

# **Local Plan Regulation 19 representations in document order**

## **Comments on Section 5: Place Shaping Policies: Speldhurst**

# **Local Plan Regulation 19 representations in document order**

**Comments on Section 5: Place  
Shaping Policies: Speldhurst: Policy  
PSTR/SP 1: The Strategy for  
Speldhurst parish**

## Comment

Consultee	Mr Richard Larkin [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Speldhurst [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Richard Larkin [REDACTED]
Comment ID	PSLP_24
Response Date	06/04/21 11:51
Consultation Point	Policy PSTR/SP 1 The Strategy for Speldhurst parish ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.4
Question 1	
Respondent's Name and/or Organisation	Richard Larkin
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 PSTR/SP1

Paragraph 5.800

Paragraph 5.801

Paragraphs 5.802 & 5.806

Paragraph 5.803

Paragraph 5.804

Paragraphs 5.789 / 5.792 / 5.795

**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.

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

PSTR/SP1

5.800 - TPO are there for a reason so the wording of "expected to retain" is totally unacceptable. THEY HAVE TO REMAIN.

5.801 - The current speed restrictions to 20mph has caused more traffic/speed issues than the previous 30mph, as cars now overtake, often causing issue when turning into Ferbies

5.802 & 5.806 - when the land development proposal was previously submitted, one reason for the rejection was that Kent Highways found insufficient visibility splays when adjoining the Langton Road. These splays have since reduced further with the TPO approvals.

5.803 - the initial view of the historical village will be damaged the upon arrival at the village entrance you will be met with new housing.

5.804 - there are protected plants in the field - photos shared with TWBC and Speldhurst Parish Council - Wild Orchids and Yellow rattle (visible in Spring only). The inspection of land was conducted in late Autumn when the land looks bland.

There needs to village amenities supported. Checking last week the school and Dr are over capacity even without new housing.

5.789 / 5.792 / 5.795 - proposal is not in the village or even the parish. It is Rutshall. How are kids supposed to get there to play. It is not even a short cycle journey. Totally inadequate proposal which shows a lack of the local structure.

[TWBC: comments made on paragraphs 5.789/5.792/5.795 have been duplicated against Policy AL/SP 2: Land at Rusthall Recreation Ground as these comments particular related to this policy - see Comment Number PSLP\_58].

A few years back the development of the land was originally proposed and thankfully rejected due to the Highways issues and other reasoning.

Following this decision TWBC advised SPC to draw up a Local Plan. SPC agree to fund the 'Parish Vision' at a significant expense to the budget. It address multiple topics including development.

One of the strongest opinions across the parish, but in particular Speldhurst, was that there should be no development on any Green Belt land, and definitely none on AONB.

Why did TWBC steer the SPC down this route at the expense of us all, only to blatantly ignore the findings.

In addition as stated above the Kent Highways rejected the proposal on road safety issues, which have only increased since with weight of traffic etc.

There are existing parking issues in the village which will be increased with a further 10-12 dwellings probably requiring 2/3 spaces each, but due to development regulations will probably be granted only 12-15. Where are the surplus vehicles to park. On the already very dangerous Langton Road, reducing the exit splay even further?

During WWII, the site was a military camp (visited by Montgomery), so any development I hope will be sensitive to what items may be unearthed.

### **Question 7**

***Please note*** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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	Simon Whitaker [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Speldhurst [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Simon Whitaker [REDACTED]
Comment ID	PSLP_149
Response Date	12/05/21 17:59
Consultation Point	Policy AL/SP 1 Land to the west of Langton Road and south of Ferbies ( <a href="#">View</a> )
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 Simon Whitaker
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
AL/SP 1: Land to the west of Langton Road and south of Ferbies	
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

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No justification for more housing and expanding the village boundary. There are no jobs in Speldhurst so this will add more through traffic to the village. The village is already drowning in speeding through traffic avoiding Tunbridge Wells.

There is no effective public transport and no provision for cycle lanes to Tunbridge Wells.

Housing should be added to existing towns where people can access jobs with public transport.

#### Question 7

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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_592
Response Date	28/05/21 13:42
Consultation Point	Policy PSTR/SP 1 The Strategy for Speldhurst parish ( <a href="#">View</a> )
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.	
PSTR/SP1	
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.

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**Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance 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 is opposed to building in the AONB or the green belt unless exceptional circumstances have been demonstrated, which we do not believe to be the case here, so we consider the plan is unsound because the proposed allocation under policy AL/SP1 is unjustified.

In relation to policy AL/SP2, we welcome the provision of additional green space and recreation facilities at Rusthall within the parish of Speldhurst. However, we do not believe the proposed allocation will be effective in providing for the need identified in Speldhurst and Bidborough. It is national policy to encourage active travel and this will not be possible in the case of Bidborough on account of distance and in both cases no safe routes for active travel will be available. Consequently, there will be an increase in road traffic on narrow rural lanes which we would find unacceptable and which is contrary to 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.

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**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.**

CPRE Kent is opposed to building in the AONB and green belt. However, if contrary to our assessment the Inspector should find that exceptional circumstances have been demonstrated, we believe the proposed allocation could be made sound by substantially increasing the prescribed density for development.

This should be a precondition to the permanent loss of AONB and green belt that any housing authorised should be at an efficient density in accordance with paragraphs 137 and 138 of the NPPF, which will minimise the loss of AONB and green belt across the borough as a whole. On a site which is stated to be "adjacent to the existing village" we believe the proposed density should be significantly increased.

In relation to proposed allocation AL/SP2, we do not see how the allocation could be made sound in relation to national policy on active travel.

#### Question 7

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

CPRE Kent supports the decision of the Council not to entertain development on the large number of sites identified in the 2021 version of the SHELAA and in the Sustainability Appraisal in the AONB/green belt within the parish at Speldhurst village or adjacent to Langton Green.

In particular, the sites 87/88 on land at Speldhurst Road/Leggs Lane are isolated and unsustainable within the AONB/green belt and release from the green belt would result in very high harm. Similar harm would arise at Site 123 on Speldhurst Hill, Site 338 between Ferbies and Ewehurst Lane Speldhurst and at Sites 15 and 23.

#### 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\_48

## Comment

Consultee	Mr James Hammond [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Bearsted [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr James Hammond [REDACTED]
Comment ID	PSLP_846
Response Date	01/06/21 12:08
Consultation Point	Policy PSTR/SP 1 The Strategy for Speldhurst parish ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.5
Files	<a href="#">PSLP_846_J_Hammond_SI.pdf</a>
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	James Hammond
Question 3	
To which part of the Local Plan does this 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/SP 1 The Strategy for Speldhurst parish

*[TWBC: this representation has been input against Policies PSTR/SP 1 and AL/SP 1 – see Comment Numbers PSLP\_846 & PSLP\_865]*

**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.

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

#### Submission to Regulation 19 Local Plan consultation

The landowners welcome the inclusion of site 231 as a residential allocation assigned policy reference Policy AL/SP 1 within the Regulation 19 Local Plan. The plan has been prepared in accordance with all legal and procedural requirements, and the plan meets the prescribed tests of soundness.

Associated commentary on general matters is presented under suitably-titled headings below.

#### 1. Delivery of a small-scale site in a sustainable location

The final version of the revised NPPF (2019) requires Local Planning Authorities to accommodate at least 10% of their housing requirement on 'small and medium sized sites' (up to one hectare) through their development plans and brownfield land registers.

Speldhurst is a sustainable settlement that can, and should, accommodate a proportionate amount of growth to ensure its vitality is maintained into the future. Specifically, site 231 benefits from being within convenient walking distance of local services and facilities, to include a community shop that includes a post office and general store, a doctor's surgery, a primary school and a children's nursery, village hall, and a church and a further chapel. In terms of access to public transport, Speldhurst benefits from a service linking the village with Royal Tunbridge Wells on weekdays and Saturdays. There is also a school bus service that runs to the Weald of Kent Grammar School in Tonbridge. The allocation of site 231, therefore, is guided by both the Development Strategy for the Local Plan, alongside the requirement for small and medium sized sites to contribute towards the overall mix of housing sites.

The Housing Supply and Trajectory Topics Paper profiles the delivery of units on site 231 across 2023/24 and 2024/25. In November 2020 the landowners entered into an Option Agreement with a prestigious local developer, Calverley Estates Ltd, and so a high degree of confidence can be placed in the delivery of residential dwellings on site 231. Indeed, based on conversations between the two parties involved, it is expected that the first occupation in the 2023 calendar year would represent a realistic expectation.

It is important that the local planning authority is provided up-to-date and accurate profiling of anticipated site build out rates in order to maintain certainty over the forward housing supply position in the context of the 5-year housing land supply, and in this regard Site 231 shall make a meaningful contribution towards the reported annual position across the period that occupations occur.

#### 2. Change of speed limit to Langton Road on the approach from the west

The landowners are cognisant that some local residents have raised concerns through a number of channels (for example representations made into the emerging Local Plan and via meetings of the Speldhurst Parish Council Highways Committee) regarding the speed at which vehicles users are moving through the Langton Road 20mph zone.

As part of the supporting evidence to the promotion of the site in conjunction with the emerging Local Plan, the landowners have previously commissioned two traffic surveys to record speeds at the proposed point of access for a period of a week during what is a traffic neutral period accepted by the local highway authority. The traffic survey data captured details of vehicle type, speed and volume. The speed data was used to calculate the visibility splay requirements, and a satisfactory access can be achieved without any intervention to the local speed limit regime. Visibility splay calculations over-provide for vehicle stopping distances, as the standardised values applied by local highway authorities do not account for the demonstrable improvements in vehicle braking technology over the past few decades. It is expected that Manual for Streets is soon to be updated to bring, amongst other things, visibility splay information 'in sync' with the latest vehicle technology.

Although a suitable and safe highway access to serve the site can be formed with no changes to the existing speed limit regime, the implementation of the site for residential use could reasonably require the implementation of necessary traffic calming measures to Langton Road in accordance with the relevant criteria of policy AL/SP1, as repeated below.

*[TWBC: Respondent has quoted wording of policy AL/SP1]*

### **3. Open space, amenity and play space**

Policy OSSR 2 of the emerging Local Plan establishes the criteria for the provision of publicly accessible open space and recreation. The policy directs that for new housing or mixed use development sites, the Local Planning Authority will seek to deliver the following categories of publicly accessible open space, sports, and recreation provision in accordance with the specified minimum standards, as set out below.

*[TWBC: Respondent has quoted data from policy OSSR 2]*

The standards require no on-site provision for developments of up to 19 dwellings. In accordance with policy AL/SP1 the site is allocated for between 10-12 dwellings, with a median value of 11 dwellings. The site would, therefore, fall within the category of not requiring on-site provision. It is noted that improvements to existing (off-site) provision might be required in accordance with Policy OSSR 2.

### **4. Biodiversity net gain**

One of the landowners attended the full meeting of Speldhurst Parish Council held virtually on Wednesday 5th May 2021, and the draft minutes of that meeting are enclosed to this correspondence. One issue discussed at some length during the public open session was biodiversity net gain and the practical requirements of meeting the associated target through allocations set out in the Regulation 19 Version of the Local Plan. Concern was expressed by certain members of the Parish Council as to the compliance of the Local Plan with the National Planning Policy Framework (NPPF) in respect of biodiversity net gain, and the associated implications for site 231 and the Local Plan more broadly.

In response the landowners contend that the Regulation 19 Local Plan contains extensive coverage of Biodiversity Net Gain as set out in paragraphs 6.131 to 6.142. Paragraph 6.134 establishes further work to be undertaken by the Council, as follows:

*[TWBC: Respondent has quoted wording from paragraph 6.134]*

The wording of Policy EN9 'Biodiversity Net Gain' of the Regulation 19 Local Plan is presented below.

*[TWBC: Respondent has quoted wording of policy EN9]*

Within England under the National Planning Policy Framework (NPPF), biodiversity net gain is strongly encouraged. As the government moves towards including a mandatory net gain requirement as part of the new Environment Bill, which will introduce changes to the Town and Country Planning Act 1990, Biodiversity Net Gain will move from a best practice ideal to a legal requirement in England. The Regulation 19 Local Plan makes provision for arrangements until such time that an SPD is adopted, as set out in paragraph 6.139.

*[TWBC: Respondent has quoted wording from paragraph 6.139]*

It is contended that the Local Plan provides full and appropriate consideration of Biodiversity Net Gain.

Moreover, the Regulation 19 Local Plan comprises a suite of evidence base documents that provide extensive coverage of the biodiversity interest of the sites to be allocated.

Paragraph 5.20.9 of the Grassland Assessment Survey prepared by consultants Greenspace Ecological Solutions Ltd on behalf of Tunbridge Wells Borough Council clarifies:

*"The site Speldhurst SP1 supports grassland of **Low** botanical interest and is considered of **Low** ecological importance."*

The landowners shall work proactively with the developer in order to ensure a future scheme of development is in full adherence with policy EN9 of the Local Plan.

#### Question 7

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**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

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

In accordance with the response to point 7, I would only seek to participate in hearing sessions if there were relevant matters, issues and questions raised by the appointed inspector(s) relating to the site allocation made in accordance with policy AL/SP 1, or otherwise PolicyPSTR/SP 1. I would be satisfied to submit written representations to the examination.

#### Future Notifications

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## Comment

Consultee	Sana Smith-Tilley [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Sana Smith-Tilley [REDACTED]
Comment ID	PSLP_1054
Response Date	03/06/21 13:50
Consultation Point	Policy PSTR/SP 1 The Strategy for Speldhurst parish ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.2
Question 1	
Respondent's Name and/or Organisation	Sana Smith-Tilley
Question 3	
To which part of the Local Plan does this 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/SP1	
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
- . It is not consistent with national policy

#### Question 5

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Policy PSTR/SP1 is not justified as it will involve development on a site designated as an AONB allowable only in exceptional circumstances, which have not been demonstrated in policy PSTR/SP1. I do not believe the benefits of developing this land outweigh the damage that it will cause to our natural environment. Reference is made in 5.800 to a TPO on six trees located on the eastern frontage of the site, stating the trees are expected to be retained. The continued existence of these trees should be guaranteed.

Policy PSTR/SP1 will involve an increase in traffic on a dangerous stretch of road.

Policy PSTR/SP1 is ineffective as the strategies proposed to improve youth play areas, allotments and recreation space in AL/SP2 will have little real world benefit to the residents of Speldhurst. Residents would be required to travel by car or cycle down country lanes to access them.

Policy PSTR/SP1 is further flawed if reference is made to National Planning Policy documents which state that suitable locations for development should take account of "sufficient access to services and employment opportunities" and that "a sufficient choice of school places is available to meet the needs of existing and new communities" and that the area is "well served by public transport". Speldhurst has very limited employment opportunities and access to services. The village shop is community run and its future is not necessarily guaranteed. Speldhurst CEP School is at full capacity. Speldhurst is a semi rural village with no cycle routes or realistic prospect of them. The village is not well served by public transport as is identified in the overview paragraph 5.788. The current Doctor's practice is housed in a building that would not allow for any expansion. Speldhurst clearly does not have the infrastructure to support this development.

#### Question 6

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In the case of policy PSTR/SP1 there is no way to make this development sound, justified or effective.

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**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

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## Comment

Consultee	Graham Smith-Tilley [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Graham Smith-Tilley [REDACTED]
Comment ID	PSLP_1087
Response Date	03/06/21 13:59
Consultation Point	Policy PSTR/SP 1 The Strategy for Speldhurst parish ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.1
Question 1	
Respondent's Name and/or Organisation	Graham Smith-Tilley
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
PSTR/SP1	
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:

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#### Question 5

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Policy PSTR/SP1 is not justified as it will involve development on a site designated as an AONB allowable only in exceptional circumstances, which have not been demonstrated in policy PSTR/SP1. I do not believe the benefits of developing this land outweigh the damage that it will cause to our natural environment. Reference is made in 5.800 to a TPO on six trees located on the eastern frontage of the site, stating the trees are expected to be retained. The continued existence of these trees should be guaranteed. Policy PSTR/SP1 will involve an increase in traffic on a dangerous stretch of road. Policy PSTR/SP1 is ineffective as the strategies proposed to improve youth play areas, allotments and recreation space in AL/SP2 will have little real world benefit to the residents of Speldhurst. Residents would be required to travel by car or cycle down country lanes to access them. Policy PSTR/SP1 is further flawed if reference is made to National Planning Policy documents which state that suitable locations for development should take account of "sufficient access to services and employment opportunities" and that "a sufficient choice of school places is available to meet the needs of existing and new communities" and that the area is "well served by public transport". Speldhurst has very limited employment opportunities and access to services. The village shop is community run and its future is not necessarily guaranteed. Speldhurst CEP School is at full capacity. Speldhurst is a semi rural village with no cycle routes or realistic prospect of them. The village is not well served by public transport as is identified in the overview paragraph 5.788. The current Doctor's practice is housed in a building that would not allow for any expansion. Speldhurst clearly does not have the infrastructure to support this 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.

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**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 do not believe any modifications can be made to make this development sound, effective or justified.

#### Question 7

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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\_67

## Comment

Consultee	Mr W M Marshall [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] LANGTON GREEN [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr W M Marshall [REDACTED]
Comment ID	PSLP_1135
Response Date	03/06/21 17:31
Consultation Point	Pre-Submission Local Plan ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.5
Files	<a href="#">PSLP_1135_W M Marshall.pdf</a> Milford House - Pre submission Local Plan Consulation Response v3.doc (3)
Question 1	
Respondent's Name and/or Organisation	William Michael Marshall & Mary Elizabeth Marshall
Question 3	
To which part of the Local Plan does this 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 5 Place Shaping Policies

Speldhurst

PSTR/SP1

### 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 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 representation in the file uploaded [TWBC: copied here for ease of reference]

This letter has been prepared on behalf of Mike and Mary Marshall who reside in Milford House, Penshurst Road, Speldhurst, Tunbridge Wells, Kent, TN3 0PH in relation to Land at Milford House, Penshurst Road, Speldhurst, TN3 0PH (Call for sites Plot 94) which was submitted under the Call for Sites Program and was included as Site number 94.

Paragraph 136 of the NPPF states that 'once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. Where a need for changes to Green Belt boundaries has been established through strategic policies, detailed amendments to those boundaries may be made through non-strategic policies, including neighbourhood plans'. Paragraph 73 of the NPPF requires the Council to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. In addition, there must be an additional buffer of between 5% and 20%, depending on the particular circumstances of the LPA.

As detailed within the Development Strategy Topic Paper, the local housing need for the borough is set out in the Housing Needs Assessment Topic Paper. This is found to be 678 dwellings per year (pa), or some 12,200 over the plan period of 2020, to 2038. In accordance with the NPPF, this is the minimum target. In terms of housing needs of neighbouring authorities, Sevenoaks District Council has sought help in meeting a need for some 1,900 dwellings that it has not found able to be met in its borough. While there is currently uncertainty as to this figure, it is nonetheless considered that the Council should assess its potential to provide for a higher level of growth.

Given the Council's inability to meet the identified housing need within the plan period, we ask you again to re-consider Site 94 as identified in Attachment 1, which in our opinion, should be removed from the greenbelt and included within the LBD boundary to encourage the development of additional residential units for the following reasons:

1. The land in question is currently residential curtilage and therefore previously developed land. Dartford Borough Council appealed against a High Court decision [2016] in which Charles George QC (sitting as a Deputy High Court Judge) found that only residential gardens "in built up areas" are greenfield land, whereas others, in the countryside, are previously developed land. Given that greenbelt is by its very nature considered countryside, and the portion of the site is garden land, it is considered that it is previously developed land and therefore there are exceptional circumstances to allow principles of erecting new buildings and alter the green belt.

2. Para.85 of the NPPF expects that local authorities should, when defining boundaries:

- ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development;
- not include land which it is unnecessary to keep permanently open;
- satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period; and
- define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.

Despite being omitted from the Pre-submission Local Plan, Para.4.84 part 4 of the draft Tunbridge Wells Borough Local Plan 2019 states that 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. This is consistent with Para.85 with the NPPF.

In this case, the Greenbelt boundary runs through the middle of a residential garden despite being developed either side and with a well-established field boundary to the rear.

Furthermore, following the completion of the dwelling as permitted on 21 April 2021 (RN: 21/00618/FULL), two new buildings could be erected within the greenbelt in accordance with Schedule 2, Part 1 Class E Permitted development rights (buildings etc incidental to the enjoyment of a dwellinghouse) which allow the erection of a building within the curtilage of the dwellinghouse, including in an area of outstanding natural beauty, providing that the building is incidental to the dwelling house. Therefore the Council have no guarantee the land in question will remain open contrary to Para 133 of the NPPF and should encourage more sustainable forms of development to meet the overall development plan objectives in line with Para.11 of the NPPF.

3. A request to have the land adjacent to Milford House removed from the green belt has previously been made. The reasons stated in the TWBC draft local plan 071119 rejecting this site following its Call for Sites and that it was not appropriate to alter the boundary of the green belt, alludes to the fact it is let down by a lack of key services and facilities and a lack of pavement to the centre of the settlement making it less suitable for those with disabilities.

Planning permission for a new dwelling to the east of Milford House was permitted on the 21 April 2021 (RN: 21/00618/FULL) therefore there seems to be a disparity between the acceptability of external conditions such as key services solely based on where an additional building is located on site which is, in our opinion, incorrect as a scheme can include internal footways and associated infrastructure subject to the impact on openness, biodiversity etc controlled by other development plan policies.

4. The land in question is currently surrounded on three sides by existing properties some of which have been developed recently, but largely screened from them and is therefore considered to be more sensitive in terms of its impact on the Green Belt than other sites which have been selected.

For the above reasons, it is clear that there are exceptional circumstances to allow the sought alteration of the greenbelt in line with Para 136 of the NPPF and to include the land within the Limit for Built Development in Speldhurst to encourage the provision of additional residential units in line with Para 73 of the NPPF.

Should you require further information or would like further clarity with regards to the above matter, please do not hesitate to get in touch.

[TWBC: see full representation attached for site 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.**

Please refer to representations in the file uploaded

[TWBC: copied from attached representation]:

For the above reasons, it is clear that there are exceptional circumstances to allow the sought alteration of the greenbelt in line with Para 136 of the NPPF and to include the land within the Limit for Built Development in Speldhurst to encourage the provision of additional residential units in line with Para 73 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)

#### **Question 8**

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

Please refer to the document uploaded

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

Milford House - Pre submission Local Plan Consultation Response v3.doc (3)

#### **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\_92

### 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_1691
Response Date	03/06/21 16:10
Consultation Point	Policy PSTR/SP 1 The Strategy for Speldhurst parish ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.3
Files	<a href="#">PSLP_1691_KLW for K Spencer - full representation PSTRSP1.pdf</a>
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 PSTR/SP 1 The Strategy for Speldhurst parish

### 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 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 PSTR/SP1 does not enable the delivery of sustainable development. The lack of housing allocations in this Parish means that the Plan is unsound - it is not consistent with national policy and cannot be said to be effective.**

#### Speldhurst Parish

Speldhurst is a large parish comprising of 4 villages: Ashurst, Langton Green, Old Groombridge and Speldhurst. The map provided below (taken from the Speldhurst Parish Council Parish Plan -September 2016) is a useful tool to appreciate the scale of the Parish and its proximity to nearby Tunbridge Wells.

[TWBC: see full representation to view image of map of Site 42 - Land at High View]

The Parish of Speldhurst is a highly desirable and thriving place to live. The Parish has two excellent primary schools (one at Langton Green and one at Speldhurst), local shops, pubs and restaurants and good public transport links and connections to Tunbridge Well to the east and East Grinstead to the west. It is therefore a sustainable community with good access to services and employment opportunities.

Despite the sustainable credentials of the parish, surprisingly, the Regulation 19 version of the plan only sets out a requirement to deliver 10-12 dwellings over the plan period (15 years plus). This is considered far too low and more units should be delivered in the Parish during the plan period.

Furthermore, 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 the 21 settlements in Tunbridge Wells and Langton Green comes up as 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: see full representation attached to view Table 6: Revised settlement groupings]

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.

#### **Land at High View, Langton Road**

Our client owns land known as 'Land at High View, Langton Road' (Site 42 of the Strategic Housing and Economic Land Availability Assessment January 2021) which is considered entirely suitable to deliver 20 new dwellings in the Parish. It is also available now and is deliverable.

Land at High View is in a highly sustainable location adjacent to the built-up edge of Langton Green/Tunbridge Wells. It is situated along a bus routes and is within easy walking distance of a range of facilities including a primary school, children's nursery, private school, dentist, church, village hall, shops and pubs. It is suitable, available and deliverable and should be identified as an allocation.

The SHELAA found that the site was unsuitable because of "landscape concerns and concerns about the release of the site from the Green Belt" which if released would cause "very high harm". We believe this level of harm has been exaggerated particularly given the fact that the site benefits from a strong and defensible wooded area spanning the entire southern boundary of the site (something that is just not mentioned at all in the SHELAA). This wooded boundary is clearly demonstrated in the aerial image below.

[TWBC: see full representation to view aerial image]

Furthermore, it is clear from draft Policy STR9 that the Council considers that there are exceptional circumstances to alter the boundaries of the Green Belt for other site allocations, particularly on sites which represent a logical extension the existing development boundary of a settlement or as 'rounding off' small local adjustments to the Green Belt boundary.

The subject site fulfils these criteria. It represents a logical extension to the limits to built development of Langton Green. It should be reconsidered and included as a housing allocation for 20 dwellings.

#### **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.

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*Modify PSTR/SP1, and include Land at High View, Langton Road (Site 42 SHELAA) as a housing allocation for 20 dwellings and to increase the housing numbers for Speldhurst to 30-32 dwellings. 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.

## 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_2223
Response Date	04/06/21 16:56
Consultation Point	Policy PSTR/SP 1 The Strategy for Speldhurst parish ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.4
Files	<a href="#">Kent County Council-full representation.pdf</a>
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 PSTR/SP 1 The Strategy for Speldhurst parish

[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.

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**Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance 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

The County Council requests that the policy includes reference to the need for appropriate development contributions to be made towards improvements to the PRow network to provide Active Travel opportunities in the area.

#### 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.

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**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

# **Local Plan Regulation 19 representations in document order**

**Comments on Section 5: Place  
Shaping Policies: Speldhurst: Policy  
AL/SP 1: Land to the west of Langton  
Road and south of Ferbies**



## Comment

Consultee	Mr Richard Larkin [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Speldhurst -
Event Name	Pre-Submission Local Plan
Comment by	Mr Richard Larkin [REDACTED]
Comment ID	PSLP_93
Response Date	06/04/21 11:51
Consultation Point	Policy AL/SP 1 Land to the west of Langton Road and south of Ferbies ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.2
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Richard Larkin
Question 3	
To which part of the Local Plan does this 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 AL/SP 1: Land to the west of Langton Road and south of Ferbies	
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.

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**Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance 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 paragraph has been duplicated from Comment Number PSLP\_24 set against Policy STR/SP 1 as this comment also relates to this policy.]

5.789 / 5.792 / 5.795 - proposal is not in the village or even the parish. It is Rutshall. How are kids supposed to get there to play. It is not even a short cycle journey. Totally inadequate proposal which shows a lack of the local structure.

**Question 7**

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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 Angie Larkin [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mrs Angie Larkin [REDACTED]
Comment ID	PSLP_195
Response Date	18/05/21 11:37
Consultation Point	Policy AL/SP 1 Land to the west of Langton Road and south of Ferbies ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Angie Larkin
Question 3	
To which part of the Local Plan does this 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 AL/SP 1 Land to the west of Langton Road and south of Ferbies

**Question 4a**

**If 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 find below my objections to the TWBC Local Plan - site in Speldhurst AL SP1.

The proposed site for at least 12 houses in Speldhurst has long been objected to by the village residents since it was first raised 10 years ago. The reasoning remains the same and was validated in our recent Parish Vision.

Unbelievably our own representative SPC now cowardly remain 'neutral' so as to take 'a hit' so that the TWBC have their unnecessary allocation of build.

This should not be an excuse to build on land that, at present, is AONB/Greenbelt. Is a designated conservation area with many listed buildings. (TP1457). This development will become an eyesore - the new Gateway to an historic village. Pushing the boundaries and increasing the size of the village year on year.

This site- an organic meadow with varying protected plant life - which mysteriously has been dug up - is home to badgers and foxes, birdlife/owls, et al. A wondrous eco system.

The site is situated on a precarious section of the Speldhurst road - a sure future black spot if development goes ahead. The Kent Highway has historically deemed the splay too dangerous (5.796). The reduction of speed limit to 20mph has already proven to be detrimental - causing a huge increase in speeding and dangerous driving. (5.796) Speedwatch can confirm this. Therefore the proposed reduction from 40-30/20 will in fact make the road worse.

The village does not need this development. Unaffordable 'Affordable' housing is a conundrum in a aspirational village.

Local children live too far out to benefit from the improved/provision of Rusthall playing field (5.792). The building of the Langton Green Village Hall has already taken away the local Football field and the increase of its school will do nothing to improve the situation (5.795).

Please do not allow this proposal to go ahead. I commiserate with all our villages that are coming under assault - I know Capel has huge issues, a large group of campaigners with a huge budget.

As a Speldhurst resident I don't have such resources to shout out against this pocket build- but that doesn't mean our voice should be swept aside and ignored. Just because a greenfield, bought by developers who have no connection to the village and bought for profit, is made available doesn't mean it should be built in. But we live in hope.

## Question 7

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

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

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**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_593
Response Date	28/05/21 13:46
Consultation Point	Policy AL/SP 1 Land to the west of Langton Road and south of Ferbies ( <a href="#">View</a> )
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.	
AL/SP1	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Yes
Is sound	No

Don't know

**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 James Hammond [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Bearsted [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr James Hammond [REDACTED]
Comment ID	PSLP_865
Response Date	01/06/21 12:08
Consultation Point	Policy AL/SP 1 Land to the west of Langton Road and south of Ferbies ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.2
Files	<a href="#">PSLP_846_J_Hammond_SI.pdf</a>
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	James Hammond
Question 3	
To which part of the Local Plan does this 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 AL/SP 1 Land to the west of Langton Road and south of Ferbies

*[TWBC: this representation has been input against Policies PSTR/SP 1 and AL/SP 1 – see Comment Numbers PSLP\_846 & PSLP\_865]*

**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.**

#### Submission to Regulation 19 Local Plan consultation

The landowners welcome the inclusion of site 231 as a residential allocation assigned policy reference Policy AL/SP 1 within the Regulation 19 Local Plan. The plan has been prepared in accordance with all legal and procedural requirements, and the plan meets the prescribed tests of soundness.

Associated commentary on general matters is presented under suitably-titled headings below.

#### 1. Delivery of a small-scale site in a sustainable location

The final version of the revised NPPF (2019) requires Local Planning Authorities to accommodate at least 10% of their housing requirement on 'small and medium sized sites' (up to one hectare) through their development plans and brownfield land registers.

Speldhurst is a sustainable settlement that can, and should, accommodate a proportionate amount of growth to ensure its vitality is maintained into the future. Specifically, site 231 benefits from being within convenient walking distance of local services and facilities, to include a community shop that includes a post office and general store, a doctor's surgery, a primary school and a children's nursery, village hall, and a church and a further chapel. In terms of access to public transport, Speldhurst benefits from a service linking the village with Royal Tunbridge Wells on weekdays and Saturdays. There is also a school bus service that runs to the Weald of Kent Grammar School in Tonbridge. The allocation of site 231, therefore, is guided by both the Development Strategy for the Local Plan, alongside the requirement for small and medium sized sites to contribute towards the overall mix of housing sites.

The Housing Supply and Trajectory Topics Paper profiles the delivery of units on site 231 across 2023/24 and 2024/25. In November 2020 the landowners entered into an Option Agreement with a prestigious local developer, Calverley Estates Ltd, and so a high degree of confidence can be placed in the delivery of residential dwellings on site 231. Indeed, based on conversations between the two parties involved, it is expected that the first occupation in the 2023 calendar year would represent a realistic expectation.

It is important that the local planning authority is provided up-to-date and accurate profiling of anticipated site build out rates in order to maintain certainty over the forward housing supply position in the context of the 5-year housing land supply, and in this regard Site 231 shall make a meaningful contribution towards the reported annual position across the period that occupations occur.

#### 2. Change of speed limit to Langton Road on the approach from the west

The landowners are cognisant that some local residents have raised concerns through a number of channels (for example representations made into the emerging Local Plan and via meetings of the Speldhurst Parish Council Highways Committee) regarding the speed at which vehicles users are moving through the Langton Road 20mph zone.

As part of the supporting evidence to the promotion of the site in conjunction with the emerging Local Plan, the landowners have previously commissioned two traffic surveys to record speeds at the proposed point of access for a period of a week during what is a traffic neutral period accepted by the local highway authority. The traffic survey data captured details of vehicle type, speed and volume. The speed data was used to calculate the visibility splay requirements, and a satisfactory access can be achieved without any intervention to the local speed limit regime. Visibility splay calculations over-provide for vehicle stopping distances, as the standardised values applied by local highway authorities do not account for the demonstrable improvements in vehicle braking technology over the past few decades. It is expected that Manual for Streets is soon to be updated to bring, amongst other things, visibility splay information 'in sync' with the latest vehicle technology.

Although a suitable and safe highway access to serve the site can be formed with no changes to the existing speed limit regime, the implementation of the site for residential use could reasonably require the implementation of necessary traffic calming measures to Langton Road in accordance with the relevant criteria of policy AL/SP1, as repeated below.

*[TWBC: Respondent has quoted wording of policy AL/SP1]*

### **3. Open space, amenity and play space**

Policy OSSR 2 of the emerging Local Plan establishes the criteria for the provision of publicly accessible open space and recreation. The policy directs that for new housing or mixed use development sites, the Local Planning Authority will seek to deliver the following categories of publicly accessible open space, sports, and recreation provision in accordance with the specified minimum standards, as set out below.

*[TWBC: Respondent has quoted data from policy OSSR 2]*

The standards require no on-site provision for developments of up to 19 dwellings. In accordance with policy AL/SP1 the site is allocated for between 10-12 dwellings, with a median value of 11 dwellings. The site would, therefore, fall within the category of not requiring on-site provision. It is noted that improvements to existing (off-site) provision might be required in accordance with Policy OSSR 2.

### **4. Biodiversity net gain**

One of the landowners attended the full meeting of Speldhurst Parish Council held virtually on Wednesday 5th May 2021, and the draft minutes of that meeting are enclosed to this correspondence. One issue discussed at some length during the public open session was biodiversity net gain and the practical requirements of meeting the associated target through allocations set out in the Regulation 19 Version of the Local Plan. Concern was expressed by certain members of the Parish Council as to the compliance of the Local Plan with the National Planning Policy Framework (NPPF) in respect of biodiversity net gain, and the associated implications for site 231 and the Local Plan more broadly.

In response the landowners contend that the Regulation 19 Local Plan contains extensive coverage of Biodiversity Net Gain as set out in paragraphs 6.131 to 6.142. Paragraph 6.134 establishes further work to be undertaken by the Council, as follows:

*[TWBC: Respondent has quoted wording from paragraph 6.134]*

The wording of Policy EN9 'Biodiversity Net Gain' of the Regulation 19 Local Plan is presented below.

*[TWBC: Respondent has quoted wording of policy EN9]*

Within England under the National Planning Policy Framework (NPPF), biodiversity net gain is strongly encouraged. As the government moves towards including a mandatory net gain requirement as part of the new Environment Bill, which will introduce changes to the Town and Country Planning Act 1990, Biodiversity Net Gain will move from a best practice ideal to a legal requirement in England. The Regulation 19 Local Plan makes provision for arrangements until such time that an SPD is adopted, as set out in paragraph 6.139.

*[TWBC: Respondent has quoted wording from paragraph 6.139]*

It is contended that the Local Plan provides full and appropriate consideration of Biodiversity Net Gain.

Moreover, the Regulation 19 Local Plan comprises a suite of evidence base documents that provide extensive coverage of the biodiversity interest of the sites to be allocated.

Paragraph 5.20.9 of the Grassland Assessment Survey prepared by consultants Greenspace Ecological Solutions Ltd on behalf of Tunbridge Wells Borough Council clarifies:

*"The site Speldhurst SP1 supports grassland of **Low** botanical interest and is considered of **Low** ecological importance."*

The landowners shall work proactively with the developer in order to ensure a future scheme of development is in full adherence with policy EN9 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:**

In accordance with the response to point 7, I would only seek to participate in hearing sessions if there were relevant matters, issues and questions raised by the appointed inspector(s) relating to the site allocation made in accordance with policy AL/SP 1, or otherwise PolicyPSTR/SP 1. I would be satisfied to submit written representations to 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\_60a-b

### Comment

Agent	Mr Nick Levett [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Elements Strategic Land Limited
Address	4 Oakshade Road Oxshott Surrey KT22 0LF
Consultee	Mr Peter Dabner [REDACTED]
Company / Organisation	Joint Ventures in Property (JVIP)
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Joint Ventures in Property (JVIP) (Mr Peter Dabner [REDACTED])
Comment ID	PSLP_1013
Response Date	01/06/21 19:56
Consultation Point	Policy AL/SP 1 Land to the west of Langton Road and south of Ferbies ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.7
Files	<a href="#">PSLP_1013_Elements Strategic Land for JVIP SI-1 ESL Ltd Representation R.pdf</a> <a href="#">PSLP_1013_Elements Strategic Land for JVIP SI-2 JVIP Letter Site 231 R.pdf</a>
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Joint Ventures in Property
Question 2	
Agent's Name and Organisation (if applicable)	Elements 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 AL/SP 1 Land to the west of Langton Road and south of Ferbies

### 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

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Associated commentary on general matters is presented under suitably-titled headings below.

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#### **1 Change of speed limit to Langton Road on the approach from the west**

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Although a suitable and safe highway access to serve the site can be formed with no changes to the existing speed limit regime, the implementation of the site for residential use could reasonably require the implementation of necessary traffic calming measures to Langton Road in accordance with the relevant criteria of policy AL/SP1, as repeated below.

*[TWBC: For the relevant extract from the PSLP, please see full representation attached as a supporting document]*

#### **1 Open space, amenity and play space**

Policy OSSR 2 of the emerging Local Plan establishes the criteria for the provision of publicly accessible open space and recreation. The policy directs that for new housing or mixed use development sites, the Local Planning Authority will seek to deliver the following categories of publicly accessible open space, sports, and recreation provision in accordance with the specified minimum standards, as set out below.

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

The standards require no on-site provision for developments of up to 19 dwellings. In accordance with policy AL/SP1 the site is allocated for between 10-12 dwellings, with a median value of 11 dwellings. The site would, therefore, fall within the category of not requiring onsite provision. It is noted that improvements to existing (off-site) provision might be required in accordance with Policy OSSR 2.

#### **1 Biodiversity net gain**

One of the landowners attended the full meeting of Speldhurst Parish Council held virtually on Wednesday 5th May 2021, and the draft minutes of that meeting are enclosed to this correspondence. One issue discussed at some length during the public open session was biodiversity net gain and the practical requirements of meeting the associated target through allocations set out in the Regulation 19 Version of the Local Plan. Concern was expressed by certain members of the Parish Council as to the compliance of the Local Plan with the National Planning Policy Framework (NPPF) in respect of biodiversity net gain, and the associated implications for site 231 and the Local Plan more broadly.

In response the landowners contend that the Regulation 19 Local Plan contains extensive coverage of Biodiversity Net Gain as set out in paragraphs 6.131 to 6.142. Paragraph 6.134 establishes further work to be undertaken by the Council, as follows:

**6.134** The Council will, in due course, provide further detailed guidance on this policy in the form of a Supplementary Planning Document which will set out the requirements for on-site and off-site net gain for:

- . conservation objectives;
- . long term management and monitoring;
- . funding arrangements and costs for any local or strategic offsetting schemes.

The wording of Policy EN9 'Biodiversity Net Gain' of the Regulation 19 Local Plan is presented below.

*[TWBC: For the relevant extract from the PSLP, please see full representation attached as a supporting document]*

Within England under the National Planning Policy Framework (NPPF), biodiversity net gain is strongly encouraged. As the government moves towards including a mandatory net gain requirement as part of the new Environment Bill, which will introduce changes to the Town and Country Planning Act 1990, Biodiversity Net Gain will move from a best practice ideal to a legal requirement in England. The Regulation 19 Local Plan makes provision for arrangements until such time that an SPD is adopted, as set out in paragraph 6.139.

**6.139** Until such time as a SPD is adopted, reference will be made to the latest government guidance, Biodiversity Net Gain – Principles and Guidance for UK Construction and Developments (CIEEM, CIRIA, IEMA, 2016), British Standard BS42020 Biodiversity – Code of Practice for Planning and Development, and BS8683 – Biodiversity Net Gain or subsequent revisions.

It is contended that the Local Plan provides full and appropriate consideration of Biodiversity Net Gain.

Moreover, the Regulation 19 Local Plan comprises a suite of evidence base documents that provide extensive coverage of the biodiversity interest of the sites to be allocated.

Paragraph 5.20.9 of the Grassland Assessment Survey prepared by consultants Greenspace Ecological Solutions Ltd on behalf of Tunbridge Wells Borough Council clarifies:

*"The site Speldhurst SP1 supports grassland of **Low** botanical interest and is considered of **Low** ecological importance."*

The landowners shall work proactively with the developer in order to ensure a future scheme of development is in full adherence with policy EN9 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)?**

For office use only

**If responder hasn't ticked an option on this box, Not Stated data inputter to tick 'not stated' box.**

## 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 (or my associates) would only seek to participate in hearing sessions if there were relevant matters, issues and questions raised by the appointed inspector(s) relating to the site allocation made in accordance with policy AL/SP 1. I would be satisfied to submit written representations to the examination.

**If you would like to attach a file in support of your comments, please upload it here.** [PSLP\\_1013\\_Elements Strategic Land for JVIP SI-1 ESL Ltd Representation R.pdf](#)

**If you would like to attach a file in support of your comments, please upload it here.** [PSLP\\_1013\\_Elements Strategic Land for JVIP SI-2 JVIP Letter Site 231 R.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	Sana Smith-Tilley [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Sana Smith-Tilley [REDACTED]
Comment ID	PSLP_1061
Response Date	03/06/21 13:52
Consultation Point	Map 75 Site Layout Plan ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.2
Question 1	
Respondent's Name and/or Organisation	Sana Smith-Tilley
Question 3	
To which part of the Local Plan does this 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 AL/SP1	
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

#### Question 5

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

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

**Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance 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 indicative access detailed on this map is on a dangerous stretch of road where cars already routinely ignore speed restrictions, with dangerous overtaking a frequent occurrence. The visibility splays are insufficient and the TPOs on six trees further reduce this. The National Planning Policy Framework states that "transport issues should be considered at the earliest stages of plan making". I do not believe this to have been the case. Any traffic calming measures would urbanise a rural area and have a detrimental effect on the approach to the historic village of Speldhurst.

#### 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 do not believe Policy AL/SP1 can be altered to make it sound, justified or effective.

#### Question 7

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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	Sana Smith-Tilley [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Sana Smith-Tilley [REDACTED]
Comment ID	PSLP_1063
Response Date	03/06/21 13:45
Consultation Point	Policy AL/SP 1 Land to the west of Langton Road and south of Ferbies ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.2
Question 1	
Respondent's Name and/or Organisation	Sana Smith-Tilley
Question 3	
To which part of the Local Plan does this 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 AP/SP1	
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
- . 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 proposed access to this site is problematic and I do not believe mitigation measures will be able to overcome the dangers caused by accessing the site on a bend, with restricted sight lines. Point 2 refers to traffic calming measures that will be needed. This will urbanise the approach to the historic village of Speldhurst referred to in point 4 which is unacceptable.

#### 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 do not believe that Policy AL/SP1 can be modified to make it sound, effective or justified.

#### Question 7

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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	Graham Smith-Tilley [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Graham Smith-Tilley [REDACTED]
Comment ID	PSLP_1088
Response Date	03/06/21 14:02
Consultation Point	Map 75 Site Layout Plan ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.1
Question 1	
Respondent's Name and/or Organisation	Graham Smith-Tilley
Question 3	
To which part of the Local Plan does this 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 AL/SP1	
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.

<b>Do you consider that the Local Plan is not sound because:</b>	.	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.

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**Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance 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 indicative access detailed on this map is on a dangerous stretch of road where cars already routinely ignore speed restrictions, with dangerous overtaking a frequent occurrence. The visibility splays are insufficient and the TPOs on six trees further reduce this. The National Planning Policy Framework states that "transport issues should be considered at the earliest stages of plan making". I do not believe this to have been the case. Any traffic calming measures would urbanise a rural area and have a detrimental effect on the approach to the historic village of Speldhurst.

#### 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.

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No modifications can be made to make this justified, sound or effective.

#### Question 7

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

<b>If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?</b>	.	No, I do not wish to participate in examination hearing session(s)
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#### 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	Graham Smith-Tilley [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Graham Smith-Tilley [REDACTED]
Comment ID	PSLP_1092
Response Date	03/06/21 14:04
Consultation Point	Policy AL/SP 1 Land to the west of Langton Road and south of Ferbies ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.1
Question 1	
Respondent's Name and/or Organisation	Graham Smith-Tilley
Question 3	
To which part of the Local Plan does this 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 AL/SP1	
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
- ☐ 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.

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**Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance 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 proposed access to this site is problematic and I do not believe mitigation measures will be able to overcome the dangers caused by accessing the site on a bend, with restricted sight lines. Point 2 refers to traffic calming measures that will be needed. This will urbanise the approach to the historic village of Speldhurst referred to in point 4 which is unacceptable.

#### 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 policy can not be modified to make it justified, sound or effective.

#### Question 7

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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 Christopher May [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Speldhurst Parish Council
Address	Speldhurst Parish Council Langton Green Recreation Ground Langton Green TN3 0JJ
Event Name	Pre-Submission Local Plan
Comment by	Speldhurst Parish Council [REDACTED] [REDACTED]
Comment ID	PSLP_1548
Response Date	04/06/21 12:23
Consultation Point	Policy AL/SP 1 Land to the west of Langton Road and south of Ferbies ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Speldhurst 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 AL/SP 1 Land to the west of Langton Road and south of Ferbies

Paragraph No(s) 5.797 to 5.806

Policies Map (Inset Map No(s)) 75

#### 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.**

Speldhurst Parish Council does not consider itself qualified to comment on the soundness or legal compliance of the Regulation 19 consultation, and therefore remains neutral on this aspect of the consultation.

However, we would like to take this opportunity to comment in relation to the allocated sites in our parish, as follows:

##### **Site AL/SP1 (site 231)**

Our concerns regarding the following have strengthened in light of changes since and proposals made following the Regulation 18 consultation:-

- . loss of green belt, building outside village environs/limits to build;
- . safety of access to/egress from this site, particularly, given the Tree Preservation Orders that were made subsequent to the Regulation 18 consultation and which further impact the safety aspects;
- . potential overspill parking on local roads, including the main road into the village passing the local primary school close by;
- . effect on travel, including the lack of regular local bus services or safe cycling provision. In particular, we would like reinstatement of the mention of irregular/lacking bus services in the comments on the site as this is an important local consideration;
- . allocation of developer's contributions, which the council feels strongly should solely benefit the village affected by the development. Speldhurst Parish Council objects in the strongest possible way developer contributions being allocated towards a development in a different village that is vehemently opposed by both this and the neighbouring parish council and their residents.

#### Question 7

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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 5: Place  
Shaping Policies: Speldhurst: Policy  
AL/SP 2: Land at and adjacent to  
Rusthall Recreation Ground,  
Southwood Road**



## Comment

Consultee	Mr Richard Larkin [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Speldhurst [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Richard Larkin [REDACTED]
Comment ID	PSLP_58
Response Date	06/04/21 11:51
Consultation Point	Policy AL/SP 2 Land at and adjacent to Rusthall Recreation Ground, Southwood Road ( <a href="#">View</a> )
Status	Processed
Submission Type	Web
Version	0.7
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Richard Larkin
Question 3	
To which part of the Local Plan does this 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 AL/SP 2: Land at and adjacent to Rusthall Recreation Ground	
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.

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[TWBC: the following paragraph has been duplicated from Comment Number PSLP\_24 set against Policy STR/SP 1 as this comment also relates to this policy.]

5.789 / 5.792 / 5.795 - proposal is not in the village or even the parish. It is Rutshall. How are kids supposed to get there to play. It is not even a short cycle journey. Totally inadequate proposal which shows a lack of the local structure.

#### Question 7

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**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_594
Response Date	28/05/21 13:49
Consultation Point	Policy AL/SP 2 Land at and adjacent to Rusthall Recreation Ground, Southwood Road ( <a href="#">View</a> )
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.	
AL/SP2	
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 consistent with national policy

#### Question 5

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**Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance 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 welcome the provision of additional green space and recreation facilities at Rusthall within the parish of Speldhurst. However, we do not believe the proposed allocation will be effective in providing for the need identified in Speldhurst and Bidborough. It is national policy to encourage active travel and this will not be possible in the case of Bidborough on account of distance and in both cases no safe routes for active travel will be available. Consequently, there will be an increase in road traffic on narrow rural lanes which we would find unacceptable and which is contrary to national policy.

#### Question 6

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We do not see how the allocation could be made sound in relation to national policy on active travel.

#### Question 7

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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	Ms Su Denne [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Rusthall Parish Council
Address	[REDACTED] [REDACTED] ROYAL TUNBRIDGE WELLS [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Rusthall Parish Council [REDACTED]
Comment ID	PSLP_1545
Response Date	04/06/21 11:57
Consultation Point	Policy AL/SP 2 Land at and adjacent to Rusthall Recreation Ground, Southwood Road ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Rusthall 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 AL/SP 2 Land at and adjacent to Rusthall Recreation Ground, Southwood Road

Paragraph No(s) 5.807 to 5.815

Policies Map (Inset Map No(s)) 76

**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 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.

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**Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance 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 is not positively prepared for the following reasons:**

###### **Meeting local needs:**

We do not consider that the local need underpinning the policy has been adequately identified. The policy is based upon insufficient evidence that is not up-to-date. The Playing Pitch Strategy was published in 2017, and no further update has been made since. There are no teams registered as having Southwood Road as their home ground. The Jockey Farm pitch, not part of the proposed allocation, is owned by the Rusbridge family and is where the Rusthall teams play.

We are advised by the club that it is not the lack of facilities that is creating an issue, rather the quality of the pitches available. This is the case at the proposed development site: the quality of the existing pitches at the recreation ground is poor due to lack of adequate drainage. This means that they are not fully utilised in the winter months. It is considered that simply building more pitches, on equally waterlogged land, would not be the most efficient way to increase usage. Rather the existing pitches should be upgraded first to maximise their usage across the year.

This would conform to the Football Association's "SURVIVE. REVIVE. THRIVE. THE FA GRASSROOTS FOOTBALL STRATEGY 2020-24", published in March 2021, which promotes the need for "quality pitches", based on the Performance Quality Standard (PQS), where a key criteria is the ability to drain water.

A further assessment of demand could then be undertaken to ascertain how many pitches, of similar quality, would be required. Should a demand be identified, the prioritisation of a 3G (all-weather) pitch, may be a more prudent investment and would also reduce the amount of land required for provision.

###### **Achieving sustainable development**

We do not consider that the policy is consistent with achieving sustainable development for the reasons provided below:

###### **Environmental sustainability:**

###### **1 Biodiversity**

The site comprises two fields, divided by a mature hedgerow and the site lies within a larger Biodiversity Opportunity Area – it is unclear how development of the site would benefit this.

Furthermore, since the planning permission for the site was reapproved, a very large badger sett has been identified on the boundary of the proposed land. The Badger Trust has confirmed that this is currently in use.

Badgers are protected species and Paragraph 175(a) of the National Planning Policy Framework states, *“if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused”*.

A survey of the site should therefore be undertaken; whilst surveys can be undertaken at any time of the year, the Badger Trust recommend that the best time to survey is in early spring or late autumn when badgers are active but there is less vegetation to hide the signs.

The Badger Trust recommend an approach to assessing and mitigating impacts of development on badgers. Negative impacts should be avoided and mitigation measures (if considered suitable) would require, among other things, a 30-metre buffer zone. If not feasible, a licence to move the sett would be required.

#### 1 Existing community uses

Rusthall Football Club currently lease land at Jockey Farm and have heavily invested in the Club and facilities over the last 35 years. This has included draining the pitch, at significant cost (circa £100,000), and provision of a club house. This has been supported by volunteers, the landowner and with grants from sporting foundations and TWBC.

The pitch is well-used by the local community and hosts a variety of football events. There is concern that by developing the land at Jockey Farm to provide additional pitches, this could jeopardise the existing Jockey Farm pitch, should the landowner consider it necessary to reutilise the land to enable the continued viability of the land. This important and much-valued facility could be lost.

#### 1 Economic sustainability:

Two of the fields proposed for development belong to Jockey Farm, which has been in the Rusbridge family since 1925 and operates as a free range egg enterprise and a pedigree Sussex Beef Suckler herd.

The two fields proposed are surrounded on two sides by other fields that are in constant use by Jockey Farm and this will make it more difficult for the farm to continue to trade.

We understand that the landowner has a particular need in the short term for the land comprising the southern field, therefore the ability to safeguard this land from development would be paramount.

### **The Plan is not Justified**

Within the Strategic Environment Assessment (p.192), the site itself has been scored as having no impact on ‘biodiversity’, despite the site lying within the AONB and a wider area recognised as a Biodiversity Opportunity Area. As noted above, the site also houses mature hedgerows and a badger sett.

Furthermore, the site is scored as having a neutral impact on ‘business growth’, in spite of it requiring the compulsory purchase of farmland, which is critical to the viability of Jockey Farm.

The site is considered to have neutral / slightly positive effect on services and facilities, defined as ‘improved access and range of key services and facilities’. Whilst the site would extend the existing recreation ground facilities, there is a concern, as noted above, on the potential impact on the existing football pitch owned by Jockey Farm, should that require reutilising as a result of lessened viability of the overall farm business. This well-used facility could be lost

It is also not clear to what extent reasonable alternatives to this site have been evaluated against other sites that would be capable of addressing the suggested need for additional playing pitch space. Within the SEA, for instance, the site is considered against other sites in Speldhurst Parish, but not against other sites suitable for this particular use. All of the other sites within the Parish had been put forward for residential / business / education development and not for recreational 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.**

A comparison of alternative sites suitable for recreational use (as a sports hub) should be undertaken, to ascertain if the site at Speldhurst remains the most appropriate.

Assessments on the impacts on biodiversity should be undertaken, in particular the impact on the badger set. Any proposal for development must be supported by a biodiversity appraisal, which must demonstrate how negative impacts would be minimised and biodiversity net gain achieved.

The appraisal should demonstrate that where significant harm cannot be avoided, proposed development and other changes should adequately mitigate or, as a last resort, compensate for the harm. The appraisal must demonstrate a measurable biodiversity net gain of 10% by utilising the Defra biodiversity metric (or as amended). Where this is not demonstrated, we consider that the development should be refused.

Measures to achieve biodiversity net gain, mitigation or compensation involving the creation of habitat and/or relocation of species, must be agreed by the Local Planning Authority and include sufficient funding to support at least 30 years of post-development habitat management or land use change. This would be in line with the emerging Environment Bill.

A review of the current facilities at the recreation ground should be undertaken to ascertain the extent to which upgrading the existing pitches – which are currently under-used as a result of poor drainage, particularly in the winter months – would address demand. The prioritisation of a 3G pitch could assist this and would require only the northern field of Jockey Farm, retaining the southern field for economic use by the farm.

Should the additional evidence continue to point to a need for recreational use at this particular site, as the demand for the facilities has been calculated to the end of the Local Plan period, i.e. once the quantum of development has been delivered, it would appear sensible to incorporate a staged approach into the policy itself, informed by demand, for instance:

Phase 1:

- Investment to upgrade the existing pitches to bring them up to the required quality in terms of drainage; and
- Upgrading of the changing facilities to enable unisex use.

Phase 2:

- Development of a 3G pitch on the northern field

Phase 3:

- Consider need to expand further into the southern field.

## Question 7

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues 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	Rusthall Labour Party
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Rusthall Labour Party [REDACTED]
Comment ID	PSLP_1546
Response Date	04/06/21 16:08
Consultation Point	Policy AL/SP 2 Land at and adjacent to Rusthall Recreation Ground, Southwood Road ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Rusthall 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 AL/SP 2 Land at and adjacent to Rusthall Recreation Ground, Southwood Road	
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

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**Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance 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 site allocation is wholly unnecessary, has minimal public support and does not meet the needs of local residents. It will result in additional unsustainable vehicle movements, undermine a successful community football club and develop land located within the AONB. It's continued allocation in the Local Plan is ill thought through, based on an old assessment of need and needs to get re-examined.

#### Question 6

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Remove from the Local Plan

#### Question 7

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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 Christopher May [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Speldhurst Parish Council
Address	Speldhurst Parish Council Langton Green Recreation Ground Langton Green TN3 0JJ
Event Name	Pre-Submission Local Plan
Comment by	Speldhurst Parish Council [REDACTED] [REDACTED]
Comment ID	PSLP_1547
Response Date	04/06/21 12:23
Consultation Point	Policy AL/SP 2 Land at and adjacent to Rusthall Recreation Ground, Southwood Road ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Speldhurst 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 AL/SP 2 Land at and adjacent to Rusthall Recreation Ground, Southwood Road

Paragraph No(s) 5.807 to 5.815

Policies Map (Inset Map No(s)) 76

#### 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 justified

#### Question 5

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**The plan is not positively prepared for the following reasons:**

**Meeting local needs:**

We do not consider that the local need underpinning the policy has been adequately identified. The policy is based upon insufficient evidence that is not up-to-date. The Playing Pitch Strategy was published in 2017, and no further update has been made since. There are no teams registered as having Southwood Road as their home ground. The Jockey Farm pitch, not part of the proposed allocation, is owned by the Rusbridge family and is where the Rusthall teams play.

We are advised by the club that it is not the lack of facilities that is creating an issue, rather the quality of the pitches available. This is the case at the proposed development site: the quality of the existing pitches at the recreation ground is poor due to lack of adequate drainage. This means that they are not fully utilised in the winter months. It is considered that simply building more pitches, on equally waterlogged land, would not be the most efficient way to increase usage. Rather the existing pitches should be upgraded first to maximise their usage across the year.

This would conform to the Football Association's "SURVIVE. REVIVE. THRIVE. THE FA GRASSROOTS FOOTBALL STRATEGY 2020-24", published in March 2021, which promotes the need for "quality pitches", based on the Performance Quality Standard (PQS), where a key criteria is the ability to drain water.

A further assessment of demand could then be undertaken to ascertain how many additional pitches, of similar quality, would be required. Should a demand be identified, the prioritisation of a 3G (all-weather) pitch, may be a more prudent investment and would also reduce the amount of land required for provision.

**Achieving sustainable development**

We do not consider that the policy is consistent with achieving sustainable development for the reasons provided below:

**Environmental sustainability:**

## 1 Biodiversity

The site comprises two fields, divided by a mature hedgerow and the site lies within a larger Biodiversity Opportunity Area – it is unclear how development of the site would benefit this.

Furthermore, since the planning permission for the site was reapproved, a very large badger sett has been identified on the boundary of the proposed land. The Badger Trust has confirmed that this is currently in use.

Badgers are protected species and Paragraph 175(a) of the National Planning Policy Framework states, *“if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused”*.

A survey of the site should therefore be undertaken; whilst surveys can be undertaken at any time of the year, the Badger Trust recommend that the best time to survey is in early spring or late autumn when badgers are active but there is less vegetation to hide the signs.

The Badger Trust recommend an approach to assessing and mitigating impacts of development on badgers. Negative impacts should be avoided and mitigation measures (if considered suitable) would require, among other things, a 30-metre buffer zone. If not feasible, a licence to move the sett would be required.

## 1 Existing community uses

Rusthall Football Club currently lease land at Jockey Farm and have heavily invested in the Club and facilities over the last 35 years. This has included draining the pitch, at significant cost (circa £100,000), and provision of a club house. This has been supported by volunteers, the landowner and with grants from sporting foundations and TWBC.

The pitch is well-used by the local community and hosts a variety of football events. There is concern that by developing the land at Jockey Farm to provide additional pitches, this could jeopardise the existing Jockey Farm pitch, should the landowner consider it necessary to reutilise the land to enable the continued viability of the land. This important and much-valued facility could be lost.

## 1 Economic sustainability:

Two of the fields proposed for development belong to Jockey Farm, which has been in the Rusbridge family since 1925 and operates as a free range egg enterprise and a pedigree Sussex Beef Suckler herd.

The two fields proposed are surrounded on two sides by other fields that are in constant use by Jockey Farm and this will make it more difficult for the farm to continue to trade.

We understand that the landowner has a particular need in the short term for the land comprising the southern field, therefore the ability to safeguard this land from development would be paramount.

## **The Plan is not Justified**

Within the Strategic Environment Assessment (p.192), the site itself has been scored as having no impact on ‘biodiversity’, despite the site lying within the AONB and a wider area recognised as a Biodiversity Opportunity Area. As noted above, the site also houses mature hedgerows and a badger sett.

Furthermore, the site is scored as having a neutral impact on ‘business growth’, in spite of it requiring the compulsory purchase of farmland, which is critical to the viability of Jockey Farm.

The site is considered to have neutral / slightly positive effect on services and facilities, defined as ‘improved access and range of key services and facilities’. Whilst the site would extend the existing recreation ground facilities, there is a concern, as noted above, on the potential impact on the existing football pitch owned by Jockey Farm, should that require reutilising as a result of lessened viability of the overall farm business. This well-used facility could be lost

It is also not clear to what extent reasonable alternatives to this site have been evaluated against other sites that would be capable of addressing the suggested need for additional playing pitch space. Within the SEA, for instance, the site is considered against other sites in Speldhurst Parish, but not against other sites suitable for this particular use. All of the other sites within the Parish had been put forward for residential / business / education development and not for recreational development.



## Question 6

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A comparison of alternative sites suitable for recreational use (as a sports hub) should be undertaken, to ascertain if the site at Speldhurst remains the most appropriate.

Assessments on the impacts on biodiversity should be undertaken, in particular the impact on the badger set. Any proposal for development must be supported by a biodiversity appraisal, which must demonstrate how negative impacts would be minimised and biodiversity net gain achieved.

The appraisal should demonstrate that where significant harm cannot be avoided, proposed development and other changes should adequately mitigate or, as a last resort, compensate for the harm. The appraisal must demonstrate a measurable biodiversity net gain of 10% by utilising the Defra biodiversity metric (or as amended). Where this is not demonstrated, we consider that the development should be refused.

Measures to achieve biodiversity net gain, mitigation or compensation involving the creation of habitat and/or relocation of species, must be agreed by the Local Planning Authority and include sufficient funding to support at least 30 years of post-development habitat management or land use change. This would be in line with the emerging Environment Bill.

A review of the current facilities at the recreation ground should be undertaken to ascertain the extent to which upgrading the existing pitches – which are currently under-used as a result of poor drainage, particularly in the winter months – would address demand. The prioritisation of a 3G pitch could assist this and would require only the northern field of Jockey Farm, retaining the southern field for economic use by the farm.

Should the additional evidence continue to point to a need for recreational use at this particular site, as the demand for the facilities has been calculated to the end of the Local Plan period, i.e. once the quantum of development has been delivered, it would appear sensible to incorporate a staged approach into the policy itself, informed by demand, for instance:

Phase 1:

- Investment to upgrade the existing pitches to bring them up to the required quality in terms of drainage; and
- Upgrading of the changing facilities to enable unisex use.

Phase 2:

- Development of a 3G pitch on the northern field

Phase 3:

- Consider need to expand further into the southern field.

## Question 7

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