

**Matthew Birkinshaw MRTPI**

The Planning Inspectorate  
The Square  
Temple Quay House  
Bristol  
BS1 6PN

22 December 2022

Dear Mr Birkinshaw,

**RE: Examination of the Tunbridge Wells Borough Local Plan: Inspector's Initial Findings**

Further to your letter setting out initial findings in relation to the Borough Council's submitted Local Plan, I thought it appropriate at this point, having absorbed the letter, to advise on the actions that the Council is taking to address the points you make. These are set out below in the same order as in your letter.

In summary, each of the matters raised is being taken into consideration. Where further work is necessary to enable the Council to come to a decision on the most appropriate way forward, this is being, or will be, done. This includes coming to a view on the options you set out at paragraph 96 of your letter.

The Development Strategy – Policy STR 1

The central issue you identify is the ability to determine whether exceptional circumstances exist to release sites from the Green Belt, especially given that the two largest allocations – “Tudeley Village and Paddock Wood” – are identified as resulting in ‘high’ levels of harm to the Green Belt.

For the avoidance of doubt the Council's representatives set out at the Hearing Session on the ‘Principle of Green Belt Release’, the Local Plan development strategy and its component allocations all drew on the Stage 2 Green Belt Study, taken alongside other evidence studies.

It was also explained that, in assessing the suitability of sites for development, regard was given to their particular situation within the Green Belt when considering harm to Green Belt purposes, as well as having regard to the exceptional circumstances test. Notwithstanding this, it is acknowledged that the Stage 2 Study does not provide you with a directly comparable harm assessment to that for the proposed allocations included in the Stage 3 Green Belt Study.

I would reiterate the Council's evidence at the hearing session on this matter, that the role of the Stage 3 Study was to consider how those sites that were found suitable for allocation may come forward in ways that would further minimise Green Belt harm, give

more detailed consideration to mitigation and to consider the beneficial use of remaining Green Belt, in order to inform policy expression as well as further masterplanning work. The Council and its advisors felt this to be a reasonable, sequential approach, with the mitigations identified for proposed allocations relating more to the layout and form of development, such as siting of open spaces, structural landscaping, hedgerows, and accessibility, rather than overall suitability for development.

Nevertheless, it is accepted that the assessment of sites covered by the Stage 3 work benefitted from an overall assessment of Green Belt harm, which the Stage 2 assessment did not explicitly provide. Also, the assessment of proposed allocations is clearly site specific, which is not so evident in respect of the reasonable alternatives that lay within larger parcels assessed at Stage 2.

Therefore, in response to this specific issue, it is proposed that further work be commissioned for a comparative assessment of all reasonable alternatives to address the above inconsistencies. It will have specific and explicit regard to the contribution of these individual sites to Green Belt purposes and, as with the Green Belt Stage 3 Study, give an overall harm rating, noting any variation in harm across a site and set out the potential mitigation measures.

The Council estimates that to cover all reasonable alternatives as set out in the Sustainability Appraisal that are wholly or partially within the Green Belt, such further detailed work will involve some 70-75 sites.

The Council will go on to review the relevant SHELAA assessments accordingly. It will consider whether the Sustainability Assessment appraisals also warrant amendment.

### The Strategy for Tudeley Village – Policy STR/SS 3

While you agree, at paragraph 36 of your letter, that the principle of seeking to meet housing needs through a high-quality, mixed-use new settlement is a reasonable and positive approach to take, you go on to raise a range of issues relating to the proposal for this new settlement; these respectively relate to location and accessibility, infrastructure - the proposed Five Oak Green bypass, and deliverability (as well as relative Green Belt impacts).

In essence, you advise that uncertainties in relation to the above issues are “fundamental” when viewed in the context of the harm to the Green Belt, such that the proposal for this new community does not currently reach the necessary threshold to conclude that exceptional circumstances exist for removing the site from the Green Belt.

As regards *location and accessibility*, you rightly point out that no new railway station is proposed, which is something that the Council of course pursued in detail with Network Rail but was advised by them that it was unwarranted<sup>1</sup>. In this absence, it is agreed that bus links are critical. Discussions are indeed ongoing with bus operators and Kent County Council (KCC), as the regulatory authority, which will provide more certainty for the Local Plan process. Nevertheless alongside this work, we are re-engaging with Network Rail on the feasibility of a new Rail Station.

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<sup>1</sup> [CD 3.132\(c\)\(v\) Network Rail SoCG Duty to Cooperate Statement Appendix H12](#), paragraph 4.18

Discussions with Kent County Council (KCC) and respective consultants are also being held in regard to cycling and walking provision and the manner in which the matters raised can be addressed.

Discussions are also being had with Tonbridge & Malling Borough Council with regard to bus provision related to Tudeley and Paddock Wood and land East of Capel and how these would relate to Tonbridge. Furthermore, these discussions are also covering cycling and walking routes and the promotion of active travel measures.

The level of commercial provision in the proposed new settlement clearly impacts on its sustainability and self-containment. For clarity, the Council-commissioned Study quoted in paragraph 18<sup>2</sup> relates only to retail (comparison and convenience) floorspace, whereas the figure of up to 10,000sqm takes a broader view of commercial floorspace, including the likes of offices, leisure and community uses expected to be provided within a sustainable settlement of the size proposed. The latter estimate, derived from work carried out by the site promoters to inform the overall masterplan and may be benchmarked against comparable schemes, while the retail impact assessment on the vitality and viability of designated centres (such as Paddock Wood and Tonbridge) may also be clarified. Consideration would be given to whether any revised estimate has implications for transport modelling.

The degree of modal shift will be reviewed in the light of the further work outlined above, but I note that KCC, as the local transport authority, has not raised any insurmountable issues in relation to the potential to achieve the 10% modal shift being sought.

With regards to the *Five Oak Green Bypass* the central issue appears to be whether there is sufficient evidence to be confident that the bypass is likely to come forward in an environmentally acceptable manner and for it to be deliverable.

Consultants are being asked to look at information on design, land-take, relative land levels, likely traffic volumes, necessary structures and earthworks, and lighting, and to advise on whether this provides a reasonable prospect that the issues you have raised in relation to air quality, safety and noise, notably in relation to the proposed primary school, can be satisfactorily addressed with suitable safeguarding requirements.

If further detailed work is required to properly consider the scheme for inclusion in the Local Plan, the scope of this will be clarified.

It is agreed that, in any event, further consideration of the impact of the proposed bypass on the setting of the High Weald AONB would be needed to support its continued inclusion in the Local Plan.

Evidence on the affordability of the proposed bypass, essentially from the development of Tudeley Village, was set out at the hearings and in the Council's viability evidence. Nonetheless, this may be reviewed in the light of any further design work and further consideration of different development scenarios.

As regards *deliverability*, the Council sought to illustrate the potential timescale for getting to the point of delivery, more than build-out rates, with evidence from the same consultancy team supporting the site promoters. Notwithstanding this, there are clearly a

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<sup>2</sup> [https://tonbridgewells.gov.uk/data/assets/pdf\\_file/0007/385405/01\\_RCLTCU\\_main-report.pdf](https://tonbridgewells.gov.uk/data/assets/pdf_file/0007/385405/01_RCLTCU_main-report.pdf)

number of risks, as you identify, and further consideration will be given to a more conservative timescale, and its impacts on viability as well as on overall housing supply.

On build-out rates, a lower initial completion rate ahead of achieving full annual build-out is accepted as a reasonable expectation. Sensitivity testing can readily be done to inform the Council's decision on the way forward.

#### The Strategy for Paddock Wood and East Capel – Policy STR/SS1

The support for the strategic growth potential of Paddock Wood is welcomed. At the hearings, the Council's advocate agreed with your thinking regarding effective policy construction, to provide the requisite clarity of development components in each parcel and their respective infrastructure requirements. Curtailing SPD requirements was also agreed by the Council.

The combined implications of excluding all development from land currently identified as being within a higher risk flood zone and of providing sufficient secondary school capacity in an accessible location presents a substantial new challenge.

We are currently liaising with the local education authority on options for school provision and have asked the masterplanning consultants to present proposals to revisit the options in its report. I am anticipating that this work, which will have a wide range of elements, with viability implications to consider, will take some time to complete. As this is critical to the Local Plan moving forward, I aim to update you on the timescale for this work as soon as it is clear.

#### The Strategy for Royal Tunbridge Wells – Policy STR/RTW 1

The Council appreciates your initial findings in respect of the *Former Cinema Site (Policy AL/RTW 1)* and can readily put forward a modification, to the policy to make it more flexible with regards to including extra care housing as a potential use within a mixed-use scheme. The planning application for this site identified in your letter, has now a resolution to grant planning permission subject to the signing of a S.106 legal agreement.

Similarly, for *Colebrooke House*, it is agreed that the identified supply of employment land, the uncertainty over a future strategy and absence of strong defensible boundaries, does not provide a clear case for removing this land from the Green Belt. Subject to Members' consideration, a modification may readily be put forward to reflect this.

As regards *Hawkenbury Recreation Ground (Policy AL/RTW 19)*, it is agreed that it would be appropriate to consult on the road widening and re-provision of parking spaces, as shown indicatively in the later evidence document you refer to in paragraph 64.

#### The Strategy for Southborough – Policy STR/SO 1

While there is regarded to be a strong tourism and local economic case for a luxury hotel and leisure development centred on providing a viable future for the listed mansion house, *Mabledon House*, further consideration will be given to the extent to which the policy can be modified to support the principle of the uses proposed but within the scope of national Green Belt policy. At this stage, I would expect this to be possible, but will liaise further with relevant specialists, and site promoters.

### The Strategy for Cranbrook and Sissinghurst – Policy STR/CRS 1

I welcome your agreement to a modification along the lines referring to in paragraph 71 of your letter, as set out in the Council's Action Point Note (reference TWLP/094).

### The Strategy for Hawkhurst – Policy STR/HA 1

The first issue, which is acknowledged, is that of the existence of a 'ransom strip' impacting on the availability of *Land North of Birchfield Grove (Policy AL/HA 5)* for a new medical centre. Officers are in discussion with all relevant parties and will give further consideration to the options available to us.

You raise the prospect of Land at Limes Grove (March's Field), Gills Green, the subject of Policy AL/HA 8 being allocated for "less-intensive ancillary uses associated with the business park". While I am not aware of any historical relationship with the remainder of the business park, we will further explore this possibility, and seek further Highways Authority advice.

### The Strategy for Benenden – Policy PSTR/BE 1

Your guidance on the most appropriate means of integrating the Local Plan with the Benenden Neighbourhood Plan in relation to site allocations is noted. A modification can be drafted on the basis you describe which we assume involves maintaining the suitably modified Policy PSTR/BE 1, but deleting the site allocations (AL/BE 1 – AL/BE4) that follow and replacing them with textual summaries of, as well as cross-references to, the allocations in the Neighbourhood Plan.

### The Strategy for Pembury – Policy PSTR/PE1

Your points with regards to Policy AL/PE4 are noted and the policy can be revised to ensure appropriate flexibility, and it is accepted that the removal of the site from the Green Belt will need to be consulted on in due course.

### The Strategy for Sandhurst – Policy STR/SA 1

I am confident that modifications to the policy for Sharps Hill Farm (PSTR/SA 1) may be made to address the various aspects you raise, following further consideration.

### Housing for Older People and People with Disabilities

Clarifications in relation to the supporting paragraphs of the Local Plan to accurately, and better, reflect the need for extra care housing set out in the Council's Examination Document TWLP\_032a referred to in paragraph 92, may be made. For completeness, in line with the evidence given by the Council's consultant at the relevant hearing session, it is also considered necessary to indicate the level of need based on a broader definition of such needs. A list of sites showing how needs will be met by provisions of the Local Plan can readily be added, with supporting commentary. Of course, this will include consideration of the implications of any proposed modifications on supply over the plan period.

## **Conclusions and Next Steps**

The Council appreciates your identification of options for achieving a sound Local Plan.

In relation to both Tudeley Village and Paddock Wood including land at east Capel, we believe that the proper assessment of each of these is likely to take some time in order to come to a robust conclusion.

All other suggestions regarding modifications will be fully considered and will have to be put to Members for a decision in due course.

It is clearly not possible at present to put a timeframe on determining the most appropriate approach, which will need to be underpinned by a clear understanding of and the requisite appraisal of options. However, the Council remains committed to have an adopted Local Plan in place as soon as practicable and we are working towards this end.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'CHONE', with a long horizontal stroke extending to the right.

**Carlos Hone MRTPI**  
**Head of Planning**