

Tunbridge Wells Borough Council

# Statement of Common Ground

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Tunbridge Wells Borough Submission Local  
Plan

Tunbridge Wells Borough Council, B.Yond Strategic  
Limited, and Weald View Medical Practice



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# 1.0 Introduction

- 1.1 This Statement of Common Ground (SoCG) is a jointly agreed statement between B.Yond Strategic Limited (BYSL) (previously known as Rydon Homes), the Weald View Medical Practice and Tunbridge Wells Borough Council (TWBC), hereafter referred to as “The Parties”, in relation to the preparation of the Tunbridge Wells Borough Submission Local Plan. B.Yond Strategic Limited have an option on the land to the north of Birchfield Grove, Hawkhurst covered by Submission Local Plan (SLP) [\[CS 3.128\]](#) Policy AL/HA 5 – Land North of Birchfield Grove.
- 1.2 Policy AL/HA 5 – Land North of Birchfield Grove is allocated within the SLP for a medical centre and parking to serve the facility. Modifications are proposed to be made to Policy AL/HA 5 following receipt of the Inspectors Initial Findings letter and further consideration of the site. The background to the policy and the site is set out in detail in the Council’s statement – Matter 5: The Strategy for Hawkhurst; Issue 1: Land North of Birchfield Grove – Policy AL/HA 5 (Document Reference: [TWLP/128](#))
- 1.3 This SoCG is provided to inform the Examination into the soundness of the SLP [\[CS 3.128\]](#). It sets out key matters and the approach taken to the delivery of the site.
- 1.4 This Statement sets out the development position as understood between the parties (‘Development Statement’ at Section 2.0). This provides the latest position in relation to the development proposals for the site and sets out a future programme of joint work which will be undertaken. The Statement identifies the matters of common ground between the Council, as the plan-making authority, the developers promoting the site and the Weald View Medical Practice who (along with their nominated developer) who will ultimately deliver and operate the medical practice element of the site.
- 1.5 It is noted that B.Yond Strategic Limited has submitted representations to a range of policies within the Consultation on Council’s Response to the Inspector’s Initial Findings. This SoCG focuses on the policy matters relating to this site. Other matters are set out in the response tables to the Inspectors Initial Findings Consultation and are not considered relevant for this SoCG.

- 1.6 It is appreciated that liaison in relation to the matters included in this SoCG are ongoing and will be subject to review. Moreover, this SoCG is not binding on any party and is agreed without prejudice to further matters of detail about this site that either party may wish to raise subsequently through the examination into the Local Plan.

## 2.0 Development Statement

- 2.1 This section provides a summary of the development position relating to the land controlled by B.Yond Strategic Limited and the proposals for the site. It is a jointly agreed position statement by the parties.
- 2.2 Since the TWBC Local Plan Inspectors Initial Findings letter was published, a planning application for the whole of the site at land north of Birchfield Grove was submitted to the Council in September 2022. This was for the development of up to 70 homes with associated medical centre, parking and landscaping and full planning application for creation of a new country park – [Ref: [22/02664/HYBRID](#)].
- 2.3 The application was assessed on its merits, considering both the need for a medical centre and the absence of a five-year housing land supply at the time of consideration, as well as the provision of other community benefits including the safeguarding of land for expansion of the Hawkhurst Primary School and the creation of a new country park. This was considered alongside key constraints such as the landscape and visual impact as well as impact on the highway network.
- 2.4 Following detailed consideration, the application was recommended for approval at the 8 November 2023 Planning Committee, where there was a resolution to grant planning permission subject to the completion of a Section 106 agreement. The Section 106 agreement is still being finalised at the current time and discussions are ongoing between the parties, particularly in relation to the wording regarding the mechanism for the delivery of affordable housing.

## Land Ownership

- 2.5 B.Yond Strategic Limited has an option agreement for the site and the whole site is to be bought by B.Yond Strategic Limited from the landowner once the above mentioned Section 106 agreement is completed and the planning decision notice granting planning permission is issued. After this, there would be subsequent disposals of the area of land identified for education needs to Kent County Council (KCC) and the land identified for the medical centre to Weald View Medical Centre or their nominated developer. In accordance with the terms of the draft Section 106 Agreement, both KCC, as the Local Education Authority and Weald View Medical Centre will be offered their respective land three months prior to commencement of development. Draft transfer documents are in circulation between the parties listed above.

## 3.0 Areas of Agreement

- 3.1 The previous section set out the shared position statement on the development of the land controlled by B.Young Strategic Limited. This section seeks to summarise the key areas of agreement on this matter.
- 3.2 The parties agree on the principle of allocating Land north of Birchfield Grove through Policy AL/HA5 for approximately 70 dwellings, (of which 40 percent shall be affordable housing), a medical centre and associated parking, an area of land to be safeguarded for future educational use and open spaces and landscape buffers. This reflects the proposed Main Modifications to Policy AL/HA 5 set out in the Development Strategy Topic Paper Addendum [PS\_054] and the Councils Stage 3 Hearing Statement [TWLP/128].
- 3.3 The parties agree that the site has the potential to play a key role in delivering the housing need for the Borough over the plan period as well as making provision for essential and urgent infrastructure (the medical centre) as identified within the Tunbridge Wells Borough Infrastructure Delivery Plan (October 2021), confirmed by the Kent and Medway Integrated Care Board (ICB) and further demonstrated through the consideration of the Planning application for the site.

## **Landscape impact**

- 3.4 It is agreed that exceptional circumstances have been demonstrated to justify development in the AONB as per para 177 of the NPPF September 2023 (para 183 of the NPPF December 2023).
- 3.5 It is a shared position between the parties that the site is developable in line with the presumption in favour of sustainable development as set out in the National Planning Policy Framework (2023). It is in a suitable location, it is available and can be delivered within the Plan period.
- 3.6 The parties agree that the development should be delivered in line with the criteria set out within proposed Policy AL/HA 5 as amended and the conditions of the planning consent (subject to signing of the Section 106 agreement).
- 3.7 A number of terms and clauses are proposed within the Draft Section 106, which ensure the phased implementation of the scheme, including the phasing of the construction of the development and a timetable for the development of the entire site including dwellings, the provision of the medical centre and country park which should be submitted to and approved in writing by the Local Planning Authority. The parties are in agreement with this approach.

## **Joint working**

- 3.8 The parties are committed to constructive joint working to bring forward and deliver development of the site as set out within Policy AL/HA 5 as modified, and as per the scheme that is subject to resolution to grant planning permission and both parties commit to working together positively moving forward as set out below.
- 3.9 For the avoidance of doubt, B.Yond Strategic Limited's outstanding objections to the SLP (as set out below) do not affect the commitment to constructive joint working with the Council to deliver development of the scheme.

## 4.0 Conclusions

4.1 The above is agreed as a shared position between TWBC, B.Yond Strategic Limited and the Weald View Medical Practice and all parties look forward to working together to deliver the development at Land North of Birchfield Grove, Hawkhurst, for the purposes set out by the modified Submission Local Plan Policy AL/HA 5.

## 5.0 Signatories

5.1 This statement has been prepared and agreed by the following organisations:

<p>Tunbridge Wells Borough Council</p> <p>Signature</p>  <p>Date: 19 June 2024</p>	<p>B.Yond Strategic Limited</p> <p>Signature</p> <p><i>Kate Outterside</i></p> <p>Date: 19 June 2024</p>	<p>Weald View Medical Practice</p>  <p>Date: 19 June 2024</p>
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