



Tunbridge Wells Borough Council
Planning Policy

By email only: localplan@tunbridgewells.gov.uk

JB/JK/33005
26 February 2024

Dear Sir/Madam

RESPONSE TO PROPOSED CHANGES TO THE TUNBRIDGE WELLS BOROUGH LOCAL PLAN (2020 - 2038) ON BEHALF OF GALLAGHER PROPERTIES LTD

Introduction

This letter of representation has been prepared by DHA Planning on behalf of Gallagher Properties Ltd (Gallagher) in response to the current consultation on the Council's Response to Inspector's Initial Findings in respect of the Tunbridge Wells Borough Council Local Plan Examination. Gallagher have previously made representations to the Regulation 18 and 19 versions of the Local Plan and have participated in the Local Plan hearing sessions.

Gallagher is promoting land at Swatlands Farm located at Lucks Lane, Paddock Wood, TN12 6QL, which benefits from an extant outline planning permission (ref. 22/01929/OUT, as varied by 23/01259/FULL) originally granted by the Council in January 2023 for just over 18,000 sqm of new employment floorspace (Class E, B2, and B8 uses). This was in accordance with the Tunbridge Wells Submission Local Plan (SLP) as part of a mix of employment sites to the north and south of Lucks Lane and east of Transfesa Lane in strategic policy STR/SS1 (The Strategy for Paddock Wood and Land at East Capel).

Gallagher remain committed to progressing the development which is evident from the recent submission of details to discharge pre-commencement conditions (refs. 23/00633/SUB and 23/02842/SUB). Further discharge of condition applications as well as application(s) dealing with the reserved matters will come forward in due course.

Following the Local Plan examination hearing sessions (March to July 2022) for the SLP, the Inspector wrote to the Borough Council setting out his Initial Findings in November 2022. Having considered the initial findings, the Council is proposing examination of the Local Plan be progressed through a Revised Development Strategy to the SLP. This includes, among other changes, a revision of strategic policy STR/SS1, including a reduction in the amount of residential housing growth along with a reduction of employment provision in and around Paddock Wood. The Council have invited representors to make representation to on the Council's response to the initial findings including the revised development strategy by 26 February 2024.

Revised Employment Land Allocations

The proposed Revised Development Strategy and full response to the Inspector's Findings Letter is set out in the Council's Development Strategy Topic Paper Addendum [PS_054] (the Addendum).

Paragraphs 4.17-4.29 of the Addendum explain that the August 2022 updates to the Planning Practice Guidance (PPG) introduced a requirement to consider climate change



impacts as part of the Sequential Test. The Council agreed that further modelling should be carried out in order to assess the impact of this upon the flood extents for the Strategic Sites including the allocations contained in draft policy STR/SS1.

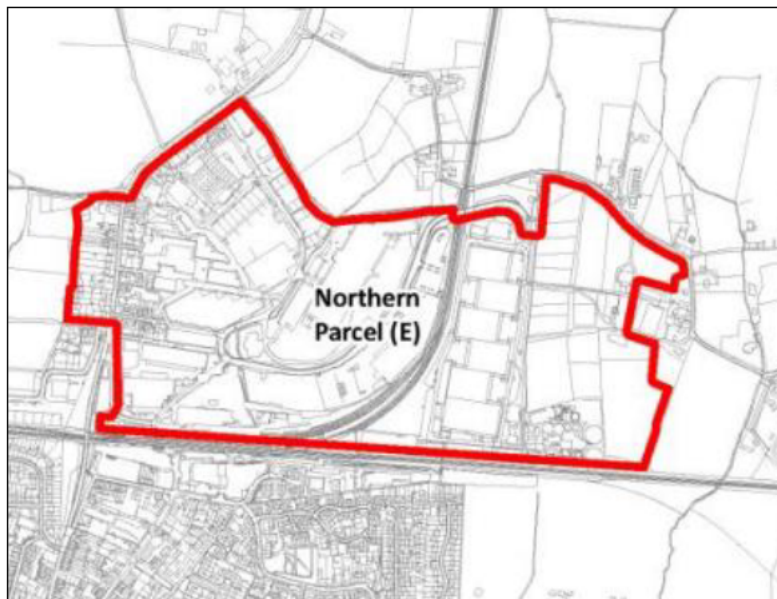
The updated modelling showed a greater extent of Flood Zone 2 and 3 land to the western side of Paddock Wood. The extent of flooding in this area was more significant and extends significantly further south as a result of the updated base data together with the climate change allowance. Based on this modelling, Swatlands Farm is now expected to be wholly within Flood Zone 3 by the end of the plan period.

Nevertheless, the extant planning permission has appropriate drainage conditions attached to the permission, which have been agreed with the LLFA. Furthermore, it should be noted that the drainage scheme agreed with the LLFA made a 40% climate change allowance, which was increased from 20% during the course of the application in order to ensure a more robust drainage design. The existing permission therefore takes full account of realistic future drainage conditions.

Paragraphs 4.30-4.35 of the Addendum summarise that the Inspector does not consider the location of new employment uses in areas at higher risk of flooding to be justified. The Council subsequently reconsidered the location of the proposed employment allocations, taking into account very recent flood risk modelling and applying the sequential test accordingly.

An Assessment is set out in a separate document on 'Employment Land Provision at Paddock Wood' [PS_045] concludes that Swatlands Farm should be "highlighted as a 'commitment' but not allocated" in recognition of its extant permission. As such, the Council continue to rely on Swatlands Farm as part of its employment strategy to meet about half of the approximate 8ha need of net developable employment land at Paddock Wood over the first 10 years post-adoption.

In policy terms it is understood that this would mean that the site would continue to be included within a Key Employment Area, which is welcomed by Gallagher. However, it is excluded from proposed Northern Development Parcel E (i.e. the development boundary of Paddock Wood), which is inconsistent with the recognition that it is a key employment site. Northern Development Parcel E is shown in the new Paddock Wood Masterplan Area contained at Appendix G of the Summary (Table) of Proposed Modifications to the Development Strategy [PS_063] and in the extract overleaf.



Summary of Gallagher's Representation

Gallagher **supports** the proposal to retain Swatlands Farm within the Key Employment Area as set out within the proposed change to Policy STR/SS1.

However, Gallagher **object to** the proposed exclusion of Swatlands Farm from the Northern Parcel as an allocated site. It is inconsistent and confusing for such a key employment site to be both identified as forming an important component of employment delivery whilst simultaneously showing the site as unallocated land outside the development boundary.

This approach is not justified, effective, or positively prepared.

Whilst it is appreciated that a degree of protection would be afforded in that the site is clearly identified for employment as a 'committed' site, the principle of development is not as clear as it ought to be. This is an unusual approach to take for a site that the Council are explicitly reliant on to meet the need for new employment land at Paddock Wood to supplement the considerable planned growth in housing around the town.

Gallagher is confident that there is strong demand for the proposed employment uses in Paddock Wood, having received interest from several potential occupiers. However, as with any multi-phase outline development, if reserved matters are not submitted on every plot prior to the deadline, or an end user wants a different design but has missed the reserved matters deadline, then further consents may be required, even if all other plots have been built out.

The new Local Plan, as currently proposed to be altered, would therefore provide a confusing and uncertain planning policy background against which any future applications would have to be considered on this site.

This is also relevant in the context of the *Hillside Parks Ltd v Snowdonia National Park Authority* [2022] supreme court judgement which highlights the legal risks of 'drop in' applications that have historically not been an uncommon approach for multi-phased developments to suit specific occupiers on a build-to-suit basis, as is the case with this site.



Therefore, Swatlands Farm should be brought back within the Northern Parcel as an employment allocation to ensure that the 'committed' site can be delivered with even greater certainty to ensure that the new Local Plan is as effective as possible and in accordance with paragraph 35 of the December 2023 NPPF.

Closing

I trust the contents of this letter are sufficiently clear, however we would welcome further engagement to discuss these concerns. If you have any queries at all, please do not hesitate to contact Jonathan Buckwell of DHA Planning to discuss further. We look forward to hearing from you.

Yours faithfully,



Jonathan Buckwell
Director - Planning

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M: [REDACTED]