paper – Addendum [PS_054], the SLP is supported by several Green Belt Studies which have advised on the impact on areas of the Green Belt, several of which precede and form the evidence base to the SLP.
- 5.5. Although the production of these Green Belt studies is supported, the interpretation of the outcomes is considered flawed, especially in relation to the site selection process. The Inspector’s findings posed the question: *“If it is accepted that Green Belt land will be required, then why did the Council not carry out a comparative assessment of reasonable alternatives at Stage 3 in order to avoid, or at least minimise, harmful impacts where possible?”* [ID-012, paragraph 6].
- 5.6. On the basis of the Inspector’s comments it is acknowledged that the TWBC has revisited the potential harm of sites in the form of the Green Belt Stage 3 Addendum Assessment of Reasonable Alternative Sites [PS_035]. This assessed the sites by establishing an overall rating of potential harm (to the Green Belt) that could result from release of the site or parcel.

- 5.7. The site, Land at Tolhurst Road, has been identified in this Stage 3 assessment, as a site having a 'RA/FG1-A Low-Moderate' harm to the Green Belt, if released for development. Furthermore, it was identified in PS_054, paragraph 2.25, that *"Notwithstanding this general finding, there are some sites at Five Oak Green where the harm, using the stage three methodology, is Moderate to Low, which is comparable in Green Belt harm terms to the allocated sites (Pages A-16 to A-57)"*. The omission site subject to this SLP representation falls within this group of sites.
- 5.8. Although the Addendum of Assessment of reasonable alternative sites in the Green Belt [PS-035, Table 3.1] identifies seven sites that have a low harm to Green Belt, the 'Land at Tolhurst Road' is the only site that is considered to have a low harm rating in Five Oak Green. The site is entirely within the area identified as low harm. It is therefore considered to be the **most** suitable of all of the sites subject to the Addendum of Assessment of reasonable alternative sites in the Green Belt [PS-035, A33-site summary].
- 5.9. Furthermore, the sustainability appraisal sets out that the site subject to this representation, is considered to fall in an area which *'makes a Relatively Weak contribution to safeguarding the countryside from encroachment. The impact of its release on the adjacent Green Belt will be Minor. Harm resulting from the release of the parcel will be Low'*.
- 5.10. In accordance with [PS_054, paragraph 2.28], "...the most appropriate approach to the now identified lesser Green Belt Harm to some sites at Five Oak Green is considered further in section H". However, 'Section H' is missing from the Consultation documents, and despite seeking clarification with TWBC, there is no assessment, or commentary, within the consultation documents which sets out why these acceptable sites at Five Oak Green have not been included in the SLP.

- 5.11. The additional Green Belt assessment [PS_035] does not provide a basis for concluding that other previously rejected “omission sites” should not come forward and be included in the SLP. The only reference currently referred to for their non-inclusion is [PS_054, paragraph 2.23], which sets out that an important factor in reaching these conclusions is that there are often other reasons or combinations of reasons, sometimes including Green Belt harm, that led officers to conclude a site was not suitable as a potential allocation in the Local Plan. As detailed above and in Appendix 1, there are no reasons to conclude that the site is not suitable for allocation at this time.
- 5.12. This approach to site selection is considered **not legally compliant or sound**.
- 5.13. In accordance with the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2012, as amended, the reasonable alternative sites have not been considered to be included in the final SLP, even though the Sustainability Appraisal has considered them to be suitable.
- 5.14. The implications of the SA findings [PS_037] of the Stage 3 Green Belt Study for reasonable alternative sites in Capel parish, is that the site, Land at Tolhurst Road, had its Green Belt harm score revised from ‘Moderate’ at Stage 2 to ‘Low’ at Stage 3. The implications for the SA are considered to have the potential ‘to be significant’.
- 5.15. Paragraph 13.2 (PS_037) notes that, while the Green Belt Stage 3 Addendum does not rule out some smaller housing sites at Five Oak Green, there are also other factors to be taken into account in determining their suitability; hence, it is proposed that they are further considered as part of the early Local Plan review.
- 5.16. The TWBC position is objected to, because there is no clear justification in the document setting out why sites considered as at low harm to the Green Belt cannot be considered for inclusion in the emerging Local Plan.

6. Review of the proposal for a new garden village at Tudeley

- 6.1. Paragraph 146 of the NPPF sets out that *‘Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development’*.

- 6.2. [PS_054, paragraph 3.78], sets out that if Tudeley Village is withdrawn from the Local Plan the identified alternative sites in the Green Belt would not provide any meaningful quantum of housing supply.
- 6.3. Hence, in this scenario if Tudeley Village is withdrawn from the plan and Paddock Wood and east Capel reduced, the Local Plan would have to be pursued on the basis that it is only meeting housing needs for the next 10 years and will need to be subject to an early review. This option is considered further in the final section, alongside the merits of retaining some form of allocation.
- 6.4. However, this position is considered as an unsound approach. The consequential changes in the development strategy caused by the removal of Tudeley Village and the reduction in numbers at Paddock Wood should lead to the deliverable and suitable sites identified in the Sustainability Appraisal coming forward in the current SLP. The TWBC position that further consideration of such sites would be best done as part of a Local Plan review is considered flawed and not justified, because there has been no assessment undertaken which has led them to come to this conclusion based on available evidence. .
- 6.5. The Sustainability Appraisal for the site [PS_036] concludes in the sustainability appraisal, for the site at Tolhurst Road *“The site could be considered again if Tudeley Village is removed from the Development Strategy (as part of a Local Plan review). “This site is considered suitable as a potential site allocation”*

7. Paddock Wood strategic growth

- 7.1. The Council's position [PS_054] sets out that the Inspector found that the proposed Structure Plan Option 1, for Paddock Wood, which allocated 3,500 homes east and west of the town, had not applied the Environment Agency's sequential test appropriately. This was because a borough-wide assessment of alternative sites had not been undertaken prior to considering development within fluvial flood zones 2 and 3.
- 7.2. *“The Inspector proposed pursuing Option 3, which removed all development from flood zones 2 and 3 to ensure soundness of the allocation”* [PS-046, paragraph 1.11].

- 7.3. On this basis, David Lock Associates has produced an additional addendum background document [PS-046], on behalf of the Council, which reviewed the Paddock Wood Growth area. It primarily considers revisions to the previous Option 3 Structure Plan for Paddock Wood which excluded all development within Flood Zone 2 and took into account updated baseline information, emerging proposals, and detailed comments from the Inspector's initial findings. On the basis of the findings, and the new flood modelling work, a new updated Master Plan has been produced.
- 7.4. The Inspector has made it clear in his initial findings letter [ID_012] in referencing para 161 of the NPPF (2021 version), that development should not be allocated if there are reasonably available sites appropriate for the development at a lower risk of flooding [reproduced from PS_054, paragraph 4.24].
- 7.5. Following the additional work, and in light of the Inspectors comments, the proposal being put forward as part of this consultation is Option 5, which aims to reduce housing and employment growth at Paddock Wood including land in east Capel, ensuring all development will be confined to Flood Zone 1.
- 7.6. Although this representation does not object in principle to alterations to the new Paddock Wood masterplan being proposed, and indeed development on areas of low flood risk is supported, the general strategic approach to housing delivery has not considered all options and is therefore objected to.
- 7.7. On this basis, the plan is considered not to be legally compliant and is unsound. The alternative sites that do not fall in high-risk flood areas have not been considered and included in the SLP as site allocations.
- 7.8. The site subject to this submission, Land at Tolhurst Road, is located in a low flood risk area, and therefore, should be considered before alternative scenarios are considered, especially around the area of Paddock Wood that are in higher areas of flood risk.
- 7.9. The omission site subject to this representation would help provide a small, but important number of residential units, in an area of significantly constrained housing supply.

8. 10 Year Plan Period and Housing Supply

- 8.1. The NPPF [Paragraph 22] and Planning Practice Guidance [Paragraph: 064 Reference ID: 61-064-20190315] make it clear that strategic policies should be looking ahead over a minimum 15 year period from Adoption and a local planning authority should be planning for that full plan period.
- 8.2. The proposal of TWBC to reduce the plan-period to 10 years is considered to be unsound and it is not in conformity with National Policy when there are other suitably located and deliverable sites to be allocated to contribute to housing supply. A Local Plan with a shortened timescale is unlikely to deliver enough housing to meet the identified need of the Borough. This is further exacerbated in the Borough of Tunbridge Wells because the removal of Tudeley Village and the reduction in housing numbers at Paddock Wood, will also contribute towards the greater reduction in housing numbers.
- 8.3. Furthermore, there is strong historical evidence that TWBC has a poor record of Affordable Housing (AH) delivery, despite a significant need for this type of housing in the Borough. In accordance with the Housing Need Assessment Topic Paper [Document No.371, paragraph 3.18] it is evident that there is a need for 323 affordable homes per annum, nearly half of the overall annual housing need.
- 8.4. It had previously been proposed that Tudeley Village would provide for 40% AH (840 affordable units). Now that Tudeley Village is proposed for removal, and the residential numbers at Paddock Wood will also be reduced, there is no alternative approach to deliver the AH shortfall. The Council is purely relying on the early review of the Local Plan to deal with the requirement to provide sites.
- 8.5. In order for the SLP to be as a robust as possible, now more than ever there is a requirement to allocate more deliverable sites within the SLP to meet the identified housing need.
- 8.6. In accordance with the consultation document, [PS_054, Section 11] by applying the Government's standard method, the objectively assessed housing need figure for TWBC, on which the Plan has been based, is 667 dwellings per annum (dpa) which equates to providing a minimum of 12,006 dwellings over the plan period (to 2038).

- 8.7. In accordance with The Local Plan Development Strategy Topic Paper- Addendum [PS_054], in order to meet this requirement, 5,495 units need to be provided on allocated sites [Section 11, Table 3]. These sites will be added to committed supply, extant permissions, windfall sites and neighbourhood plan allocations, to make-up the overall requirement of 12,006 units. However, as confirmed at Appendix C [PS_054, Table 4], the SLP is now proposing to allocate sites that will provide at the upper limit only 4,595 dwelling units.
- 8.8. It seems there is a level of risk in delivery of the objectively obsessed housing need with so few residential development sites being allocated in the plan. This position is considered **unsound and in non-compliance with National Policy**.
- 8.9. In accordance with paragraph 60 of the NPPF, it is important that in order to support the Government’s objective of significantly boosting the supply of homes “a sufficient amount and variety of land can come forward where it is needed”. Furthermore, at paragraph 70 it is identified 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.”
- 8.10. In the Tunbridge Wells Borough, there is a good record of delivery of small sites, “*and there has been a consistently higher number of completions than the earlier average*” [PS_054, paragraph 11.3].
- 8.11. In this instance it is offered that the site at Tolhurst Road, could come forward as a small site allocation in the Local Plan. The site is available and could be delivered quickly and in accordance with the requirements for a five-year land supply of ‘developable’ and ‘deliverable’ sites [NPPF, paragraphs 69, 75 and 76].

9. Other matters

- 9.1. [PS_054] sets out the Council’s commitment to an early review of the Local Plan. Although we object to the non-inclusion of site known as Land at Tolhurst Road, at Five Oak Green, specifically in the current SLP, the position of an early review with the inclusion of the site, Land at Tolhurst Road, as a site allocation would be supported.

10. Summary

- 10.1. The main consideration of the SLP is the impact on housing land supply relative to identified needs, which includes a need to provide more allocated sites and to deliver Affordable Housing. TWBC is not proposing to provide enough allocated development sites to meet this need. There is a clear argument that the allocation and delivery of smaller sites would help towards the housing delivery requirement, as smaller sites are often able to be delivered faster as they have fewer delivery issues to overcome.
- 10.2. The NPPF acknowledges at paragraph 70 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. It goes on to say that land to accommodate at least 10% of their housing requirement should be provided on sites no larger than one hectare.
- 10.3. This representation promotes a site of less than 1ha Land at Tolhurst Road, in Five Oak Green, as a residential site allocation in the SLP for Tunbridge Wells that could be delivered within the first five years of the Local Plan period.
- 10.4. Following the proposed removal of the large residential site allocation at Tudely Village and the proposed revised masterplan at Paddock Wood, an updated assessment of impact of release of sites in the Green Belt has been considered by the Council [PS_035]. This concludes that the Site at Tolhurst Road (SHELAA reference 143), would have a 'low' harm rating to the Green Belt if bought forward for development. In addition to this assessment, an updated Sustainability Assessment of the site has been undertaken which confirms that the site would be suitable for allocation in the Local Plan. The site is in Flood Zone 1.
- 10.5. The consultation is **flawed and unlawful** because it is referring to an assessment undertaken in 'Section H' which doesn't exist. Throughout the consultation document [PS_054] there is no clear reason set forth which explains why the site cannot be included in the current local plan as an allocation. This is against a backdrop of only sufficient housing to provide a small surplus over a 10 – and not 15 year – plan period.

10.6. On this basis, the site provides an opportunity to deliver much-needed housing development (including affordable housing) on a suitable and unconstrained site within the settlement of Five Oak Green. For the completeness of this consultation representation, the site, known as 'Land adjoining Tolhurst Road' is considered an **omission** and it should be included in the SLP for Tunbridge Wells as a site allocation.