

Examination of the Tunbridge Wells Borough Local Plan

Tunbridge Wells Borough Council Hearing Statement

Matter 7: Residential Site Allocations Issue 1: Royal Tunbridge Wells and Southborough (Policies STR/RTW1 and STR/SO1)

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Matter 7 – Residential Site Allocations

Issue 1 – Royal Tunbridge Wells and Southborough (Policies STR/RTW1 and STR/SO1)

AL/RTW12 - Land at Tunbridge Wells Telephone Engineering Centre

Inspector's Question 1: [re. Scale of development]

How has the scale of proposed development been determined and is it appropriate and justified in this location?

TWBC response to Question 1

Introduction

1. This site is within the Limits to Built Development (LBD) of Royal Tunbridge Wells, to the south of the town centre and comprises a former BT telephone engineering centre and some small-scale commercial uses. The site is in a transitional area of the town with a mix of commercial uses; the large Sainsbury's store and parking area to the immediate north, the now disused Turner's Pie Factory to the west (subject to Policy AL/RTW13 of the Submission Local Plan), the Spa Valley Railway Line, and a mix of residential development to the south and east.
2. The site was previously allocated in the Site Allocations Local Plan 2016, (SALP) [\[CD 3.119\]](#) (Policy AL/RTW13) as a joint allocation with the Turner's Pie Factory Site (see Question 5, AL/RTW13 below).
3. The scale of the development is based on a robust assessment through the Strategic Housing and Employment Land Availability Assessment (SHELAA) [\[CD 3.77a\]](#) of what can be achieved on the site as well as submission from the agent promoting the site – please refer to the SHELAA [\[CD 3.77n\]](#) methodology and the appropriate SHELAA sheet (pages 117-118).

4. The site is within an existing urban area and it is considered that the existing buildings do not contribute positively to the visual amenity of the locality. The area is characterised by fairly dense urban development of a mix of residential and commercial uses of varying size and scale and it is considered that a development of the scale and density proposed would be appropriate within this location. The site is allocated for approximately 50 dwellings, which equates to 46 dwellings per hectare which is considered appropriate in this location – see Table 5, of the Brownfield and Urban Land Topic Paper for Pre-Submission Local Plan – January 2021 [\[CD 3.83\]](#).
5. As set out within the SHELAA [\[CD 3.77n\]](#), this site is within a highly sustainable location to the southern side of the town of Royal Tunbridge Wells. It is well located for access to a range of existing services and facilities and is a PDL site within the LBD.

Inspector's Question 2: [re. Developability of the site]

The site is allocated (along with the Turner's Pie Factory) for residential development in the adopted Site Allocations Local Plan. Why have the sites not yet come forward for development? Are they developable within the plan period?

TWBC response to Question 2

Introduction

6. As referred to above, the site was previously allocated within the SALP along with the Turner's Pie Factory Site (AL/RTW13). In reviewing the allocations through the work as part of the SHELAA [\[CD 3.77a\]](#), it was considered appropriate to split these two allocations and re-allocate as single sites. This reflects the difference in ownerships and timescales and ensures the deliverability of the sites. The policies as worded reflect this position but ensure that the development of either site does not compromise the other site coming forward for development. Additionally, criteria included within the policies, ensure that there is consideration of either side in terms of access and legibility.
7. Site AL/RTW12 is identified within the housing trajectory as coming forward for development within five years. The most recent liaison between the Council and the site promoters indicate that the site will be available within three to five years. The site has been included within the Council's housing trajectory for completion in 2029/30 to reflect this.
8. The Council has had recent correspondence from the site promoter in relation to the status of the site. This refers to the fact that, although the site had been identified as being surplus to requirements as part of the work on the SALP [\[CD 3.119\]](#) and early SHELAA [\[CD 3.77a\]](#) work, it has, over the last couple of years, been used as a depot by BT, while the upgraded fibre optic broadband within Royal Tunbridge Wells town is rolled out. Therefore, it is still in operation at the current time, but will become available for redevelopment within the medium term (three to five years).
9. An update on the Turner's Pie Factory site (AL/RTW 13) is provided in response to Question 5 below.

10. There are no known constraints which would impact on the site's deliverability within the Local Plan period.

Inspector's Question 3: [re. Wastewater infrastructure]

How has existing on-site wastewater infrastructure been considered? Is the allocation deliverable?

TWBC response to Question 3

11. In terms of the consideration of wastewater infrastructure, the Council has liaised with Southern Water throughout the Plan preparation process as set out within the Council's Duty to Cooperate Statement [[CD 3.132c\(v\)](#)] and [[3.132b \(v\)](#)] (pages 309-341) and also within the Infrastructure Delivery Plan – October 2021 [[CD 3.142](#)] at 'Theme 4 – Water' Additionally, Southern Water made comments at all the formal stages of plan preparation, including at the Regulation 19 stage.

12. Southern Water specifically submitted a representation on Policy AL/RTW 12 at the Regulation 19 stage of the Local Plan, where it stated the following:

“Southern Water is the statutory wastewater undertaker for (Parish/settlement). Our assessment has revealed that Southern Water's underground infrastructure crosses this site. This needs to be taken into account when designing the site layout. Easements would be required, which may affect the site layout or require diversion. Easements should be clear of all proposed buildings and substantial tree planting.

In consideration of the above, we recommend the following criterion for Policy AL/RTW 12.

Layout is planned to ensure future access to existing wastewater infrastructure for maintenance and upsizing purposes”.

13. Discussions were held with Southern Water following its comments made through the Regulation 19 consultation on the Local Plan. As a result of these discussions, it was not considered necessary to include specific criteria within the policy, but rather cross reference should be made below the policy itself to Development Management Policy EN24 – Water Supply, Quality and Conservation, as well as other relevant policies. The above approach was discussed and agreed with Southern Water in reviewing its representations and the cross reference to the relevant policy was agreed.

14. This collaboration is set out within the Statement of Common Ground between Tunbridge Wells Borough Council and Southern Water [[CD 3.132c\(v\)](#)] which was signed by both parties in October 2021.
15. Due to the fact that Southern Water's underground infrastructure crosses the site, it will be necessary for the agent promoting the site and the Council to liaise with Southern Water to ensure that the necessary easements are considered as part of the site layout at an early stage in accordance with the approach advocated within Policy EN 24 – Water Supply, Quality and Conservation.
16. It is therefore considered that the above approach is satisfactory for considering wastewater infrastructure and the site is deliverable in this regard. Additionally, Southern Water will be consulted by the Council as a statutory consultee on any future planning application coming forward for development of the site.

Inspector's Question 4: [re. Pedestrian and cycle link]

What is the justification for the proposed pedestrian and cycle link to the north of the site? Will this form part of the development?

TWBC response to Question 4

Introduction

17. Criterion 2 of Policy AL/RTW 12 – requires the *“Provision of a pedestrian and cycle link between Broadwater Lane and Linden Gardens”*. Additionally, at paragraph 5.82 of the supporting text, it states: *“There is direct pedestrian access to the site from Underwood Rise and there is a designated cycle route further to the north-west. Any new development within this area should seek to provide improved linkages to the surrounding area, particularly between Broadwater Lane and Linden Gardens and should also ensure legibility between this site and any development on the adjacent Turner’s Pie Factory Site.”* A plan is shown in Appendix 1 illustrating the existing and proposed pedestrian and cycle routes.
18. This criterion has been added to ensure that, as part of any development of the site, appropriate access and sustainable modes of transport, including active travel, are encouraged and promoted through the development; also to ensure that there are appropriate and accessible linkages between the existing built development and the new residential development. The Local Cycling and Walking Infrastructure Plan: Phase 2 – Evidence base for Pre-Submission Local Plan, March 2021 (LCWIP) [\[CD 3.115b\(i\)\]](#) identifies a number of ‘movement cells’ which formed the basis of the development of future Low Traffic Neighbourhoods. This area is within one of the cells identified and the LCWIP [\[CD 3.115b\(i\)\]](#) recommends that these cells can be developed as future low traffic environments and individual plans and prioritisation factors are set out within the appendices of the LCWIP Phase 2 Appendix B [\[CD 3.115B\(ii\)\]](#). This work has fed directly into the criteria as set out above in order to help facilitate easy access to local services and facilities and improved legibility of the development. It will also encourage sustainable onward travel by linking up with existing pedestrian and cycle routes.
19. The agent has confirmed that they would be happy to provide such linkages, subject to detailed scheme and layout design, to ensure that there are appropriate and sustainable linkages with the surrounding pedestrian and cycle network.

AL/RTW13 – Turner’s Pie Factory, Broadwater Lane

Inspector’s Question 5: [The justification for the community hub at the Turner’s Pie Factory site allocation]

What is the justification for requiring the allocation to provide a remote working/community hub for use by residents of the proposed development?

TWBC response to Question 5

Introduction

20. Policy AL/RTW 13 allocates Turner’s Pie Factory for approximately 100 residential dwellings, of which 30 percent shall be affordable housing, a remote working/community hub for use by residents of the new development, and open space.
21. An application for the scheme was submitted to the Council in January 2022 (planning reference [22/00238/FULL](#)) for the “*demolition of existing buildings and structures on site and construction of 94 no. residential dwellings (36 no. houses and 58 no. apartments) and a remote working/community hub with open space, landscaping, roads, access, footpaths, public lighting and all associated site development works including retaining walls/structures where required.*”
22. The planning application is currently under consideration and an update will be provided at the Examination hearing session. As part of the scheme proposed as detailed above, a working/community hub is included within the proposals and further detail is set out in the consideration below.

Consideration

23. The Council has engaged with the agent (and its architects) promoting this site through pre-application discussions over the last 12-18 months. As part of the discussions, the agent has promoted the concept of a ‘Remote working/Community hub’ as part of the development proposals, which has been broadly supported by the Council and included within the allocation policy (AL/RTW 13).
24. It is considered that the community hub provides an urban focus for the new development. It is intended that this building will act as a remote working and

community hub for residents of the development. It will provide space for people to 'work from home' in a remote co-working environment. This is a concept that the Council is aware is being taken forward on other apartment schemes elsewhere in the County, given the increased home/hybrid working over recent years.

25. However, as set out in response to question 6 below, upon further reflection the Council considers that it may be appropriate to amend the wording of the policy to allow some flexibility around the provision of a remote working/community hub.

Inspector's Question 6: [re. delivery and management of 'the hub']

Is it clear to users of the Plan who is expected to build and manage the hub thereafter?

TWBC response to Question 6

Introduction

26. The overarching wording of Policy AL/RTW 13 refers to the site being allocated for approximately 100 residential dwellings, of which 30 percent shall be affordable housing, a remote working/community hub for use by residents of the new development and open space. Furthermore, criterion 4 of the policy requires that the layout of the site shall be informed by a townscape/landscape impact assessment of the site and that it should be focused around a new community hub and green space.
27. It is the Council's view that a 'focus' for the development would be desirable in both community and townscape terms. However, it is recognised that this could be achieved through a variety of ways. It is also recognised that the build out and management of the 'hub' would be the subject of detailed consideration as part of a planning application and any section 106/legal agreement to secure the approach and any funding/legal arrangements.
28. The Council has had recent discussions with the agent promoting the site, who have confirmed that the management and maintenance of the proposed apartments within the proposed development, following its completion shall be the responsibility of a legally constituted management company. It is the intention of the agent/applicant that the remit of the management company will be extended to include the proposed remote/working community hub also.
29. The overall management scheme will then provide adequate measures for the future maintenance of public open spaces and communal areas associated with the apartments, as well as the proposed remote working/community hub for use by residents. It is also considered that appropriate conditions could be attached to any future planning consent, requiring details of the management company to be submitted

to, and agreed in writing, with the planning authority prior to occupation of the development.

30. In terms of the use of the proposed remote working/community hub, again, through discussions with the agent, they have confirmed that it is envisaged that the hub will be aimed primarily at residents who will have secure access permitted by way of a door entry fob registered with the Management Company to their name and address. This space will be furnished and available during hours to be agreed with the management operator as part of the management scheme. It is also considered that in consultation and agreement between the Council and the agent, the facility could, subject to occupancy and demand, be extended to local residents of the immediate area by appointment using a restricted access system such as key-pad entry.
31. As set out above, the exact details and any conditions/legal agreements will be the subject of further discussion as part of detailed design and proposals coming forward between the applicant and the Council.
32. Furthermore, it is also considered that it may be appropriate to amend the wording of the policy to allow some flexibility around the provision of the remote working/community hub, depending on detailed design considerations along the following lines; *“This site, as defined on the Royal Tunbridge Wells and Southborough Policies Map (inset Maps 1a-1d and 2), is allocated for approximately 100 residential dwellings, of which 30 percent shall be affordable housing, the provision of a remote working/community hub for use by residents of the new development if practicable, and open space.”*

Inspector's Question 7: [re. active frontage, community hub and green space]

Can the allocation deliver an active frontage onto Broadwater Lane and Underwood Rise and be focused around a new community hub and green space?

TWBC response to Question 7

Introduction

33. Criterion 3 of Policy AL/RTW 13 requires provision of an active frontage to Broadwater Lane and Underwood Rise.
34. Criterion 4 of this policy requires that the layout of the site shall be informed by a townscape/landscape impact assessment of the site and be informed by the site's existing context and topography, and be focused around a new community hub and green space.
35. The planning application that is currently being considered by the Council for this site, is supported by a '[Planning Statement](#)', which at Table 3 (Page 16) of this document, details the compliance of the submitted scheme with Policy AL/RTW 13. Point 3 refers to the following: *"The layout of the proposed buildings provides active frontage onto Broadwater Lane and Underwood Rise. The remote working hub has been designed with dual frontage providing a central focus to the site linked to the public open space. Housing is designed to 'turn the corner' and not have blank gables fronting onto Broadwater Lane. The apartment buildings to the south of the site increase in height in response to local topography and provide a strong urban edge to the site and frontage onto Underwood Rise."*
36. Additionally, point 6 of Table 3, considers the provision and location of on-site amenity/green space and states the following: *"On site amenity/natural green space and children's and youth play space is provided within the centrally located public open space area north of the remote working hub. The podium garden to the south of the site is proposed to be landscaped including space for both suitable active and passive recreational uses by residents ([see Park Hood drawing no. 7270-L-101](#))."*

37. The above demonstrates that the scheme can provide what is requested as part of the policy criteria in terms of an active frontage onto Broadwater Lane and Underwood Rise and be focused around a new community hub and green space.

Inspector's Question 8: [re. required noise barrier]

Is it clear to users of the Plan what measures will be expected to provide the necessary noise barrier between the site and the adjacent petrol filling station?

TWBC response to Question 8

Introduction

38. Criterion 5 of Policy AL/RTW 13 requires “*any redevelopment should reinforce the north east boundary of the site, with measures to form a noise barrier between the site and the petrol filling station incorporated as part of the proposal*”. The criterion has been added to protect the residential amenity of future occupiers of the development due to the proximity of the northern extent of the site with the adjacent Sainsbury's petrol filling station.
39. Additionally, below Policy AL/RTW 13, reference is made to other relevant policies contained within the Local Plan, including Policy EN 27 (Noise), which provides further detail on the type of approach the Council would expect developers to provide to mitigate the impact of noise on future developments, particularly criterion 2.
40. As referred to above, the planning application that is currently being considered by the Council for this site, is supported by a '[Planning Statement](#)' where at Table 3 (page 16) of this document details the compliance of the submitted scheme with Policy AL/RTW 13. Point 5 refers to the following:
- “A planning noise assessment has been undertaken by Waterman Infrastructure and Environment Ltd to inform the design of the proposed development. Acoustic fencing will be provided at the north eastern boundary of the application site to ensure the residential amenity of future occupants is protected. The report, submitted under separate cover also recommends the closest dwelling to the superstore access road and petrol filling station be fitted with acoustically rated thermal double glazing (section 5.2.1).”*
41. A full Planning Noise Assessment produced by Waterman Infrastructure and Environment Limited (December 2021) has been submitted as part of the application for the site ([Planning Noise Assessment](#)).

42. It is considered that such an approach adequately deals with the requirement and potential of impact to the north of the proposed allocation and demonstrates that the wording is clear to allow – through the planning application process – appropriate measures to be included.

Inspector's Question 9: [re. wastewater infrastructure]

How has existing on-site wastewater infrastructure been considered? Is the allocation deliverable?

TWBC response to Question 9

Introduction

43. In terms of the consideration of wastewater infrastructure, the Council has liaised with Southern Water throughout the Plan preparation process as set out within the Council's Duty to Cooperate Statement [[CD 3.132c\(v\)](#)] and also within the Infrastructure Delivery Plan – October 2021 [[CD 3.142](#)]. Additionally, Southern Water made comments at all the formal stages of plan preparation, including at the Regulation 19 stage.
44. Southern Water specifically submitted a representation on Policy AL/RTW 13 at the Regulation 19 stage of the Local Plan, where they stated the following:
- “Southern Water is the statutory wastewater undertaker for (Parish/settlement). Our assessment has revealed that Southern Water's underground infrastructure crosses this site. This needs to be taken into account when designing the site layout. Easements would be required, which may affect the site layout or require diversion. Easements should be clear of all proposed buildings and substantial tree planting’. In consideration of the above, we recommend the following criterion for Policy AL/RTW13. Layout is planned to ensure future access to existing wastewater infrastructure for maintenance and upsizing purposes.”*
45. Discussions were held with Southern Water following its comments made through the Regulation 19 consultation on the Local Plan. As a result of these discussions, it was not considered necessary to include specific criteria within the policy, but rather cross reference should be made to Policy EN 24 (Water Supply, Quality and Conservation), as well as other relevant policies, below the policy. The above approach was discussed and agreed with Southern Water in reviewing its representations and the cross reference to the relevant policy was agreed.
46. This collaboration is set out within the Statement of Common Ground between Tunbridge Wells Borough Council and Southern Water [[CD 3.132c\(v\)](#)] which was signed by both parties in October 2021.

47. Additionally, Southern Water have made representation in relation to the current planning application on the site - [Southern Water planning application response](#) – where they refer to their infrastructure crossing the site – [Southern Water infrastructure plan](#), and the need for it to be considered as part of the detailed site layout.
48. Due to the above, it will be necessary for the agent promoting the site and the Council to continue to liaise with Southern Water to ensure that the necessary easements are considered as part of the site layout in accordance with the approach advocated within Policy EN 24 – Water Supply, Quality and Conservation.
49. It is therefore considered that the above approach is satisfactory for considering wastewater infrastructure and the site is deliverable in this regard. Additionally, Southern Water will be consulted by the Council as a statutory consultee on any future planning application coming forward for development of the site.

AL/RTW16 – Land West of Eridge Road and Spratsbrook Farm

Inspector's Question 10: [re. boundary of the site]

What is the site boundary based on? What is the justification for only allocating the eastern 'half' of the site for residential development?

TWBC response to Question 10

Introduction

50. The whole site which was submitted to the Council was assessed for development potential as part of the SHELAA process. The entirety of that process is covered in (Matter 5 Issue 1 [TWLP/021]) and the conclusions relating to AL/RTW 16 are found in the appropriate SHELAA sheet [[CD 3.77n](#)] (pages 95-97).
51. The site is wholly within the Green Belt, and the north western part (but not the eastern part) is within the High Weald AONB. There are also heritage concerns regarding the north-western parcel, given the location of a Scheduled Ancient Monument. Through the development of the Pre-Submission and Submission Local Plan, it has been concluded that development of the wider site submitted, would cause unacceptable harm to the AONB. Therefore, only the eastern half of the site which falls outside of the AONB designation has been considered suitable for built development.
52. Furthermore, it is the Council's view that the eastern half of the site is in a sustainable location outside of the AONB and with good access to a range of existing services and facilities and it is considered that it would make a positive contribution to housing delivery.
53. These conclusions were based on an assessment of a robust evidence base which is discussed further under consideration, below.

Consideration

54. The whole site was submitted to the Council as being available for development and it was assessed through the SHELAA [[CD 3.77n](#)] process and through the SA [[PS 013](#)] and was included in the Regulation 18 Draft Local Plan for housing (on the eastern part) and a secondary school (on the north western part).

55. The site was included within the Green Belt studies which have informed the Local Plan. The Stage 2 Green Belt Study [[CD 3.93b\(i\)](#)] assesses the site as part of parcel TW10 and, noting some variability across the site, notes that overall there is a strong contribution to Green Belt purposes and that the harm rating from a possible release is High [[CD 3.93b\(i\)](#) page 28 table 6.1 and [[CD 3.93b\(v\)](#) electronic page 24 to 25]. The Stage 3 Green Belt Study [[CD 3.141](#)] considered the reduced amount of development only on the eastern parcel of the site as now allocated within the Local Plan. This study concluded that the harm from the Green Belt release would be Low-Moderate and the harm to the remaining Green Belt would be Negligible [[CD 3.93c](#) page 54 para 4.69] and made recommendations for mitigation and enhancements to further reduce the harm and to improve the beneficial use of the remaining Green Belt (page 55).
56. The site was considered at Regulation 18 stage to be major development in the AONB (as it proposed development on the whole site and a secondary school) and so was included within the Landscape and Visual Impact Assessments (LVIA) [[CD 3.96a](#)] carried out to inform the Local Plan.
57. The Landscape and Visual Impact Assessment (LVIA) Main Report [[CD 3.96a](#) page 16] provided a high-level assessment of sites and included an evaluation of the likely harm of the proposals, and whether the whole site (AL/RTW18) was considered suitable for development, in landscape and visual terms.
58. The baseline study noted that “*the eastern field lies outside of the AONB and has a stronger connection to the existing settlement edge, located to the north and east*”. In contrast, it noted that the “*western field has a limited connection to existing settlement, which has a soft edge to the east of the field*” [[CD 3.96b](#) electronic page 29 column 1].
59. This variation in sensitivity across the site is also reflected in the Landscape Sensitivity Study [[CD 3.102b\(i\)](#)] which included the site within area ES1 (paginated page 57 to 59) and found that overall the “*sensitivity is high in the western and central parts of the sub-area*” but the “*eastern end of the sub-area has medium sensitivity adjacent to the exposed edge of Ramslye*” (Sensitivity Conclusions bottom of page 58).
60. The LVIA recommended additional mitigation over and above that set out for the proposals at Regulation 18 [[CD 3.96b](#) electronic page 30] which included “*the western field (the land within the AONB) - either to be used as open space, retained in existing*

agricultural use, or a combination of both”. The LVIA report concluded (electronic page 32) that:

“Any development within the western field is likely to harm the appearance and characteristics of the High Weald AONB. This harm is likely to be significant and would be difficult to justify or mitigate in landscape terms. It is recommended that the western field should not be developed and that the allocation within the overall site is reduced”.

61. The High sensitivity of the western part has led the Council to conclude that it is not suitable to be allocated to meet a general housing need. By contrast, the eastern part which is outside the AONB and exhibits an “*exposed edge*” to existing development, is considered suitable subject to appropriate and suitable mitigation.
62. In consideration of the heritage constraints on the wider site – specifically, an Iron Age Hill Fort, associated with the High Rocks, which is a Scheduled Ancient Monument (SAM) which straddles the Kent and East Sussex border and falls within the north corner of the site. It was considered that limiting development to the eastern part of the site, limits any potential impact on the setting of the monument and therefore provides further justification for the proposed extent of the development as proposed through policy AL/RTW 16. Please also refer to the response to Question 16 below.

Conclusion

63. The eastern part is therefore considered suitable for housing development and the western part suitable as green space. The Council’s approach has been informed by, and is supported by, the Landscape Sensitivity Study [\[CD 3.96a\]](#), the Green Belt Study [\[CD 3.141\]](#) and the site-specific LVIA [\[CD 3.102b\(i\)\]](#) . The recommendations of the site-specific LVIA have informed the policy for the allocation to ensure that adequate mitigation is provided.

Inspector's Question 11: [re. use of land to the south of the existing access road]

What will the parcel of land to the south of the existing access road be used for?

TWBC response to Question 11

Introduction

64. The only existing access to the allocated land is a disused farm track in the north east corner off Eridge Road. The wider parcel or field which constitutes land which extends into neighbouring Wealden district is accessed from the track that serves Ramslye Farm and is just south of the allocation and also within Wealden district.
65. As required by Policy AL/RTW 16, criterion 1, "*vehicular access to be provided into the site from the A26 Eridge Road*" but the actual point of access will need to be determined through further work in relation to highway access safety and impact on trees to ensure a safe access whilst minimising harm to boundary vegetation and protected trees. Pre-application discussions are currently being carried out (in relation to highways) in relation to the most appropriate access arrangements, between the agent promoting the site and their highways consultants, with TWBC, Kent County Council Highways and East Sussex County Council Highways. An update on these discussions can be provided to the Inspector at the Hearing session.
66. The allocation does leave a thin sliver of the existing arable field to the south between the allocation/borough boundary and the access track to Ramslye Farm. This land falls within the same ownership as the allocation site and so may be retained in its current state or be used for landscape mitigation. The details of the treatment of the southern boundary to the allocation will be a matter that can be dealt with at the planning application stage.
67. Clearly a development hard up against the borough boundary raises cross boundary issues with the neighbouring planning authority, which in this case is Wealden district. The SoCG [[CD 3.132b\(ii\)](#)] (Appendix 10 pages 174-210) with Wealden District Council recognises this potential and includes commentary on this allocation (paragraph 2.2) and sets out a protocol for dealing with such issues. Wealden District Council has

agreed to work with Tunbridge Wells Borough Council in this regard (paragraphs 2.4 to 2.6).

Inspector's Question 12: [re. Management of open space]

How will the area of open space, to remain in the Green Belt, be managed?

TWBC response to Question 12

Introduction

68. Policy AL/RTW 16, criterion 5 requires that the open space is “*to be managed under an approved scheme of agriculture with public access*” and criterion 11 requires that this is done under a legal agreement as replicated below:

“A suitable legal mechanism shall be put in place to ensure that the provision of public open space is tied to the delivery of the housing, at a suitable stage of the development, to be agreed at the planning application stage”.

69. The Council commonly executes such agreements under a S106 agreement requiring a Landscape and Ecological Management Plan (LEMP) in accordance with BS 42020 ‘Biodiversity Code of Practice for Planning and Development’ and that the land be managed for the lifetime of the development. Any changes or improvements to the site are funded by the developer and then management passed over to a management company with longer-term management funded by residents. The LEMP contains objectives and prescriptions for each landscape feature/habitat and sets out periods of review and requirements for monitoring to ensure that the vision and objectives considered at the allocation and application stage are achieved and maintained.

70. The land in question is already subject to a considerable amount of informal, unauthorised amenity use, mostly by dogwalkers as there is unrestricted access to Friezland Wood to the north which has a permissive path and the LEMP will be able to address issues that the amenity use raises.

Inspector's Question 13: [re. Exceptional Circumstances to alter Green Belt boundary]

Do exceptional circumstances exist to alter the Green Belt boundary in this location, having particular regard to paragraphs 140 – 143 of the Framework?

TWBC response to Question 13

Introduction

71. The Council's case for exceptional circumstances for the release of Green Belt as part of the overall spatial strategy is set out in response to the Inspector's Questions on Matter 3, Issue 1 Spatial Strategy, Questions 7 to 9 [TWLP/014], and in particular, Matter 4 Principle of Green Belt Release, Issue 3 Exceptional Circumstances, Question 1 [TWLP/020].
72. The responses to these questions refer the Inspector to the Development Strategy Topic Paper [[CD 3.126](#)] section 'I' 'Exceptional Circumstances for Green Belt releases'. The strategic exceptional circumstances for Green Belt release are set out at paragraphs 6.183 to 6.185 and are not repeated here. Paragraph 6.187 of the Topic Paper identifies those site-specific issues that may be taken into account as part of exceptional circumstances, which include:
- The level of harm to the Green Belt that is likely to arise from the specific release
 - The predicted harm to adjacent remaining Green Belt
 - Localised need issues
 - Site specific measures available to ameliorate any harm
 - The context and nature of the site such as areas of previously developed land, site condition and locational advantages.
73. The Green Belt Study Stage 3 [[CD 3.93c](#)] provides the information on the first two bullet points, identifying Low to Moderate Harm to the Green Belt from the release of the site and Negligible Harm to the remaining Green Belt in the vicinity (page 54 paragraph 4.68).

74. The Development Strategy Topic Paper [\[CD 3.126\]](#) identifies additional site-specific factors in table 5 page 67, which include mitigation and rationale. The mitigation highlights the opportunity for a new strong Green Belt boundary:
- “Large area of open space to provide buffer and strong Green Belt boundary”.*
75. Under rationale, the table states that the site is in a *“sustainable location on the edge of the main settlement with connections to town and rural landscape”* and that there is the potential to improve the *“landscape approach to RTW”*. The Inspector will be acutely aware of criticism elsewhere that the Council should maximise opportunities for development around Royal Tunbridge Wells and should minimise development in the AONB. This site avoids the AONB and is in a very sustainable location close to the main settlement of the borough, and these factors are strong arguments that contribute towards very special circumstances.
76. The allocation can also enhance the beneficial uses of the remaining Green Belt through landscape and ecological improvements to the retained arable land and through improved access between town and countryside for walking and cycling, as noted in the Green Belt Study Stage 3 [\[CD 3.93c\]](#) (page 55) and as required by Policy AL/RTW 16.
77. The new Green Belt boundary here follows the boundary between proposed built development and green space (see inset map for South West Royal Tunbridge Wells and Southborough [\[CD 3.129c\(iii\)\]](#)) which will be a *“physical feature”* that is *“readily recognisable and likely to be permanent”* as required by NPPF paragraph 143(f).

Inspector's Question 14: [re. impact on the setting of the High Weald AONB]

What potential impacts will the allocation have on the setting of the High Weald AONB?

TWBC response to Question 14

Introduction

78. As explained in relation to Question 10 above, at Regulation 18 stage the proposed allocation for this site was for a greater amount of development on the wider site submitted and so was considered at that time to be major development in the AONB. It was therefore included within the Landscape and Visual Impact Assessment (LVIA) [\[CD 3.96a\]](#) for sites proposed in the AONB considered to be major and not included within the AONB Setting Study [\[CD 3.95\]](#).
79. The LVIA [\[CD 3.96a\]](#) for this site contains a detailed assessment of the landscape and visual baseline, considers mitigation and opportunities and then assesses the likely effects on landscape, visibility, AONB components and the potential to avoid or reduce adverse effects [\[CD 3.96b\]](#) (electronic pages 27 to 32). The baseline notes in summary that “*the site contributes positively to the AONB designation*” but that “*eastern part of the site lies outside the AONB and has fewer characteristic qualities than the western field*” and that it “*therefore has a lower contribution towards the AONB*” (electronic page 29 bottom of final column).
80. This main report for the LVIA [\[CD 3.96a\]](#) paginated page 16] considers the potential harm *if developed* considering both what was proposed at Regulation 18 stage and what is now proposed within AL/RTW 16, if the recommendations of the LVIA [\[CD 3.96a\]](#) are met. This shows that firstly the potential harm is reduced in the eastern part from Medium to Medium/Low and concludes that:

“The development potential of the allocation changes across the site. The eastern part of the site lies outside the AONB and could accommodate sensitive development. In contrast the western part of the site has a particularly high landscape sensitivity and is not suitable for development in landscape terms. The retention of the western part of

the site as open space could provide opportunities for enhancement within the AONB that would offset the potential effects of development located to the east”.

81. The site-specific LVIA [[CD 3.96b](#)] concludes on page 32 that “*there is the potential for the western field to be allocated as open space, as there are several open space land-uses that would retain and enhance the character of the AONB*” and development of the eastern part “*if carried out sensitively in line with policy guidance, could have no residual significant effects*”.
82. The allocation will therefore have no more than a ‘*minimal effect*’ on the AONB and its setting, subject to development meeting the requirements of the policy along with the western part being included within the allocation as green space to be enhanced to meet landscape and ecological objectives.

Inspector's Question 15: [re. landscaping]

Why is it necessary to provide additional landscaping along the south-west boundary to 'protect the amenity of the adjacent farmhouse'?

TWBC response to Question 15

Introduction

83. This refers to criterion 7 of Policy AL/RTW 16, which requires the development to *"include a landscape buffer along the south western boundary, including to protect the amenity of the adjacent farmhouse"*.
84. This criterion is a direct response to the site-specific LVIA [[CD 3.96b](#)] which recommended a landscape buffer to the south as well as officers seeking to protect the listed status and setting of Ramslye Farmhouse as well as assisting to protect the general amenity of the residents. The LVIA [[CD 3.96b](#)] (electronic page 30) has a plan indicating suggested locations for landscape buffers and this shows a buffer along the southern boundary and around the farmhouse. Ramslye Farmhouse currently enjoys a rural and relatively peaceful setting, and the intention is that the buffer will help to reduce the impact of development on the site.
85. For these reasons, the Council considers that criterion 7 of Policy AL/RTW 16 is fully justified.

Inspector's Question 16: [re. impact on heritage]

What potential impacts will the allocation have on the significance of the High Rocks Hill Fort Scheduled Monument?

TWBC response to Question 16

Introduction

86. The High Rocks Hill Fort is a Scheduled Ancient Monument (SAM) that sits partially within the northern part of the site in the AONB and a small area of Ancient Woodland. Archaeological remains are likely to be found on the site and therefore any development should include safeguarding measures to ensure that there is no impact on the Scheduled Ancient Monument as referred to at paragraph 5.103 of the Local Plan and criterion 8 of Policy AL/RTW 16.
87. This has been taken into account when drafting the site allocation AL/RTW 16, which has been drafted to direct the built form of the site to the south eastern part of the site, keeping the remainder of the site for informal open space/recreation. This will protect the High Weald AONB, and buffer the impact of the development to the historically sensitive area surrounding and including the Scheduled Ancient Monument in the north west of the site.
88. The exact level of impact will be dependent on the detailed design of the proposal: criterion 8 of Policy AL/RTW 16 requires detailed historic landscape and archaeological assessment to be provided as part of any proposals. It is considered that this will enable the Council to assess the detailed impact on heritage assets, including on the High Rocks Hill Fort, a Scheduled Ancient Monument, in relation to the detailed proposals. However, Historic England have provided comments at the Regulation 19 Plan stage seeking the requirement of the submission of a '*Conservation Management Plan*' setting out the approach towards the safeguarding and ongoing management of the monument, which can be secured through the development. It is considered that amended strengthened wording could be included within the policy at criterion 8 referring to the requirement of a 'Heritage Assessment' and a 'Conservation Management Plan' to ensure that due consideration is had with regard to any impact on the SAM in line with the request from Historic England.

AL/SO1 – Speldhurst Road Former Allotments

Inspector's Question 17: [Status of the Speldhurst Road Former Allotments site]

What is the latest position regarding the construction of dwellings already approved at Speldhurst Road?

TWBC response to Question 17

Introduction

89. The site is located within the built-up area of Southborough, to the west of the centre, and is a former allotment site, although it has not been in allotment use for many years.
90. The site was previously allocated as 'Rural Fringe' within the Local Plan 2006 [\[CD 3.120\]](#) under Policy RF1: Rural Fringe. It was then subsequently allocated within the Site Allocations Local Plan (SALP) 2016 [\[CD 3.119\]](#) under Policy AL/GB 1 – Speldhurst Road former Allotment (Land between Bright Ridge and Speldhurst Road, Southborough) for residential development (C3) providing approximately 20 dwellings. The allocation within the SALP [\[CD 3.119\]](#) was made alongside two other Rural Fringe sites, to provide the borough with a robust contingency of deliverable sites to meet the housing target for Royal Tunbridge Wells and Southborough over the Core Strategy plan period.
91. Planning permission was granted for the site in 2020 for the erection of 16 dwellings with associated cycle/bin store, landscaping, vehicular access, and car parking ([20/00872/REM](#)), following outline permission ([18/02618/OUT](#)) granted in 2019 for the erection of up to 16 dwellings with associated parking, landscaping and access.
92. Development is currently under construction and is part completed.

Inspector's Question 18: [re: Is an allocation still required]

Is the site still necessary and justified as an allocation in the Plan?

TWBC response to Question 18

Introduction

93. As at the publication date of this hearing statement, this site has extant planning permission and is presently being constructed on site. In responding to this question, the Council have considered its response based on a set of “guidelines” as to whether they should remain as allocations in the Plan. These guidelines are as follows:

- Does the site have planning permission as at the base date of the most recently published full housing land supply monitoring year information available (as at 1 April 2021)?
- Was the site under construction as at the base date of the most recently published full housing land supply monitoring year information available (as at 1 April 2021)?
- As at 1 April 2021, if the site was under construction, was construction progress substantially sufficient to mean more than just a technical commencement?

94. If any of the responses to the above questions generate a ‘no’ answer, then the Council is of the view that the site should still continue to be allocated within the Local Plan for the purposes of consistency of approach and ease of future Plan monitoring. The site was not under construction as at the base date of the most recently published full housing land supply monitoring year information available (as at 1 April 2021). As such it is considered that it should be retained as an allocation within the Local Plan. The Council can give a further update to the Inspector as appropriate on the progress of construction on site at the relevant Examination hearing session, should the Inspector wish.

AL/SO3 – Land at Baldwins Lane

Inspector's Question 19: [re: Status of Land at Baldwins Lane]

What is the latest position regarding the construction of dwellings already approved at Baldwins Lane?

TWBC response to Question 19

Introduction

95. This previously developed site is inside the LBD of Southborough on the edge of the parished area bordering with Royal Tunbridge Wells. The site falls on the edge of the Southborough/High Brooms Industrial Estate, although it does not fall within the designated Key Employment Area.

Consideration

96. Planning permission was granted under [20/00881/FULL](#), in March 2021 for new residential development comprising 26 flats with associated vehicle parking at MTB Computer Services, MTB House, North Farm Road, Royal Tunbridge Wells.
97. The existing building on site has now been demolished. The Council is currently awaiting applications for the discharge of conditions in relation to the existing planning consent before development can commence on site.

Inspector's Question 20: [Is an allocation still required?]

Is the site still necessary and justified as an allocation in the Plan?

TWBC response to Question 20

Introduction

98. As at the publication date of this hearing statement, this site has extant planning permission. In responding to this question, the Council have considered its response based on a set of “guidelines” as to whether they should remain as allocations in the Plan. These guidelines are as follows:

- Does the site have planning permission as at the base date of the most recently published full housing land supply monitoring year information available (as at 1 April 2021)?
- Was the site under construction as at the base date of the most recently published full housing land supply monitoring year information available (as at 1 April 2021)?
- As at 1 April 2021, if the site was under construction, was construction progress substantially sufficient to mean more than just a technical commencement?

99. If any of the responses to the above questions generate a ‘no’ answer, then the Council is of the view that the site should still continue to be allocated within the Local Plan for the purposes of consistency of approach and ease of future Plan monitoring. The site did not have planning permission as at the base date of the most recently published full housing land supply monitoring year information available (as at 1 April 2021). As such it is considered that it should be retained as an allocation within the Local Plan. The Council can give a further update to the Inspector as appropriate on the progress of construction on site at the relevant Examination hearing session, should the Inspector wish.

AL/RTW 3 – Land at Lifestyle Ford/Mount Ephraim/Culverden Street/Rock Villa Road

Inspector's Question 21: [re: Status of Land at Lifestyle Ford/Mount Ephraim/Culverden Street/Rock Villa Road]

The site is allocated for residential development in the adopted Site Allocations Local Plan. Why has it not yet come forward for development? Is the site developable within the plan period?

TWBC response to Question 21

Introduction

100. The site is currently in use as a car dealership and associated uses and is located on the edge of the town centre of Royal Tunbridge Wells within the main urban area.
101. The site was allocated in the Site Allocations Local Plan (SALP) 2016 (Policy AL/RTW 9) [[CD 3.119](#)] for residential development (C3) providing approximately 30 dwellings and office (B1) use.
102. The site has been allocated within the Local Plan under Policy AL/RTW 3, for approximately 100 dwellings, of which 30 percent shall be affordable housing.

Consideration

103. Informal pre-application discussions have taken place with officers of the Council over the last few years.
104. It is acknowledged at paragraph 5.41 of the Local Plan, that development of the site is dependent on the relocation of the existing uses on site (car dealership and workshops), to an alternative location. A previous planning application for a sizeable motor dealership at another site in the borough was refused planning permission by the Council's Planning Committee, following a recommendation that planning permission be granted. A key driver for this is that the existing site is not conducive to the effective and efficient running of a car dealership – for example there are incidences of cars associated with the dealership being parked in adjacent residential streets. Whilst the owner/operator did not appeal the decision to refuse planning permission, it has continued to discuss with the Council the provision of alternative accommodation

elsewhere in the borough, as the drivers to relocate still exist. It is therefore anticipated that the site is likely to come forward later in the plan period to take account of the relocation requirements and is reflected within the housing trajectory for the period 2030/31 to 2031/32 to take account of this.

Inspector's Question 22: [re. Scale of development proposed in the allocation]

How has the scale of proposed development been determined and is it appropriate and justified in this location?

TWBC response to Question 22

Introduction

105. The site was assessed for development potential as part of the SHELAA process. The entirety of that process is covered in Matter 5 Issue 1 [TWLP/021]) and the conclusions relating to AL/RTW 3 are found in the appropriate SHELAA sheet [[CD 3.77n](#)] pages 30-31]. This identified the site as suitable for allocation and its appropriateness was confirmed through the SA [[PS 013](#)].
106. Following on from the above, it was concluded that site AL/RTW 3 was suitable for allocation to provide 100 dwellings. This results in a density of 222 dwellings per hectare as set out in table 5 of the Brownfield and Urban Land Topic Paper [[CD.3.83](#)]. This density, although high, is considered to be appropriate on this central brownfield site, which is highly sustainable, accessible and centrally located for a range of services and facilities within the town centre. Development within this part of the urban area is generally of a high density, of relatively substantial scale and there are a number of new flatted developments within the vicinity which reflect the areas central and accessible location. The stepped topography of the site also facilitates the provision of more substantial buildings than in other locations within Royal Tunbridge Wells. It is the Council's view, that this makes an effective use of land in line with paragraph 119 of the NPPF and in accordance with the Local Plan Development Strategy as set out in the new Local Plan.
107. As noted in Question 21 above, informal pre-application discussions have taken place with officers and the promoters of the site that have further assessed the development potential of the site, including its opportunities and constraints and the scale of development that it can justifiably accommodate. In doing so assessment has had due regard to the Conservation Area appraisal, with relevant input into considerations from specialist (including heritage) officers.

Inspector's Question 23: [re. Scale of development]

Can the scale of development be achieved on site whilst ensuring that future proposals preserve or enhance the character or appearance of the conservation area? How has this been assessed as part of the site allocation process?

TWBC response to Question 23

Introduction

108. As noted in Question 22 above, the scale of development that can be accommodated on the site was considered through the site allocation process as set out in the SHELAA [CD 3.77n] and the SA [PS 013] which took into account the constraints on the site, including the character and appearance of the conservation area, but also the sites highly accessible location within the urban area, its particular topography and the built context in which it is allocated on the edge of the town centre.
109. Assessments of the site have established that much of the existing built form on the site is degraded, and the appearance of the workshops jar with the wider grain of surrounding built development, particularly on Culverden Street and Rock Villa Road. Consequently, this allocation presents an opportunity to bring forward a development at the scale proposed that will enhance and relate well to the Conservation Area and the setting of the surrounding built form and listed buildings.
110. Comments made by Historic England to the regulation 18 Draft Local Plan [CD 3.9] refer to the fact that although the principle of development at this site on Mount Ephraim may be acceptable, the planning and design of new buildings needs particular care in view of its prominent position in the Conservation Area, the setting of adjacent Listed Buildings, and the views of the skyline of the town
111. Criterion 4 of Policy AL/RTW 3 requires that applications for the development of the site should be accompanied by a heritage statement, and that *“Development must be of a high-quality design, informed by landscape and visual impact and heritage assessments, and shall demonstrate how it conserves and enhances the conservation area and protects the setting of the adjacent listed buildings. As such, the layout, mass, design approach and the height and scale of the design will accord with the context of the site and its location within the of any redevelopment scheme should accord with its*

context, have regard to the stepped and sloping topography of the site, and shall reflect the particular character of this part of Tunbridge Wells”.

Inspector's Question 24: [re. Heritage considerations of the policy]

What is the justification for requiring development to avoid a harmful loss of light to the stained-glass window in St Andrew's United Reformed Church? Is the proposed policy requirement justified and effective?

TWBC response to Question 24

Introduction

112. As highlighted in the previous response to Question 23 above, criterion 5 of Policy AL/RTW 3 requires that:

"Development on the site shall be designed so as not to obscure or prevent adequate light from reaching the large stained glass window in St Andrew's United Reform Church"

113. The site allocation is adjacent to St Andrew's United Reform Church, which is on a prominent corner location at a busy junction. It was highlighted as being a building of local importance in consultation responses to the Regulation 18 Local Plan [\[CD 3.96\]](#) and is identified in the [Royal Tunbridge Wells Conservation Area Appraisal](#) sitting at a key location at the northern gateway to Royal Tunbridge Wells Town Centre and at the top of the Conservation Area. Further comments to the Regulation 18 Local Plan sought amendments to the policy to ensure that light continued to reach the stained glass window. The policy was amended in response to concerns raised and through consultation with the Council's Conservation Officer.

114. The Historic Environment Review: Part 1 – Tunbridge Wells Borough Council [\[CD 3.100\]](#) provides an overview of heritage assets within the borough including the individual conservation areas and to provide guidance to be followed in the future. This study is helpful for the consideration and development of sites within the conservation area.

115. Any development will need to consider the site's relationship with the surrounding area and any impact on the church, in particular with regard to the large stained glass window. This would be a matter of detail that would be considered as part of the

planning application process, subject to detailed design considerations and layout of any future scheme in collaboration with the Council's Conservation Officer.

AL/RTW 4 – Land at 33-46 St John’s Road

Inspector’s Question 25: [re. Status of Land at 33-46 St Johns Road]

What is the latest position regarding the construction of dwellings already approved at St John’s Road?

TWBC response to Question 25

Introduction

116. Policy AL/RTW 4 comprises the former Arriva Bus Depot to the north of the town centre of Royal Tunbridge Wells along the A26 St John’s Road heading north to the town towards the St John’s area of Royal Tunbridge Wells, and Southborough beyond.
117. The site was previously allocated within the Site Allocations Local Plan (SALP) 2016 [[CD 3.119](#)], under Policy AL/RTW 5 - for development (C3) providing approximately 65 dwellings.
118. Planning permission was granted in 2017 ([17/00731/FULL](#)) for the demolition of the existing buildings and structure and the construction of three new buildings, comprising 89 units to provide accommodation for older people. The new owners of the site (Elysian Residences) have recently obtained planning permission for minor amendments ([21/03270/NMAMD](#)), primarily in relation to amended configuration, layout and minor details. The approved external amendments resulted from a review of the buildability of the scheme, and design development during the detail project phases. They both reflect the aspirations of the new owner and ensure that the development is compliant with current regulations.
119. Pre-commencement planning conditions have been discharged for the 2017 permission and work has commenced on the site (the site has been cleared and excavations have been undertaken). Further applications to discharge the conditions of the 2017 permission have been submitted and are awaiting decision.

Inspector's Question 26: [re. developability of the site]

Is the site developable within the plan period?

TWBC response to Question 26

Introduction

120. Yes, the site is developable within the plan period. As referred to in previous Question 25, pre-commencement conditions on the site have been discharged, and work has begun on site.

121. The Council will update the Inspector as necessary in terms of the status of the site at the relevant Examination Hearing session.

AL/RTW 5 – Land South of Speldhurst Road and West of Reynolds Lane at Caenwood Farm, Speldhurst Road

Inspector's Question 27: [re. Scale of development]

How has the scale of proposed development been determined and is it appropriate and justified in this location?

TWBC response to Question 27

Introduction

122. Policy AL/RTW 5 allocates land South of Speldhurst Road and West of Reynolds Lane at Caenwood Farm, for Development of approximately 100 residential dwellings.
123. The site was assessed for development potential as part of the SHELAA process. The entirety of that process is covered in (Matter 5 Issue 1 [TWLP/021]) and the conclusions relating to AL/RTW 5 are found in the appropriate SHELAA sheet [[CD 3.77n](#)] (pages 71-72 and 74-76).
124. The site is constrained in relation to Green Belt, AONB/Landscape and capacity of the highway network, all of which have restricted the scale of development of this site and of the wider site that was submitted for consideration through the SHELAA process [[CD 3.77n](#)] (pages 39-41) . The site is, however, in a sustainable location within the built-up area of Royal Tunbridge Wells and also within close proximity to the existing services and facilities of nearby Southborough.
125. A larger site submitted to the Council was considered through the SHELAA [[CD 3.77n](#)] (pages 39-41), and the outcomes and conclusions are set out within this document.
126. The Council's Landscape Sensitivity Study for land around Royal Tunbridge Wells and adjoining settlements [[CD 3.102](#)] covered the proposed allocation as well as the wider site area submitted to the Council. The study was carried out in the context of the Borough Landscape Character Assessment SPD areas [[PS 019](#)] which for this site is Local Character Area 5: Speldhurst Wooded Farmland. Within the sensitivity study the site was included within sub-area Sp 12 which found that the area as a whole had a high sensitivity to all scales of development but noted a medium sensitivity to small-

scale development on “*areas close to the existing settlement edges on flatter ground*” [CD 3.102b(ii)] paginated 147-149 electronic 34-36].

127. The study advised, under ‘*Guidance on potential mitigation enhancement measures*’ (page 149), that any “*development within the area of flatter land adjacent to existing settlement should retain and incorporate existing vegetation where possible and ensure an appropriate transition to the highly sensitive rural countryside in the adjacent area*”. The Council followed this advice which has limited the extent of area available for development and ultimately the scale of development in this location – please refer to response to Question 28 below.
128. The proposed allocation and wider area fall within the Green Belt. The Stage 2 Green Belt Study [CD 3.93b(i)] identified a similar area to the proposed allocation as its own smaller parcel - SO1a as being distinct from the wider area SO1b which reflects the findings in the Sensitivity Study. The wider area SO1b was found to have ‘*Strong*’ and ‘*Relatively Strong*’ contributions to Green Belt purposes and had an overall harm rating of ‘*High*’ whereas the sub area SO1a was found to have a ‘*Moderate*’ to ‘*Relatively Weak*’ contribution to Green Belt Purposes and an overall harm rating of ‘*Moderate*’ [CD 3.93b(i)] page 28 and [CD 3.93b(iv)] electronic pages 2 to 5].
129. The detailed Green Belt Study (Stage 3) [CD 3.93c] for the proposed allocation (listed in this document as AL/RTWXX – the site reference number had not been determined at the time of the study) concluded an overall harm of ‘*Low-Moderate*’ and impact on the remaining Green Belt as ‘*Negligible*’ [CD 3.93c] (page 64). This assessment took account of mitigation set out in the draft policy which included retention and strengthening of existing vegetated boundaries and woodland with a significant landscape buffer to the south. These considerations have helped to define the site area and the scale of development.
130. Turning to highways capacity, the larger site submitted to the Council through the SHELAA process [CD 3.77n], was considered by KCC Highways, who raised concerns in relation to the highways capacity – including the impact on the Speldhurst Road/A26 junction as well as the capacity of the A26 as a major through route of Royal Tunbridge Wells, which suffers from congestion at peak times. It was concluded that the potential highways impacts posed a significant constraint to greater development of this site,

notwithstanding the other constraints evident in relation to Green Belt and landscape impact. Transport and highways considerations are further expanded upon in response to Question 29 below.

131. Additionally, a significant benefit of the proposed allocation is the sites' ability to contribute to and provide links to the local pedestrian and cycle network on the A26, as well as significant and comprehensive upgrades to the A26 cycle network as required through criterion 5 of Policy AL/RTW 5. Further detail on this is set out within the LCWIP [[CD 3.115B\(i\)](#)] and at paragraph 1.42 below.
132. In summary, the allocation is in a sensitive area that has limited capacity for small-scale development and the Council has balanced the opportunities of development with an appropriate level of Landscape and Green Belt mitigation which has informed the site boundary (covered in the next question) and the overall scale of development for the site.

Inspector's Question 28: [re. site boundary and layout]

What is the site boundary based on? Is it sufficiently clear to users of the Plan where residential development is expected to be located?

TWBC response to Question 28

Introduction

133. The Site Layout Plan for the allocation in the Local Plan (map 5 page 91) [\[CD 3.128\]](#) shows a large landscape buffer to the south and narrow strips to the west and north. In addition, it shows the Tree Preservation Order (TPO) along the northern boundary and whether connections are expected to the existing 'Public Right of Way' to the south and west. The plan clearly indicates the area (in orange) where residential use is expected to be located. The eastern boundary of the site is formed by the fences to rear gardens of houses located in Stonewood Close and Reynolds Lane.

134. The landscape buffer is based on existing strong features on the ground comprising an area of existing woodland (not ancient woodland) linked by hedgerows and individual trees. The supporting text for the policy at paragraph 5.51 makes clear the purpose of the landscape buffer and that it is not to be used for built development but forms a landscape buffer and a strong and defensible boundary to the Green Belt– see also response at paragraph 147 below:

“The area to the south of the site, although included within the allocation area, should not be developed but rather retained and enhanced as open space buffer/ecological mitigation and should be secured as public open space benefiting the wider area”.

135. The following map (taken from the Council's Interactive Policy Map) illustrates the above point visually.



136. In summary, the Council considers that the site boundary is justified, and it is clear as to the purpose of the landscape buffer and where development should be located.

Inspector's Question 29: [re. Access and highways]

Is it necessary to widen Speldhurst Road in order to facilitate the proposed development? Is it sufficiently clear to users of the Plan what highway improvement works are required?

TWBC response to Question 29

Introduction

137. Paragraph 5.48 of the Local Plan refers to the fact that there is currently no existing vehicular access to the site, but new access can be provided from Speldhurst Road. Criterion 1 of Policy AL/RTW 5 also requires that new vehicular access is to be provided from Speldhurst Road, with the exact location to be determined by detailed transport assessment work.
138. Criterion 2 of the policy also refers to the “*possible widening of Speldhurst Road that runs adjacent to the site and the provision of an appropriate level of parking for existing residents within the site itself*”.
139. As above, the exact location of the access into the site will be the subject of detailed design considerations as part of the planning application process. The promoters seeking to promote the site (there are two agents promoting this site on behalf of two different landowners, reflecting the ownership of the site) have submitted a number of supporting documents alongside their Regulation 19 responses in order to support the suitability of this allocation. This includes a ‘Southborough Vision Document - June 2021’ (Dandara) and a ‘Technical Note’ (DHA Planning), both of which include details of indicative access arrangements and further technical assessments supporting the appropriateness of the allocation.
140. Additionally, early pre-application discussions with Kent County Council Highways & Transportation has indicated that it would have a preference for one main access and a second emergency access to serve the whole 100 unit allocation as per Policy AL/RTW 5 (but recognising that the site is in 2 different ownerships) and that it would be helpful if the site owners/promoters could work together with the Council and KCC Highways & Transportation to determine suitable access points.

141. In terms of the road widening – KCC considers that the widening of Speldhurst Road would need only to be very localised and again, would be the subject of detailed design discussions between the site promoters, the Council and KCC Highways to determine the optimum solution. The policy accordingly does not specify the exact location of the road widening, but the Council is confident that this can be achieved given the extent of highways land and land under the site promoters' control.
142. As referred to at paragraph 131 above, the policy as drafted requires the provision of enhanced pedestrian and cycle links, linking the site with the surrounding area to encourage and promote active travel within this highly sustainable location. This includes significant and comprehensive upgrades to the A26 cycle network as well as the creation of new pedestrian and cycle routes connecting with existing links.
143. The A26 has been identified as a key route using the 'Propensity to Cycle' tool through the development of the LCWIP [\[CD 3.115B\(i\)\]](#) and it is already a key pedestrian route. A detailed analysis of the current active travel infrastructure on the corridor was undertaken and is set out in the LCWIP Phase 2 (Section 5.8, pages 66-67). In response to the identified deficiencies, a design concept note and plan for the corridor has been prepared as shown in Appendix H to LCWIP Phase 2 [\[CD 3.115bii\]](#).
144. Aligned with the above, a proposed series of Low Traffic Neighbourhoods (LTNs) including in the areas surrounding the site, Southborough, St Johns and Culverden (a number of which already have 20mph speed restrictions) is set out in LCWIP Phase 2 Section 3 p.8 including Figure 3-7 p.20 [\[CD 3.115B\(i\)\]](#). LTNs are becoming a widespread method of encouraging increased levels of walking and cycling and often provide wider traffic management benefits. The detailed design process for LTNs would align with the proposed A26 active travel corridor creating high quality routes between residential areas and facilities both along the route itself and within Royal Tunbridge Wells and Southborough Town Centres.
145. The Council is keen to work with both site promoters and the landowners as necessary in bringing this site forward for development and will seek to instigate joint discussions and consideration of technical details over the coming month. This approach (of the Council working with – and where necessary actively bringing together - two developers/landowners to provide a singular development proposal) has been

successful in respect of other sites being promoted within the borough, with positive outcomes. This includes with one of the landowners/promoters who has control over this site.

Inspector's Question 30: [re. Highways and trees]

Will it be possible to widen Speldhurst Road and retain trees along the site frontage?

TWBC response to Question 30

Introduction

146. As above, it is accepted that the widening of Speldhurst Road will need to be considered as part of the detailed design solution for the site and further discussions will need to be held with KCC Highways & Transportation as part of the planning application process in terms of the exact location of the access and the extent of road widening considered necessary.
147. In terms of the trees along the Speldhurst Road frontage to the site, criterion 10 of Policy AL/RTW 5 requires *"regard to be had to the existing hedgerows and mature trees on site, with the layout and design of the development protecting those of most amenity value, as informed by an arboricultural survey and landscape and visual impact assessment"*.
148. Some of these trees constitute mature landmark oaks to the north and south of Speldhurst Road and a row of Scotts Pines running along the south of Speldhurst Road and are the subject of a TPO as illustrated on the 'Map 5 Site Layout Plan'. Although the pines have less amenity value than the oaks, they are nonetheless considered to be characteristic of the area.
149. The site is located along a relatively straight section of Speldhurst Road and so the visibility is considered to be very good. There is also a grass verge and area which is currently used for parking of existing residents along the southern side of Speldhurst Road. It is accepted by the Council that there will inevitably be some loss of trees to create the access into the site and the creation of localised road widening, however this would be fairly minimal and no significant loss of trees would be required and the criteria within Policy AL/RTW 5, seeks to safeguard the trees where possible.
150. It is considered that it will be necessary to carry out a full arboricultural survey to assess the trees on the road frontage and determine those trees of most amenity value which should be retained and to inform the detailed design process, including the impact of

any access arrangements on the existing trees. This will need to be carried out in consultation with the Council's Arboricultural officer and landscape and biodiversity officer. This will need to be determined at an early stage and the criteria set out within the policy at criterion 10 will need to be taken into account.

Inspector's Question 31: [re. Green Belt – Exceptional circumstances]

Do exceptional circumstances exist to alter the Green Belt boundary in this location, having particular regard to paragraphs 140 – 143 of the Framework?

TWBC response to Question 31

Introduction

151. The Council's case for exceptional circumstances for the release of Green Belt as part of the overall spatial strategy is set out in response to the Inspector's Questions on Matter 3, Issue 1 Spatial Strategy Questions 7 to 9 [TWLP/014], but in particular Matter 4 Principle of Green Belt Release Issue 3 Exceptional Circumstances Question 1 [TWLP/020].
152. The responses to these questions refer the Inspector to the Development Strategy Topic Paper [[CD 3.126](#)] section 'I' - 'Exceptional Circumstances for Green Belt releases'. The strategic exceptional circumstances for Green Belt release are set out at paragraphs 6.183 to 6.185 and are not repeated here. At paragraph 6.187 the Topic Paper identifies those site-specific issues that may be taken into account as part of exceptional circumstances, which include:
- The level of harm to the Green Belt that is likely to arise from the specific release
 - The predicted harm to adjacent remaining Green Belt
 - Localised need issues
 - Site specific measures available to ameliorate any harm
 - The context and nature of the site such as areas of previously developed land, site condition and locational advantages.
153. The Green Belt Study Stage 3 [[CD 3.93c](#)] which refers to the site as AL/RTWXX (The site number was undetermined at the time the study was carried out) provides the information on the first two bullet points identifying Low to Moderate Harm to the Green

Belt from the release of the site and Negligible Harm to the remaining Green Belt in the vicinity (page 65 paragraph 4.100).

154. The Development Strategy Topic Paper [[CD 3.126](#)] identifies additional site-specific factors in table 5, page 66, which include mitigation and rationale. The mitigation highlights the opportunity for a new strong Green Belt boundary:

“Woodland to south west retained and included within allocation to provide new strong GB boundary. Enhancements to local PROW that goes through site”.

155. Under rationale, the table states that the site is in a “*very sustainable location adjacent to the main settlement and LBD but outside the AONB*”. The Inspector will be aware of criticism elsewhere that the Council should maximise opportunities for development around Royal Tunbridge Wells and should minimise development in the AONB. This site avoids the AONB and is in a very sustainable location within the main settlement of the borough, and these factors are strong arguments that contribute towards very special circumstances.
156. Additionally, as referred to at paragraph 1.42 above, this site is the only site in Royal Tunbridge Wells, that requires through Policy AL/RTW 5, at criterion 5, the requirement for ‘*significant and comprehensive upgrades to the A26 cycle network*’.
157. The new Green Belt boundary here follows the northern edge of the landscape buffer (see inset map for North West Royal Tunbridge Wells and Southborough [[CD 3.129c\(i\)](#)]) which is a “*physical feature*” that is “*readily recognisable and likely to be permanent*” as required by NPPF paragraph 143(f).

AL/RTW 6 – Land at 202 and 230 Upper Grosvenor Road

Inspector's Question 32: [re. Status of the site]

What is the current position regarding the development of this site, is it developable within the plan period?

TWBC response to Question 32

Introduction

158. This site falls within the Limits to Built Development of Royal Tunbridge Wells and is located to the eastern side of Upper Grosvenor Road beyond the rear gardens of Nos. 188 to 228. The site is essentially open garden land comprising a detached dwelling (No. 230). The site is allocated for 40-45 residential dwellings under Policy AL/RTW 6 – Land at 202 and 230 Upper Grosvenor Road.
159. A planning application has been submitted for development of the site as follows - [\(21/00460\)](#) – “*Outline planning application (Access, Appearance, Layout and Scale not reserved) - Demolition of nos. 202 & 230 Upper Grosvenor Road, the provision of a new access road into site; erection of two x 4 storey buildings comprising a total of 44 apartments with associated parking, bin and bicycle storage*”, which was permitted in March 2022.
160. As at April 2022, a Reserved Matters application has been submitted for the consideration of landscape matters. This is currently being considered by the Council and an update will be provided to the Inspector on the status of the site as necessary at the relevant Examination hearing session.

Inspector's Question 33: [re. Impact on wastewater network]

What impact will the proposed development have on the wastewater network? Is it necessary, for the effectiveness of the Plan, to require development to be limited until necessary upgrades are delivered?

TWBC response to Question 33

Introduction

161. In terms of the consideration of wastewater infrastructure, the Council has liaised with Southern Water throughout the Plan preparation process as set out within the Council's Duty to Cooperate Statement [[CD 3.132c\(v\)](#)] and also within the Infrastructure Delivery Plan – October 2021 [[CD 3.142](#)] Additionally, Southern Water made comments at all the formal stages of plan preparation, including at the Regulation 19 stage.
162. Southern Water has not raised any issues in terms of capacity or delivery of wastewater treatment or the network in relation to this site.
163. In terms of the outline planning permission for the site, Southern Water confirmed in their response to the application that "Our investigations indicate that Southern Water can facilitate foul and surface water sewerage disposal to service the proposed development. Southern Water requires a formal application for any new connection to the public foul sewer to be made by the applicant or developer". Please see [Southern Water response to planning application](#) attached.
164. The above demonstrates that Southern Water is satisfied that the development can be serviced in terms of wastewater infrastructure and that there are no constraints on the site in this regard.

AL/RTW9 – Land at Beechwood Sacred Heart School

Inspector's Question 34: [re. Status of the site]

What is the latest position regarding the construction of dwellings already approved on the site?

TWBC response to Question 34

Introduction

165. This site is a greenfield site inside the LBD of Royal Tunbridge Wells and comprises a grassed area immediately adjacent to the north east of Beechwood Sacred Heart School.
166. Planning permission was granted in September 2017 ([TW/16/07697](#)) for the development of land within the curtilage of Beechwood Sacred Heart School for a 69-bed care home (C2). A number of applications to discharge and/or vary conditions of the 2017 permission have been submitted and approved and some clearance of the site has taken place and hoardings have been erected along the northern edge of the site on the Pembury Road frontage. Despite this, it is considered by the Council that development has not formally commenced on site and therefore the permission has now expired.
167. In terms of an update, it is understood that Beechwood Sacred Heart School transferred ownership of the site to 'One Housing Group' in 2017. Recent correspondence with One Housing Group (who are currently merging with 'Riverside', another registered elderly housing provider) indicates that they are currently assessing their options for the site in terms of timescales for bringing it forward for development, but it is currently on hold while they consider this site, as a result of Covid and the impact that it is still having on their care homes. However, they have indicated to the Council that they are assessing and reviewing this on a monthly basis.

Inspector's Question 35: [re. developability of the site]

Is the site developable within the plan period?

TWBC response to Question 35

Introduction

168. It is considered that the scheme that has previously been granted consent is still appropriate and deliverable within the Local Plan period. It is accepted that a further planning application will be required in order to bring the site forward for development due to the previous consented scheme lapsing and the allocation AL/RTW 9 sets the framework for this. It is considered that a similar scheme would be supported by the Council. Taking the above into account, the sites status within the Housing Trajectory has been updated and has been phased for delivery in 2029/30 to take account of the above.
169. Further to the above, it is however considered that it will be appropriate to update the criteria in the policy to refer to relevant highways work and mitigation measures that support sustainable travel along the A264 Corridor – the key route into Royal Tunbridge Wells town centre from Pembury and beyond, including Paddock Wood as identified in the Transport Assessment (2021) prepared by SWECO. This is known as the 'Corridor Study'.
170. In order to provide further confidence to support the deliverability of such measures, KCC and TWBC have commissioned feasibility designs providing improvement options for walking, cycling and bus priority measures along the corridor, between the junctions with Halls Hole Road/Blackhurst Lane and Calverley Park Gardens.
171. The design options are being drawn up by the KCC Schemes Team, in line with the most recent government design guidance and using funding from S106 Agreements. In conjunction with the above work, KCC and the Council have commissioned a Bus Study for Tunbridge wells to explore options for improved bus services between key settlements in the borough, including Paddock Wood and Tunbridge wells (via the A264 Pembury Road). Engagement has already taken place with local bus operators and KCC's Public Transport Team to fully understand the existing network and requirements for improvement. Detail about the study is also provided within Hearing Statement -

Pembury - TWLP/044 in relation to sites within Pembury parish and also provides detail of the justification for requiring a financial contribution towards the 'Corridor Study'.

172. Following on from the above work, KCC and the Council are seeking contributions towards the 'Corridor Study' from relevant planning applications and therefore should be included within the policy criteria of relevant site allocations within Royal Tunbridge Wells and Pembury – see also Matter 7, Issue 2: Pembury. It is considered that this is applicable to this site and therefore an additional criterion should be added to Policy AL/RTW 9 to refer to this as suggested at criterion 7 – “*...accordance with Policy STR/RTW 1, including contributions to be used towards a Corridor Study with a view to relieving congestion along the A264 Pembury Road. Once the Corridor Study is complete, contributions shall be used to fund improvements arising from the outcomes/findings of the study*”.
173. Following on from the above consideration, the Council has reflected on the policy requirements set out in the overarching strategic policy for Royal Tunbridge Wells – STR/RTW 1 – The Strategy for Royal Tunbridge Wells. Although criterion 10 of this policy makes reference to “*Deliver measures to reduce congestion on the radial routes into the town, including the A26 and A264, while prioritising active travel. This includes the provision of a new roundabout at the junction of Halls Hole Road, Pembury Road and Blackhurst Lane*”, it is considered that a specific criterion in relation to the 'Corridor Study' is considered appropriate.
174. A suggested amendment is set out below – Policy STR/RTW 1 (The Strategy for Royal Tunbridge Wells) - insertion of an additional point at criterion 10 to read – ‘*contributions to be used towards a Corridor Study with a view to relieving congestion along the A264 Pembury Road. Once the Corridor Study is complete, contributions shall be used to fund improvements arising from the outcomes/findings of the Study*’.

Inspector's Question 36: [re. Proposed Limits to Built Development]

What is the justification for the proposed Limits to Built Development in this location?

TWBC response to Question 36

Introduction

176. As set out in the response to Matter 3, Issue 3, Question 1 (Limits to Built Development (LBDs) [TWLP/016], the existing LBDs, as defined in the adopted Site Allocations Local Plan (SALP) 2016 and the saved Tunbridge Wells Local Plan 2006, have been reviewed to take account of:

- the need for further development across the borough
- the Council's proposed growth strategy and proposed site allocations, such as Local Plan allocation Policy AL/RTW 9,
- recent developments and extant planning permissions (such as that referred to below) for development on the edge of settlements.

177. This is to ensure that LBD boundaries are logical and reflect what is on the ground.

178. The LBD review was based on the methodology initially set out in the first LBD Topic Paper in August 2019 [[CD 3.21](#)], which was published to support the Draft Local Plan 2019, using the principles set out at pages 4 and 5 and criteria at pages 5 to 7.

179. The LBD Topic Paper was subsequently updated (the LBD Topic Paper February 2021 [[CD 3.82](#)]) to support the Pre-Submission Local Plan 2021. The principles on pages 9 and 10 remain unchanged, with some minor tweaking of the wording of the criteria on pages 11 to 13, to provide clarity.

180. The LBD boundaries were carefully reviewed and analysed on a settlement by settlement and site by site basis. The principles and criteria set out in the methodology were consistently applied in establishing new or revising existing LBD boundaries at all settlements. The information collated was also considered by TWBC Planning Officers

with local geographical and planning knowledge before the revised boundaries were drawn.

181. In Section 4 (page 15) of the 2021 LBD Topic Paper [\[CD 3.82\]](#), there is a map for each settlement (based in alphabetical order) showing both the existing adopted LBD boundary in the Local Plan 2006 and/or Site Allocations Local Plan (SALP) 2016 (illustrated by a green line) and the proposed new LBD boundary for the Pre-Submission Local Plan (illustrated by a red dashed line).
182. Each change to the LBD is numbered on the relevant map in Section 4 (page 21 onwards) of the 2021 Topic Paper and corresponds with the map reference on the associated amendment list/table for that settlement. This table includes an explanation and justification of how and why the amendments have been made (or why no changes are proposed in some cases), based on the principles and criteria referred to above. In the Principles and Criteria column of the table of proposed changes, the numbers refer to the principles set out on pages 9 and 10 and the letters and roman numerals refer to the list of criteria set out at 11 and 13 of the 2021 Topic Paper.
183. With regard to site allocation AL/RTW 9, the explanation and justification for the LBD boundaries relating to this site allocation are set out at map reference 19 in the table on page 71 of the LBD Topic Paper 2021 [\[CD 3.82\]](#) and the revised boundary is shown on the map at Figure 20 on page 75.
184. In the existing SALP 2016, the majority of site allocation AL/RTW 16 also relating to this site at Beechwood School (see page 47 of [\[CD 3.119\]](#) is located inside the LBD boundary, with the exception of the south western corner as shown on the relevant Proposals Map (see Proposals Map at [\[CD 3.119d\]](#)). The adjacent school buildings to the south-west and associated playing pitches/recreation areas are also included within the LBD in the SALP [\[CD 3.119\]](#).
185. However, in the Submission Local Plan, the LBD boundary is revised to show a different LBD boundary for site allocation AL/RTW9 (see pages 98 to 100 of [\[CD 3.128\]](#), as shown on Inset Map 1d [\[CD 3.129\(c\)iv\]](#). These revisions are based on the planning application site boundary for planning application [16/07697/FULL](#) for 69 Class C2 residential units (which was extant at the time of the initial LBD review); as well as the methodology in the LBD Topic Paper 2021 [\[CD 3.82\]](#), in accordance with principles 1

and 2 on page 10 and criteria (a) to (g) and I and III on page 11. The justification for setting the LBD boundary as such, and excluding the south eastern part of the site allocation from the LBD is that not only will this assist in containing built development and provide clear limits on where development is considered to be appropriate (within the LBD) and inappropriate (outside the LBD), but will also allow space for appropriate landscaping and ecological mitigation, and the retention and protection of existing trees, where built form meets the wider countryside. This will protect the wider visual impact of the new development on the surrounding rural landscape.

186. With regard to the adjacent Beechwood School site to the south-west, in the Local Plan, the school buildings are still located within the LBD boundary, but the playing pitches/recreation areas beyond are now located outside the LBD, in accordance with principles 2 and 3 on page 10 and criteria XX (ii) on page 13 of the LBD Topic Paper [\[CD 3.82\]](#).

187. In summary, the LBD for Local Plan site allocation AL/RTW 9 has been drawn following the principles and criteria set out within the LBD Topic Paper [\[CD 3.82\]](#), and the south eastern part of the site has purposely not been included within the LBD to ensure its retention in contributing to landscape and visual amenity and ecological mitigation.

AL/RTW 10 – Montacute Gardens

Inspector's Question 37: [re. Scale of development]

How has the scale of proposed development been determined and is it achievable given the identified constraints in Policy AL/RWT10?

TWBC response to Question 37

Introduction

188. The site falls within the LBD on the edge of the town centre of Royal Tunbridge Wells. It consists of several residential properties and includes an area of green space and parking for the existing properties. The site is within the Royal Tunbridge Wells Conservation Area and is adjacent to a number of listed buildings and forms an important gateway area to the town. It is within close proximity to the Tunbridge Wells Common.
189. The site was allocated within the Site Allocations Local Plan (SALP) 2016 [[CD 3.119](#)] (Policy AL/RTW 4B) for mixed use development and planning permission has been granted for the development of Land to the Rear of 1-2 Montacute Gardens in 2020 ([20/00191/FULL](#)) for nine dwellings, which are included within the site capacity of 30 dwellings as set out within Policy AL/RTW 10.

Consideration

190. The scale of development was assessed under the methodology set out in the main report of the SHELAA [[CD 3.77a](#)]. This included a detailed site assessment which consisted of a desktop review of planning constraints and site planning history. This enabled officers to assess the developable area of the site and estimate a high-level yield based on 30 dwellings per hectare.
191. The individual site assessment sheets go into more detail [RTW Site Assessment Sheets [CD 3.77n](#) pages 32-33], concluding that the site is suitable for development and is informed by the cultural and historic importance of the site and its close proximity to, and relationship with, The Pantiles. This assessment gave a yield of 30 residential dwellings (including the nine already granted planning permission under reference [20/00191/FULL](#)).

192. The extant permission on part of the site ([20/00191](#)) and the amendments made to the scheme following the previous refusals for similar developments on the site demonstrate that there is scope for a development that is of a scale that is sympathetic to the surrounding area, taking into account the constraints on the site.
193. Ongoing discussions with the agent promoting the site have taken place and the agents have confirmed that '42 Leisure Limited' (the site promoters) and the principal owners of Nos. 5, 6, 7 and 8 Montacute Gardens are continuing their discussions with the intention of the site allocation being brought forward and an appropriate form of development being achieved which would be in accordance with the principles set out within Policy AL/RTW 10 of the Local Plan.

Inspector's Question 38: [re. Scale in relation to the Conservation area]

Can the scale of development be achieved on site whilst ensuring that future proposals preserve or enhance the character or appearance of the conservation area? How has this been assessed as part of the site allocation process?

TWBC response to Question 38

Introduction

194. As discussed in Question 37 above, the scale of development on the site has been robustly assessed through the plan-making process, which included thorough consideration of the constraints on the site, including its location within the conservation area.
195. Historic Environment Review Part 1 [[CD 3.100](#)] provides an overview of heritage assets within the borough including the individual conservation areas and to provide guidance to be followed in the future. This study is helpful for the consideration and development of sites within the conservation area.
196. Montacute Gardens used to form part of the rear gardens of the properties backing onto Linden Park Road, but these are now in separate ownership. Policy AL/RTW 10 requires that heritage and arboricultural assessments are submitted to inform the design and layout approach, to ensure that the arcadian nature of the site is retained.
197. Opportunities also exist to provide improvements to the public realm, including pedestrian links, which will better integrate the site with both The Pantiles and the recently constructed Union House development, which will create a more cohesive development that can provide public spaces that will respect and enhance the existing character of the area.
198. Informal discussions with the agent have confirmed that it is committed to bringing forward a masterplan for the site that will enhance the conservation area.

AL/RTW11 – Former Plant & Tool Hire, Eridge Road

Inspector's Question 39: [re. Status of site]

The site is allocated for residential development and/or mixed-use development in the adopted Site Allocations Local Plan. Why has it not yet come forward for development? Is the site developable within the plan period?

TWBC response to Question 39

Introduction

199. This site forms a prominent location at the southern end of the town centre, within the LBD and consists of a largely cleared derelict site, as most previous buildings on the site have been demolished, apart from a pair of unoccupied semi-detached houses.
200. The site was previously allocated in the Site Allocations Local Plan 2016, (SALP) [[CD 3.119](#)] (Policy AL/RTW6) for residential development (C3) providing approximately 37-60 dwellings or for a range of uses to include residential and/or A1 retail and/or employment uses.
201. As referred to at paragraph 5.79 of the Local Plan, there have been a number of planning applications and permissions on the site over recent years for a range of uses, including residential, an elderly housing scheme, and retail development (convenience retail). Although permission has been granted previously for an elderly housing scheme, the permission was not implemented and lapsed.
202. Subsequently, a planning application was submitted to the Council in September 2021 ([21/03298/FULL](#)) for the construction of 40 retirement apartments and the refurbishment of Nos 15. and 16 Eridge Road to create two unrestricted residential dwellings, repair of existing access into the site, parking, landscaping and associated works.
203. This application being promoted on behalf of Beechwood Developments is currently being considered by the Council. In particular, there are ongoing discussions/negotiations in relation to a number of aspects – primarily in relation to site layout, amended plans, access and highways, noise and provision of affordable housing offsite.

204. However, broadly the principle of development and the scheme proposed are accepted by the Council and it is the intention that a positive recommendation by officers will be taken to planning committee within the next few months. The agent promoting the site, has confirmed that if permission is granted, they are keen to discharge conditions within 6 months in order to carry out any necessary remediation works and commence work on site.
205. An update on the status of the planning application will be provided to the Inspector at the relevant Examination hearing session.

AL/RTW 19 – Land North of Hawkenbury Recreation Ground and AL/RTW 20 – Land at Culverden Stadium

Inspector's Question 40: [re. Purpose of the allocation]

What is the purpose and justification for the allocation? Is it sufficiently clear to users of the Plan?

TWBC response to Question 40

Introduction

206. Policy AL/RTW 19 allocates land at Hawkenbury Recreation Ground for new and enhanced sport and recreation provision as part of a new stadia sports hub, to include standing/seating for supporters, other ancillary structure and increased parking provision.
207. Paragraph 5.18 of the Local Plan, in the supporting justification to STR/RTW 1 – The Strategy for Royal Tunbridge Wells, sets out in general the approach to sports and recreation provision across the town of Royal Tunbridge Wells and states the following; *“In terms of sport and recreation, the town is already well provided for and has a range of both informal and formal sport and recreational facilities to serve the existing population, although some of the sports provision is fragmented and underused. The Council wishes to further this provision and has an ambitious corporate ‘Sports Strategy to bring forward enhanced and expanded facilities for the existing and future population of the town and surrounds. This is based on the rationalisation of some formal sports pitches across the town which are either under-used or of sub-standard quality, and re-providing the provision at a new sports hub at Hawkenbury. This approach is also supported by the recognition of a number of smaller local sports hubs at locations across the town, as well as further local hubs at Southborough and Rusthall (within Speldhurst parish)”*.
208. Further to this, paragraph 5.120 of the Local Plan explains the background to the current planning permission for the site and how the allocation takes this permission forward but seeks to enhance and expand the provision by way of a new ‘Stadia Sports Hub’.

209. The requirement for a new 'Stadia Sports Hub' is set out within the evidence base as referred to below and seeks to provide a facility to be used by sports clubs and leagues for training and match play. The Site Options Analysis – Tunbridge Wells Borough Council Sports Hub 2020 [[PS 026](#)] states that a Stadia Sports Hub will require a site of approximately 14 hectares. By way of background, Tunbridge Wells Football Club, are a football club based in Royal Tunbridge Wells. They are currently members of the Southern Counties East League Premier Division and play their home games at Culverden Stadium. It is understood that the current spectator attendance at fixtures is around 300 attendees per match.
210. Policy AL/RTW 20 - Land at Culverden Stadium, is allocated for residential development providing approximately 30 dwellings. Paragraph 5.124 of the Local Plan, in the supporting text for Allocation AL/RTW 20 further explains the Council's 'Sports Strategy' approach and clearly states: *"The Sports Strategy advocates the rationalisation of some of the poor quality football pitches and the re-provision of a new quality sports hub to serve the urban area. The redevelopment of the Culverden Stadium and re-provision of the pitches form part of the strategy. Whilst the site is in a sustainable location and considered suitable for redevelopment, any development of this site is dependent on the relocation of the football stadium to an alternative site, and Policy STR/RTW 1 in relation to the Sports Strategy for the Main Urban Area of Royal Tunbridge Wells and Policy AL/RTW 19 Land to the north of Hawkenbury Recreation Ground."*
211. It is considered that although the overall approach as set out in paragraphs 5.18, 5.120 and 5.124 is helpful in setting out the background, minor wording amendments could be made to further clarify the 'Sports Strategy' approach within the supporting text to allocation AL/RTW 19 itself and the rationale for the allocations to aid the interpretation of the Local Plan and the proposals detailed within Policies AL/RTW 19 and AL/RTW 20. Wording previously included within the Draft Local Plan [[CD 3.9](#)] at paragraph 5.37 as set out below, could be re-instated (with any appropriate amendments), which provides greater detail on the 'Sports Strategy' approach and the Council's rationale for the rationalisation of some of the existing pitches which has been endorsed by Sport England. The proposed amended wording is set out below:

"The Playing Pitch Strategy (PPS) prepared on behalf of the Council looks in detail at the existing provision of sports pitches, the quantity, quality, and configuration for

providing for the future population, taking into account housing and population growth, and demographics. The Strategy and Action Plan set out within the PPS considers the rationalisation of some of the existing underused or poor quality football pitches and the re-provision to create a new quality sports hub to serve the urban area. The strategy has been endorsed by Sport England and involves the re-provision of sports pitches from Culverden Stadium, Bayham West, and Colebrook Sports Field, to be re-provided at a new 'sports hub' at Hawkenbury, offering two senior pitches (one of which to be 4G/stadium quality), three youth pitches, and one mini pitch. The strategy is reflected within the following site allocations, which detail the individual sites and proposed future uses”.

Purpose and Justification of allocations AL/RTW 19 and AL/RTW 20

212. In terms of the purpose and justification for the allocations (AL/RTW 19 and AL/RTW 20), a range of evidence base documents have been prepared for the Council which have informed the policies within the Local Plan in relation to sports and recreation provision across the borough.

213. Of particular importance to the sites being considered are the following:

- Playing Pitch Strategy (2017) [CD 3.88i] – Assesses existing sports pitches, the future need for sports pitches and opportunities for new provision. It also recommends the protection of suitable existing pitches, the enhancement and maximisation of the potential of playing pitch assets and seeks to ensure that any investment is directed at sites which will provide the best impact and highest increase in participation in sport.
- Tunbridge Wells Local Football Facility Plan – March 2020 [CD 3.136] – identifies opportunities to accurately target investment in football facilities across the local area and identifies priorities for future football development in Tunbridge Wells including the Hawkenbury Sports Hub as a ‘Priority project’. This has fed into the Site Options Analysis for Tunbridge Wells Borough Council Sports Hub document below.
- Site Options Analysis – Tunbridge Wells Borough Council Sports Hub (2020) [PS 026] – provides the background, considers sites and makes recommendations

for suitability of sites to provide for a new stadia sports hub to serve the Royal Tunbridge Wells urban area.

214. The above evidence base has been used to inform the overall approach to sports and recreation, the 'Sports Strategy' approach for Royal Tunbridge Wells and the sites and allocations which form the 'Sports Strategy' as part of the Local Plan.
215. It is also worth highlighting that some of the 'Sports Strategy' sites have also been allocated within previous Local Plans - the Local Plan 2006 [\[CD 3.120\]](#) allocated a number of sites for future enhanced sport and recreation provision across the borough. Some of these sites were brought forward for sport and recreation use during this previous Local Plan period, however, three sites that were not implemented for the development of sport and recreation provision were subsequently reviewed and re-allocated within the Site Allocations Local Plan (SALP) 2016 [\[CD 3.119\]](#). This included both Policy AL/RTW 30 of the SALP which allocates land adjacent to Hawkenbury Recreation Ground and land adjacent to Rusthall Recreation Ground (see Questions 52 to 55 below for further details on this site) for sports pitches and other outdoor recreation facilities.
216. The Inspector who examined the SALP [\[CD 3.119\]](#) raised no issues or concerns in regard to the continuing allocation of these sites for sport and recreation provision and confirmed their allocation for such uses in the SALP [\[CD 3.119 \]](#). Since the adoption of the SALP [\[CD 3.119\]](#), planning applications have been submitted and permitted on both of these sites in order to bring forward enhanced sporting provision at these identified 'Sporting Hubs' within the borough – see Questions 41, 52 and 54 below for details on the existing planning permissions for these sites.
217. Turning to the allocation (AL/RTW 19) - the evidence base, as referred to above, the Playing Pitch Strategy (PPS) [\[CD 3.88i\]](#) provides an assessment of how 'fit for purpose' the current sports pitches and facilities across the borough are, while identifying opportunities for retaining, reducing, or removing this provision and prospects for new provision and partnerships where relevant. The assessment identified specific needs, and quantitative and/or qualitative issues were also considered, taking into account issues such as quality/provision of changing rooms, flood lighting, parking, and drainage of pitches.

218. The above evidence base documents have been carried out following a recognised methodology, including consultation and engagement with the relevant bodies (Sport England and sport governing bodies) as well as wider public consultation with residents, town and parish councils, local groups and organisations. In particular, the PPS [[CD 3.88i](#)] has been developed in partnership with a range of agencies (which have acted as a steering group) including town and parish councils, Sport England, national governing bodies of sport, including football, cricket, rugby union and hockey, as well as other key stakeholders and has been endorsed by Sport England.
219. The PPS [[CD 3.88i](#)] assesses the quality of existing pitch provision and sets out the pitches which are considered sub-standard and could be considered as part of a wider sports strategy approach. Paragraph 3.10 of the PPS sets out in detail the consideration of four existing playing pitches within Royal Tunbridge Wells including Culverden Stadium, Colebrook Recreation Ground, Cadogan Playing Fields, and Bayham West. The PPS [[CD 3.88i](#)] assesses the pitches in terms of their quality and long-term future as playing pitches. Further to this, paragraph 3.11 of the PPS [[CD 3.88i](#)] refers to the possibility of the playing pitches provided on these four sites being replaced via a new 'Sports Hub' on land at Hawkenbury.
220. Consequently, it can be seen from the assessments in the PPS [[CD 3.88i](#)] that there are some playing fields (as referred to above) that are surplus to requirements and could either be left as open space or be disposed of by the Council in order to provide funds for new improved quality playing fields elsewhere within the borough. The Strategy and Action Plan set out within the PPS [[CD 3.88i](#)] considers the rationalisation of some of these existing underused or poor quality playing pitches and the re-provision to create a new quality sports hub to serve the urban area.
221. Three of the sports pitches referred to above are proposed to be re-allocated - Culverden Stadium, Colebrook Sports Field and Bayham Sports Field West, with pitch provision to be re-provided at a new 'Sports Hub' at Hawkenbury, offering two senior football pitches (one of which to be 4G/football turf stadium quality), three youth football pitches, and one mini soccer pitch.
222. Taking this work forward, as referred to above, the Council commissioned the 'Site Options Analysis Tunbridge Wells Borough Council Sports Hub' [[PS 026](#)], which

helpfully summarises the above needs identified within the PPS [[CD 3.88i](#)] and the 'Sports Strategy' approach at paragraphs 1.1 to 1.4. This work considers site options which could accommodate a stadia sports hub within the main urban area of Royal Tunbridge Wells and makes recommendations as to the appropriateness of available sites of the appropriate size within the main urban area and recommendations and conclusions are provided at paragraph 4.1 to 4.8.

223. To summarise, the overall purpose of the allocation of land at Hawkenbury through Policy AL/RTW 19 is to provide additional and enhanced sport and recreation facilities to serve the urban area of Royal Tunbridge Wells over the Local Plan period. It is also intended to provide replacement pitches that will be displaced as part of the rationalisation of pitches and re-allocation of land at Land at Colebrook Sports Field and Land at Bayham Sports Field West as part of the overall 'Sports Strategy' approach. The justification for this approach is provided for within the evidence base as referred to above.

The relocation of the Sports Stadium/football club

224. With the above in mind, as part of the Council's corporate strategy, it is the intention that the 'Sports Strategy' approach should assist in achieving the goal of the co-location of the football stadium and sports hub to one site, which has been identified as above - the allocated site at Land to the north of Hawkenbury Recreation Ground – AL/RTW 19.
225. It is understood from recent discussions between the Council (Parks and Leisure team) and the Tunbridge Wells Football Club in early 2022, that the football club consider that the current stadium site is adequate; however, Tunbridge Wells Borough Council owns the site and is in the process of discussing the lease with the football club. The discussions on the length of the lease, and its contents reflect the Council's corporate commitment to the 'Sports Stadia'.

Inspector's Question 41: [re. Status of allocation]

How does the scheme approved under planning permission Ref 21/00300/FULL relate to the proposed allocation, which is dependent upon the relocation of Tunbridge Wells Football Club from the Culverden Stadium (site allocation AL/RTW20?)?

TWBC response to Question 41

Introduction

226. As referred to above, this site is currently allocated within the SALP 2016 [\[CD 3.119\]](#) (Policy AL/RTW 30) and also within the Local Plan 2006 [\[CD 3.120\]](#) for sports pitches and other outdoor recreation facilities.
227. In response to the above allocations, a planning application was submitted and permitted in April 2021 for the *“Change of use of the land for the provision of additional sports pitches, together with associated access, car parking provision, ball stop fencing, changing rooms and ground works”* ([21/00300/FULL](#)). (This constitutes the renewal of a previous consent for a similar proposal permitted in December 2017 – [17/03232/FULL](#)).
228. The allocation as currently worded seeks to take the previous allocations and permission forward, but also expand on the provision by allowing for a new stadia sports hub which will include standing/seating areas for supporters as well as other ancillary structures and increased parking provision. Therefore, the allocation takes forward the current permitted and thereby accepted use for the site, but also seeks to expand the uses for sports provision in line with the requirements as set out within the evidence base which informs and supports this approach, including the Playing Pitch Strategy [\[CD 3.26d\]](#) and the Site Options Analysis Tunbridge Wells Borough Council Sports Hub [\[PS 026\]](#), as well as the Local Football Facility Plan [\[CD 3.136\]](#), as set out in further detail above.
229. In respect of the differences between the permitted scheme and the site allocation as currently drafted, as referred to within the officer's planning committee report for the permitted scheme, paragraph 2.02 states the following *“This proposal is only for the provision of additional recreational use, additional sports pitches and associated ancillary development in accordance with the current adopted site allocation (AL/RTW 30 of the 2016 Site Allocations Local Plan). The Draft (Pre-Submission) Local Plan*

contains a draft allocation for this site for materially different purposes, being the development of a Football Centre of Excellence and sports stadia under Policy AL/RTW 19. This planning application is not for the greater amount of development envisaged under the draft policy". (planning committee report author's emphasis)

230. The report then details at paragraphs 2.03-2.07 the proposals covered within the application which is essentially to change the use of the open field to sports pitches, with new vehicular access, 80 parking spaces and changing rooms.
231. It is also highlighted at paragraph 10.16, of the officer's report, the differences between the existing SALP [[CD 3.119](#)] allocation and the proposal that was being considered and the allocation within the new Local Plan – put simply – the current allocation and permission only permits additional playing pitches and does not include a sports stadia hub or associated development.

Inspector's Question 42: [re. Relocation of Tunbridge Wells Football Club]

***How will the relocation of Tunbridge Wells Football Club be achieved?
Are the allocations deliverable, and thus, is the Plan effective?***

TWBC response to Question 42

Introduction

232. In terms of the deliverability of the site (AL/RTW 19 - Land North of Hawkenbury Recreation Ground) it is acknowledged by the Council, that the allocated site is not in the ownership of the Council. This was highlighted through the planning application process for the permitted scheme on this site ([21/00300/FULL](#)) – whereby the Council as the applicant served notice on the landowner of the site and certified as part of the planning application process that this had been carried out. As noted in the committee report – it is not a requirement that the landowner needs to provide consent for a planning application to be submitted and determined for the development of land.
233. As also noted in the committee report – in order to bring forward development as permitted on the site, the Council may need to use Compulsory Purchase Order powers to purchase the site and bring forward development. Local Plan Policy STR 4 – Ensuring Comprehensive Development, refers to the use of CPO powers and states the following in the final paragraph: *“Where necessary to achieve the Local Plan’s strategic objectives and development strategy, the Council will use its Compulsory Purchase Order powers (and/or work with other authorities to use their Compulsory Purchase Order powers) to bring forward development in a timely and comprehensive way”*.
234. It is understood that the Council, (Tunbridge Wells Borough Council Property Team), has made an offer to the landowners for the purchase of the land, in 2020, based on a sport and recreation land value (as opposed to its current agricultural use). This was not considered acceptable by the landowners who were seeking residential land value for the site (Bellway Homes have an option on the land for residential development and have made representations on the Local Plan in this regard) and therefore an agreement could not be reached on the value of the land and thus the sale of the land to the Council has not been achieved to date.

235. The Council will continue to liaise with the landowners and their agents in this regard, however, it is accepted that the use of the Council's CPO powers may be the most appropriate approach to the acquisition of the land to bring forward the allocation for sporting facilities, recognising the need for this strategic provision within the Local Plan. The Council has recent experience of using its CPO powers.
236. In respect of the fact that Bellway have an option on the land for residential development, the SHELAA sheet for this site [[CD 3.77n](#)] (site assessment sheet on pages 45-47) sets out the reasoning why the site is not considered suitable for such development.
237. In terms of the financing of the development, it has been confirmed by the Council's property team that as part of the 'Sports Strategy' approach – capital receipts from the redevelopment of 3 of the sports pitches – AL/RTW 20 – Land at Culverden Stadium, AL/RTW 21 – Land at Colebrook Sports Field and AL/RTW 22 – Land at Bayham Sports Field West, would provide the finance to enable the Council to implement the new sports hub at Hawkenbury – AL/RTW 19. The Council's Director of Finance and Development has confirmed that funding will be available to deliver this.
238. Consequently, the above approach demonstrates that the site and the current extant permission, is deliverable, subject to ongoing discussions with the landowner, by the Council's property team and/or through the Council making use of its Compulsory Purchase Order powers to bring forward development on this site which already benefits from planning permission.

Inspector's Question 43: [re. Green Belt exceptional circumstances]

Do the exceptional circumstances exist to justify amending the Green Belt boundary in this location?

TWBC response to Question 43

Introduction

239. The Council's case for exceptional circumstances for the release of Green Belt as part of the overall spatial strategy is set out in response to the Inspector's Questions on Matter 3, Issue 1 Spatial Strategy Questions 7 to 9 [TWLP/014], but in particular, Matter 4 Principle of Green Belt Release Issue 3 Exceptional Circumstances Question 1 [TWLP/020].

240. The response to these questions refer the Inspector to the Development Strategy Topic Paper [\[CD 3.126\]](#) section I 'Exceptional Circumstances for Green Belt releases'. The strategic exceptional circumstances for Green Belt release are set out at paragraphs 6.183 to 6.185 and are not repeated here. At paragraph 6.187 the Topic Paper identifies those site-specific issues that may be taken into account as part of exceptional circumstances which include:

- The level of harm to the Green Belt that is likely to arise from the specific release
- The predicted harm to adjacent remaining Green Belt
- Localised need issue.
- Site specific measures available to ameliorate any harm
- The context and nature of the site such as areas of previously developed land, site condition and locational advantages.

241. The Green Belt Study Stage 3 [\[CD 3.93\]](#) provides the information on the first two bullet points identifying Moderate Harm to the Green Belt from the release of the site and Moderate Harm to the remaining Green Belt in the vicinity (page 59 paragraph 4.84).

242. The Development Strategy Topic Paper [\[CD 3.126\]](#) identifies additional site-specific factors in table 5 page 66, which include mitigation and rational. The mitigation section

highlights that much of this development might be considered appropriate development but, as some elements deemed to be “*inappropriate development*” will be included, the whole allocation will be removed from the Green Belt to create a new clear and defensible boundary.

243. Under rationale, the table notes that the proposal is for recreational provision, in a “*sustainable location alongside existing recreational facilities*”. It is also notable that the allocation is supported by the Playing Pitch Strategy [\[CD 3.26d\]](#) and that there are very limited opportunities to provide reasonably flat sites for sports pitches around Royal Tunbridge Wells and these factors contribute towards very special circumstances.
244. The new Green Belt boundary here follows the High Woods Lane and the edge of High Woods (See inset map for SE Tunbridge Wells and Southborough [\[CD 3.129c\(iv\)\]](#)) which is a “*physical feature*” that is “*readily recognisable and likely to be permanent*” as required by NPPF paragraph 143(f).
245. Further to the above, the Council has reviewed the supporting text to Policy AL/RTW 19 and has considered that an amendment to paragraph 5.118 would be beneficial in supporting the approach in regard to the removal of the site from the Green Belt, for sport and recreational purposes only. The following wording is now proposed to be included at the end of paragraph 5.118 – “*The removal of this site from the Green Belt is only justified due to the exceptional circumstances that this site provides in meeting strategic sport and recreation provision by way of a new Sports Hub in this location as supported by the sports and recreation evidence base*”.

Inspector's Question 44: [re. Impact on the AONB]

Does site allocation AL/RTW 19 represent major development in the AONB, and if so, is it justified? How have the effects of development on the character and appearance of the area, including the AONB, been considered as part of the plan-making process?

TWBC response to Question 44

Introduction

246. The Council's approach to the consideration of the question as to whether sites should or should not be considered major development in the context of paragraph 177 of the NPPF and footnote 60 is set out in the Development Strategy Topic Paper [[CD 3.126](#)] section H paragraphs 6.143 to 6.149. This section refers to Appendix 2, the methodology for the assessment, and Appendix 3, the actual assessment. Policy AL/RTW19 appears on pages 111-112 of Appendix 3 and this confirms that the site is NOT major development, largely owing to the planned use, the contained nature of the site and the development context.
247. Whilst the Council is of the view that this site is not major development, concerns were raised at Regulation 18 stage as to that view and so, on a precautionary basis, it was included within the Landscape and Visual Impact Assessment (LVIA) work for major development sites within the AONB. This has enabled the Council to give further detailed landscape considerations to the proposed allocation. The LVIA noted [[CD 3.96a](#) page 16] that the "*potential for harm to the AONB if recommendations with report are met*" was "*Low/Medium depending on proposals*" and concluded:
- "The site has an extant permission for the type of development proposed. The sports facilities defined within the draft policy could be implemented without long term harm to the AONB, however the final judgements will depend upon detailed design. This document has put forward recommendations that would ensure that appropriate mitigation is in place and that potential enhancements are also considered".*
248. The recommendations in the LVIA include landscape buffers, improvements to boundaries and setting development below the higher ground and are set out on electronic page 36 [[CD 3.96b](#)]. The buffers and the policy is worded as such in order to provide some flexibility for the detailed design stage and layout of any future scheme.

249. Natural England is in agreement that this site is NOT major development in the AONB as it is not referred to in the list of major developments set out in the SoCG [[CD 3.132c\(v\)](#) paginated page 20 Appendices H to J pages 115 to 161].
250. With the above in mind, criteria 6 and 7 have been added to Policy AL/RTW 19, with criterion 6 referring to having regard to existing hedgerows and mature trees on site and the requirement for an arboricultural survey and landscape and visual impact assessment to inform the layout and design of the development. Furthermore, criterion 7 requires the layout and design of any scheme to give full consideration of any impact upon the AONB and Ancient Woodland and the requirement for a landscape and ecological buffer as shown on the site layout plan set out on Map 19 of the Local Plan.

Inspector's Question 45: [re. Access and highways]

What 'localised widening and highway improvements' will be required to facilitate the proposed new stadium? Is High Woods Lane suitable for a new football stadium and sports hub?

TWBC response to Question 45

Introduction

251. Paragraph 5.117 of the Local Plan confirms that “*vehicular access into the site is currently through a field gate from High Woods Lane and that any proposals coming forward for the site will need to widen and enhance the High Woods Lane access, as well as mitigate the impact and contribute to junction improvements within the local area to accommodate additional traffic in relation to the proposed use*”.
252. This requirement is further reflected within Policy AL/RTW 19, criteria 2 and 3 in relation to access, localised widening and improvements to local road junctions.
253. As previously referred to in the earlier responses, this site already benefits from planning permission for recreation uses under planning permission [21/00300/FULL](#) albeit of a lesser scale than that proposed through the allocation. As part of the application consideration, KCC Highways & Transportation was consulted upon and provided advice which informed the permitted scheme (see paragraphs 7.16-7.27 of the officers report – [Officers report](#)).
254. As part of the permitted scheme, a new access to the site is proposed to be created from the private section of High Woods Lane. This access would be at the western end of the northern boundary – i.e. there is not a need for vehicles to travel substantial distances along the lane. This would then lead from the existing access point on to the public highway from High Woods Lane. High Woods Lane is also used by the bowls club, Mouseden Farm and other dwellings/farms further along the lane – but it is very lightly trafficked at present.
255. The Traffic Statement submitted with the permitted scheme [21/00300/FULL](#) refers to some 'localised widening' of High Woods Lane, which would provide both a pedestrian footway and create a wider lane to improve the ability for two vehicles to pass.

256. The Officers report for the permitted scheme – [Officers report](#) also refers to the fact that the site is the subject of a more intensive use in the (then) Pre-Submission Local Plan and that if the Football Centre of Excellence and stadia scheme were to go ahead, then it could necessitate further road widening, if deemed necessary. This requirement would be for further detailed discussions/consideration with KCC at the planning application stage for a further, more intensive scheme should this be brought forward. As discussed in the previous responses, the detail of any future scheme, and subsequent intensity of uses proposed, would need to be considered and discussed with KCC Highways at the time of a detailed planning application. Nevertheless, it is considered that there is scope to achieve this through widening on the southern side of the lane, with the subsequent replacement of any hedge which needs to be removed to facilitate this.
257. Overall, whilst High Woods Lane is rural in nature, the access to the site would be in relatively close proximity to its western end, close to the public highway network. There is scope for the widening to be accommodated on the southern side of the Lane.
258. In terms of other highway improvements, paragraph 5.117 of the Local Plan and criterion 3 of Policy AL/RTW 19 sets out the range of local highway improvements which would be expected as part of the scheme. These include a range of junction improvements within the local area, primarily around High Woods Lane, Halls Hole Road, Forest Road and Pembury Road. To this effect, Policy STR 6 – Transport and Parking, lists as a strategic priority at C) iii – *“measures along the A228/A264, including junction capacity improvements at Woodsgate Corner and a roundabout at the Pembury Road/Halls Hole Road/Blackhurst Lane”*. The provision of this site was specifically included in the modelling of the highways impact of the Local Plan growth. As set out in the SoCG between KCC Highways & Transport and TWBC at paragraph 3.20 the highway authority agrees that the measures identified can effectively mitigate any significant impacts from the development on the transport network in terms of capacity and congestion, or on highway safety, to an acceptable degree.
259. Additionally, in accordance with the commentary at paragraph 169-174 of this statement in relation to Policy AL/RTW 9 – it considered that it would also be appropriate to include additional criteria within this allocation policy making reference to the ‘Corridor Study’ as explained and justified within these paragraphs, whereby KCC and the

Council are seeking contributions towards the 'Corridor Study' from relevant planning applications and therefore should also be applicable to the criteria of relevant site allocations. Consequently, an amendment is suggested at criterion 10 of Policy AL/RTW 19 – “...*accordance with Policy STR/RTW 1, including contributions to be used towards a Corridor Study with a view to relieving congestion along the A264 Pembury Road. Once the Corridor Study is complete, contributions shall be used to fund improvements arising from the outcomes/findings of the study*”.

260. Also of note is the reference within paragraph 5.117 and criterion 5 of Policy AL/RTW 19 referring to the provision of improved cycle, pedestrian and potential bridleway linkages within and beyond the site linking up with other Public Rights of Way. This makes particular reference to linkages to the wider town and via High Woods Lane to Pembury as set out within the Local Cycling and Walking Infrastructure Plan (LCWIP) and as also referred to within the Hearing Statement for Pembury (Matter 7 Issue 2 [TWLP/044]). Of particular note is the joint position statement from the developers promoting three sites in Pembury and their support for the new and improved cycle routes and upgrades along the Pembury to Hawkenbury route and the liaison that the Council has undertaken with them and KCC Public Rights of Way Officers.
261. Further to the above, KCC Highways & Transport confirmed through the consented scheme – [21/00300/FULL](#) that the consequential impact of the permitted scheme would not cause such 'severe' cumulative residual impacts in Hawkenbury to the extent that planning permission should be refused in the context of paragraph 109 of the NPPF.
262. Conditions are attached to the consented scheme [Decision Notice](#) - which refer to at Condition 4 – local road widening, pedestrian footway, signage and traffic calming.
263. Should a further scheme be brought forward for the allocated site, the Council would consult with KCC highways in this regard to ensure that adequate access and highway measures can be provided to mitigate the proposal on the local road network.

Inspector's Question 46: [re. Car parking]

What level of car parking will be required to serve the proposed new stadium and where will this be provided?

TWBC response to Question 46

Introduction

264. Policy AL/RTW 19 provides the criteria which should be considered for any development on this site and includes reference to “increased parking provision as well as criterion 4 referring to the *‘Provision of an overspill parking area should be included within any proposals and demonstration that this can be achieved to the satisfaction of the Local Highway Authority.’*”
265. The permitted scheme for this site includes the provision of 110 car parking spaces in total, including overspill parking. The provision of an appropriate level of parking was a key consideration in the assessment and determination of the consented scheme. It is recognised that concerns were raised by a number of objectors to the planning application in relation to concerns about parking provision. The [Officers report](#) considered that *‘the impacts upon highway safety and parking arrangements are appropriate and can be addressed both through conditions and the applicants management of the site and on-street parking, both of which are in its remit to control’*.
266. The exact quantum of parking provision required as part of the proposals will need to be determined, through detailed layout and design in collaboration with KCC Highways. However, it is understood that approximately 150 car parking spaces would be appropriate, which it is considered could be accommodated on the site and be accessed via High Woods Lane. It is also acknowledged that such parking provision would only be required for cup matches or ‘special games’.
267. In terms of the permitted scheme – a condition has been attached – Condition 8 ([Decision Notice](#)) that refers to the requirement for details of a Management Plan for the use of playing pitches in use at the same time to ensure adequate parking provision is available.
268. Alongside the provision of parking, criterion 5 of policy AL/RTW 19 encourages the use of sustainable transport modes and active travel through the following provision: “*The*

provision of improved cycle, pedestrian, and potential bridle linkages within and beyond the site linking up with other Public Rights of Way, in particular with linkages to the wider town and via High Woods Lane to Pembury, as set out in the Local Cycling and Walking Infrastructure Plan.”

269. Discussions have been carried out with the site promoters of the allocations at Pembury in regard to the proposed cycle, pedestrian and bridle linkages from the village of Pembury through to Hawkenbury, creating new sustainable links, providing routes through to existing sustainable networks – as referred to above.

Inspector's Question 47: [re. Scale of development for land at Culverden Stadium]

Can approximately 30 dwellings be achieved on the site of the existing football ground, having particular regard to the presence of protected trees and wildlife habitats?

TWBC response to Question 47

Introduction

270. Policy AL/RTW 20 allocates Land at Culverden Stadium for residential development providing approximately 30 dwellings, of which 30 percent shall be affordable housing. This equates to 19 dwellings per hectare.
271. Paragraph 5.123 of the Local Plan recognises the constraints on site, making reference to the site including areas of ancient woodland and trees with Tree Preservation Orders. This is set out in detail in the SHELAA sheet [\[CD 3.77n\]](#) for this site which details the specific criteria and the density considered appropriate for this site, taking account of the known constraints, which is reflected within the density as referred to at paragraph 264 above.
272. The capacity of the site has been considered in light of the above constraints and criteria 4 and 5 of Policy AL/RTW 20 reflect the constraints and provide requirements on how the site should be developed to ensure that the protected areas are not impacted by the development. In particular criterion 4 provides guidance on the location of any development and refers to the 'Site Layout Plan' at Map 20 of the Local Plan.
273. Please see response to Question 42 above in regard to this site and the consideration of the allocation of AL/RTW 20 – Land at Culverden Stadium.

AL/RTW21 – Colebrook Sports Field, Liptraps Lane

Inspector's Question 48: [re. replacement playing pitch]

Policy AL/RTW21 requires the provision of a replacement playing pitch before development can commence. Where will the replacement pitch be provided and how will it be delivered?

TWBC response to Question 48

Introduction

274. Policy AL/RTW 21 relates to the development of Land at Colebrook Sports Field, Liptraps Lane, Royal Tunbridge Wells. The site currently comprises a playing field and children's play area located south of Dowding Way and east of North Farm Road.
275. Paragraph 5.128 of the Local Plan refers to the informal sports and recreation provision on the site being re-provided and enhanced, through redevelopment by a number of possible means. Additionally, it also refers to the formal sports pitch element being re-provided as part of the 'Sports Strategy' approach.
276. It is considered that the wording as currently drafted could be made clearer to clarify that the 'Sports Strategy' approach is essentially that the pitches currently located at AL/RTW 21 and AL/RTW 22 would be re-provided at the site covered by Policy AL/RTW 19 (Land to the north of Hawkenbury Recreation Ground). It is proposed that, in order to aid clarity, a proposed wording amendment should be made to make this explicit and similar wording should also be added to that at paragraph 5.132 in relation to AL/RTW 22 - Land at Bayham Sports Field West.
277. This commitment to the 'Sports Strategy' approach is re-enforced within the policy at criteria 4 and 5 of Policy AL/RTW 21, which refer to planning permission to only be granted for development on the playing pitch area of the site subject to planning permission having been granted for a suitable alternative sporting facility (4) and implementation of planning permission granted for the development on the playing pitch area of this site shall occur only once the provision of the alternative sporting facility is operational, or will be operational in time for the start of the following football season (5).

278. The Councils response to question 40 above provides further information on the rationale for the re-provision of the sports pitch in this location, with particular reference to the Playing Pitch Strategy 2017 [[CD 3.26d](#)] and the Site Options Analysis Tunbridge Wells Borough Council Sports Hub [[PS 026](#)].

Inspector's Question 49: [re. Wastewater infrastructure]

How has existing on-site wastewater infrastructure been considered? Is the allocation deliverable?

TWBC response to Question 49

Introduction

279. In terms of the consideration of wastewater infrastructure, the Council has liaised with Southern Water throughout the Plan preparation process as set out within the Council's Duty to Cooperate Statement [[CD 3.132c\(v\)](#)] and also within the Infrastructure Delivery Plan – October 2021 [[CD 3.142](#)]. Additionally, Southern Water made comments at all the formal stages of plan preparation, including at the Regulation 19 stage.

280. Southern Water specifically submitted a representation on Policy AL/RTW 21 at the Regulation 19 stage of the Local Plan – where it stated the following:

“Southern Water is the statutory wastewater undertaker for (Parish/settlement). Our assessment has revealed that Southern Water's underground infrastructure crosses this site. This needs to be taken into account when designing the site layout. Easements would be required, which may affect the site layout or require diversion. Easements should be clear of all proposed buildings and substantial tree planting. In consideration of the above, we recommend the following criterion for Policy AL/RTW 21. Layout is planned to ensure future access to existing wastewater infrastructure for maintenance and upsizing purposes.”

281. Discussions were held with Southern Water following its comments made through the Regulation 19 consultation on the Local Plan. As a result of these discussions, it was not considered necessary to include specific criteria within the policy, but rather cross reference should be made below the policy to EN 24 – Water Supply, Quality and Conservation, as well as other relevant policies. The above approach was discussed and agreed with Southern Water in reviewing its representations and the cross reference to the relevant policy was agreed.

282. This collaboration is set out within the Statement of Common Ground between Tunbridge Wells Borough Council and Southern Water [[CD 3.132c\(v\)](#)] which was signed by both parties in October 2021.

283. Due to the fact that Southern Water's underground infrastructure crosses the site, it will be necessary for the agent promoting the site and the Council to liaise with Southern Water to ensure that the necessary easements are considered as part of the site layout at an early stage in accordance with the approach advocated within Policy EN 24 – Water Supply, Quality and Conservation.
284. It is therefore considered that the above approach is satisfactory for considering wastewater infrastructure and the site is deliverable in this regard. Additionally, Southern Water will be consulted by the Council as a statutory consultee on any future planning application coming forward for development of the site.
285. In terms of the overall deliverability of the site, it is the Council's view that there are no constraints which would impede the delivery of the site. Furthermore, the housing trajectory has included the site to deliver 44 units in 2036/37 and a further 36 units phased for 2037/38. This is in order to stagger delivery of housing within the settlement of RTW and also to take account of the site being dependent upon the delivery of the Hawkenbury allocation – AL/RTW 19.

AL/RTW22 – Land at Bayham Sports Field

Inspector's Question 50: [re. Access and sustainable transport]

How will the site be accessed and how will the allocation promote the use of sustainable modes of transport such as walking and cycling?

TWBC response to Question 50

Introduction

286. Policy AL/RTW22 allocates land at Bayham Sports Field West for residential development providing approximately 20-25 dwellings, of which 40 percent shall be affordable housing.
287. Paragraph 5.131 of the Local Plan refers to vehicular and pedestrian access into the site and states that vehicular access should be via the existing provision and that adequate pedestrian access and linkages from the site to the surrounding area will need to be explored and demonstrated to the satisfaction of Kent County Council.
288. Criteria 1 and 2 of the policy deal with vehicular and pedestrian and cycle access respectively and are detailed below:
- Vehicular access to be provided from Bayham Road (the B2169)
 - Pedestrian and cycle access to be provided from the site to Bayham Road, or, if this cannot be achieved, through the grounds of the crematorium located to the north of the site.
289. The Council has liaised with both Kent County Council and East Sussex County Council (due to the site's proximity on the border with East Sussex) in relation to the adequate provision of both vehicular and pedestrian/cycle access into the site and beyond in terms of providing linkages with the surrounding network.
290. It is considered that there are a number of options for pedestrian and cycle access into this site, including an informal route through the crematorium itself to Benhall Mill Road to the north, which would be favourable in terms of natural desire lines towards existing services and facilities, including the new St Peter's School at Hawkenbury.

291. Additionally, the Council has liaised with East Sussex County Council and Kent County Council (due to the fact that the highway in this location falls within both highway authority areas being on the county border) in terms of providing a pedestrian footway (as well as consideration of a cycle route) to the south of Bayham Road. It is not possible to provide a footway to the north of Bayham Road on the same side of the road as the access to the allocated site, due to the location of current residential properties and their driveways being immediately adjacent to the carriageway. However, there is a grass verge on the south side of Bayham Road which is wide enough to accommodate a footpath of approximately 280m in length running from the crematorium exit at Bayham Road and joining up with the path at the 'Dukes Drive' development to the north. This would also have the benefit in that it would provide a footway for the existing properties running along the northern side of Bayham Road.
292. Initial discussions have been held with Kent County Council and East Sussex County Council in respect of this and in principle the above approach is supported. although the grass verge falls within East Sussex, it is understood that Kent County Council would be responsible for the highway. It is further understood that it may be that ESCC would need to 'technically' pass on responsibility for any new footway to KCC seeing as it would serve the KCC network. Further discussions will need to be carried out between the two parties and the Borough Council at the appropriate time.
293. It can be demonstrated from the above, that there is a deliverable approach to providing sustainable linkages from this site and connecting up with the wider pedestrian and cycle network in this part of Royal Tunbridge Wells, which will be explored and confirmed through detailed design at the planning application stage.

Inspector's Question 51: [re. Replacement playing pitch]

Policy AL/RTW22 requires the provision of a replacement playing pitch before development can commence. Where will the replacement pitch be provided and how will it be delivered?

TWBC response to Question 51

Introduction

294. Paragraph 5.132 of the Local Plan refers to the fact that the existing playing pitch on the site is considered to be of sub-standard quality and rarely used for formal games. An audit of the borough's playing pitches has been carried out on behalf of the Council by Strategic Leisure Limited – through the Playing Pitch Strategy 2017 [\[CD 3.26d\]](#). With regard to the playing pitch at Bayham Sports Field West it refers at paragraph 1.46 to the need for pitch, pavilion and parking improvements. The pitches also suffer from drainage issues and are not able to be used for football during parts of the year due to this.
295. In terms of the provision of a replacement playing pitch, again paragraph 5.132 of the Local Plan proposes that the playing pitch will be re-provided at the proposed Sports Hub allocated within Policy AL/RTW 19 (Land to the north of Hawkenbury Recreation Ground) – see response to Question 40 above.
296. This commitment is confirmed within Policy AL/RTW 22 – criterion 3, where it requires that *“Planning permission shall only be granted on this site subject to planning permission having been granted for a suitable alternative sporting facility at another site”*.
297. Again, the response to Question 40 above provides further information on the rationale for the re-provision of the sports pitch in this location, with particular reference to the Playing Pitch Strategy 2017 [\[CD 3.26d\]](#) and the Site Options Analysis Tunbridge Wells Borough Council Sports Hub [\[PS 026\]](#).
298. With regard to delivery, the Council will seek to provide the replacement pitches and deliver the new sports hub as part of its corporate sports strategy – see also response to Question 40 above. This is a long-term corporate priority of the Council in order to deliver improvements for sports provision across the borough.

299. In terms of the overall deliverability of the site, it is the Council's view that there are no constraints which would impede the delivery of the site. Furthermore, the housing trajectory has included the site to deliver 23 units in 2037/38. This is in order to stagger delivery of housing within the settlement of RTW and also to take account of the site being dependent upon the delivery of the Hawkenbury allocation – AL/RTW 19.

AL/SP2 – Land adjacent to the Rusthall Recreation Ground, Southwood Road

Inspector's Question 52: [re. Scale of development]

How has the scale of proposed development been determined and is it appropriate and justified in this location?

TWBC response to Question 52

Introduction

300. Site AL/SP 2 - Land adjacent to Rusthall Recreation Ground, Southwood Road, is allocated for recreation and sports provision, including additional provision for a range of sports and recreation uses, including grass, 3G sports pitches, and new and or enhanced built facilities such as male and female changing rooms. This site forms part of the 'Sports Strategy' approach forming a smaller sports hub serving this area – see paragraph 300 below for further details.
301. The site mostly comprises an existing recreation ground, with the addition of a parcel of greenfield (agricultural) land, which has previously been allocated in the Site Allocations Local Plan 2016 (SALP) [[CD 3.119](#)] (AL/RTW 30) and the 2006 Local Plan. The proposed allocation AL/SP 2 is simply a combination of these, essentially 1) reflecting the extent of the existing recreation provision that already exists (and is protected by Policy OSSR 1 – Retention of Open Space, within the Local Plan) and 2) allocates additional land for recreation provision which is already allocated for within the SALP [[CD 3.119](#)]
302. The area of land that has been allocated previously within the SALP [[CD 3.119](#)] has planning consent, granted under planning reference [21/00068/FULL](#) in 2021, for development of the change of use of land to expand existing recreational facilities through provision of additional sports pitches, together with associated additional car parking provision, ball stop fencing, and other works. The site was previously granted consent for the same use in 2017 - reference [17/03403/FULL](#) (granted 20/12/17).
303. This existing planning consent reflects the extent of land allocated in the SALP [[CD 3.119](#)] under Policy AL/RTW 30 and has also informed the proposed allocation AL/SP

2. Development has not commenced on site and no pre-commencement conditions have been discharged to date.

304. Further to this, the site has been recognised as being suitable as a ‘small sports hub’ for a range of sporting uses and is recognised as such within the Site Options Analysis – Tunbridge Wells Borough Council Sports Hub 2020 [[PS 026](#)] at paragraph 3.5, which states that *‘Site 12 – Rusthall Expansion of Southwood Recreation Ground Land, Rusthall – expansion of land at Southwood Recreation Ground. The land in question is too small for a stadia sports hub and would be the wrong side of town. However, this land in conjunction with Southwood Recreation Ground and Rusthall F would form a smaller sports hub in the Rusthall area’*.
305. The site is also listed within the Local Football facility Plan [[CD 3.136](#)] as a priority project and included as such within Appendix A of the Site Options Analysis – Tunbridge Wells Borough Council Sports Hub, as referred to above [[PS 026](#)].
306. It is considered that the scale of the development is appropriate in this location reflecting both the existing recreation ground and the expansion of the recreation provision as previously allocated and granted consent for in 2021.

Inspector's Question 53: [re. delivery of allocation]

How will the facilities be delivered? Is the Plan effective?

TWBC response to Question 53

Introduction

307. As referred to above, the site is recognised as a 'Local Sports Hub' within the Site Options Analysis – Tunbridge Wells Sports Hub – 2020 [\[PS 026\]](#), and the allocation within the Local Plan recognises this and takes it forward as an allocation for enhanced sports provision.
308. In discussions with the Council's Sports and Leisure Team, it is clear that although this allocation is a corporate aspiration of the Council, the delivery of the site has not come forward as per the existing planning consent to date.
309. As confirmed within the Local Plan at paragraph 5.821, the vast majority of the site allocation relates to land that is owned by Tunbridge Wells Borough Council (the existing recreation ground), however, the agricultural land that is the subject of the SALP [\[CD 3.119\]](#) allocation is in private ownership. It is therefore recognised that in order to bring forward development on this site, the Council will need to negotiate with the current landowner or consider using its CPO powers as necessary to acquire the site. Local Plan Policy STR 4 – Ensuring Comprehensive Development, refers to the use of CPO powers and states the following in the final paragraph- *'Where necessary to achieve the Local Plan's strategic objectives and development strategy, the Council will use its Compulsory Purchase Order powers (and/or work with other authorities to use their Compulsory Purchase Order powers) to bring forward development in a timely and comprehensive way'*.
310. The Council's Parks and Leisure team has confirmed that the provision of enhanced sports provision on this site is likely to be delivered within the medium term - 5-10 years and the Council will look to acquire the site or use its CPO powers as necessary to bring forward development on the site within this timeframe.
311. Additionally, paragraph 5.818 of the Submission Local Plan refers to the fact that although the proposed allocation is located on the edge of Rusthall, (although within Speldhurst Parish), it would seek to meet the needs of those living in Rusthall,

Speldhurst, Langton Green and Bidborough and therefore development contributions would be sought, where applicable, from residential schemes within the parishes of Rusthall, Speldhurst and Bidborough, which will help to fund delivery of this site allocation.

Inspector's Question 54: [re. Developability of the site]

The supporting text states that the agricultural part of the site is allocated in the adopted Site Allocations Local Plan. Why has it not yet come forward for development? Is the site developable within the plan period?

TWBC response to Question 54

Introduction

312. Please see response to Question 54 above.

Inspector's Question 55: [re. Impacts on the surrounding area and AONB]

How have the potential impacts of the allocation on the character and appearance of the area, including the AONB, been considered as part of the plan-making process?

TWBC response to Question 55

Introduction

313. As referred to in the response to Question 52 above, most of the allocation is already in use as an existing recreation ground – and is long established. The part of the site that is allocated for further recreation provision (which in effect is an extension to the existing recreation facilities) is already planned for within the SALP [[CD 3.119](#)] and already benefits from existing planning consent, granted in 2021 - [21/00068/FULL](#).
314. The site falls outside of the LBD of Rusthall and paragraph 5.815 of the Local Plan acknowledges that the site is wholly located within the High Weald Area of Outstanding Natural Beauty and the Green Belt. The site will remain in the Green Belt, as the uses proposed for the site – sport and recreation provision is considered to be appropriate development in the Green Belt in accordance with advice in the NPPF.
315. As already stated above, the agricultural part of the site has been previously allocated within the SALP [[CD 3.119](#)] for the same sports and recreation use and planning permission has been granted for this use.
316. The committee report which considered this site refers to the impact on the AONB within the 'Appraisal' at paragraph 10.28 – 10.32. This referred to the fact that in terms of the proposed development, due to the fact that there was a limited amount of new built development proposed within the AONB, it was not considered to be 'major development' as defined within paragraphs 176 and 177 of the NPPF. Furthermore, it is considered that the existing character is that of open, undeveloped field with natural levels and that there would be an impact on the AONB, which would be created through the levelling of the land where necessary, regular grass cutting, the loss of the site's agricultural appearances/function and the presence of ancillary sports equipment, along with car park extensions.

317. However, it was also considered that the site would retain its open, rural character, the perimeter trees and hedgerow would remain and there would be very little need for hardstanding and the scheme does not include any floodlighting.
318. The impact on the wider landscape was also considered as part of the scheme, in particular from the levelling, fences, car parking and access roads and the lighting would be minimal and localised. These elements were not considered to be significant nor harmful to the wider landscape.
319. Appropriate conditions were applied to the planning consent in regard to the issues highlighted above, in particular in relation to the layout of the new development, the retention of hedgerows, restricting external lighting and the mitigation and enhancement of biodiversity.
320. With the above in mind, the allocation as drafted includes at criterion 3, a requirement for any *“Proposals for the site shall have regard to existing hedgerows and mature trees on-site, with the layout and design of the development protecting those of most amenity value, as informed by an arboricultural survey and a landscape and visual impact assessment”*.
321. It is considered that the site has been adequately assessed in terms of its potential impact on the character and appearance of the area, including the AONB. In essence, the site has already been assessed through the previous Local Plan and planning application process and the harm would be no greater than that already taken into account.

AL/RTW7 – Land at Former Gas Works, Sandhurst Road

Inspector's Question 56: [re. Current position regarding development of the site]

What is the current position regarding the development of this site, is it developable within the plan period?

TWBC response to Question 56

Introduction

322. This site is allocated within the Local Plan under Policy AL/RTW 7 - Land at former Gas Works, Sandhurst Road, for the development of approximately 170-200 dwellings. The site was previously allocated within the Site Allocations Local Plan 2016 (SALP) [[CD 3.119](#)] under Policy AL/RTW 10 for approximately 170 dwellings.
323. It is a well located and sustainable PDL site within the main urban area of Royal Tunbridge Wells.
324. In terms of the developability of this site – it had been understood that the site had been cleared of all supporting equipment associated with its previous use and has had remediation works to address land contamination. Although, from more recent correspondence, it is apparent that the site has not been fully remediated, but consequently, appropriate consultants have been undertaking land contamination investigations to determine the extent of land contamination still evident on site and any resultant strategy required.
325. Criterion 3 of Policy AL/RTW 7 addresses this issue through the requirement of the provision of a land contamination survey as part of any new development to demonstrate that any contamination associated with the site's former use can be adequately mitigated against.
326. The most recent correspondence from the agents promoting the site, confirm that the site is surplus to requirements by Southern Gas Networks (SGN) and it has recently been disposed of for redevelopment. With regard to timescales for the redevelopment of the site, the Council have been informed by SGN that a transfer of the land to a new landowner took place in early 2022.

327. With the above in mind, in terms of delivery of the site – it has been phased within the housing trajectory as delivering 70 units in 2027/28, 70 units in 2028/29, and a further 45 units in 2029/30. This takes account of the fact that the site has only recently been transferred to new owners, who will need to carry out the necessary remediation works and embark on detailed design and pre-application discussions.

Inspector's Question 57: [re. Scale of development]

Is the proposed scale of residential development sufficiently clear to users of the Plan? Is the policy effective?

TWBC response to Question 57

Introduction

328. Policy AL/RTW 7 allocates this site for approximately 170-200 dwellings, of which 30 percent shall be affordable housing. This would amount to a density of 103 dwellings per hectare – see Brownfield and Urban Land Topic Paper for Pre-Submission Local Plan – Table 5 [[CD 3.83](#)].
329. Paragraph 5.59 of the Local Plan refers to the site being within a sustainable location and could potentially achieve a higher density than the current allocation in the SALP for approximately 170 dwellings (as referred to above), subject to detailed design considerations. This responds to the comments made by the site promoters at the Regulation 18 consultation, that the site could accommodate a higher density than currently allocated for.
330. The Council considers that the above approach and the policy itself is clear to users of the Local Plan. The suitability of the site was confirmed through the SALP [[CD 3.119](#)] process and the policy has been expanded upon and greater detail is provided within the proposed policy in the Local Plan ensuring that it is clear and effective.

Appendices

Appendix 1: RTW 12 - Existing and proposed pedestrian and cycle routes

